March 2022 Report of Independent Investigation into August 24, 2020 Letter From University of Michigan Law School Civil Rights Litigation Initiative Regarding Pioneer High School

PRIVILEGED AND CONFIDENTIAL
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I. EXECUTIVE SUMMARY

In August of 2020, the University of Michigan Law School Civil Rights Litigation Initiative sent a letter (the Letter) to the Ann Arbor Public Schools (AAPS) containing claims by Pioneer High School (PHS) students and former students who feel they were subject to racial discrimination at PHS. Most of the letter is about claimed interactions between former PHS student Makayla Kelsey and other PHS students with long-time PHS math teacher Michele Macke, and demands that Macke be terminated. There are other reports of perceived discrimination not involving Macke, but no other requests for termination. The Letter also asks AAPS to look into its curriculum and whether it is “Eurocentric”; to examine whether the racial makeup of the PHS faculty accurately represents the student population; and to establish a formal reporting system for racial discrimination claims.

Dykema conducted an investigation into the contents of the Letter, detailed below, including document review and interviews of involved or relevant persons, although notably not Makayla Kelsey or her mother, who declined to participate at the direction of their attorneys. Our overall conclusions are:

- There is not just cause to terminate Ms. Macke’s employment.
- Many of the claims in the Letter were not corroborated by our factual investigation, and those that were do not meet the legal standard for a racially hostile environment for Black students at PHS.
- That being said, it is the perception of some members of the community, PHS staff, and PHS students and former students, that there is a racially hostile environment for Black students at PHS, and some staff members, students and former students believe they have

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1 Per its website, the Initiative “provides law students…with the opportunity to litigate civil rights cases under the supervision of experienced faculty.”

2 According to census data, Ann Arbor has a population of over 120,730. The racial makeup of the community is 66% White, 7% Black, 17% Asian, and 5% Latinx. 76.6% of the population has a Bachelor’s Degree or higher. AAPS has 19 elementary schools, 5 middle schools, 5 high schools (including an alternative high school), 2 Open schools, a K-8 STEAM program, and two virtual programs. The racial composition of students in the AAPS for the current, 2021-2022 school year, per the state’s official education data source MI School Data, is 50.5% White, 14.41% Black, 10.7% Latinx, 13.74% Asian, and 11.05% two or more races.

3 PHS has been named a “Silver Medal School” by U.S. News and World Reports and repeatedly named one of the Best Public High Schools in Michigan by various ranking agencies.
been the victim of racism or discrimination at PHS, which is a significant problem in and of itself.

− Due to the claims made in the Letter; the statements made about Ms. Macke, and other claims of racism made by PHS staff members and students, there is a fear on the part of many PHS staff members that they will be accused of racism if they do such things as take justified disciplinary action against a Black student, penalize a Black student for not turning in their homework, or not excusing a Black student’s absence.

− PHS has made efforts to have a curriculum that is not “Eurocentric.”

− PHS has made efforts to increase the number of staff members of color but while its administration consists entirely of members of under-represented groups, its teaching faculty is still disproportionately White.

− Due to the perception and beliefs discussed above, we conclude this report with recommendations for AAPS, including such things as: a proposed complaint and investigation system; the appointment of a Complaint and Investigation Officer; community relations options; implementation of an equity plan; subjects for administration, teacher and staff training; and policy updates.

II. INVESTIGATION

A. Engagement and Independence

Dykema was retained by the AAPS to independently investigate issues raised in the August 24, 2020 letter from the University of Michigan Law School Civil Rights Litigation Initiative to Dr. Jeanice Swift, AAPS Superintendent; Paul DeAngelis, AAPS Executive Director, High School Education; and Tracey Lowder, PHS Principal. (Attached as Ex. 1.) The Initiative represents then-PHS student Makayla Kelsey and her mother Charmelle Kelsey, both Black females.4 The Letter makes many statements regarding perceived racism at PHS by, among others, White female math teacher Michele Macke, and asks the AAPS to “hire an external civil rights organization to investigate several facets of [PHS’s] educational atmosphere”, including: “the general social and cultural atmosphere Black students and students of color face”; “whether Pioneer’s curriculum is Eurocentric, highlighting only European history and culture; or whether it reflects cultures around the world and is ‘culturally responsive’”; and “whether faculty and staff demographics appropriately represent the racial and cultural identities of the student population.” (p. 13.) It also states that the investigation should “result in recommendations that Pioneer can implement to create a better learning environment for Black students and students of color”; and urges the AAPS to “create a race discrimination complaint system and encourage students to use it”, and “initiate termination procedures against Michele Macke.” (pp. 13-14.)

Dykema’s investigation was independent. At no time did anyone at the AAPS give Dykema any instruction regarding, or make suggestions about, how to conduct the investigation or what the

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4 Because Makayla and Charmelle have the same last name, they are often referred to in this report by their first names to avoid confusion about which Ms. Kelsey is being identified or discussed.
findings should be. The firm alone decided what documents to request and review and who to interview (or attempt to interview). AAPS fully complied with Dykema’s requests for information and documents, and provided access to individuals in connection with the investigation. The conclusions in this report were reached by Dykema.

B. How the Investigation was Conducted

1. Solicited Community Input

Dykema created an email box, pioneerhighschoolinvestigation@dykema.com, which was publicized by the AAPS as a way persons could contact the firm if they had anything they wanted to discuss or bring to our attention in connection with this investigation.

2. Interviews

Dykema conducted interviews of over 70 persons with relevant knowledge as to one or more of the many issues raised in the Letter or, as the investigation proceeded, issues raised in prior interviews. They included: AAPS personnel; PHS staff and faculty, including teachers, counselors, social workers and administrators; current PHS students; PHS alumni; community members; parents; those who contacted the Dykema e-mail address discussed above; and faculty and administration from two other AAPS schools. Many individuals were interviewed more than once. Because of the ongoing pandemic, all interviews were conducted by Zoom and in all but one case (a current student who did not wish to appear on camera), video was used by all participants. All interviewees agreed to keep the interview and what was discussed during the interview confidential. Some AAPS employees had a union representative present for their interview, one who has a claim against the AAPS had his attorney present, and the current students who were minors had a parent or guardian present. Otherwise, nobody else was present for, or, it was represented, within earshot of, the interviews.

Notably, we were unable to interview the primary claimants Makayla and Charmelle Kelsey. Because they are represented by the Initiative, we could not contact them directly but had to ask the Professor and law students from the Initiative if they would make the Kelseys available. The Initiative repeatedly refused to make them available for interviews unless the AAPS Board of Education (“BOE”) agreed in advance to make this report public, which the BOE was not willing

5 We were unable to interview PHS Black Student Union (BSU) advisor Ebene Copeland because she passed away in October 2020. (Ebene went by the name Lynne at PHS. But because her brother and co-BSU advisor Will Copeland said her preferred name was Ebene, this report uses that name. Because both Ebene and Will had the same last name, they too are sometimes referred to by first name for clarity.)

6 We obtained the class lists for two of Ms. Macke’s classes first semester 2009-10 school year – the geometry class Makayla was enrolled in, in which Macke allegedly said things to and about Makayla, and the geometry class in which the alleged physical touching by Ms. Macke occurred (those were not the same classes). Of a total of 33 students we were able to contact, 11 agreed to speak with us, and because Geometry is generally taught in 10th grade, most of those students are still at PHS as seniors.
to agree to prior to seeing the completed report. As a result, we were unable to: hear their versions of events beyond what is stated in the Letter or other documents; ask them follow up questions; get more information from them; or judge their credibility. This obviously affected the conduct of the investigation. Whether or not it may have altered any or all of our findings, we can only speculate. However, it is extraordinary for one to allege discrimination, request that an investigation be conducted, talk to the media about the issue,⁷ but refuse to participate in an ensuing investigation.

Likewise, we asked the Initiative for the names of the anonymous sources of many of the statements made in the Letter, so we could interview those persons. Once again, the Initiative refused to identify them to us unless the BOE committed to making this report public. This also affected the investigation as it is virtually impossible to investigate a claim made by an unnamed person, often also about an unnamed person. There are, however, some named claimants in the Letter other than Makayla. We were able to locate and contact all of them. Virtually all are former BSU members and all agreed to meet with us. All but one were interviewed, and that one had numerous interviews scheduled but did not appear for them.

Obviously, the refusal of the primary claimants to participate in this investigation made our task significantly more difficult, and created the potential for additional information to surface at some later date that was not available to us during the course of the investigation. We therefore caution that our conclusions must be read with our lack of access to these claimants in mind.

3. **Documents and Data Review**

We reviewed thousands of pages of documents, including personnel files, student records, e-mails, and other correspondence. We also reviewed publicly available documents, such as BOE meeting minutes, agendas, materials, and recordings; AAPS committee reports and statements available on the District’s website; news stories; social media postings; and national statistics.

4. **Names and Identities**

The key players whose names are already in the media are referred to in this report by name. Similarly, the PHS alumni who made statements, and are identified by name, in the Letter are also referred to by name in this report. Otherwise, individuals are referenced generally. This is due to some members of the administration, faculty and staff who were interviewed having

⁷ The Kelseys were interviewed as part of the June 21, 2021 Detroit Free Press article “Michigan students of color tell stories of racism.” (Attached as Ex. 2). See also The Michigan Daily October 25, 2020 article “Black Students Matter protest demands action from Pioneer High School”, reporting that the Kelseys organized a protest “to call on the [BOE] to address a reportedly hostile environment for students of color at [PHS]”, and in which Charmelle is quoted. https://www.michigandaily.com/news/ann-arbor/black-students-matter-protest-demands-action-pioneer-high-school/.
expressed a concern about statements being attributed to them or being called racist for refuting the claims in the Letter.8

5. Legal Standards

Although the Letter is not a lawsuit, the legal standards that apply to the statements and requests in the Letter are instructive and informed our analysis.

Termination of tenured teacher. Pursuant to the Michigan Teacher Tenure Act (TTA), a teacher with continuous tenure cannot be discharged for any “arbitrary and capricious” reason. MCL 38.101. The TTA does not define “arbitrary and capricious”, although conviction of a felony or certain specified misdemeanors satisfy the standard. Similarly, AAPS Board Policy 4820 provides that teachers subject to the TTA shall be “disciplined, demoted, or dismissed only for a reason that is not arbitrary or capricious.” AAPS Board Policy 4820.R.01 further requires the use of progressive discipline except in “circumstances where employee conduct warrants more severe discipline or termination of employment” in the District’s opinion.

Hostile environment. Under Michigan law, to establish a claim for a hostile educational environment, a plaintiff must prove: (1) they belong to a protected group, (2) they were subjected to communication or conduct on the basis of race, (3) they were subjected to unwelcome racial conduct or communication, (4) the unwelcome racial conduct or communication was intended to or in fact did substantially interfere with their education, or created an intimidating, hostile or offensive educational environment, and (5) respondeat superior (that is, that the employer had knowledge and can be held liable for the employee’s actions.) Bow v. Willow Run Community Schs., 2001 Mich. App. LEXIS 1243, *5-6 (Mich. Ct. App. Aug. 7, 2001), citing Chambers v. Trettco, Inc, 463 Mich. 297, 311; 614 N.W.2d 910 (2000). Whether a hostile environment exists is determined according to “an objective reasonableness standard, not by the subjective perceptions of a plaintiff.” Radke v. Everett, 442 Mich. 368, 388; 501 N.W.2d 155 (1993). One must “objectively examin[e] the totality of the circumstances.” Id. at 387. Similarly, to establish a hostile educational environment under federal law, a plaintiff must prove that they: (1) are a member of a protected class; (2) were subject to harassment based on race, color, or national origin; (3) the defendant (school) had actual knowledge of and was deliberately indifferent to the harassment; and (4) the harassment was so severe, pervasive and objectively offensive that it deprived plaintiff of access to the educational benefits or opportunities provided by the school. Silva v. St. Anne Catholic Sch., 2009 U.S. Dist. LEXIS 2228, *36-38 (D.C. Kan. Jan. 13, 2009), citing Bryant v. Indep. Sch. Dist. No. I-38, 334 F.3d 928, 934 (10th Cir. 2003).

Retaliation. Under Michigan state law, to establish retaliation, a plaintiff must show that: (1) they engaged in protected activity, (2) the defendant (school) knew of the protected activity, (3) they suffered an adverse school-related action, and (4) a causal connection exists between the protected activity and the adverse action.” Gordon v. Traverse City Area Pub. Sch., 2017 U.S. App. LEXIS 6487, *11 (6th Cir.) If the plaintiff succeeds in establishing this, the defendant may rebut that presumption by “articulating some legitimate, nondiscriminatory reason for its action”; and if the defendant does so, the burden shifts back to the plaintiff to show that the defendant’s

8 If the AAPS determines that it needs more identifying information for any individual mentioned in this report, it can be provided upon request.

III. FINDINGS

A. AAPS Has Exhibited a Strong Commitment to Providing an Environment in Which All Students Can Succeed, But There is Doubt as to This Commitment by Some Community Members.

AAPS has been historically committed to providing programs to assist students of all races, by promoting diversity, equity and inclusion, and training faculty and staff in diversity and cultural competency issues.

Some years ago, AAPS used a program called Courageous Conversations. This was part of a District-wide training effort to prepare staff for leading conversations about race. After that, AAPS required all Principals to create their own equity leadership groups for their schools, addressing, among other things, awareness of implicit biases, which they still are required to do. Currently, AAPS is holding two series of mandatory training sessions on cultural sensitivity. Culturally Responsive Teaching is directed towards teachers, and Culturally Responsive Leadership is directed towards administration. The presentations are held by Zoom and materials are available for participants to access at their convenience. Throughout our interviews, many administrators and teachers commented on the insights gained from the School’s diversity training and how it assisted them in addressing the needs of, and better understanding, students of color, while also acknowledging that such training needs to continue.

Significant training and ongoing work on The AAPS Framework for Equitable Instruction 2.0 continues during the 2021-22 school year. The District also has an Equity Team that provides regular reports to the Board. Among other things, the team is developing an Equity Plan and District leadership is organizing seminars and training. Certain members of AAPS leadership participate in “Equity in Action” as part of the National School Superintendent group AASA; an AAPS Principal was the founder in 1995 of National African American Parent Involvement Day; and AAPS hosts a variety of international exchange students. As for PHS in particular, it has a Rising Scholars leadership program for underrepresented students, and an Access and Opportunity Advisor.

Dr. Swift and the BOE have repeatedly expressed their commitment to diversity, equity, and inclusion. For example, in response to the killing of George Floyd, Dr. Swift issued a statement condemning racism, noting there is still work to be done to combat racial injustice. In part, she said: “Let us raise our voices against horrific acts of racial injustice, willingly confront the significant work that begins within ourselves and our organizations, support each other in this ongoing process, and hold one another accountable to deliver results. This is the effort we owe to ourselves and to each other, for our children and the future we want to share in our Ann Arbor
Public Schools community."\(^9\) Dr. Swift has also issued statements in support of other groups who have faced discriminatory acts, such as a 2021 statement condemning the murders of Asian Americans.\(^{10}\)

Dr. Swift and the BOE have also made efforts to provide avenues for the community to raise concerns regarding discrimination in the schools. Community leader Dr. Denise Eaddy-Richardson was an Ombudsman for the District some years back, addressing equity issues and complaints. Beginning in 2019, she has staffed a “hotline” which began as one for claims of sexual harassment. Once the Letter was received, that hotline was expanded to include claims of discrimination. As of the end of 2021, however, she had received only one “hotline” call regarding discrimination, and it was from Makayla Kelsey’s advocate. Also in 2020, as discussed above, an email box was set up at Dykema for claims of discrimination or other information that would be relevant to our investigation. That mailbox received only one complaint about PHS, and it too was from Makayla’s advocate. In response to the Letter from the Initiative, the BOE and Dr. Swift issued statements assuring the community that AAPS will not permit racism, and encouraged the community to share any information relevant to the investigation with Dykema. That encouragement and direction to the Dykema mailbox was repeated month after month on the AAPS Reimagine Updates portion of the AAPS website.\(^{11}\) Similar statements were made at BOE meetings at which the community was provided with the telephone number of the hotline, assuring them a respected counselor would be answering it. Also at BOE meetings, the Board and Dr. Swift listen to all public comments.

On the other hand, Makayla’s advocate from the Student Advocacy Center of Michigan said there is a long history of a lack of trust in the AAPS by the Black community, forwarding us articles going back to 1968 discussing racial tension, complaints of bias, racial programming, teacher removals due to racist conduct, investigations and lawsuits regarding same, and achievement gaps. Similarly, some of the public commentary at relatively recent AAPS BOE meetings echoed a lack of trust by some when it comes to equity and the AAPS commitment to same. Questions have been raised regarding, among other things, a procedure for discrimination complaints, the transparency of this Report, and the fear that the AAPS will not listen to or act on claims of discrimination.

In 2019, AAPS started redesigning an old District strategic plan to combine it with an equity plan into one updated document called AAPS Strategic Equity Plan. That plan is still in

\(^{9}\) [https://www.a2schools.org/site/default.aspx?PageType=3&ModuleInstanceID=17841&ViewID=7b97f7ed-8e5e-4120-848f-8b4987d588f&RenderLoc=0&FlexDataID=16822&PageID=11460Dr](https://www.a2schools.org/site/default.aspx?PageType=3&ModuleInstanceID=17841&ViewID=7b97f7ed-8e5e-4120-848f-8b4987d588f&RenderLoc=0&FlexDataID=16822&PageID=11460Dr)

\(^{10}\) [https://www.a2schools.org/domain/4181#:~:text=In%20the%20Ann%20Arbor%20Public,orientation%2C%20ability%20or%20disability%20or](https://www.a2schools.org/domain/4181#:~:text=In%20the%20Ann%20Arbor%20Public,orientation%2C%20ability%20or%20disability%20or)

\(^{11}\) See, e.g., [https://www.a2schools.org/Page/17062](https://www.a2schools.org/Page/17062); [https://www.a2schools.org/domain/4050](https://www.a2schools.org/domain/4050); [https://www.a2schools.org/Page/17351](https://www.a2schools.org/Page/17351); [https://www.a2schools.org/Page/17376](https://www.a2schools.org/Page/17376); [https://www.a2schools.org/Page/17357](https://www.a2schools.org/Page/17357); etc.
draft form but is available on the AAPS website.\textsuperscript{12} Members of the Ann Arbor School Parents Intent on Racial Equity have expressed at BOE meetings their dissatisfaction with the Equity Plan and its progress, citing the need for more specifics, including a clear statement of the problem to be addressed, accountability measures, the assignment of responsibilities, and greater community representation. The AAPS will not finalize and implement the plan until it can meet with members of the community to get their input, which was disrupted due to COVID. The AAPS has since resumed its efforts to plan for more community engagement and plans to present an Equity Plan for Board review and adoption upon its completion. Consistent with this, the BOE discussed the AAPS Framework for Equitable Instruction 2.0 at its October 27, 2021 meeting, including training or discussion sessions on such things as equitable instruction, culturally responsive teaching and leadership, and culturally responsible learning for the AAPS community, and community conversations.

In sum, diversity, equity and inclusion is, and long has been, an issue of importance to AAPS and the subject of ongoing communications with faculty, staff and community members. We are confident, therefore, that the contents of this Report will be met with serious consideration and discussion.

**B. AAPS Sought to Meet and Recognize Makayla Kelsey’s Chronic Health Condition.**

1. **Makayla Kelsey**

Because Makayla is the subject and/or source of many of the statements in the Letter, a brief review of her background is relevant.

