

OUSD Board of Directors
Special Committee to Consider Member Censure
August 22, 2007
Findings & Recommendations

Committee Members:

Noel Gallo, Alice Spearman, and Gregory Hodge, Chairperson

Basis for Inquiry:

OUSD Board Bylaw BB9012

Key Question:

Did Director Chris Dobbins engage in unethical and/or unprofessional conduct with regard to an alleged relationship with an OUSD minor student ("Student")?

INTRODUCTION

On the afternoon of July 16, 2007, Employee 1 informed the Interim General Counsel of allegations of misconduct by OUSD School Board member Christopher Dobbins ("CD"). Specifically, the allegation was that CD had recently engaged in and possibly was continuing to engage in an inappropriate relationship with a minor student ("Student").

The allegations were made to Employee 1 by three adults: an OUSD Tech Services employee who knows Student from her work on the OUSD student website ("Employee 2"); a consultant working as intervention and student engagement specialist (Consultant"); and a student engagement specialist ("Employee 3).

The specific allegations from Employee 2 and Consultant were that on June 6, 2007, Student confided in them that she had the following contacts with CD:

- Personal cell phone calls at times as late as 11:30 p.m. and at the early morning hours
- Personal emails or text messages during school board meetings
- Two dinners alone with CD, which Student referred to as "dates"
- Walking arm-in-arm in public
- Numerous conversations about personal topics, including his love life
- Hugs
- CD told Student he wished she were older and described couples who are dating with considerable age differences
- CD told her she was helping him relive good times he had as a high school student
- A text message from CD that read "Hi baby, I miss you." or words to that effect when he was away in France

- Student accompanied CD to one of his college classes in the evening and when the class let out at approximately 10:00 p.m., he took her to dinner

Employee 2 and Consultant state that they were concerned about Student's heavy investment in a relationship with CD, particularly her discussion of: (a) "why this could work;" (b) that she thought being in a relationship with CD would be "worth the risk;" and (c) that she was willing to "risk everything" to be with him.

Employee 2 and Consultant decided to meet with CD about what the student had relayed to them. On Saturday, June 9th, they met with CD at the Artists Coffee Shop on Park Boulevard in Oakland. When they "informed" CD of Student's feelings for him, Employee 2 and Consultant say CD indicated that was surprised. Employee 2 and Consultant say CD informed them that on Friday, June 8th, he had called Student to congratulate her and that Student had asked him how his girlfriend felt about his phone calls to her (Student) and that being the first time he realized Student was misinterpreting his actions. CD acknowledged later but did not share with Employee 2 and Consultant that he had gone to Student's hotel the night before and taken her to Berkeley Marina etc. CD assured Employee 2 and Consultant that he and Student were just colleagues.

After the meeting with CD, Employee 2 and Consultant debriefed and noted that Student had told them that as early as Wednesday, June 6th, she had initiated a conversation with CD about "what their relationship meant" to him. During that conversation on the 6th, Student stated that CD told her they were just colleagues. Employee 2 and