\textsuperscript{12}https://www.a2schools.org/cms/lib/MI01907933/Centricity/Domain/4008/AAPS%20Equity%20Plan%20Jan%202019.pdf. The draft Equity Plan’s goal is “[t]o ensure equitable practices across the AAPS organization for each and every person.” It sets forth goals, actions, and indicators of success in five areas – (1) Perpetuating Systems of Equity and Opportunity; (2) Courageous, Equity-Centered Leadership; (3) Systemic Transformation of Culture; (4) Equity-Centered School and Classroom Practices; and (5) Family and Community Empowerment.
In September 2020, Charmelle filed a Complaint with the State Department of Civil Rights on Makayla’s behalf (MDCR Case # 612522) alleging a racially hostile environment at PHS, based on the statements in the Letter, and attaching the Letter as an exhibit. We do not represent the AAPS in that matter, which we are informed is still pending. In November 2021, Charmelle filed the FOIA lawsuit discussed above. We do not represent the AAPS in that matter. In both cases, Charmelle is represented by the Initiative.

2. Requests for Accommodations

According to the Letter, “Charmelle Kelsey began seeking accommodations for her daughter at the end of her ninth-grade year. Last October [2019]. Makayla Kelsey’s chronic health condition evolved to include symptoms made worse by added emotional stressors in her personal or academic life. Though Pioneer is legally required to provide Ms. Kelsey with accommodations, Charmelle Kelsey is still fighting today [August 2020] to get her daughter’s needs recognized and met.” (p. 3.)
3. **Achievement Team Meetings**

Achievement Team Meetings (ATM) are also a part of the 504 evaluation process. They include the student and parent(s), the student’s teachers, the student’s counselor and class Principal, a special ed staff member if appropriate, and support persons if requested by the student or parent. The goal is to review a student’s progress and discuss how to meet the student’s needs while keeping them in the general education curriculum, if possible.

The Letter says “‘Does your Mom have a plan for your life? Does your Mom work? What does she do for a living?, Does your Mom just drop you off and continue with her life?’ In late November of 2019, Makayla Kelsey faced these questions after returning to school from an absence related to her chronic health condition.” (p. 3.)

Another ATM was conducted on December 9, 2019 to see how the accommodations had been working.13 The Letter says that at this meeting, Charmelle “confronted Michele Macke about her statements [discussed above]. While the administrators in the room remained silent, Ms. Macke did not apologize, but rather misrepresented her intentions for making those comments. When Ms. Kelsey said she felt bullied by Ms. Macke and unsafe at school, the administrators refused to believe her, ... declared her truant and attempted to refer her to an alternative school.” (p. 3.)

Numerous people attended this meeting, including PHS administrators and teachers, Makayla, Charmelle, both Copelands, and two outside community representatives. We interviewed all of the PHS staff who were at that meeting except Ms. Copeland, who had passed away.

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13 As discussed below, before this meeting there was a history of tension between Macke and the Copelands. Macke had reported to the Principal many things the Copelands had done that she believed violated school rules or AAPS policies and requested that he take action to curtail those practices.

14 Ebene was a scheduling secretary and Will is a community assistant (effectively a hall monitor). Neither has received any teaching or counseling training. Will said he has attended ATMs for more students than Makayla, sometimes at the request of parents/guardians, once at the request of the Principal, all for BSU members.
Will was critical of Pathways, and told the counselor present at the meeting to not advise any student to go to Pathways and noted that people in the community do not think highly of it. It was not discussed further.

4. 504 Plan

Shortly after that December 2019 meeting, the Principal met with Makalya, Charmelle, and her education advocate, Ben Murphy-Smith, to hear their concerns, none of which, according to him, involved claims of racism.
5. **IEP**

Shortly afterwards, all students’ grades were changed to this arrangement due to remote learning.
6. **Conclusion.**

Our investigation:

- does not corroborate the claim that Macke “misrepresented her intentions in making” comments about Makayla at the December ATM.

- does not corroborate the claim that PHS did not provide accommodations for a chronic health condition.

C. **The Information Available to Us Does Not Support the Request that Macke’s Employment Be Terminated.**

The Letter states that PHS math teacher Michele Macke: “has poisoned the educational environment for Black students” (p. 3); “insults Black students and their families” (p. 3), “displays Black students’ grades on the SmartBoard to humiliate them” (p. 4); “has grabbed Black students without their consent” (p. 5); “has shown disdain toward the Black Student Union and its members” (p. 7); “has bullied, humiliated and singled out Black students at Pioneer for unequal treatment for numerous years” (p. 3); “retaliated against” and “created a hostile environment for” Makayla (p. 9); and “the Administration has been ineffective in controlling Michele Macke.” (p. 10.) The Letter requests that Macke’s employment be terminated, stating, “Pioneer has been given notice that Michele Macke routinely bullies Black students, violates their privacy rights, and interferes with their right to a safe learning environment free from racial animus and harassment. She must be removed to prevent further harm.”(p. 14.) The statements in the Letter regarding Macke can be broken down into three categories - her interactions with: a) BSU and its members and advisors, b) Makayla, and c) other students.

1. **Macke Background**

Macke has taught math at PHS since 1999. Macke’s personnel file does not reflect that she was ever disciplined until she was placed on suspension due to Makayla’s claim that Macke grabbed her. Her performance reviews have been uniformly excellent, getting high marks in: “treats students equally”, “reflects respect for others”, “classroom management styles encompasses all students”, “recognizes differences in students”, “meeting the needs of diverse students”, “mindful of cultural diversity represented in the community and utilizes the diversity of students”, “has a positive relationship with students”, “students are treated respectfully”, “learns about her students by engaging in conversations”. She regularly met or exceeded expectations in the area of “knowledge of students’ interests and cultural heritage”. Macke was regularly observed in the classroom, getting such comments as “classroom management is effective”, “interactions with students reflect genuine respect and caring for individuals”, and “teacher response to
misbehavior is appropriate and successful and respects the student’s dignity.” She obtained tenure in 2003. She was Chair of the Math Department from 2013 until 2018, has served as the National Honor Society advisor, and received the PHS MLK Jr. award “for leadership and service” in 2012. She reported that she was nominated three times for National Math Teacher of the year. She participated in many educational studies with the University of Michigan School of Education and National Math Teachers groups. Macke indicated in her comments to her 2018 review, “I work hard to get to know students so I can understand what will motivate them, and how hard I can push them to achieve. I collect info right from the first day.”

Macke was described by many PHS staff members, students, and former students as an excellent teacher, who has high expectations of her students, works hard to help them succeed, is very involved in the PHS community, but is also brutally honest and speaks her mind. In June of 2016, Ebone Copeland, in an email chat with another PHS staffer, said “Macke means well, she just oversteps sometimes.” One Black alum had her as a teacher and said he personally did not experience discrimination from her. On the other hand, another Black alum and Will Copeland described her as disrespectful to Black students. Parents of Macke’s students have emailed the school to indicate their respect for her and one parent of a current student said similar in our interview. A teacher’s union representative present at many interviews repeatedly stressed how well respected Macke is by students, parents, and staff. Macke also sent us relatively recent e-mails she has received from former students in light of the Letter hitting the press supporting her and saying how much she meant to them. We asked Macke for the names of students or former students she wanted us to interview and she declined to give us any names, saying she didn’t want to put anyone through the investigation process, which she found very stressful.

Macke, who was very tearful in our interviews, discussed the effect of the statements in the Letter and then in the press on her life: students have asked her why she hasn’t been fired; some students literally turn their back on her in the hallways; there have been numerous statements on social media calling Macke names and saying she should die, so she has stopped all social media use; after Ebone passed away, she received an email saying “it should have been you”; her family members have been threatened; she added an alarm system to her home; she has undergone mental health counseling; and some colleagues have kept their distance from her so as not to be affiliated with an alleged racist. We were told by another teacher that since the Letter, she often hears students talking about Macke and calling her a racist.

2. Lack of Prior Claims Against Macke.

The Letter states, “[w]hen a student comes forward with a complaint about Ms. Macke, the Administration has consistently sided with Ms. Macke. Makayla Kelsey has suffered at the hands of Michele Macke, and the students tell us that Ms. Macke has harmed many other Black students over the years, and apparently Pioneer has done nothing but enable her to continue her harmful campaign against our client, other Black students, and the BSU.” (p. 10.)

All but one of the PHS faculty, staff member and administrators interviewed told us they had not heard any prior complaints about Macke acting in a racist manner. The Principal reported only two claims – one by a Black football player who complained that when he put his foot up on a chair, Macke said he needed a doctor’s note if he had to have his leg propped up, tried to pull the chair out from under him, and sent him out of the room. Macke did not recall this incident, but the
Principal says when he met with Macke, the student and his parent, all admitted they could have handled it better. The second was a Black parent who complained about Macke not giving make-up homework to the Copelands for his daughter, discussed further below, which the Principal found to not be a legitimate complaint.

Most of the alums we spoke with were former BSU members. They made general statements about Macke, such as, “everyone knows Macke is racist”, but with a few exceptions, discussed below, they had not had her for class and could not point to specific interactions they had with her that led them to this conclusion. More importantly, nobody interviewed, other than Will Copeland, told us of any interactions they had with Macke that they reported to AAPS personnel or PHS administration. As discussed above, Macke’s personnel file does not contain any report of complaints about her other than Makayla’s, nor did we find any emails containing first hand reports of complaints about Macke, other than those made by the Kelseys and set forth in the Letter.

3. Macke and the BSU

The Letter says, “Macke has consistently showed racial animus towards the BSU as a group, toward individual students she knows or suspects are members of the BSU, and even toward the BSU faculty advisors.” (p. 7.)

a. Macke’s History With The BSU Advisors

On many occasions, Macke reported to the Principal actions she said were taken by the Copelands that she believed were improper. They include:

− Some of her students were missing class and telling her they had been downstairs in the Copelands’ offices. But in the student record database (PowerSchool), their absences were marked OSA for “Other School Activity,” which is an excused absence. Macke believed Ebone removed unexcused absences from students’ school records and changed them to OSA. Similarly, Macke called a parent about his son’s absences from her class and the parent asked why he hadn’t been notified his son had missed classes. Macke learned that if an absence is marked as OSA, a call to the parent or guardian is not made.

− She looked for Ebone during the day and found her in her office watching a movie.

− Before the start of a school year, the department heads, including Macke, had to do Ebone’s job of scheduling at the last minute, as she hadn’t done it, despite that being one of her primary responsibilities.

− A student waiting outside Ebone’s office told Macke she was waiting to speak with the Principal but had to wait for Ebone to come with her as her advocate. Macke told the Principal it was upsetting to her that a secretary was undermining his relationship with the students.
Macke was asked to a meeting where a parent said he had been contacted by the BSU “administrative team” to file a formal complaint about her, and that many BSU members thought she was “racist and too old.”

In the early part of the 2019-20 school year, BSU students missed school for three events, and teachers were not notified about the planned absences ahead of time. One of those days, Macke asked the Principal’s secretary why staff hadn’t been notified about the BSU field trip, and the secretary said she had no record of a BSU field trip that day. She keeps all field trip materials in the office, so this meant PHS didn’t have the required permission slips. The next day, a counselor told Macke that the Principal was yelling at Ebene, “why do I have to hear about a field trip from Macke?”

She complained that BSU members worked on a BOE member’s election campaign in school.

Therefore, by December 2019, the date of the ATM meeting discussed above, there was a history of conflict between Macke and the Copelands. In February 2020 Macke made a formal request with AAPS for an investigation into whether the Copelands were improperly harassing her because of her reports about their conduct. Other teachers also said they believe Macke has been targeted by the Copelands and BSU members because of her complaints about the Copelands.¹⁷

b. Not Excusing Black Students From Class For BSU Events.

The Letter says, “Ms. Macke regularly excused white students from class for the Orchestra Club without question. However, one student shared that on the rare occasions that BSU held meetings during her class, Ms. Macke would always ask the students why they were leaving and if she was skipping class,...” (p. 7.)

Because the Initiative would not give us the name of the person who made this report, we could not speak with that individual to get more details. Macke denied it. None of the current students or alumni we interviewed who had Macke as a teacher raised this issue, let alone pointed to a specific time when Orchestra, or other White students, were excused from Macke’s class without question while BSU students were not, or were questioned.

¹⁷ The Letter says, “Ms. Copeland saw Ms. Macke speaking to Ms. Kelsey inappropriately. When Ms. Copeland asked Ms. Macke not to speak to Ms. Kelsey in that manner, Ms. Macke told Ms. Copeland to mind her business and said something to the effect of, ‘didn’t she have other BSU kids that were failing to worry about?’” (p. 7.) We could not speak with Ebene or Makayla about this. Macke denied it and said she almost never talked with the Copelands because they didn’t walk around the halls much and usually only communicated by email. She also said she would not have said or asked this to Ebene because Ebene was not a teacher and therefore did not have students whose grades she should have been monitoring.
c. **BSU Assemblies**

The Letter says that in February 20, 2020, “BSU held its annual Black History Month assemblies. Michele Macke and other teachers who supported her protested the assemblies by refusing to bring their classes. However, Ms. Kelsey told us that Ms. Macke came to the second assembly alone and joined a sparse crowd of students and staff who were not engaging with BSU’s presentations.” (p. 7.) It also says, “[s]tudents informed us that Ms. Macke later told her classes that the Black History assemblies were ‘a waste of time’, not ‘diverse enough’, and that she wished they talked more about white people who made contributions to Black people.” (p. 7.) And it says, “the students also say that Pioneer never publicly addressed the fact that Michele Macke and an entire group of teachers did not bring their classes to these assemblies meant to celebrate Blackness.” (p. 7.)

Here too, the Letter does not identify the source of many of these statements, other than Makayla, who we were not permitted to interview. Nor does it provide the names of the “other teachers” or members of the claimed “entire group of teachers”, making it impossible to interview those teachers for more information. Macke told us her students laughed when they heard the claim that she did not take her class to the BSU assemblies because she has always been adamant about all her students attending all assemblies; she even takes attendance at all assemblies. She denied ever saying BSU assemblies are a “waste of time”, noting she is the one who puts up the school’s MLK Jr. bulletin board every year and once won the MLK leadership award. Contrary to what Macke said, a PHS Administrator thinks there was one time Macke didn’t bring students to the BSU Black History Month assembly and told him she forgot about it, but could not give us details, it was just a possible recollection. A student who was in a Macke class the same year as Makayla (2019-2020) said once she and another BSU member were late to class because of a BSU event, Macke said it was not a reason to be late because what the BSU did wasn’t important. However, she also said she never experienced Macke or any other teacher failing to take her class to a BSU assembly. None of the other students from two of Macke’s 2019-2020 classes that we interviewed said they heard Macke say anything negative about BSU, and all agreed their class was taken to the February 2020 BSU assembly, with some saying Macke attended with them, one saying she did not stay with the class, and others simply not remembering whether she stayed with them or not.\(^\text{18}\)

As for the statement about other teachers, although some BSU alums said the crowd at the February 2020 assembly looked much smaller than in prior years, no students or alums reported that their class was not taken to the assembly or specifically named any teacher who did not send their class to the assembly.\(^\text{19}\) Each PHS teacher we spoke to said they took their classes to all BSU assemblies. A PHS administrator said an art teacher missed a BSU assembly once, not sure what

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\(^\text{18}\) Some alumni we interviewed, all BSU members, reported that Macke did not send her class to the 2020 BSU assembly, but they were not in any of her classes that year and therefore do not have firsthand knowledge of whether this was the case.

\(^\text{19}\) Although not in the Letter, one alum interviewed said BSU was having a bake sale and Macke asked if they were allowed to be there, but did not do this to White students who were also in the hallway. Macke denied this, saying bake sales are held at lunch and at lunch she is always in her classroom, as many students gather there at lunchtime, even students she does not have in class.
year, but they didn’t think it had anything to do with Macke and Makayla. Some teachers were complimentary about the quality of the BSU Black History Month assemblies.

4. Macke and Makayla

   a. Questions to Makayla

   As discussed above, the Letter says Macke asked Makayla, “‘Does your Mom have a plan for your life?’ ‘Does your Mom work?’ ‘What does she do for a living?’ ‘Does your Mom just drop you off and continue with her life?’ In late November of 2019, Makayla Kelsey faced these questions after returning from school from an absence related to her chronic health condition,...” (p. 3.)

   Once again, we were not able to speak to Makayla about this. Macke denied asking Makayla these questions. She said that she gives a survey to all of her students at the beginning of the semester asking things such as what field they want to go into, what their interests are, and what their parents do for a living, in order to get possible guest speakers and get to know her students. She said almost all teachers give similar surveys. She often asks students who do not have a consistent homework and study routine, “what is the first thing you do when you get home?” Then she starts questioning, “Do you ride the bus or walk? Is anyone else home? Do you start homework before or after dinner?” She then follows up with a conversation about how to best structure the student’s time to get homework done. Assuming that this is the conversation the Letter is referring to, Macke said she was not trying to pry into Makayla’s family business, but was trying to prompt Makayla to examine her routine to fit in school work.

   None of the former Macke students we interviewed, including those who were in Makalya’s geometry class, said that they heard Macke ask these specific questions to Makayla. Makayla’s boyfriend said Makayla told him that Macke would ask her things like “what’s going on at home?” “what does your Mom do for work?” “where do you live?”, trying to learn about Makayla, as if Macke felt something must have been going on at home for Makayla to not be at school. He believed this was based on racial stereotypes.

   A Black alum, who had a class with Macke, said when she hadn’t done her homework, Macke asked her, “where’s your Dad?” The student did not have a father in her household so this was triggering for her, and she felt it reinforced a stereotype about Black families. A current student
said Macke once asked a Black student who was misbehaving something like, “Do your parents have a job? You have a C in this class, is that going to help you get a job?” Another current student said that if any student, regardless of race, was absent for a number of days, Macke would say something to them upon their return such as, “you haven’t been here in 4 days – what does your parent do? Do you think it would be OK if they didn’t show up for their job for 4 days?” Still other current students said Macke asks students of all races what their parents do for a living, but they viewed this as her taking an interest in their lives, or asked about how they got to school in order to offer them a ride if necessary. Two PHS staff members said that Macke has a pattern of trying to get involved in her students’ lives.

b. Comment Referring To Makayla

The Letter says, “after a friend of Ms. Kelsey’s answered a math question correctly, Ms. Macke told her that she was too smart to be hanging out with ‘scummy’ friends, while looking at Ms. Kelsey and another student.” (p. 4.)

We were unable to ask Makayla about this statement and the Letter and Initiative did not identify the friend, so we could not speak with them either. Nobody we spoke to from Macke’s class that semester told us that they heard Macke make this particular statement. Many of Macke’s students said she often makes statements like, “choose the right friends”, but as basic advice, not directed at a certain student or certain racial groups. One said Macke would say things like “you need to get better friends” to students who were misbehaving or who were frequently late; in retrospect, to this student it seemed Macke would reserve those comments for students of color.

c. Question About Bullying

The Letter says the day after the December 2019 ATM, “Ms. Macke stopped her lesson to say, ‘Yesterday, I went to a meeting and one of the students claims that I am bullying her.’ She then asked the class for a show of hands in response to the question, ‘Who thinks I’m bullying them?’ After no students raised their hands during this intimidating moment, Ms. Macke stared at Ms. Kelsey while saying ‘If you think I’m bullying you then you’re wrong.’” (p. 4.)

Again, the Letter and the Initiative did not identify the source of this statement. Macke denied it and said she thought everything was okay after the ATM. However, two of her students from that semester recalled her asking the students at one time to raise their hands if they felt she was being too hard on people or bullying them, or her saying something like, “I’ve been accused of bullying students; do any of you think that I’m bullying you?” Nobody raised their hands and there was no further discussion. Neither said they recalled her looking at or making a comment to Makayla at that time.

d. Displaying Makayla’s Grades.

The Letter says, “by November of 2019, Makayla Kelsey had already witnessed Ms. Macke displaying another student of color’s grades on the Smart Board when that student was absent. In November 2019, after Makayla was absent for a doctor’s appointment, she learned from her friends that Ms. Macke had shown her grades on the Smart Board. Ms. Macke also told the class
that she had not seen Makayla all week and that is why she was failing all her classes.” (p. 5.) It also says, “[o]ne impacted Black student shared that Ms. Macke would say ‘Oh, somebody didn’t do good [sic],’ then tell that student’s grade to the class. The student also said that Ms. Macke never did this to her non-Black students.” (p. 5.) And the Letter says another student said “Ms. Macke would allow other students to pass out their peer’s graded assignments.” (p. 5.)

We could not speak with Makayla about these statements, and the other sources of information were not identified by the Initiative in the letter. Macke denied intentionally displaying students’ grades in class and said she did not think she had the equipment to do so. But many of her students from 2019-2020 that we interviewed said the equipment exists and grades could be displayed through the use of PowerSchool and an overhead projector. Macke also said she hands out tests herself so students don’t see each other’s grades. None of the students from Makayla’s class we interviewed told us they recalled Macke making these specific statements about Makayla or showing Makayla’s grades. Most said they never saw Macke display student’s grades or saw them only when her computer screen was inadvertently projected onto a classroom screen because of a tech error, which happens to many teachers. Two said Macke deliberately showed the grades of all students in the class, and two said she showed the grades of all students who were doing poorly, purportedly to motivate them. No Macke student, current or alum, said she only showed the grades of Black students.

In a similar vein, some of the students interviewed said that Macke would discuss grades with a student in front of the class or when or where others could hear. One said Macke would call out Black students when they were having trouble, but not White students. A current student and BSU member said Macke said to the student, in front of the class, that the student hadn’t turned in any homework, when she had turned in one assignment and Macke never apologized for getting this wrong. Another said they heard Macke tell a Black student, while discussing his grade, something like “you will grow up to be a delinquent.” Another said Macke would reveal grades in the course of disciplining, for example, asking a student why they were talking in class when they had a D, with such statements directed at both White and Black students, but more often to Black students. Another said Macke publicly criticized all students who didn’t do their homework, regardless of race. Two PHS administrators said they had to speak with Macke after students complained Macke talked about their grades in front of the class, but the complaints were not by only Black students. Finally, many students said Macke and many other teachers allowed students to pass out one another’s graded tests or papers.

Charmelle filed a FERPA (Family Educational Rights and Privacy Act) complaint with the US Department of Education alleging Macke disclosed Makayla’s grades to the students in her 2019-2020 math class and told the class Makayla was failing all of her classes. One of the students identified in that complaint as the person who told Makayla this had happened was one of the students that we interviewed. At the interview, this student told us she did not recall ever seeing Macke show any student’s grades. AAPS had Macke undergo FERPA training in the summer of 2021 to resolve the complaint. The Department of Education told Charmelle that the AAPS had “acknowledged fault” and Macke completed training in FERPA “in order to come back into compliance with FERPA”, therefore, they were closing the complaint. AAPS records indicate it believed this training was done, and the complaint closed, without an acknowledgment of fault. There is no record of any prior or subsequent FERPA violation claims against Macke.
e. The December 18, 2019 Incident and Subsequent Actions.

The Letter says, “Makayla Kelsey missed a couple days of school for a slew of doctors’ appointments and a school field trip. On December 18, 2019, when Ms. Kelsey visited her teachers for her missing work, Ms. Macke refused to give her a study guide she was required to complete before being allowed to take a test. When Ms. Kelsey picked up the study guide off the desk herself, Ms. Macke grabbed Ms. Kelsey’s arm and refused to let go although Ms. Kelsey repeatedly asked her to. Instead, Michele Macke continued to violate Ms. Kelsey’s right to bodily autonomy while she reprimanded Ms. Kelsey about her attitude. Once Ms. Kelsey was able to pull her arm free and leave the classroom, Ms. Macke called after her with a threat to lie to Principal Lowder and declare that Ms. Kelsey had ‘assaulted’ her.” (pp. 5-6.)

i. The Alleged Grabbing

As stated before, we were unable to speak to Makalya to get her version of events. Makayla’s boyfriend said he and Makayla were in third hour (her class with Macke was second hour) and Makayla left to go to other classrooms to get homework from days she had recently missed. She came back upset and said she went to Macke’s room and when she went to get a paper, Macke grabbed her by the wrist and told her she couldn’t have it; Makayla tried to move her arm away and Macke said she would tell the Principal “about the situation”. They both went right to Will Copeland’s office, who told them to put it in writing.20

Will Copeland said Makayla came to his office looking frazzled. She told him and Ebone that she had just gone to Macke’s room during passing time (between classes) to get a homework assignment and Macke said she wouldn’t give it to her. Makayla then said she told Macke her absences were excused, but Macke still wouldn’t give it to her. Makayla said she then took it off Macke’s desk and Macke grabbed her, then let her go and said she was going to tell the Principal that Makayla was the one who grabbed Macke.

The Principal said Ebone came to him with a group of students when they were getting ready for a Pep Assembly and said he needed to speak with Makayla. Later that day Ebone and Makayla came to his office. Makayla said she went to Macke’s room to get a test study guide; there were no other students in the classroom at the time and she was there for about 5 minutes; Macke said Makayla couldn’t have the guide because she had missed too many classes and wasn’t ready to take the test; she grabbed the guide, Macke grabbed her wrist; Makayla pulled away and they yelled at one another; Macke said she would tell Lowder that Makayla assaulted her; and Makayla left the room.

A teacher who Makayla was close to said Makayla and her boyfriend came to her classroom during lunch hour and Makayla was angry, started to discuss the incident and the teacher stopped her and told Makayla to talk to her counselor because the teacher didn’t want to get involved.

We attempted to contact all of the former Macke geometry students from that time for whom we were given contact information. Eleven met with us; most said they saw and heard nothing. One student said Makayla’s boyfriend told her (that student’s) boyfriend that what

20 We have not seen any such writing.
Makayla was claiming didn’t actually happen, that Macke never touched Makayla. Another said a Black female, who they could not name, left class early and Macke went after her out the door and only Macke came back, looking upset. Another said Makayla ran out of the classroom and Macke chased her, she heard Makayla say something in the hall like “get off me”, but did not see anything that may have happened. Another remembered Makayla coming into the room and leaving quickly, with Macke following her, he heard Makayla yelling in the hall but does not remember what she said. Another student said a Black female student came in at the end of class and took a paper off of Macke’s desk; he believes Macke thought she was taking a copy of the next day’s test, not the study guide, and grabbed the student by the arm in the classroom; the student pulled away and ran into the hall, and Macke chased her, but he could not identify that student as Makayla. Significantly, a Black female student, also a BSU member, said she did not see any incident with Makayla but had her own physical incident with Macke. She said that after Macke embarrassed her in class, she walked out, Macke followed her and “pulled and grabbed on her”, trying to hug her. The student said she reported this to a social worker. Macke denied the claim. We were unable to find a social worker by the name the student gave to inquire further, nor was any such incident reported to AAPS per the records we received. Finally, a student said a Black female, who he could not identify, got upset about something, threw her backpack at Macke and started walking out of the room when Macke grabbed her arm. The two of them walked out in the hall together. (He could be referring to the incident with the other student just discussed above.) No student told us they heard Macke threaten to tell administration that it was Makayla, and not Macke, who did the grabbing.

There was another teacher in Macke’s room at the time Makayla claimed the grabbing occurred, assisting students with special needs. She sat closer to the back but could see Macke’s desk. She does not remember Makayla coming into the classroom, Macke having any interaction with her, or any sort of disturbance.

Charmelle e-mailed Lowder stating that Makayla went to Macke’s class to retrieve work she had missed to prepare for a test. The e-mail says: Macke would not let Makayla take the work and instead “decided to publicly admonish my child in front of classmates;”21 when Makayla tried to leave with the worksheet, Macke “assaulted” Makayla, “grabbing her and physically would not let Makayla leave the room”; then Macke told Makayla she would email the Principal claiming that Makayla assaulted her.

Macke said that she was on the way to her car right before the holiday break when Lowder said he needed to talk to her about a complaint by Makayla.

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21 This is inconsistent with Makayla’s statement to the Principal that there were no other students in the room at the time.
There are cameras on each end of the hallway where Macke’s room is located. As discussed below, we were unable to review the hallway video camera footage from the date at issue as it cannot be located by either the AAPS or the Ann Arbor Police Department.

ii. The Investigations

PHS. The Principal reported the claim to AAPS administration and was told to conduct an investigation, notify CPS, and place Macke on administrative leave. This is the standard protocol any time there is a claim of a physical altercation between a student and teacher. The Principal, Macke, another administrator, and a union representative then met. Macke also said she planned to file a formal complaint of harassment against the Copelands, whom she believed were behind the claim.

In conducting his investigation, the Principal said he got the hallway camera footage because [redacted]. The video snippets were put on a flash drive, which he said he gave to the Ann Arbor Police Dept without keeping a copy himself. Another PHS staff member said he also saw the security footage from that day. As discussed above, we requested copies of the flash drive from the AAPS, the AAPD and the Ann Arbor Prosecutor’s Office. The AAPD and Prosecutor claimed they did not have a flash drive, the AAPD said it would have noted in the file if one had been received but there was no such indication, and the Principal said he did not keep a copy for himself or the school but instead gave his only copy to the AAPD. By the time of our investigation, the video itself had been overwritten and so neither the original nor a copy were available for our review.
The Principal then had Makayla come to his office to view the video. The Letter says Makayla “was called to see Principal Lowder and was not allowed to take her phone with her. During this meeting, Mr. Lowder told Ms. Kelsey that he had reviewed the camera footage from Ms. Macke’s doorway and he ‘personally [felt] that that’s not enough time for her to do what you said she did.’ After having yet another traumatic experience with a teacher who was escalating her bullying, Ms. Kelsey was then accused of lying about what happened to her.” (p. 6.) The Principal does not recall telling Makayla she could not bring her phone to the meeting.

The next day, Charmelle emailed the Principal stating that she or Makayla’s education advocate want to be present whenever Makayla is taken into an office for a meeting. She said Makayla called her crying, upset and disappointed that the Principal seemed to question her truthfulness. Charmelle then sent a second email to the Principal requesting that the Copelands be present at any meetings at school with Makayla. Murphy-Smith also emailed the Principal, expressing his concern that PHS administration met with Makayla alone, and in the future, demanded that he or Charmelle be invited before the Principal speaks with Makayla.

The Principal responded to both with an email stating he denied questioning her honesty and said he was upset his intentions were misconstrued, as he acted carefully so as not to upset Makayla.

The Principal told us he called the 12-13 students from that class who were closest to Macke’s desk into his office for interviews. None of them told him they saw or heard anything. A few said they saw Makayla come in the room, walk up to Macke’s desk, pick up the study guide and walk out with it, but didn’t recall any interaction between her and Macke. Others didn’t even remember seeing her come in. However, the Principal’s email to AAPS administration summarizing his investigation says he only interviewed the four students closest to Macke’s desk. And what he reported as the students’ statements is different than what our interviews showed, as discussed above. The Principal said he also interviewed the other teacher in the room, who told him the same things she told us – that she saw nothing.

In the meantime, substitute teachers were leading Macke’s class. Macke asked HR if she could come to the school to help prepare her students for upcoming final exams if there was another adult in the room. She was told no, and that she could not come back to work until AAPS got word from the AAPD that they were not pursuing charges against her. Parents of her students emailed PHS worrying that Macke’s absence would affect their students’ grades.

The Principal came to the conclusion that the incident did not occur, and turned over his findings to AAPS administration. He believes AAPS also conducted its own investigation, but that is incorrect. Two AAPS administrators said they too concluded the event Makayla described didn’t happen based on both the Lowder investigation, and what they know about Macke. But they could not bring Macke back into the classroom until they heard from AAPD. A BSU alum said the PHS investigation was not thorough and was a cover up because there were people who backed up
Makayla’s claim who never were interviewed. Those persons were not identified during our interview or at any other time during our investigation.

AAPD and Ann Arbor Prosecutor’s Office. Whenever a report is made of a physical altercation between an AAPS staff or faculty member and a student, makes a report to the local police. We interviewed the two AAPD officers who handled the matter.

Both officers said they do not recall race coming up in this interview; if it had, they would have investigated this as a hate crime. And their report states “none” under “racial hate/bias”, they both said that box would have been checked if there were any racial allegations made or even suggested. The AAPD also interviewed the Principal and the other teacher in the room. They received a written statement from Macke’s lawyer, which said Macke was “emphatically denying ever touching Makayla in any harmful or aggressive way” and did not recall any physical contact with Makayla at any time.

On January 29, 2020, the Prosecutor’s office declined to take the case for “lack of crime elements.” It was “unable to corroborate the victim’s account of events”, and even if true, was “unable to prove intent to harm beyond a reasonable doubt.” The AAPD immediately sent an email to AAPS saying its investigation had been closed and because the Prosecutor’s office declined to prosecute, there would be no further police involvement. Macke was told she could come back to PHS the next day.

iii. E-mails From Macke About Her Return To School

The Letter says, “Principal Lowder...told the Kelseys that he and other Pioneer administrators had instructed Ms. Macke not to talk about the case upon her return to Pioneer. However, Ms. Macke then sent an email to the parents of her current students claiming a false accusation was made against her and she was frustrated she could not say more.” (p. 6.) It also says, “[w]hen Charmelle Kelsey and Ms. Kelsey’s student advocate contacted Principal Lowder about Ms. Macke’s inappropriate email from the night before, he shared that the school again told Michele Macke that she should not have any direct contact with Ms. Kelsey and that she should not speak of Ms. Kelsey’s case with staff or students. Undeterred, that very night Ms. Macke sent another inappropriate email about Ms Kelsey’s case to all of the staff members in the building.” (p. 6.)

Macke asked the Principal if the District would send a letter to all PHS parents saying there had been a thorough investigation of a claim made against her and she had been cleared; he said
the District would not do that.\footnote{AAPS administration said Macke wanted AAPS to send out a letter clearing her name, but they would not do that because, although they could not conclude that the claimed incident with Makalya happened, that does not mean they established that it did not happen either.} She then asked if the District would send such a letter to just the parents of her students and he again said no, but, according to Macke, said she could send such a communication herself. Macke’s husband was at their meeting and his notes from the meeting, which indicate the Principal was cc’d on those notes, indicate that when Macke asked if she could send a note to parents explaining her leave without mentioning names, the Principal said she could. Macke sent an email the night of January 29, 2020 to only the parents of her students, which said, “[a] false accusation was made against me. AAPS values the safety of students, so that accusation was investigated fully. Since the investigations are handled by outside organizations, they frequently take longer than the district would take. On Wed. Jan 29, myself and the district were told that the accusations were found to be without merit and were being summarily dismissed.” Macke said she sent the email so she didn’t have to talk about the claim or investigation in class, and she never brought the issue up herself in class after she returned to work. If a student brought it up, she just responded by saying it was fully investigated and the school wouldn’t let her back to work if they thought she was a danger, and if they or their parents had concerns they should contact PHS administration.

The next day Macke sent an email to all PHS staff, stating, “I was falsely accused of something and, since organizations outside the school were part of the investigative process, it took a long time for those accusations to be summarily dismissed” and thanking them for their support. Macke does not recall sending that email. She was then sent a memo from AAPS HR stating, “you are not to have any contact with the student, you are not to have conversations about the student or situation with staff or other students, you are not to send any more written communications to students or staff.”

The Principal told us that when Macke said she wanted to send an email to parents about her return, he explicitly told her not to send anything, yet she sent emails to parents of her students and PHS staff anyway. He said he wanted to reprimand her but was told by administration he could not. He then later told us that the statement to Macke about no contact or discussion about the subject with PHS staff wasn’t a directive, but just a suggestion. And he later e-mailed Macke telling her she did nothing wrong in sending the email to staff.

\textit{iv. Reported Following and Asking About Makayla.}

The Letter claims the AAPD “\textit{told Principal Lowder that he should have a safety plan in place for Ms. Kelsey before Michele Macke returned.”} (p. 6.) It goes on to say, “\textit{on several occasions, Ms. Macke has inappropriately followed Ms. Kelsey and inappropriately inquired into her whereabouts. When she knew that Ms. Kelsey was visiting her BSU advisors, Ms. Macke came into the administrative wing to make Ms. Kelsey aware that she was nearby and watching her,”} and “\textit{one student also recalled that... Ms. Macke would repeatedly ask all of the Black students: ‘You know Makayla, where is she?’}” (p. 9.)
Charmelle, Makalya, and various of their advocates, met and spoke with the Principal and AAPS administration on a few occasions after Macke returned to the school, discussing ways to support Makayla and setting up her safety plan. As far as the Principal is concerned, after Makayla came back, Macke did what she was supposed to do, he knows nothing about her seeking out Makayla.

Macke told us she was instructed to not have any contact with Makayla and says she never looked for Makayla or asked where she was. One day she and another math teacher went down to the administration wing, where she often was for work reasons, during their planning period to help stuff envelopes. This is near where BSU students hung out during the day (discussed below), but she didn’t see Makayla down there. Will Copeland said Macke was a “trigger” for BSU members and she knew it, so she would show up near where she knew they were, but he could not give any specific instances. No BSU alum we interviewed said Macke asked them where Makayla was or saw her following Makayla or hanging around the BSU offices. We were unable to ask Makayla about this.

v.  Reported Actions By Other Teachers

The Letter says, “[a]fter the arm-grabbing incident, Ms. Kelsey was transferred into another teacher’s geometry class. When Ms. Kelsey first arrived, the teacher made her explain publicly why she was there, then she pulled Ms. Kelsey into the hallway and summoned Ms. Macke from her classroom next door to further discuss the situation in front of Ms. Kelsey. As a result, Ms. Kelsey was later transferred in to a third math teacher’s geometry class” (p. 9). It further states, “Ms. Kelsey told us that her third math teacher also retaliated against her by suddenly changing her PowerSchool grade from an A+ to an E,” (p. 10), and this person “is very supportive of Michele Macke. He tried to recruit other teachers to join him in speaking against the BSU at the AAPS School Board meeting. He also protested the BSU assemblies by refusing to bring his class to participate.” (p. 10, n. 4.)

We could not discuss any of this with Makayla.

23 Per the AAPD, school safety plans are typical after there has been a claim of physical contact by a teacher.
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is teacher said she had a bad experience in the past where a student took a test to Will Copeland who she then believes gave it to another student to help them cheat.

Although not in the Letter, Charmelle e-mailed the Principal that this second math teacher “scowled at Makayla so hard….” Makayla’s boyfriend said there were times he was walking with Makayla and the new math teacher stared at her; Makayla said “Hi”, and the teacher closed her door and didn’t respond. The teacher denied this and said if this happened, it was unintentional.

There is no indication that the independent study teacher rallied support for Macke or did not bring his classes to BSU assemblies, which he denied.25

24 When learning went online, this teacher had to get geometry lessons that had already been prepared, as he did not have his own.

25 The independent study teacher was quoted in a February 14, 2020 Pioneer Optimist (school paper) article about staffing challenges in the Math Department. The article said that challenges to
Charmelle also e-mailed the Principal stating that another teacher said in class, “Macke is a good friend of mine and I will defend her because there is no way that she would do what the student accused her of.” That teacher told us she did not say anything about the incident in front of other students or in class because she doesn’t know the facts.

Charmelle also said in that email that another of Makayla’s teachers “spent almost the entire class talking about the Macke incident and about how wrong Makayla was for ‘lying’.” Makayla’s boyfriend said Makayla told him this teacher said to her in the classroom something like “this is wrong, you shouldn’t be doing this, Macke has been a big support to the school”.

### vi. The Petition

In early February 2020, posts were made on social media discussing the alleged incident, and saying Makayla would speak at the next AAPS BOE meeting and BSU would push for Macke to be suspended “until a full conclusion is reached in the investigation.” Posts asked people to come to the meeting to support Makayla and that there would be a petition circulated to remove Macke. Around this same time, Macke formally requested an investigation by AAPS into the Copelands because she believed they were behind the posts and petition, and were harassing her.

On February 17, 2020, as the Letter states, “BSU members posted a petition online asking the Administration to remove Ms. Macke from Pioneer”, which received “over 500 signatures of support and over 100 comments, most detailing other instances of racism, abuse, or misconduct by Macke.” The letter states that after the petition was circulated, “[o]ne student remembers asking for help during a test, and instead of providing help, Ms. Macke said ‘I heard there was this petition going around and you signed it.’” (p. 8.)

the department due to retirements “were enhanced with a three-week absence of teacher Michele Macke, which spanned over semester final exams due to an investigation over a student complaint.” The article quoted the independent study teacher as saying, “right at the end of the semester when her expertise was needed most, [Macke] was not allowed and not permitted to be accessible for her students. Students are feeling the brunt of Macke’s absence.” It also quoted a student who said when many of them got the email from Macke that she was returning they “were in tears” they were so “overjoyed”, “she holds not only the Math Department together but Pioneer as a whole.” Charmelle complained to AAPS about this article, and administration responded that it was not improper, it only stated facts and did not refer to specifics about the claimed incident.

26 Many misstatements were made in some of the posts, such as that the police investigation had not yet concluded, and that all PHS administration did for Makayla upon Macke’s return was to tell her to avoid the math department.
Because this student was not identified, we could not speak with them. Macke denied asking her students who signed the petition, or treating students differently based on whether they signed the petition. She also said that after the petition was circulated, she had a conversation with a BSU member who told Macke she personally didn’t want to circulate the petition, but the Copelands asked her to do it. One student from a Macke class that year told us that Macke did not ask the whole class whether any of them had signed a petition, but a Black student, whose name she could not recall, went to Macke for help, and Macke asked the student whether she had signed the petition and whether she wanted a new teacher. The student we interviewed said the student who was asked this said no, but was clearly uncomfortable.

vii. BOE Meeting

On February 18, 2020, a teacher sent PHS staff an email that said the next day Macke “will have to sit through an AAPS board meeting while staff members attempt to tarnish her image through lies and hate, join me to call this nonsense out. A coordinated campaign has been carried out through closed doors to discredit us. You could find yourself the next victim of a smear campaign.” The teacher signed up to speak at the meeting but Macke told him not to because the issue was between her and the student, so he did not speak. Ebene told the Principal that she was offended, and felt threatened by, this email. The teacher wanted to meet about this, but Ebene declined. The Principal then sent an email to all PHS staff saying emails to all staff, or online petitions, are not appropriate or constructive. Will Copeland called the email a “KKK manifesto rallying call” in support of Macke, after which BSU students were targeted by teachers.

The BOE meeting was held on February 19, 2020. An alum told us that before this time, the claimed incident was discussed at BSU meetings and it was decided that members of BSU should speak at the BOE meeting on Makayla’s behalf. The BSU President at the time wrote the remarks, which members took turns reading portions of, but Makayla herself did not speak. The speakers to the BOE said that after returning from a field trip, a student went to Macke’s room to get a copy of an assignment handed out when she was gone, the teacher wouldn’t give it to her so the student decided to take it from the teacher’s desk; the teacher chased after the student as she left the room and grabbed the student on the shoulder pulling her backwards; and the teacher said she was going to tell the principal the student attacked her. The speakers also said a school paper article made the teacher sound popular, which caused the student discomfort. They said this was just one of many “degrading” situations Black students at PHS experience, and just one of the situations with this teacher. They concluded that Black students do not feel safe with Macke on staff and discussed the petition to have her removed from her position.

5. Macke and Other Students.

The Letter contains a number of other statements regarding supposedly racist actions Macke took towards other students.

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27 The speakers repeatedly referred to Macke by name and were repeatedly told not to do that.
28 This is different than the prior statements that Macke grabbed Makayla by the wrist, and this implies it was in the hallway rather than in the classroom.
a. Statements Regarding Bus Stop and Hallway

The Letter mentions two incidents relayed by [REDACTED], a Black PHS 2020 graduate. It says, “in 2016... [she] and her friends were waiting for the bus. Ms. Macke approached them, said they were loitering, then threatened to get someone to ‘make them leave’, even as the students attempted to explain why they were there. When [REDACTED] told her friends that they should just leave so they did not have to deal with Ms. Macke anymore, Ms. Macke said, among other insults, ‘You don’t listen in class, your teachers say you are failing... [You are] a hooligan waiting to be a delinquent in life...You’re going to be a loser in life.” (p. 4.) The Letter also says that in her freshman year, [REDACTED] “was rushing down the Math Department hallway to class when Ms. Macke grabbed her jacket, yanked [REDACTED] towards her, and refused for several moments to release [REDACTED] clothing. When [REDACTED] asked Ms. Macke to release her so she could get to class, Ms. Macke said, ‘You’re not going to learn anything anyways because look at how you look. You look terrible. You look unsuccessful. This is the attire of a criminal.’” (p. 5.)

Macke denied telling a group of students at the bus stop they were failing or calling them hooligans. She also said this could not have happened as reported because most students only have six class hours and leave at 2:30, but she teaches a seventh hour which ends at 3:30. According to Macke, when that class lets out, almost all students are gone and there isn’t even school bus service.

b. Dress Code Enforcement

The Letter says, “in December of 2019, [REDACTED], a Black senior, came to school one day wearing a Christmas hat to celebrate the festive season, as many students did...[H]e saw Ms. Macke was standing outside of her classroom, also wearing a holiday hat. She then told him to take off his hat, which confused and offended him because several white students had walked past Ms. Macke’s classroom without incident. But as the ‘only Black student’ who walked past her, he was singled out.” (p. 4.)

[REDACTED] (who was in the 2019-2020 school year, and possibly still is, we do not know, Makayla’s boyfriend), told us he walked past Macke’s class wearing a Santa hat, and Macke herself was wearing an elf hat. Macke stopped him and told him to take off his hat because it violated the dress code; he pointed out that others were wearing hats and she just repeated that you can’t wear hats in school. He said Macke then said hello to at least six other students wearing hats who were White, or Black students who were “in the White crowd.” But [REDACTED] also said Macke was a strict enforcer of the dress code, not just against Black students, as he saw her tell Black and White students to take off hoodies, hats, or do rags.
Macke does not remember asking ___ to remove a Christmas hat, but said she would have if she saw him wearing one because it would have been a violation of the dress code, she always tells students to take off any and all hats. She admits she enforces the no hat, no “short shorts”, and no “obscene shirts” rules more than other staff members, but denied treating White students and students of color differently when it comes to the dress code. She said she heard a Black student tell a community assistant she was racist because she told him to remove his hat, the community assistant’s response was that Macke isn’t racist because she treats all students the same when it comes to the dress code, enforcing it against everyone.

The Letter also states that ‘_____, a Black 2020 graduate, recalls being approached by Ms. Macke for a purported dress code infraction....Ms. Macke stopped her in the hallway to say, ‘Sweetie, you’re going to have to change your outfit’. ______ asked what she should do but before she could finish, Ms. Macke said, “Let’s get a second opinion”, then grabbed ______’ arm without her consent and led her to the administrative office.” (p. 5.)

____ agreed to be interviewed, but then did not show up for her scheduled interviews. Macke said she has taken female students to the office for dress code violations but does not do this more for one demographic group than others. She does not remember telling any student what the Letter states was said, and wouldn’t use the term “sweetie”. One student we interviewed said they saw Macke tell a White female she was not dressed appropriately, another reported seeing her cite a biracial female student for a dress code violation, and another reported her telling both a White and Black student, both wearing crop tops, that they should not be wearing them or to put on a jacket.

c. Transfer Students

The Letter says an unnamed Black student transferred into Macke’s class and “[i]n front of the entire class, Ms. Macke asked, ‘Why did you switch into my class, what happened in your other class?’ ....When the student approached her to request the work that would be missed during an upcoming planned absence, Ms. Macke said, ‘you will fail my class if you leave.’ The student says that Ms. Macke treats her white students differently; if they leave for a couple days or even a couple of weeks, Ms. Macke will help them get caught up with ‘no problem’, and she does not insult them by saying that they will fail.” (p. 4.)

Because the Initiative would not identify this individual, we could not interview them. Macke denies ever asking a transfer student why they switched to her class, many students transfer into her classes, she doesn’t want or need to know why, she just wants to help them. If a student is absent, she puts the missed work in a folder in the main office so friends or family members can sign for it and take it to the student, or emails it to the parent(s)/guardian(s), which she believes is the policy for providing make-up work. AAPS does not appear to have a written policy for how to provide make-up work.

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29 However, an alumna said during the investigation that Macke would not give her the missed homework or assignments for the student’s boyfriend. Makayla’s boyfriend said he went to the math office one day to get an assignment for Makayla and Macke looked aggrivated or was rolling her eyes, but gave him the homework.

30 AAPS does not appear to have a written policy for how to provide make-up work.
my class if you leave,” she tells them the opposite, that she will do everything to help them learn, including working with them during lunch and after school, or posting things online, and as a result, almost nobody fails her class. She adamantly denies treating White and Black students differently or giving White students more help than Blacks.

The Letter also states a “Black student said she transferred from Pioneer to another school last summer because she was bullied by Michele Macke for the entire 2018-2019 school year. When the student’s grade first dropped, Ms. Macke began to publicly discuss her grades....In May, 2019, the student was hospitalized for a few days and asked the BSU Faculty advisors,...to contact her teachers for her missing assignments. When the student later approached Ms. Macke to ask why she had not responded to the Copelands, Ms. Macke said that she did not ‘have to respond to them’ because she did not ‘owe them anything’ and she did not ‘have to give them any of [the student’s] work’. Ms. Macke also refused to give the student her missing assignments until her parents got involved....[T]here was a meeting with the student, her parent, the principals, [sic] and Ms. Macke. When the student bravely outlined all the issues she had faced during the school year, Ms. Macke denied everything. After the meeting, the student and her parents were told that an official reprimand had been filed and Ms. Macke would have to undergo cultural sensitivity training before being allowed to return for the 2019-2020 school year.” (p. 8.)

This student was not identified to us by the Initiative so we could not speak with her. However, it appears to be a student identified to us by a PHS administrator, who said this student claimed Macke made comments to her about missing class too often for BSU activities. A meeting was held with the Principal, Macke, the student and her father. The father said he felt Macke attacked his daughter and made her feel inadequate due to her race. Macke responded that his daughter missed too many classes, it just so happened it was for BSU activities. Per the Principal, the father seemed to accept that; he never heard anything more from the family; and he does not think Macke acted improperly. He did not require Macke to undergo cultural sensitivity training. Macke said at the end of the 2018-19 school year, she was called to a meeting where a parent said she was disrespecting the BSU because she didn’t give the Copelands his daughter’s homework after she missed class, and the parent said he was asked by the Copelands to file a formal complaint against Macke due to racism. Macke explained that she didn’t give the homework to the Copelands because the policy for make-up work was to put it in the office, or give it to the student the next day, or email it to the parents, and she had both put it in the office and emailed it to the parents. To her knowledge, no complaint against her was filed based on this incident.

6. **Additional Statements About Macke Made During Investigation.**

In the course of our investigation, persons made the following statements about Macke that were not contained in the Letter, but which we investigated to the extent possible:

- A BSU alum said Macke stated in a bullying seminar that she often thought of the “f” word (derogatory term for gay male) and “n” word “but kept it to herself.” Macke said she helped lead this seminar and said, as an example of not saying something you are thinking, that she “often thought the ‘f’ word, but didn’t say it”, referring to the common swear word known as the “f-word.” She denies ever mentioning the “n” word or referring to a derogatory term for a gay male.
- This same alum said that a Middle Eastern BSU member (who declined to be interviewed) was asked by White males, during Macke’s class, to sing “the Isis national anthem”, but when the student told Macke this, Macke did not do anything about it. Macke denied being told about this and said that if she had seen it or been told about it, she would have sent the male students to the office and ensured they were disciplined. E-mails from the student involved suggest this, or something like it, occurred in a different teacher’s class, and that teacher immediately reported the male students to PHS administration.

- Will Copeland said at a BSU meeting at the start of the 2019-20 school year, a BSU member said Macke was mean and doesn’t like Black students. Will said he asked the attendees who had problems with Macke and “about 80” students raised their hands. However, he could not give us any specifics on what the students said Macke did to make them feel that way. He also said Macke told many BSU members that BSU didn’t want them to succeed, and that they would fail. And he said Macke called the Middle East student discussed above by her Americanized name, even after the student specifically told Macke she did not want to be called that anymore, and he said Macke would have accommodated the student’s request if she hadn’t been a member of BSU. Macke told us the student did not change her name until the year after she had been a student in Macke’s class, and at no time did the student tell Macke not to use her prior name. As discussed above, we contacted the student but she declined to be interviewed.

- Ben Murphy-Smith said he was told that that in the early 2000s, a Black parent of a student who presented as White attended Parents’ Night, and shortly after that Macke asked the student to transfer out of her class, implying he was not smart enough. He also said Macke started kicking Black students out of her class but did not give us any names of specific students. Macke vehemently denied this, stating she never asks students to transfer out of her class, even if they are doing poorly, she believes they are more likely to succeed in her class, where she will make every effort for them to succeed, than in someone else’s class.

7. Conclusion

Taking all information gathered above into account, our investigation:

- does not corroborate the claim that PHS “consistently side[s] with Macke” when a complaint is made about her and “enable[d] a harmful campaign” by Macke. According to the interviewees, which included the entire PHS administrative team and many member of AAPS administration, the majority of the statements in the Letter, other than Makayla’s report that she was grabbed by Macke, were new to them; the interviewees had not heard virtually any of the other statements before, and as far as they knew, Macke was well respected by students, parents, and staff; nor is there anything in Macke’s personnel file indicating any other complaints against her.

- does not corroborate the claim that Macke “regularly excused” white students from class for school activities “without question” but would always ask BSU members leaving class for meetings “why they were leaving and if they were skipping class.”

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does not corroborate the claim that Macke did not take her class to the February 2020 BSU Assembly, all students we spoke to that were in her class at that time said she sent them to the assembly, although contrary things have been said about whether Macke stayed with them at the assembly. No interviewee said they heard Macke say negative things about the BSU assemblies, although one former student mentioned a specific negative comment by Macke about BSU and its actions being unimportant. No interviewee told us that their teacher protested by not taking their class to the assembly or identified any teacher who did that.

corroborates the claim that Macke asked Makayla “does your Mom have a plan for your life” “Does your Mom work?” “What does she do for a living?” “Does your Mom just drop you off and continue with her life,” or questions of similar effect. However, our investigation also revealed that Macke asks these kinds of questions to students of all races, and she herself has acknowledged that she tries to get to know her students.

corroborates the claim that Macke asked one of her classes in 2019-2020 if anyone felt they were being bullied. No interviewee saw Macke stare at Makayla while she asked the question (or even confirmed that Makayla was in the classroom when the question was asked).

corroborates the claim that Macke asked at least one student if they had signed the petition to have her fired.

does not corroborate the claim that Macke told a student that they were “too smart to be hanging out with ‘scummy’ friends”, while looking at Makayla.

does not corroborate the claim that Macke showed Makayla’s grades to her 2019-2020 math class, or made the reported statement to the class about Makayla failing all of her classes. Macke has shown some students’ grades to the class, and/or discussed student performance in front of classmates, but has done this for students of all races. She has since undergone FERPA training.

does not corroborate the claim that Macke was “undeterred” and sent out an email to staff about her return to the classroom after she was told not to. While Macke sent an email to staff upon her return, that e-mail did not specifically mention Makayla. The Principal and Macke conflict as to whether she was told an e-mail from her to parents of her students was allowed. Macke was not given HR’s written notification that she should not communicate with anyone on the issue until after she sent her email to staff.

does not corroborate the claim that Macke “followed” Makayla and “asked about her whereabouts” or “when she knew Makayla was visiting her BSU advisors, Macke came into the administrative wing to make Ms. Kelsey aware that she was nearby and watching her.”
does not corroborate the claim that Makayla’s first replacement math teacher made Makayla explain publicly why she was there. It does corroborate the statement that the teacher, Macke and Makayla discussed the transfer in the hallway, although there is no indication anything improper was said by the teachers at that time. Nor does it corroborate the claim that this discussion was the reason Makayla was later transferred into a third teacher’s geometry class. Rather, the third teacher was specifically requested by Charmelle and the Copelands and arranged for by PHS as a specially designed independent study.

does not corroborate the claim that the third math teacher changed Makayla’s grade “from an A+ to an E,” “protested the BSU assemblies by refusing to bring his class”, and “tried to recruit other teachers to join him in speaking against the BSU.” Nor does it corroborate the actions Charmelle reported in an email were taken against Makayla by two other teachers.

neither corroborates nor refutes the claim that Macke grabbed Makayla’s wrist in December 2019. There are conflicting reports on whether this happened with or without other students present, or in the hallway or in the classroom. We were unable to speak with Makayla about this claim. It is flatly denied by Macke, and while no interviewee claimed to have specifically seen Macke grab Makayla, some heard some sort of interaction between them in the hallway, or between Macke and an unidentified student in the classroom, or a Black female they could not identify grabbed by the wrist. No outside agency that investigated the claim pursued it. We cannot conclude one way or the other if this happened as Makayla claims, if nothing happened as Macke claims, or if something in-between happened, and if so, what that was. However, even if we assume the contact occurred as Makayla said, nothing in our investigation supports a claim that the contact was based on Makayla’s race. Notably, neither Makayla nor her advocates told the AAPD they thought the grabbing was racially motivated. Nor does it appear that the incident in question, assuming for the sake of argument that it occurred, interfered with Makayla’s education, or, when viewed objectively, created an intimidating, hostile or offensive educational environment.

refutes the claim that Macke “grabbed [redacted] jacket” and “yanked” [redacted] towards her making statements about [redacted] clothing while [redacted] was running in the hallway.

does not corroborate the claim that Macke told [redacted] and a group of friends while they were waiting for the bus that they were “loitering” and calling them, among other things, “a hooligan waiting to be a delinquent in life.”

does not corroborate the claims that Macke enforces the dress code against Black students more often than against others. [redacted] believes Macke told him to take off his holiday hat because of his race but also said he has seen her enforce the dress code against students of all races. Other students also said
that Macke has enforced the dress code against students of all races. And there was nothing to corroborate the statement in the Letter by [redacted] that she was taken by Macke to the office for a dress code violation.

- does not corroborate the statement that Macke asked a student “why did you switch into my class, what happened in your other class?” No one we interviewed heard such a statement be made, and Macke denies ever saying anything of the sort.

- does not corroborate the claim that Macke improperly refused to give a student’s make-up work to the Copelands. While on one occasion Macke did not give a student’s make-up assignments to the Copelands, she made the make-up assignments available to the student in other ways, including emailing it to the student’s parents, and there is no requirement that a teacher give make-up work to a staff member at a student’s request. And while there was one claim that Macke refused to give make-up work to a student requesting it for her boyfriend, there is no indication that resistance was tied to either the student’s race or BSU membership.

- does not corroborate the claim that Macke “retaliated against” Makayla. After Makayla reported the alleged grabbing incident to AAPS, there is no indication that she suffered an adverse school-related action. To the contrary, after she made her report, [redacted]

- does not corroborate the claim that Macke created a “hostile environment” for Makayla. Those actions in the Letter that the investigation confirmed happened do not appear to be based on Makayla’s race. Macke asked students of all races about their home life, and showed the grades of students of all races. Macke’s question in class about whether anyone thought she was bullying them, asking a student if she signed the petition, and sending the emails to parents and staff, are not actions directed at Makayla, nor is there is any indication they were taken because of Makayla’s race. We did not uncover facts that support the claim that Macke followed Makayla, or that any such “following” was based on Makayla’s race.

- does not corroborate a claim that AAPS was deliberately indifferent to whether Macke retaliated against Makayla or whether Macke created a hostile environment for her. To the contrary, AAPS suspended Macke after Makayla made her report due to pending investigations, [redacted]
met and spoke with Makayla, Charmelle, and their advocates many times on the subject of Makayla’s needs and comfort.

- does not support a finding that BSU students routinely were subjected to unwelcome racial conduct or communication by Macke, that was intended to or did in fact substantially interfere with their education, or created an intimidating, hostile or offensive educational environment.

- does not support a finding that Macke engaged in conduct that would warrant her dismissal under Rule 4820.R.01 subsection 5.1.3, which requires use of progressive discipline, except in circumstances that warrant more severe discipline or termination of employment. In all the years she has been at PHS, there were no formal complaints against Macke (other than Makayla’s), and very few informal complaints, one of which was easily resolved (the foot on the chair) or found to be without merit (the claim about the Copelands not being given a student’s homework). We saw no records indicating that Macke has ever been found to have refused or failed to comply with policies or procedures, nor did we see any disciplinary actions that have been taken against her. Whether she violated FERPA is in question. Even if she had, this would not be a continued failure to comply with policies and procedures that would warrant a termination without first utilizing progressive discipline under 4820.R.01 and, as discussed above, the FERPA issue previously has been addressed through retraining. The same thing is true of the alleged grabbing, even if it had occurred, which has not been established. Given Macke’s record of performance as a whole, it appears likely that a termination based upon a single uncorroborated incident would be found to be arbitrary and capricious, and therefore not supported by the TTA or AAPS Policy.

D. Many of the Claims Were Refuted or Not Corroborated and Those That Were Corroborated Do Not Meet The Legal Standard for a Racially Hostile Environment for Black Students at Pioneer.

The Letter says “Pioneer is a Racially Hostile Environment for Many Black Students.” (p. 10.)

It should be noted here that many PHS staff members expressed their belief that in recent years, Black students have accused PHS teachers of racism when the teacher told them to turn in their homework, attend class, take out ear buds, or the like. One called this a pervasive problem, others said it is done routinely or casually. A counselor said when students complain that a teacher is racist, and she asks for details, the student would say the teacher told them to come to class or do their homework, she tells them this isn’t racist. Parents have made similar complaints and she has responded similarly. A teacher said students nonchalantly say that certain PHS teachers are racist, but when he asks for more details, the students can’t give them. Another said students of color make “off the cuff” allegations of racism when they are unhappy with a teacher. For example, he took a point off of a Black student’s homework because it was turned in late, per his established policy, and the student called him racist. Another teacher said they will not call out a BSU member for missing class for fear of being called racist. The Principal pointed out broad claims in the media
that PHS discriminates, or has racist teachers, or has a history of discrimination, but (until now and the claims against Macke) nobody ever pointed out any act or teacher in particular. It was suggested by many of the interviewees that this has become more of a problem since Will Copeland joined the staff. A PHS administrator said many teachers thought the Copelands, and now Will, were and are creating a divide within the school, and the teachers are concerned they, like Macke, could be publicly accused of racism. Will Copeland believes this viewpoint to be propaganda promoted by the administration to avoid the fact that the BSU students may have a point. Nor does he believe there are any false claims of racism, and said that when a student alleges racism or improper treatment, it is usually about the same few teachers, naming Macke and other members of the math department.

1. **Discipline**

   The Letter states, *Black students tell us that they receive harsher punishments than their White peers for doing the exact same thing.*" (p. 10.) And it states, *“Black students remain among the students who are most often suspended at AAPS.”* (p. 10, n. 5.)

   **a. Statistics and Efforts to Address Disparate Discipline.**

   For at least the last decade, AAPS has kept records of the percentage of high school students, by race, with at least one suspension during each school year and presents that data in Student Conduct reports to the BOE. The last one available to us was presented in May 2019 (pre-pandemic). It states that during the 2017-18 school year, the percentage of students with at least one suspension during the school year were – 8.4% Black, 1.9% White, 10.4% special ed, 8.8% economically disadvantaged. This 8.4% number is less than most of the prior year statistics for the percentages of Black students with at least one suspension, but more than the 2016-17 number of 7.3%:

   
   2010-11: 14%  
   2011-12: 12%  
   2012-13: 10%  
   2013-14: 9%  
   2014-15: 8.7%  
   2015-16: 9.3%  
   2016-17: 7.3%  
   2017-18: 8.4%

   Though remaining disproportionate, Black suspension rates reduced by approximately half between 2010-2011 and 2016-2017. AAPS data on the percentages of the total suspensions given at PHS to students of different races shows:

<table>
<thead>
<tr>
<th>School Year</th>
<th>Suspensions</th>
<th>Suspensions by Race</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016/17</td>
<td>92</td>
<td>54% Black; 17% White; 13% Multi; 9% Hispanic; 5% Asian</td>
</tr>
<tr>
<td>2017/18</td>
<td>74</td>
<td>46% Black; 28% White; 14% Multi; 7% Hispanic; 3% Asian</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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<td>--------</td>
<td>--------</td>
<td>---------------------------------------</td>
</tr>
<tr>
<td>2018/19</td>
<td>75</td>
<td>37% Black; 36% White; 21% Multi; 3% Asian; 3% Hispanic</td>
</tr>
<tr>
<td>2019/20</td>
<td>72</td>
<td>61% Black; 15% Multi; 14% White; 8% Hispanic</td>
</tr>
</tbody>
</table>

This data reflects a clear racial disproportionality in suspensions. In the 2019-2020 school year, PHS’s student body was 52.82% White, 15.25% Black, 13.35% Asian, 9.39% two or more races, and 8.73% Hispanic/Latinx. Yet 61% of the suspensions were given to Black students.

The website Pro Publica indicates that in 2018 in the entire state of Michigan, 18% of all students were Black, 67% were White, 7% were Latinx, and 3% were two or more races. However, 45% of all students suspended were Black, 41% were White, 4% were of two or more races, and 7% were Latinx. An AAPS administrator reports AAPS has been cited by the Department of Education for having a disproportionate number of Black students subject to out-of-school suspensions, but said this is not atypical for a large school district.31

AAPS is aware this is a problem and has made, and is making, efforts to improve the rates of suspension and other forms of discipline. The PHS Principal said its in-school suspension program had a disproportionate number of minority students sent there for such things as speaking in class, or to complete unfinished homework. PHS has since removed the program altogether so teachers do not have the ability to send students out of the classroom for such reasons. Now, if there is a behavior problem, the student is sent to administration.

An AAPS administrator said students of color are disciplined and suspended more in AAPS, like in almost all other school districts. They are always trying to figure out why this is, but the numbers have significantly improved in the last five years. Another administrator said stopping the inequity of discipline is one of the District’s goals – the AAPS trends and numbers are consistent with those seen nationally, and all AAPS high schools have similar numbers. She identified the following additional ways AAPS has tried to improve discipline numbers for Black students: ensure all students have a safe place or teacher they feel comfortable with; scheduling student advisory periods to discuss reducing stress; helping students with organizational skills; and encouraging teachers and administration to stop suspensions for many issues. She believes bias, conscious or not, plays a role in the disciplinary stats, and that some students are held to a different standard than others. AAPS is trying to stop that.

b. **Dress Code Enforcement**

The Letter states, “[t]he students with whom we spoke also believe that the dress code is unequally enforced against Black students. Young Black women have had their body shapes sexualized, have been called strippers, and have had their ripped jeans sealed with duct tape.

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31 Lesser forms of discipline than suspension are not recorded at a District or school level, because day-to-day actions, such as sending a student to an administrator’s office, or giving a warning, are not logged into the school database. Thus, there are no records kept that would indicate whether, as stated in the Letter, Black students are punished for certain conduct that White students are not.
Meanwhile their white peers wear similar clothing without being reprimanded or made to feel ashamed about how their bodies look in, for example, shorts, crop tops and leggings.” (p. 11.) It adds that Smith said “teachers and hall monitors have told some Black students that they must remove ‘threatening’ hoodies or ‘urban’ do rags while their white peers are allowed to wear their clothing in whatever manner they deem appropriate, without consequence.” (p. 11.)

Other than Smith, the Letter does not name the students who made these statements and the Initiative did not identify them to us. And PHS does not keep records of who is written up for what when it comes to the dress code. Of the students and alumni we spoke with, some said they believed the dress code was unevenly enforced, while most staff members told us they enforce it, or at least threaten to write up, all students equally.

At his interview, Smith said that in his experience, all PHS teachers and administrators enforce the rules against hoodies and do rags, and stressed that the “no hoodies” rule is strictly enforced against students of all races for security reasons. At the same time, a teacher said he thought a change in the dress code preventing wearing hoodies with the hoods up was targeting BSU, whose members wore BSU hoodies. An alumna said one Black male PHS administrator strictly enforces the dress code only against Black females or Black males wearing sagging pants. That administrator told us he cites whatever dress code violations he sees, and for years each race has complained that another race is treated better when it comes to the dress code. That same alumna said PHS doesn’t have a dress code for White girls, and Black hall monitors would make comments to Black female students about their outfits but would not say anything to White females wearing the same thing, although she did not provide specific names or examples we could follow up on. [Redacted] said she was told by a teacher to “burn” her BSU clothing. That teacher vehemently denied this. Since students physically returned to school in fall 2021, the Principal has directed that only he can write up a student for dress code violations and he will only do it if it is very egregious.

c. The Annex

The Letter says [Redacted], Class of 2020, “remembers that she and groups of Black students who were studying in the Annex would be kicked out, even though groups of white students loudly socializing nearby were allowed to stay.” (p. 11.)

Because [Redacted] cut her interview short and then did not show up for scheduled follow up sessions, we could not ask her about this statement. [Redacted] Nobody we interviewed said they saw groups of Black students asked to leave the Annex while similarly behaving groups of White students were allowed to stay. A Black alumni we interviewed first said he and his friends would be told to leave the lunchroom or Annex while other students were allowed to stay. He later clarified that he wasn’t sure this was based on race, because some White students were also kicked out of the annex. Still later he confirmed there was no difference in race among the students asked to leave the Annex.

32 Per her records, at PHS [Redacted] was disciplined for: skipping classes; repeated tardiness; loitering for sitting in the cafeteria with headphones on when she should have been in class; and laughing when asked why she wasn’t in class.
d. Followed by Teachers or Hall Monitors

The Letter states PHS alum [redacted] “shared that it was normal for Black students to be constantly followed around at school by teachers and hall monitors, but that this would only happen to a white student if they were an ‘extreme troublemaker.’” (pp. 10-11.)

[redacted] told us he and a friend were followed in the hallway by an unidentified hall monitor, even after they showed a pass. [redacted] said hall monitors policed the Black students more than the White, even though the monitors are almost all Black themselves. Neither identified specific hall monitors or teachers who they believe “constantly followed” Black students. The PHS administrator who supervises the hall monitors believes any student, regardless of race, is more likely to be viewed as a troublemaker if they are often in the hallways during class time. There are no records kept of who is followed in the hallways.

e. Smoking

The letter says [redacted] “told us about an incident where a white student and a Black student were caught smoking the white student’s e-cigarette in the bathroom, yet once they spoke to the principal [sic], the Black student was suspended and the white student was sent back to class.” (p. 11.) It also states an unnamed recent graduate said, “although white and Black students alike smoked during lunch, only the Black students would be given in-school suspensions or called out by teachers for smelling like smoke.” (p. 11.)

[redacted] did not meet with us so we could not ask her about this statement, and the other source was not identified. None of the alums we interviewed had any knowledge of this happening. One alum said Black students would get suspended or otherwise disciplined for coming to class high while White students would not. Another said they sometimes had “off campus days” and the White students would leave with no problem, but hall monitors would try to check Black students for pot use when they came back to school. But here again no specific names or examples were given. A PHS administrator told us all students that are late returning to campus on an “off campus” lunch day are admitted only at one entrance where there is a community assistant trained in how to check for drug or alcohol use. They check all students they suspect of drug or alcohol use regardless of their race.

f. Student Sent Out of Class for Being Disruptive

The Letter states [redacted], “recalls being sent to the principal’s office because he and his friends were talking and ‘being disruptive,’ yet no white students were sent to the office although everyone in the class was talking and on their cell phones.” (p. 11.)

[redacted] said that in a class taught by a substitute teacher, everyone was talking and on their phones, but only he and his friends were sent out of class, with the sub saying they were being wild, roughhousing and playing around. [redacted] admitted they were engaging in playful pushes and shoves. They talked to a PHS administrator about this perceived discrimination, who told them they shouldn’t worry about what other students are doing. That administrator said he told [redacted] that if he and his friends were being a distraction and impacting others, the teacher was justified in removing them from the classroom. The administrator let [redacted] work in his office that day and didn’t write him up for a discipline violation. He said that most times a student, regardless of race,
is asked to leave a classroom they say other students were doing the same thing and were not asked to leave. His response is always that a student should only concern themselves with what they are doing, and note that the action was taken because of their behavior and not because of their race.

g. **Book closed on student’s hand**

The Letter says, “.Site a mixed race 2020 graduate,…finished his math assignment early. quietly read a book…. Suddenly, his teacher closed the book over his hands and held it closed, while unfairly calling him a distraction to his classmates. When he calmly objected to her taking his book, she called the hall monitors for help because it was a so-called ‘potentially violent situation’. On his way to the administrative wing, a Black hall monitor told him this is something ‘as Black people we deal with in the school’....” (p. 11.)

In his interview, ., who was a transfer student, first talked about how much better PHS was for students of color than his prior school (not in AAPS), saying he wished he had gone to PHS all four years. While in the class of a (now retired) teacher, after he finished his work he read a James Baldwin book. The teacher closed the book over his hands and held it there for about two minutes, telling him he was being a distraction. He tried to tell the teacher respectfully that he felt he was being unfairly treated, because lots of students read books in class. The teacher called a hall monitor to take him to the Principal’s office. He said the hall monitor, who was Black, let him go to a study area instead and said “this is just something black students have to face.” stressed that the hall monitor was referring to Black students generally at any school, not just PHS. He went to his counselor and got transferred to another class. He doesn’t think he told the counselor he thought it was a racial issue, just that he had a bad experience with the teacher. But he thinks this was based upon his race because the teacher did not send out a white male student who was regularly openly disrespectful to her. mother said she too thinks this was related to her son being Black, but she doesn’t know for sure because she wasn’t there. We did not interview the retired teacher.

2. **BSU**

The Letter says “students affiliated with the BSU are singled out for mistreatment.” (p. 11.)

a. **BSU Activities and Membership**

The PHS Black Student Union (BSU) presents an assembly for Black History Month, takes field trips, and has a dance/step team. Will Copeland said they also have a mentoring program for elementary and middle school students; read to elementary school students; and tutor. BSU has its own website (a2bsu.org) and is active on social media, as is Will Copeland, who often makes posts openly critical of PHS or staff members under the name “King Cope.” In or before the 2019-2020 school year, BSU students went through officer/steward training to document incidents of alleged racism in PHS that they saw or that others told them about. The students would carry notebooks with them at all times to take statements. A BSU alum said there is also a website where

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33 At one point, his Twitter account was suspended for violating the rules against hateful conduct although it is not clear for what post or statement.
BSU members are encouraged to log issues and claims of racism at PHS. Will Copeland said BSU does not get support from PHS administration, and teachers discriminate against BSU members because BSU is viewed as any enemy for pointing things out.

A PHS administrator said in the 2020-2021 school year, students wanted to join BSU but said the BSU membership link provided by PHS didn’t work. He was told there was a secret BSU link provided by existing BSU members or the advisors to only selected students. A staff member said BSU feels exclusive because students have to apply to become members, and many Black students feel they aren’t welcome because BSU is only for the “cool” kids. Similarly, two staff members said that some students feel they are not welcome in BSU because they are not willing to agree that everyone is discriminating against them, or don’t want to join BSU because they feel it is too divisive. Yet another said she was told by two Black students that those who don’t join BSU are called racist by BSU members and therefore most students feel bullied into joining.

b. BSU Advisors.

For the last few years, until Ebone’s passing in October 2020, BSU was advised by siblings Will and Ebone Copeland. All of the PHS faculty we spoke with about BSU noted that it was the only school group advised by non-teachers, and most thought advisors are required to be teachers. The Principal also said school group advisors are supposed to be faculty members but Ebone, who was at PHS before he arrived, told him she had been running it and he had no faculty member volunteer so he left her in place as the advisor. As of September 2021, nobody had applied to formally be a BSU advisor and BSU hadn’t formally applied to have a club, although it is currently meeting and taking field trips and is being run by Will. The Principal believes Will has formed an LLC for the BSU.

Ebene was a PHS alum, who worked as a PHS Scheduling Secretary. Will is also a PHS graduate. After working as a custodian at Tappan Middle School, he became a Community Assistant (hall monitor) at Ann Arbor Tech. Because he had conflicts with the administration at Tech, the PHS Principal offered him a Community Assistant position at PHS. Will says he is asked by administration, teachers, students, and/or parents, to do a lot more than what a Community Assistant traditionally does, including to: attend meetings; find resources for students; sit in classrooms to “soothe stress levels”; and make home visits to check on certain students. The Principal said he had Will keep data on who was being sent to in-school suspension, which showed a disproportionate number of minority students so PHS did away with the program. Will ran a program at Ann Arbor Tech for minorities, and when he came to PHS, he and his sister combined their two programs and became co-advisors for BSU.

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34 We could not view the area of the website with these claims as we could not get any further than the BSU home page without having to log in as a member.

35 This actually is not a requirement, but a strong suggestion. The AAEA Collective Bargaining Agreement states, “6.151.3. Every reasonable effort should be made to fill supplementary pay positions where professional certification is not required, including coaching positions, with teachers.” BSU advisors are paid.
The Principal said that a BOE Trustee is Will Copeland’s godmother and that whenever he would reprimand either of the Copelands, they would say they needed to contact “their godmother”, or mention that Trustee by name. He would then soon hear from, or be asked questions by, someone at AAPS administration, leading him to believe that certain things he did went right from the Copelands to the Trustee to the highest levels of AAPS. He also noted that BSU campaigned for this Trustee from their school offices, and that before the pandemic the Trustee was in PHS two to three times a week. He also said this Trustee met with him when he was hired and told him PHS would kill his career because the people there would be out to get him as a Black male.

i. Altering Student Records

Many PHS staff or administration noted that either or both of the Copelands changed student attendance records. Teachers noted they would report a BSU member absent when the student missed class but the school database didn’t reflect this. Administration had a tech person look into it, who reported back that Ebene and/or Will had gone into the database and changed the records. Ebene had access to the database because of her job, but the IP address for the computer that actually performed the changes was Will’s. Administration also learned that Ebene changed a BSU student’s parent contact information in the database so the mother would not get updates on her daughter’s attendance. Two administrators said they spoke with the Copelands about this. We were unable to ask Will about this because he had his own counsel present during part of his interview due to a retaliation complaint he has brought against AAPS (discussed below).

ii. Allegations of Cheating or Improperly Assisting Students

An administrator noted that teachers said some BSU students were allowed to take tests in Will Copeland’s office as they were more comfortable there, but this resulted in students who were failing suddenly getting good grades. The teachers suspected Will of helping them with the tests. Another teacher emailed PHS administration stating how long it took her student to complete a quiz in Copeland’s office versus when it was taken somewhere else. One teacher said she had a student who was doing very poorly, who suddenly got 100% on a test. She then overheard two students say Mr. Copeland could get students a test in advance like he did for that student, who he named. This teacher therefore never allows students to take quizzes or tests in Will’s office. At one point, the Principal e-mailed Will saying that students could not take final exams with him or in his office, and going forward all tests taken outside of the classroom must be approved by the Principal or the counseling department.

Another teacher said she had a Black student to whom she gave a failing grade, because the student turned in blank tests. The student’s parent asked for the grade to be changed to an incomplete. The teacher would not do so, as incomplete means the student has an understanding of the subject matter but was not able to complete the class for some reason; the teacher did not believe that was an accurate grade for this student; and recommended summer school. She then overheard Ebene telling the student what to include in an email back to the teacher to be able to get an incomplete, the teacher then got an email from the parent that said exactly this, which made it sound like the teacher wasn’t helping the student, and which was cc’d to PHS and AAPS administrators at the highest levels. E-mails also indicate that at one time, Makayla sent a school presentation to Ebene for review and suggestion before turning it in.
iii. **Flyer**

In early 2021, a flyer (attached as Ex. 3) with pictures of Black Principal Lowder, Black PHS Class Principal Kevin Hudson, and Latinx Class Principal Daniel Hyliard, with the heading “Pioneer High School Faces of White Supremacy”, was distributed to an unknown number of Ann Arbor homes. It states: one of them “has suspended more Black and Latinx kids than any administrator in the district”; that under Lowder PHS faculty has the lowest number of people of color since the 1970s; that under Lowder Black and Latinx kids make up over 75% of the disciplinary referrals and over 70% of suspensions, and that Lowder “lies a lot.” It accuses one of the Class Principals of being “an agent for the police”. It also says two of these men are “extremely apathetic to Black women and girls…a quick look into their personal lives may explain the reasons for this issue.” (Presumably referring to their having White spouses). Administrators from both AAPS and PHS believe Will Copeland was behind this flyer, because he showed it to the camera at a PHS staff Zoom meeting (see screenshot also attached as Ex. 3.) Lowder said a PHS alum told him BSU discussed what would be on these flyers and put them together at secret BSU meetings. He wants to know if school funds were used to print the flyers.

iv. **Retaliation Claims**

The Letter says, “after the School Board meeting and the BSU assemblies, BSU’s faculty advisors were retaliated against. Mr. Copeland was demoted, removed from his office, and made to monitor the halls. Ms. Copeland was moved to a different office that is much smaller than her previous one, and harder for students to access during the school day.”(p. 8.)

Both of the Copelands had offices at PHS. As discussed below, many PHS administrators and staff members noted that the Copelands had BSU members hanging out in their offices throughout the school day. A PHS administrator said both put black paper over their windows so people couldn’t see in. Will said he and Ebene created a special knock for people to get into their offices to let them know the person knocking was a “safe person.” Staff as well as students had to knock. The Principal said because Will was active with the BSU and working with the in-school suspension program, he gave Will the in-school suspension office. After that program was discontinued, he let Will keep the office. The Principal said that prior to his arrival, Ebene had moved into an assistant principal’s office. He wanted to take that area and make an area for the 9th grade dean, advisors, and grade transition officer. The finance secretary’s office was available, so he asked Ebene to move there. After measuring the new office, she claimed it was OK and students starting moving her but in the middle of that, school closed for COVID. In August of 2020, Ebene filed a charge of discrimination with the MDCR and EEOC, claiming she was harassed due to race and “for being involved”, by being asked to move into a smaller, less desirable office. (MDCR # 611782.)

As for Will’s office, AAPS and PHS administration said the President of the paraprofessionals union, who was, like Will, a Community Assistant, asked why Copeland had an office when no other Community Assistants did. Agreeing that Community Assistants are not

***Because Dykema does not represent AAPS in the charges filed by the Copelands, it will not reach a conclusion on the statements in the Letter regarding those claims, but just set forth its factual findings on the subject.***
supposed to have offices, AAPS administration told the Principal in late 2019 to tell Will he could no longer have an office. When the Principal talked to Will about it, the Copelands said if Will did not have an office, it would reduce his stature in the eyes of students, so the Principal allowed him to remain in the office. In early 2020, the Union President told AAPS administration that nothing had changed. The Principal was again told to take away Will’s office. The Principal again waited because BSU was working on the Black History month assembly. Eventually, Will was told to move out of his office, right when COVID hit. In August 2020, Will filed a charge of discrimination with the MDCR and EEOC, claiming he was subjected to a difference in treatment due to his race and in retaliation for his participation in a protected activity. (MDCR # 611783.) The charge claims he was removed from his office without warning after BSU students brought up their discrimination concerns at a school board meeting. It calls the removal of his office a tactic to dismantle the BSU.

v. Relationship with PHS Administration and Staff

Most PHS administrators and staff with whom we spoke had strong feelings about the Copelands. Some said they feel Macke was targeted by the Copelands and if they say anything negative about the Copelands, BSU, or a BSU member, they too will be targeted and be “the next Macke”. Will was accused by one staff member of attacking people’s integrity and threatening their livelihoods. A counselor is concerned with social media postings by the Copelands accusing PHS counselors of racism and telling students not to utilize them -- advice BSU members seemed to take. Another PHS professional said once a student joins BSU, that professional never sees the student again because, he believes, the Copelands tell their members not to see him, calling him racist. A PHS administrator believes the Copelands repeatedly told BSU students that White teachers can’t be trusted, and only they (the Copelands) could be. A teacher said Will often referred in meetings to racism in the halls of Pioneer, as if everyone knows or assumes this is the case. A counselor said when a student’s grade was suffering because she missed many mandatory clinical sessions, the student went to the Copelands, who convinced her the teacher was racist, and they confronted the teacher, bringing her to tears. Another teacher said BSU members avoid teachers that are not “approved of” by the Copelands. Still another said BSU has made the PHS math department targets of many claims. Yet another staff member believes students are encouraged by BSU to make claims of racism as a weapon against teachers. We were told more than a few times that when a teacher holds a BSU member accountable (such as marking them absent or tardy, or giving them a poor grade), the teacher is accused by the student or the Copelands of being racist. The more times this happens, the more it causes a rift between the BSU and the staff. PHS administration noted the receipt of many complaints by staff about the Copelands. Many persons called the Copelands divisive.

37 That is one of the reasons we are speaking generally in this report and, for the most part, not attributing statements to any specific person.

38 It should be noted that at one point, Will sent the Principal a complimentary email about how much he enjoyed working at PHS, appreciated the opportunity, and how much the Principal had helped him. By contrast, in recent years, Will has openly criticized the Principal on social media, and he and/or Ebone regularly forwarded, and Will is still recently forwarding, PHS staff emails from the Principal to a BOE Trustee, criticizing the Principal’s actions or those of others at PHS.
On the other hand, some said the Copelands were good advocates for students of color, but disapproved of the way they conducted such advocacy. One said the Copelands have the best intentions and have gotten a lot of students involved in BSU and given them pride, but they do not collaborate with the rest of the staff. Another said something similar.

And the Copelands were described by a few staff members as trusted advisors to many students, or positive influences on BSU members or the school in general. A teacher said the Copelands made him aware of his own privilege and helped him understand how to better relate to Black students. A PHS professional said Will was a good colleague, who takes students under his wing and is a positive influence at PHS, as was Ebone. This professional said both of the Copelands were supportive champions for Black students and gave them a sense of community and empowerment. The BSU alums all had good things to say about the Copelands, including that the Copelands taught them a lot, were like family, gave them confidence, worked hard for them, encouraged them to stay in school, taught them how to stand up for themselves if they felt disrespected, and made them feel safe.

c. Members Missing Classes.

The Letter says “BSU members were often challenged by their teachers for leaving class for BSU field trips or meetings, even though students participating in the mostly White Cheerleading Team and Orchestra Club were not questioned.” (p. 11.) Similarly, in an interview, a BSU alum said BSU students got pushback for missing class for BSU activities while other students did not. He gave the example of students on the yearbook staff not getting criticized for going around during class to take pictures of students in classrooms.

i. Being In the Copelands’ Offices During Classtime

Thirteen different PHS staff members or administrators noted that, pre-pandemic, some BSU members frequently missed class entirely, arrived late, or left class before it ended, to hang out in or around the Copelands’ offices. Two administrators said during class time there would sometimes be up to 15 or 20 students there. In some cases, the students would give the teachers passes from the Copelands excusing them from class. Or, as discussed above, if the teacher marked the student absent, the records would then be changed in the system to show an excused absence. An administrator said some BSU members would go directly to the Copelands’ offices (first thing in the morning without even stopping in a classroom. In early 2019, a teacher (not Macke) sent PHS administration an email complaining that three students in her class, including , were failing but frequently missed class to go to the Copelands’ offices. Another teacher said that if she asked a BSU member to stay in or come to class, the student would accuse her of racism, so she stopped doing it. Another said he was concerned about a student who was not doing well and often missed class to be with the Copelands, but he didn’t object to this because he was afraid of being called racist. Numerous teachers noted there was no other group whose members missed class as often as BSU. (For example, they said, a band or orchestra student may miss only one class a semester, when preparing for a concert.) The guardian of a BSU member expressed her anger that she was not told that her student was going to Will’s office instead of class, and how shocked she was when she was in the building and saw the number of students there rather than in class, which she felt PHS appeared to accept even though it was, in her opinion, a disservice to the students.
The Principal initially defended the Copelands, telling a teacher who had complained about the absences that some teachers often sent students out of class for minor things because they can’t deal with those students, and these students went to the Copelands where he believed they got tutoring by other students. Complaints by teachers continued to mount, and in January 2020, the Principal sent an email to the Copelands saying, “we can’t pull kids from class for meetings, teachers are reporting BSU kids missed quizzes, labs and tests…, this is causing challenges, especially when the kids are already behind or not doing well….I appreciate what you guys do for our kids, but I can’t condone them missing tests and quizzes.” He also sent an email to AAPS administration stating BSU members weren’t going to class because they want to hang out with the Copelands; they won’t follow reasonable requests unless they come from the Copelands; and a negative culture had developed at PHS. He told the Copelands this could not continue, but that was just before COVID occurred so he did not feel there was a need to follow up.

Now that school is back to in-person, it appears something similar is happening again. In fall 2021, a teacher emailed the Principal that one of her students felt forced to miss her class to attend BSU meetings held during her class period because the student said if she does not attend the meetings, she cannot go on the BSU field trips. The teacher asked why the BSU meetings could not be required to be held after school, like the meetings of other student groups. Similarly, a parent recently sent an email to a teacher asking that her child be excused from class to attend BSU meetings.

Will said he was tired of hearing this narrative, that he and Ebone held, and he holds, BSU members academically accountable and do everything they can to get their members in school and achieving. He said their offices were not a place to just hang out, but a place for members to come and discuss problems at home, or to get support if they were suicidal. A BSU alum said the BSU offices were a safe space where members could relax; another said some members would try to use the Copelands’ offices to skip class, but the Copelands made it clear that members had to go back to class once they finished what they were there to do.

### ii. Field Trips

Likewise, many PHS teachers complained that BSU took many field trips -- much more than other student groups -- but the teachers were not given advance notice of the trips, or notice that their students would be missing class, as is required. The Principal was told by numerous teachers that students were missing classes or tests for BSU field trips that he didn’t know about in advance or had not approved, as is required. Sometimes, on the day of the trip, the Copelands would tell the Principal about it and there would be a mad scramble for permission slips. The Principal said he covered for the Copelands a few times, telling the teachers he knew about the

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39 AAPS Policy AAPS Policies & Regulations 5300.R.01 requires that field trip plans be submitted to building-level administrators for review and approval; the planner must work with administration to determine faculty participation, additional adult supervision necessary, and mode of transportation; after a field trip is approved, the coordinator must prepare permission slips and forward them to the students’ parents/guardians for approval; and signed permission slips must be obtained prior to a student’s participation in a field trip. A document entitled AAPS Field Trip Approval and Timelines states that teachers and parents are to be given 2 weeks advance notice of a planned field trip.
field trip in advance, but forgot to tell the teachers, because he didn’t want the students to miss out on the experiences. One teacher said she often found out after the fact that students were on a BSU field trip, stating that happened at least once every two weeks. E-mails indicate that even now, in the 2021-22 school year, PHS is having a problem with BSU taking field trips without the necessary permission slips and advance notice.

Will Copeland agreed that if a group is planning a field trip, it has to get permission slip forms and a field trip form, get approval from the Principal, and send out a roster to teachers well in advance of what students will be going. He said he used to send rosters to all teachers before BSU field trips but then he started sending them only to the Principal because he believes BSU students who went on field trips were being targeted by teachers, claiming the teachers would hold back work, not give the student make up work, or treat the student differently when they returned to school. He said groups like band, orchestra, and theater take field trips and leave class often but only BSU is given ay pushback. We reviewed records from PHS but it did not indicate excessive field trips for any group, including BSU (possibly because, according to the Principal, the necessary forms were not completed, so the field trips would not be part of the school’s records).

iii. Dance Team

The Letter says BSU alum [redacted] said, “the BSU dance team, with permission, was practicing in a room for the 2018 Pep Rally when a white staff member challenged them and refused to believe that they had permission. From then on, the BSU dance team’s practices were interrupted frequently, and the team was continually removed from and denied practice spaces. To make matters worse, when it came time for the Pep Rally, the mostly white Cheerleading Team was allowed to perform, but the BSU dance team was told there was not enough time to fit them in.” (p. 12.)

Because [redacted] cut her interview short, we could not get more facts about this statement from her. Another BSU alum said the BSU dance team would practice in the yoga room, and White students would be in there as well, but only the BSU team was asked where their adult supervision was. Another alum said the BSU dance team was kicked out of an athletic room but he thought it was because an athletic group needed to use it, not because of discrimination.

The PHS Athletic Director said all groups are required to reserve space in athletic facilities in advance and have an adult present at all times, and she strictly enforces these rules. BSU’s dance teams showed up to use the training room a few times but had not reserved it and did not have the required adult supervision. She told the BSU advisors this was not permitted. However, it kept happening, with coaches finding the BSU team using a training room the coach had already reserved for a team or sporting group. The AD believes Will Copeland was improperly using a key to let the team in. As for the 2018 Homecoming Pep Rally, PHS had to cancel it due to a threat, so nobody performed. She asked the cheerleaders to do their planned performance at halftime of the football game and BSU asked if it could perform then too. The AD denied BSU’s request because there was not enough time for both, she could not lengthen halftime, and cheer was part of the athletic program. She scheduled BSU to perform at another game. BSU initially agreed to that but then later pulled out and didn’t perform at the other game. Some BSU members then accused her of racism. A PHS administrator said the BOE Trustee that was close to the Copelands sent an email
to Dr. Swift about the BSU team not being allowed to dance at the homecoming game. Dr. Swift came to PHS to meet with BSU about it but the BSU President refused to meet with her.

d. Other Claims Regarding BSU

At her interview, a BSU alum accused a PHS administrator of withholding BSU’s funds from the group. The administrator denied that, stating he worked to find ways to get funds so BSU could order T-shirts they wanted but did not have the money for in the BSU account. Numerous emails confirm this version of events. But at this time, Will sent an email to the BOE Trustee with whom he had a relationship discussing this issue and saying that AAPS is racist. Another BSU alum mentioned that Ann Arbor police were brought into the building and were in the BSU area, which BSU members viewed as racial stereotyping. E-mails indicate this was done because many students were hanging around the building after school and administration wanted to give them something positive to do, so AAPD agreed to send in officers who could serve as one-on-one mentors, which was done in the administrative offices area.

3. “Slave Game”.

The Letter states, “[o]ne recent Black graduate told us that his white economics teacher once had the class play an online game where the object was to see who could own the most slaves, an exercise that needlessly distressed the few Black students in the class.” (p. 10.)

Because the Initiative did not identify the source of this statement, we could not interview that person. Everyone we interviewed and asked about this claim could provide only hearsay or repeat rumors.40 No student or former student said they were in a class where this was done. The then-head of the Social Studies department, who had never heard about this before, asked around but said nobody in the department knew anything about it. An economics teacher denied giving this lesson, stating that he and the other economics teachers plan their curriculum together and never came up with such an exercise. A PHS administrator said he heard that a Black teacher (now retired) did something like this years ago. Will Copeland said he heard a teacher created a math game about how much certain slaves could be sold for, but he asked about it at BSU and nobody knew anything about that. A BSU alum said she heard complaints about a game played in AP US History about slaves and slave catchers using the underground railroad route. The AP US History teacher denied this being a part of the curriculum or teaching it. Another alum said he heard it was in an economics class, but he wasn’t in the class. Another had heard about an online game to own the most slaves, done in a history class.

40 The only exception was an alum who said this was done in a class she “thinks” she took, taught by someone she couldn’t name, and involved “the past, wagons and some type of race”, but does not remember anything more or anyone complaining about it or even being upset about it herself.
4. **Cowbell**

The Letter says, “*Another recent Black graduate told us that a Spanish teacher would ring a cowbell at Black students in the hallway, only stopping once repeatedly reprimanded.*” (p. 10.)

Yet again, the source of this statement was not identified. Two alumni interviewed said the teacher rang a cowbell in the ears of Black students, but not White students, who were walking in the halls. One said she told the Principal, who told the teacher to stop but she didn’t, so the Principal took the bell from her; the teacher went and got another one, and then the Principal took that. Will Copeland said he was told the teacher did it to a group of Black students.

The teacher said her classroom is at a key intersection in the school with the hallways often crowded. After a student tripped and fell trying to get into the classroom because it was so crowded outside her door, the teacher started ringing an old fashioned school bell in the hallway during passing time to get students to move along and not congregate. She would also sing things like “moving along, moving along” or “going to class, going to class.” She did this for about six months until a Class Principal asked her to stop (without giving her a reason for his request). She denies ringing the bell only towards one demographic group, or the Principal ever speaking to her about it, or continuing to ring the bell after being told not to. The Principal said he was told a teacher was ringing a cowbell to get students to class but a nearby Class Principal said she did it to all students so he never spoke to her about it. That administrator uses a bullhorn in the hallways during passing time to get students to go to class, near where the teacher with the bell was. He heard that BSU members complained she only rang the bell at Black students, but he did not see that, he saw her ringing it generally towards all students in the hallways when there was only two minutes left until classes would start.

5. **Pictures of BSU Dancers**

The Letter claims, “*A recent Black Pioneer graduate shared that a teacher once took pictures of a BSU dance performance then presented them to her class while criticizing the students’ outfits and dancing.*” (p. 11.)

Although the source of this statement was not identified in the Letter, one BSU alum we interviewed said a certain teacher took pictures of her when she was on the BSU dance team performing at a pep rally and showed them in her classroom, commenting on their outfits and the sexual nature of the dancing, while never commenting on the White cheerleaders twerking, so this alum seems to be the source. She said she and another student went to the Principal but he didn’t do anything about it.
The teacher was effusive in her praise of the BSU assemblies. She said she often takes pictures at school events and then sends some of them to the students involved, whether it is a BSU assembly, concert, play, sporting event, etc., telling them how proud she is of them. She forwarded us an email chain between her and the alumna we spoke with. In response to an email chain to all PHS staff reminding them of the upcoming 2019 Black History Month assembly, after it was over, the teacher responded to all recipients of that email with the photo below (with faces removed to protect anonymity) and saying, “enjoy my favorite picture of these two beautiful young ladies, sharing friendship and happiness together after the show”. The alum (then a student) emailed the teacher saying she thought the picture was unflattering, and the teacher did not ask the student if she could take her picture, or post it online. The teacher apologized, stating she thought everyone at the assembly had done an amazing job, she thought the student looked beautiful, and she had not posted it online but wanted to share the success of the assembly with the rest of the staff. The teacher then asked all PHS staff to delete the link and not show the photo to anyone, at the student’s request. She heard that another teacher has already showed the picture in their class. The teacher does not recall showing pictures of the BSU dance team to her class or saying anything negative about their performance.

6. Mispronouncing Names

The Letter states alumus [redacted], “remembers that one of his teachers always mispronounced his name, although he corrected her each time and there were fewer than 15 students in the class.” (p. 10.)

[redacted] told us a PHS teacher, whose name he couldn’t remember, mispronounced his name for months, which made him feel unimportant. He complained to the Principal and wanted a meeting with the teacher, but the Principal told him to solve it himself. [redacted] said after he talked to the teacher about it, she started trying to say his name correctly. Another alum said some PHS teachers intentionally mispronounced, or made jokes about, some Black students’ names, and two teachers gave him nicknames to avoid pronouncing his name. We interviewed one of these teachers, who did not recall the alum or giving him a nickname, and denied ever deliberately mispronouncing a student’s name. No other student interviewed mentioned hearing a teacher deliberately mispronounce a name.
7. Claims Made Since Letter Was Sent Or Which Arose During Investigation

Nobody contacted the Dykema Pioneer High School Investigation email with any claims regarding PHS, except for one of Makayla’s advocates, who did not provide any new information. Similarly, Dr. Eaddy-Richardson told us she had not received any calls to the AAPS hotline about PHS other than from Makayla’s advocate.

Although not included in the Letter, the following instances of perceived racism at PHS were brought up or learned of in our interviews or through other sources. Many were raised too late in the process to investigate, but we include comments on those that could be, and therefore were, investigated.

- A BSU alumni group sent an email to the District specifically mentioning two individuals other than Macke. It said one AAPS administrator has a “cavalier attitude and arrogance towards students of color and their families”; accused him of “finding and interrogating students, threatening them not to protest at Board meetings”, and demanded termination of the administrator’s employment. The administrator denied this and nobody we interviewed said anything that would support this claim. The email also said a PHS administrator “act[ed] Black”. One alum said a Black student called out this administrator for imitating him in a meeting, which the administrator denied. Ben Murphy-Smith said this administrator “has a reputation for being a racist”, and it appears Murphy-Smith said this was an issue back in 2001-02 when he (Murphy-Smith) was a student there. However, that is not possible, as this administrator was not at AAPS at that time. The administrator denies the claims and said nobody ever told him he was acting inappropriately, and no PHS administrator said they had received complaints to this effect.

- A counselor had a Black parent tell her in the 2017-18 school year that a teacher called his son stupid, which he believed was racially motivated. The teacher did not know that a complaint was made about him, and denied ever calling that, or any other, student stupid.

- A Black parent accused PHS of racism and threatened to sue when her daughter was suspended for possession of drugs or drug paraphernalia, denying her daughter used drugs. The school told her the student was seen on video in a bathroom for 24 minutes, teachers smelled marijuana, and the student admitted to having a marijuana pipe in her backpack. The school vacated her suspension after the Principal met with the student and parent.

- The recent FOIA lawsuit by Charmelle Kelsey against AAPS states that there are no photos of BSU in the most recent PHS yearbook, and suggests this is due to racism. Yet e-mails show that a yearbook staffer reached out to BSU to take photos, Will said he would take care of it, and the yearbook staffer repeatedly followed up with Will, and did not hear back from Will.
- A football player alumni said PHS coaches did not share recruiting opportunities with him, which he thinks may have been due to his race, and said a Black player was upset during a game and the coach rubbed the player’s head like he was a dog, he does not believe the coach would have done that to a White player. He also said a teacher would not give him a reference, which he believes was because he was in BSU. That teacher said she only writes letters of reference when they are warranted and she has declined requests for references for that reason, but denied turning down a request because of BSU membership, stating, to the contrary, she promotes BSU to her students. She then sent us 11 letters of reference she has written for Black students in recent years.

- A BSU alum said many Black students in the Class of 2020 did not get their diplomas in the mail, while some White students did. A PHS administrator said most 2020 graduates picked up their diplomas in a drive through ceremony, the unclaimed diplomas were kept in the office for pickup, and PHS worked very hard to communicate with all 2020 graduates and their families on how to get them their diplomas. The alum also said an unnamed English teacher stood over a Black student who was taking a long time to finish a quiz encouraging him to finish, humiliating the student in front of the class. She said another unnamed teacher told her she and her friends were too loud, accused her of rolling her eyes, and encouraged a Black student to drop his class. Finally, she said the athletic director was racist for firing a Black coach and said an unidentified coach/teacher called Muslims “jihadists”.

- A BSU alum said he and another Black friend got to class late, and the teacher questioned their tardy slip, while other students came in late to that class without their slips being questioned. The teacher said she always checks the time on a late pass regardless of who gives it to her. This alum also said a teacher would tell students who didn’t do their homework that her kids have disabilities and yet still do their homework, which he interpreted as her saying, “Black kids are worse than kids with disabilities”. The teacher denied this. That same alum said that another teacher gave White students more time to finish their work than Black students. That teacher said that she had a policy to not accept late work except in special circumstances, to get the students ready for the future because colleges and bosses do not accept late work. She denied granting exceptions to her rule based on race, rather, exceptions are based on the individual circumstances.

- A BSU alum said counselors spend more time with White students than Black students, but did not give more details.

- A BSU alum said she felt discriminated against at PHS due to race because she felt a teacher looked at Black students differently than whites, and marked Black students absent if they were tardy but did not do that for White students.

- A BSU alum said her brother was transferred into a different math class without PHS consulting with her parents, and was called a delinquent; a teacher called an exchange student from Senegal a “spicy African”; her father spoke with one of her
teachers, and the teacher told her that her father was well-spoken and articulate; and a math teacher asked her why she wanted to go to an HBCU when she was smart. We were unable to speak with the math teacher about this specific claim but in an earlier interview he denied making discriminatory statements.

- A BSU alumni said she was not allowed to graduate in Spring 2020 even though another student (also Black) was in a similar academic situation and was allowed to graduate. The alum we interviewed was told she failed her senior year, and had to go through an online program to graduate in Fall 2020, which she believes was deliberately done to her by a PHS administrator because of her BSU membership. The administrator said this student did not have anything even close to the number of credits she needed to graduate in spring 2020 and forwarded us a text chain where this was explained to the student in detail. This alum also said this same administrator came to a BSU party one night in the school, shut it down, and told them to turn down the music and leave. The administrator denied this. And this alum said her counselor “stopped protecting the BSU” and would do things like “tell her to get up and go to class.”

- Three female students, all BSU members, spent an unknown period of time in a conference room connected to the Principal’s office while waiting to be transferred to Pathways. Pathways was on a trimester system and they had to wait until a new trimester started before changing schools. We spoke with one of the students, who said during this time the three were not required to do any work, had the option to go to class or not go to class, and her guardians were not told by the school about the arrangement. The Principal would check in and ask if they had been to class or done any work, they would tell him yes, even though they hadn’t. Will told her guardians about this. One of the guardians told us she was never told by the school that her student wasn’t going to class and was going to transfer to Pathways. (But she seemed to think her student was sitting in Will’s office the entire time, not the Principal’s.) This family was at PHS as school of choice and the guardian thought if she was an Ann Arbor resident or a U of M professor, she would not have been kept in the dark about the impending transfer. The Principal said these three students refused to go to classes, and were failing. He put them in a meeting room off of his office for about three weeks until they could make the transfer because otherwise they would be walking the halls. They were given assignments and the work they would have gotten had they gone to class, and the hope was that they would do the work, but he thinks they didn’t do anything. He believes their parents or guardians were notified of this arrangement, but isn’t sure. Nobody identified White students with similar situations who were treated differently.\footnote{Will Copeland made many claims, but none were based on personal experience. He said a math teacher told a Black student to stop coming to class and try and take the final to pass the class, but he never heard of the teacher doing this for White students. He said Ebone looked up the grades of another math teacher and found that in recent years, she never gave more than a B+ to a Black student. He said a third math teacher is aggressive with Black girls. According to Copeland, two female BSU members complained about the teacher, causing him to bulge his eyes, get in their}
8. Conclusion

Our investigation:

- corroborates the statement that Black students are suspended at a higher rate than White students at PHS, and also throughout the District, the state, and the country. It also showed that AAPS and PHS are making efforts to decrease the number of Black student suspensions. This finding will not be a surprise to AAPS; it has known of this disparity and is taking steps to address the issue.

- does not corroborate the claim that the dress code is “unequally enforced against Black students.” All evidence regarding this issue is anecdotal, and some Black students who were subjected to dress code enforcement also confirmed that White students had also been subject to enforcement for similar infractions.

face, with an aggressive stance, shake with rage, and told a student that BSU would be the reason she would not graduate. He said that yet another math teacher does not give BSU students time to make up assignments, and says things like “BSU kids are out of control”, “the Copelands let them do whatever they want” and told a student that BSU would cause her to fail. The teacher denied all of this. Will said a fifth math teacher made it clear that if you had a problem with Macke, you had a problem with him. He said another teacher called a BSU member by a nickname (a shortened form of the student’s last name), and although the student asked her to stop, she didn’t until told to by the Principal. The teacher denied ever being spoken to about this. Copeland further stated a (now retired) Social Studies teacher deliberately made a gang sign (pictured below), which can be a trigger for some students; generally spoke of Black students negatively; claimed in a meeting that the school needs to discipline Black students more; and wanted to prohibit hoodies, which is the “symbol and staple” of BSU. The teacher denied all of this and the picture was not provided to us in time to have her review it.
- does not corroborate the claim that Black students “were constantly followed” by teachers or hall monitors. Some Black students share that belief, but the only support for the claim is their belief.

- does not corroborate the claims that Black students are more likely to be written up for smoking or drug use.

- refutes the claim that Black students were asked to leave the Annex when White students were not. A Black student interviewed confirmed that both Black and White students were asked to leave the annex.

- refutes the claim that was sent to the office while White students engaging in similar conduct were not. admitted that he was engaging in horseplay, which is distinguishable from the talking and phone use the other students were allegedly participating in.

- corroborates the statement that a teacher closed a book on hand, and on his way to the admin wing, a Black hall monitor told him this is something “as Black people we deal with in school”, but refutes the suggestion that the monitor meant PHS specifically.

- does not corroborate the claim that “BSU members were often challenged by teachers for leaving class for BSU field trips or meetings, even though students participating in the ‘mostly White’ Cheerleading Team and Orchestra Club were not questioned”. Many teachers were concerned about BSU member absences because the students were often in one of the Copeland’s offices rather than in class, and on some occasions, that student was not doing well in class. Teachers also expressed concern that they were not given advance notice of BSU field trips, resulting in students missing tests or quizzes. Will Copeland agreed that he does not give advance notice of field trips directly to teachers. Nor does the investigation corroborate the claim that that members of cheerleading or orchestra groups are not questioned when they leave class, or that students in these groups miss or leave class as frequently as BSU members.

- does not corroborate the claim that PHS discriminated against the BSU dance team when it was asked to leave practice facilities for not following procedures, and by not having the BSU team perform at Homecoming but instead giving them an alternative performance time option.

- based on all of the above conclusions, our investigation does not corroborate the statement that “students affiliated with the BSU are singled out for mistreatment.”

- does not corroborate the claim that an economics teacher at PHS had the class play a game where the object was to see who could own the most slaves.
- confirmed that a teacher rang a bell at students in the hallway, but does not corroborate the allegation that it was done only towards Black students or that the teacher was repeatedly reprimanded for this.

- confirmed that a teacher took pictures of students at the BSU assembly, but does not corroborate the statement that the teacher presented them to her class while criticizing the students’ outfits and dancing. Rather, the only picture of a BSU member taken by that teacher and shown to others that we are aware of was of the BSU member in street clothing, and the student’s only complaint to the teacher was that she found the picture unflattering.

- confirmed that __________name was mispronounced, but does not support any implication that this was done deliberately.

- for all of these reasons, does not corroborate the claim that, based on the incidents set forth in the Letter or otherwise raised in our investigation that were corroborated, PHS meets the legal standards for a hostile educational environment for Black students. Reviewed objectively, the incidents the facts showed did occur – higher suspension rates for Black students (which is not exclusive to PHS or AAPS); closing a book on a student’s hand; sending Black students out of class when they were pushing and shoving; sending a picture of a Black (and White) student to other teachers with compliments; asking the BSU dance team to leave a room when school policies for reserving the space were not followed; and mispronouncing some names -- do not rise to the level of “unwelcome racial conduct or communication” that was intended to or did in fact substantially interfere with a student’s education, or create an intimidating, hostile or offensive educational environment, or harassment so severe, pervasive and objectively offensive that it deprived students of educational benefits or opportunities. Nor do the facts show that PHS or AAPS had actual knowledge of, and were deliberately indifferent to, unwelcome or offensive conduct or communication.

As discussed in the Executive Summary, this is not to imply that there is no need for improvement. That some students, former students, staff and community members believe that PHS is a racially hostile environment is a significant problem for AAPS which needs to be addressed. And that PHS was unaware of many of these claims until now indicates there is either not a sufficient reporting system in place (discussed below), and/or students are not making claims or attempting to make claims in any way when they genuinely believe racially motivated events have occurred. The investigation also revealed that there is hostility between BSU, or portions of that group, and some PHS staff, with a belief on the part of the BSU that they are being discriminated against and a fear on the part of the staff that they will be accused of racism if they discipline or do not excuse the absence of a BSU member. The divide between these two groups needs to be bridged to improve the overall environment at PHS.
E. PHS Has Made Efforts to Have a Curriculum that is Not “Euro-Centric.”

The Letter asked that in addition to the “general social and cultural atmosphere Black students and student of color face”, the investigators look at “whether Pioneer’s curriculum is Eurocentric, highlighting only European history and culture, or whether it reflects cultures from across the world and is ‘culturally-responsive.’” (p. 13.)

1. Curriculum

The facts show that not just PHS, but all of AAPS, has made an effort to prevent its curriculum from being “Euro-Centric” and include classes that reflect other cultures. The former head of the PHS Social Studies Department said that in the past, all AAPS high schools, including PHS, had a semester of Western Civilization, and then one of non-Western Civilization. The state then required AAPS to stop that program and instead teach “World History.” This was a disappointment, as AAPS liked presenting non-Western viewpoints for a semester, it was the leader on this, but then had to stop and teach World History in 9th grade. She added that the US History curriculum comes from all perspectives and in recent years there has been more of an emphasis on including the history of race relations. Another teacher said there are multiple discussions at the monthly meetings of Social Studies teachers about whether the history curriculum is inclusive. The AAPS Secondary Social Studies coordinator has brought in guest speakers and held seminars on this subject.

An English teacher said AAPS decided a few years ago that in all high schools, freshmen and sophomores would take English 9 and English 10, which results in greater diversity in the classes. 11th grade English can be AP English, American Literature, or African American Humanities. 12th grade English can be AP, World Literature, Western Humanities, or African American Humanities. The English department also regularly talks about diversifying the authors they read so all students see themselves represented. In English 9, students can choose books by non straight-white-male authors, or featuring non straight-white-male characters. And PHS is careful about what books they read in World Literature. The African-American Humanities course has a history and literature component. A PHS administrator told us, and emails confirm, that only eleven students took African-American Humanities one year, and there were even fewer another year, but PHS has nevertheless continued to offer it. PHS also offers an African-American Music and Art class when it has the appropriate teachers available.

An AAPS administrator also said the District’s goal is to make sure students see themselves in the curriculum. It has chosen Sora as the digital library system because it has the most diverse choice of authors. The District Social Studies Curriculum coordinator is rewriting the history curriculum to present different points of view. African American studies programs have been implemented at all of the main high schools. Curriculum Senate is a group of teachers, administrators and curriculum coordinators that review proposed new courses or curriculums, and new history courses from different viewpoints. Another said AAPS is working diligently on culturally responsive teaching, and teaching teams in many subjects are working to balance curriculum, make sure it is representative of different cultures. She admitted the U.S. education
system has been historically mainly Eurocentric, but AAPS is working on finding places where all students can see themselves represented in the curriculum. 42

2. AP Classes and Transfers to Pathways

The lack of diversity in Advanced Placement classes was raised and acknowledged in many of our interviews. AAPS hired Equal Opportunity Schools to increase the number of underrepresented students in AP, IB and other accelerated programs. That program uses a survey to identify student’s GPAs and ethnicities to recommend AP classes. PHS also tries to identify 9th graders from underrepresented populations who show promise and encourage them to take AP and Honors classes. In the last few years, the number of minority and economically disadvantaged students in such classes and programs have increased, but are still relatively low. One alum said PHS counselors discourage black students from taking AP classes, telling the students they are too hard, but the counselors denied this. Another alum said the same but then later said she was not discouraged by her counselor, and took AP classes but only because her parents encouraged her, and she was the only Black student in some of those classes.

Likewise, the racial and socioeconomic makeup of referrals to Pathways, the alternative high school, was raised by some interview subjects. The majority of Pathways students are Black and/or low income. The general perception of Pathways given by many is that it is a dumping ground. Three alums and Makayla’s advocate said they think minority students are referred to

42 In interviews, alumni mentioned certain issues they experienced, which the AAPS should consider when considering curriculum issues. One said a retired English teacher read the word “negro” aloud from a passage in a book the class was reading, and asked Black students to read that passage aloud if they were comfortable doing that. As a Black female it made that student feel uncomfortable to hear a White male say this word. Another teacher had the class read “Huck Finn”, purportedly to see a Black man’s perspective, but the book was written by a White man. That same teacher had the class read “One Flew Over the Cuckoo’s Nest”, which refers to Black men as “dogs”. Another said an English teacher, whose name she could not remember, would make students read books that included the “n” word and when reading out loud in class would require students to say the full word. Another said there was a lesson called “Scramble for Africa,” which required students to strategize which resources they would take from a specific country in Africa. The student questioned the name of the lesson saying this was people’s land, culture, and lives that were taken from them, and residents of that country continue to suffer as a result. The teacher laughed and said that the lesson had its name because France, Britain, and the U.S. scrambled for resources in Africa. The student complained to her Class Principal, but said he told her he didn’t see a problem with it as it was educational. She then went to the Principal, who she said agreed with her but said she didn’t have to play the game if she didn’t want to and it didn’t affect her grade. Another alum said he felt the US History class was hard to be in as a Black student because every important person discussed was White, and there was very little discussion of racism, slavery, and the civil rights movement. Another said a similar thing. A student who took African American Humanities said the class was supposed to have two teachers but one was always switching and it seemed to him that class did not have as many resources as are given to the general Humanities program.
Pathways to get rid of troublemakers, or to not harm PHS graduation rates,\textsuperscript{43} rather than PHS working to help and keep these students. Will Copeland said Pathways has not had a graduate go to college in years, has no access to AP programs, no activities, and going to Pathways is a punishment. He suggested that Pathways graduates everyone even if they aren’t ready for graduation.\textsuperscript{44} However, a parent told us her daughter spent two years at PHS before transferring to Pathways, and went on to an elite private college. She said PHS bent over backwards to help her daughter but at the same time, was lax when it came to discipline and did not hold her daughter accountable for missing classes. Someone at AAPS told her to consider Pathways because PHS could not deal with “complicated Black girls.” It ended up being a good choice. On the one hand, Pathways was 85\% minority and did not have the same resources as PHS. On the other hand, the curriculum was more Afro-Centric, the classes were smaller, there were different strategies and teaching methods, and more diverse teachers. Likewise, an alum said she voluntarily transferred to Pathways after failing at PHS. She felt that at PHS she was allowed to miss class and her teachers did not know her or care about her, not because of her race but because of the size of the school, while at Pathways, the classes were smaller, she got more one-on-one time with her teachers, and she even took an AP class. A counselor said Pathways works for some students.

An AAPS administrator said that as a result of the racial disparity in the makeup of Pathways, changes have been made when it comes to transferring students, especially Black males, there. It is no longer the decision of just the transferring high school, it must now also be the decision of the alternative school to take the student after a review that all possible interventions were attempted at the original high school. In addition, a student can now go back to their original school after a period of time at Pathways if all agree it is appropriate. And the principal said students are not forced to go to the Pathways if they are referred there due to credit deficiencies, but when the referral is made, minority students are more likely to accept that referral than others. He believes that is because some of the other options to make up credits cost money.

3. Conclusion

Our investigation confirmed that AAPS educators recognize that the PHS curriculum may be Eurocentric. It also revealed that some Black students have felt very uncomfortable in class with discussions about, and teaching of, racially sensitive material and language. AAPS has been making efforts to make the PHS curriculum more inclusive and seems committed to continuing to progress in this area. In addition, the investigation confirmed that few Black students take Advanced Placement classes, but AAPS and PHS already are making efforts to improve this as well. Finally, the investigation confirmed that more Black students are transferred to Pathways, which has a negative reputation amongst some, but that reputation may not be deserved.

\textsuperscript{43} This is incorrect -- because Pathways is designated a “program”, by statute the graduation rates of Pathway students are calculated into their home school.

\textsuperscript{44} Will Copeland also said that a student who is at AAPS as School of Choice can be forced to go to Pathways, but if PHS is their home school, the student cannot be forced to go. An AAPS administrator said this is incorrect -- once a student is accepted into AAPS, there is no distinction between those who live in the District and those who are school of choice.
F. Pioneer Has Made Efforts To Increase Staff Members of Color But While Its Administration Consists Entirely of Persons From Underrepresented Groups, Its Faculty is Still Disproportionately White.

The Letter also asked the investigation to look into “whether faculty and staff demographics appropriately represent the racial and cultural identities of the student population.” (p. 13.)

1. Statistics and Attempts to Improve

All of the AAPS and PHS administrators and faculty with whom we discussed this subject agreed that the demographics of the PHS teaching staff do not represent the racial and cultural identities of the student population, yet they are taking many actions to try and correct this. According to AAPS and PHS, this too is a nationwide problem, not unique to them. The AAPS 2020-2021 Staffing Report, the most recent available, states that the racial student makeup in all AAPS schools (there are no separate records for PHS) at that time was: 14% of students were Black; while the teachers at AAPS were 9% Black; with both the state and national averages for Black teachers being 7%. So although not reflective of the student body, AAPS’s statistics for percentage of Black faculty are better than the rest of the state, and better than the national average.45 Also at that time, 24% of paraprofessional educators and other school support staff were Black; 34% of school principals were Black; and 35% of “Building leaders” were Black. Thus, in those areas, the numbers are higher than those of the student body, and persons of color are well represented. An AAPS administrator said PHS faculty diversity is about the same as in other AAPS schools. What is unique about PHS is that its administrative team is entirely diverse.

The steps AAPS has taken to increase the number of Black faculty include:

- the creation of the Grow Your Own Partnership for para-professionals to obtain their teaching license at the cost of a combination of a grant and AAPS’s cost, 18 people have gone through or are going through this unique program,
- working with Michigan Roundtable for Diversity and Inclusion,
- developing a network of key university contacts,
- recruiting from HBCUs,
- networking with university staff to identify minority student teachers,
- working with National Alliance of Black Student Educators,
- involvement in a Teacher of Tomorrow program,
- advertising job openings on social media,
- outreach to AAPS paraprofessors about seeking teaching certification,
- recruiting trips by Black administrators specifically to find minority teacher candidates

45 A parent whose son transferred to AAPS from another district said she was glad he was at PHS because “it had more Black students… and it had more Black teachers…[and] Black people in positions of power and authority” when compared to his prior school, which was not in the AAPS.
An AAPS administrator also said that equity and cultural competency questions are part of the interview process for teachers, and increasing minority staff has been an issue for many years. Another administrator said the problem has compounded in recent years – there have been fewer and fewer minorities going into education, and lately, fewer people of all races going into education, making something that was already hard even harder. And there is such a desire nationwide for diverse teachers it is sometimes hard to convince a candidate to come to snowy Michigan rather than sunny Florida or California.

Will Copeland said students flocked to him and Ebone because of the low number of minority teachers. He believes AAPS should work with consultants on how to hire minorities because, in his opinion, AAPS has done a terrible job in picking Black leaders; stating that not all Black candidates are the same because they are Black, some Blacks act White. He specifically pointed out that both he and the PHS Principal are Black, but act very differently, he said one must look at culture and not just color and hire people with diverse opinions.

2. Conclusion

Conclusion – The investigation confirmed that PHS teaching staff demographics do not reflect the student population. However, the persons in leadership positions at PHS all are diverse or from underrepresented groups. And AAPS has made it a priority to increase the number of Black faculty at all schools.46


We spoke with fourteen different PHS staff or AAPS administrators and almost none knew of a reporting system for complaints of discrimination by students, parents, or employees, and gave different ways they have handled, or would handle, such complaints. We also reviewed AAPS documents and did not find a clear policy for such complaints.47 The Letter emphasized the need for such a system, encouraging AAPS to “create a race discrimination complaint system and encourage students to use it.” (p. 14.)

The Employee Handbook48 provides several ways to report discrimination or harassment, The Equal Employment Opportunity Board Policy states an employee seeking a position who believes they have been discriminated against should report the claim to Human

46 The Clinic sent FOIA requests to the AAPS before sending the Letter. The Letter states that “AAPS was evasive and refused to provide documents we requested in our [FOIA] requests”, and criticizes the District’s response to the request. (p. 12.) Since that time, the Clinic has filed suit against AAPS over another, August 31, 2021, FOIA request by the Initiative. Given that the AAPS responses to a FOIA request from the Initiative is now the subject of litigation, and that AAPS has FOIA counsel, we will not discuss, or reach any sort of conclusion about, the statements in the Letter regarding FOIA.

47 The lack of a formal complaint reporting system also impeded our ability to do a more complete investigation.

48 The most recent version we found was updated in 2019.
Resources/General Counsel. The Anti-Harassment Board Policy urges those who have experienced discrimination, harassment, or retaliation to file a complaint with the Assistant Superintendent or Human Resources/Legal Services or any other District representative with whom they feel comfortable. And the Complaint Procedures Policy directs employees to bring complaints to their supervisor when possible.

The 2021-2022 Rights & Responsibilities document is also unclear. Its Non-Discrimination Policy requires all inquiries be handled by the Superintendent or their designee, but does not state how teachers and staff should report discrimination. And the Prohibited Acts of Discrimination and Harassment Policy states that students can make a complaint through procedures established by the school district, but does not specify what those procedures are.

We have not located or been informed of any policy or procedure for students wishing to file a discrimination or harassment complaint, either in the form of training to school personnel or documents provided to students themselves. The Recommendations section below includes some suggestions about policies and practices that could be implemented to give direction to members of the AAPS community.

IV. RECOMMENDATIONS

A. Complaint and Investigation System and Process

The AAPS should implement a consistent process for reporting and resolving complaints of discrimination, including but not limited to complaints regarding classrooms and school environments alleged to not be diverse, equitable, or inclusive. Specifically, AAPS should establish a districtwide Complaint and Investigation System and Process that empowers everyone in the AAPS community to report such complaints. Notice of this Complaint and Investigation System and Process should be sent to the AAPS community (e.g., the Board of Education, staff, faculty, students, parents, community members, etc.) via several communication channels, including:

- Superintendent email;
- Website home pages for the Board of Education, AAPS, and each school;
- AAPS social media pages;
- Employee Handbook;
- Rights & Responsibilities;
- Postings in each Principal’s office in each school and the AAPS central office.

Training on the Complaint and Investigation System and Process should include not only staff, but also be offered to the Board of Education, students, parents, and others in the AAPS village. The training should include instruction on:

- the AAPS Complaint and Investigation System and Process;
- the duty to promptly investigate and resolve complaints;
- the mechanics of how to make complaints;
- the investigation system and process; and
- any other ways (other than Complaint and Investigation System and Process) to report complaints about the lack of diversity, equity, or inclusion.

**B. Culture, Climate and Community Relations**

As discussed above, our investigation, including a review of Board of Education meeting videos and minutes, showed that some members of the AAPS community do not trust AAPS with regard to diversity, equity, and inclusion, or with transparency. We recommend that AAPS create a districtwide, detailed plan with tangible action items that each school must take to help improve each school’s and the District’s culture, climate, and community relations. To create the plan, AAPS should solicit input from the AAPS community (e.g., the Board of Education, staff, faculty, students, parents, community members, etc.) and educators at other K-12 educational institutions. For example, at the building-level and district-level, AAPS can host community outreach and listening events/opportunities regarding specific subjects such as the Equity Plan, the Complaint and Investigation System and Process, and successes of Pathways. Working together can develop opportunities to build more trust and improve community relations across the AAPS organization. In addition, PHS needs a restorative process.

**C. Equity Plan Implementation**

The Michigan Civil Rights Commission (“Commission”) and the Michigan Department of Civil Rights published a guide for K-12 schools developing equity plans (the “Guide”), which guidelines AAPS should follow. The Guide was published because the Commission found:

> “Michigan’s current education system is not providing all students with an equal opportunity to effectively succeed in life, since the disparities in educational outcomes and student success, known also as equity gaps, are deeply rooted in differences based on race, ethnicity, socioeconomic status, gender, sexual orientation, national origin and primary language, and physical and mental abilities. Major equity gaps in Michigan, as identified in the Commission’s report, include teacher diversity, culturally inclusive curriculum, student achievement due to lack of adequate funding and specialized instruction, absenteeism, varying levels of parental involvement, food insecurity, and quality of educational supplies and qualified teachers.”

(pg. 2).

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The Guide states that although equity plans will vary based on such things as demographics and socioeconomics, the following are integral parts of an equity plan:

1. Vision and Mission Statements – Schools without an equity plan often fall short of producing tangible results; thus, a vision and mission of an equity plan with goals is necessary for reaching measurable outcomes.

2. Goals and Outcomes – Defining clear and attainable goals and outcomes is central to measuring progress of an equity plan. It is needed to align intent with desired impact. An equity plan must also focus on the impact of decisions (even well intended ones) and actions.

3. Terms and Definitions - Stakeholders need to share a common language to minimize misunderstandings to promote meaningful dialogue.

4. Organizational Structure – Infrastructure helps keep schools accountable for making measurable progress towards meeting their goals; such infrastructure includes designating a Director of Equity to oversee and expand equity initiatives; establishing an internal core team of representatives from all sectors of the organization and engaging that team in continuous learning consciousness and culture competency; developing the organization capacity to think systematically in efforts to mitigate biases and unintended outcomes; and creating resources, tools, and strategies to advance equity internally and externally.

The Guide finds, in developing an equity plan, stakeholders must be identified at the beginning of the development process and engaged at every step to ensure there is shared understanding of the communities being served, including their identities, cultures, and experiences. (pg. 3).

We recommend making implementation of an equity plan a priority and that AAPS identify and engage stakeholders as soon as possible. The draft framework we saw lacked important elements, such as measurable goals and outcomes, and limited its focus to instruction. Given the pending implementation of an equity plan for at least three years now, the community may feel as if equity is not a priority, promoting a lack of trust. At the minimum, we recommend the AAPS equity plan adopt the standards set forth in the Guide above. We also recommend AAPS consider including the following in its equity plan:

- Require periodic review of and reporting of progress of the plan to the Board of Education;
- Include specific actions, who is accountable for such actions, and deadlines for evaluation of goals and targets to measure progress; and
- Communicate regularly with the community about the plan and its progress.
D. **Training & Education**

We recommend training and education of faculty, staff, and administrators in several areas, including the following:

- **Reporting complaints of discrimination and/or a lack of diversity, equity, or inclusion.** As discussed above, our investigation revealed that there is no common practice for reporting or recording complaints regarding discrimination, and the lack of diversity, equity or inclusion, at an AAPS school. There are no common practices used to determine when a report would be filed or with whom; having such a uniform practice in place permits identification of serial offenders as well as simplified reporting when issues arise. And teachers and administrators should not discourage people from making complaints.

- **Working and teaching in multi-cultural environments.** There should be additional training for teachers on how to: teach and work with all students in multicultural classrooms; manage issues that may arise between students with different demographics; teach, if at all, educational materials that may be culturally sensitive; and be culturally sensitive regarding legal names, nicknames, and name pronunciation.

- **FERPA and other privacy considerations.** Teachers and staff should receive additional training about maintaining the privacy of student educational records and performance in particular, and the privacy of students and families in general. No matter how well-intentioned the inquiries, and regardless of student’s socio-economic and/or other status, certain questions about family situations can be (or can be perceived as) an invasion of privacy. Teachers and all personnel should be reminded that:

  - records in the Powerschool database cannot be altered for any impermissible reason;
  - student grades or progress cannot be displayed or discussed publicly;
  - violations of law, including FERPA and/or HIPPA and privacy laws, cannot occur.

Other privacy concerns arise from student-teacher interactions that may violate a student’s personal space. Teachers should receive training about how not to ignore boundaries with questions to students and interactions (like rubbing a head, grabbing a hoody, grabbing an arm, taking and displaying or sharing photos of the student without permission, or asking questions about student’s parents).

- **Leadership training.** AAPS leaders, particularly principals, should receive training on how to manage competing interests and groups and prevent erosion of AAPS policies, directives and protocols when friction develops.

- **Discipline.** Where necessary, AAPS leaders, particularly principals, should receive leadership training on, among other things, enforcing attendance policies when it comes to students (note that both parents and an alum mentioned a failure of PHS administration to make students accountable for missing class); and when it comes to staff, how and when to discipline subordinates, including those who do such things as impermissibly change
student educational records, do not follow (or timely follow) AAPS policies or oral directions, publicly display and/or discuss student grades, not follow field trip notice and permission requirements, and/or impermissibly touch a student. The fact that PHS is first and foremost a school must be emphasized. Extracurricular activities are just that – extra-curricular – and it is in the best interests of all students to require classroom attendance, with student organization meetings and activities not taking place during class time.

- **Student organizations.** All student organizations should have at least one advisor who is a teacher, who can act to ensure that the organization’s activities are not interfering with the school’s educational objectives, comply with District and building policies, and also serve as a resource to enhance the pedagogical value of those organizations at the school. In addition, teachers should learn about the nature and activities of each student organization, particularly organizations involving diverse groups. For example, each organization can be assigned a date and time to make a short presentation about the organization and its activities at a faculty meeting.

- **Homework availability.** Document the ways in which homework and make-up work can be made available to students and who can pick it up for the student. For example, if such work is made available online, teachers still can control access to work and require students to check with the assigning teacher before the assigning teacher grants digital access.

Students should also be trained and educated in the following areas:

- **Reporting complaints of discrimination and/or the lack of diversity, equity, or inclusion.** Students should be trained on the AAPS Complaint and Investigation System and Process.

- **Learning in multi-cultural environments.** Students should be taught how to engage and progress in multicultural educational environments, including how to foster engagement with those in other demographic groups.

- **Leadership and self-advocacy.** Students should be taught leadership and self-advocacy skills and encouraged to practice them in school settings. And they should be taught how to have intellectual and courageous discourse about difficult and sensitive subjects.

**E. Policies and Website Updates**

AAPS policies and documents, and websites (including social media) should be updated. For example, the Complaint and Investigation System and Process, once adopted, should be included in the applicable documents, such as Rights & Responsibilities and the Employee Handbook. The Employee Handbook can also cross-reference the Complaint and Investigation System and Process in the following policies:

- Equal Employment Opportunity Board Policy
- Anti-Harassment Board Policy
- Harassment Policy
ATTORNEY CLIENT PRIVILEGED AND CONFIDENTIAL

- Complaint Procedures Policy
- Fair Treatment Policy

Rights & Responsibilities can also cross-reference the Complaint and Investigation System and Process in the following policies.

- Non-Discrimination Policy
- Prohibited Acts of Discrimination and Harassment Policy
- Code of Conduct and Consequences Policy

F. Faculty Diversity

AAPS should continue to develop a plan to identify the most effective ways to recruit, develop, and retain diverse faculty members. For example, AAPS could convene focus groups (including of those of persons knowledgeable about diverse teacher recruitment, development, and retention) to identify additional best practices and concrete measures other than the ones AAPS is undertaking; or establish an advisory panel to determine how to not only increase faculty diversity but also increase the representation of diverse students and staff in AAPS materials, programming, activities, and initiatives.

G. Curriculum and Pathways Transfers

AAPS should continue to develop a curriculum that is not Eurocentric, including possibly working with community members to develop classes or subject matters of specific interest to minority students. PHS should continue to develop methods and tools that will encourage Black students to take AP classes in greater numbers, including coordinating with organizations such as the BSU to encourage participation. Rather than leaving it to individual teacher discretion, AAPS should develop a policy regarding books or other educational sources that include racially sensitive words and whether and how they should be taught and discussed in the classroom, taking into account both the literary and historical need for linguistic accuracy and the impact that antiquated and/or offensive language has upon students in a modern educational environment.

As for transfers to Pathways, AAPS should promote Pathways success stories, to improve its reputation. At the same time, AAPS should continue to examine the circumstances under which transfers to Pathways occur and determine if inappropriate or unnecessary referrals are being made for Black students. Students awaiting transfer to Pathways should not be held out of class, but continue to attend classes and do all necessary work, until the transfer is completed. If students refuse to attend class, that should be addressed through standard disciplinary processes. In addition, parents or guardians should be immediately consulted if a high school believes that a transfer to Pathways is in the best interest of the student. No student should be transferred without advance consultation with the parent(s) and/or guardian(s), and their consent.
INDEX TO EXHIBITS

1. August 24, 2020 letter From University of Michigan Law School Civil Rights Litigation Initiative to AAPS


3. Flyer entitled “Ann Arbor Pioneer High School’s Faces of White Supremacy” and picture of Will Copeland holding it up at an online meeting.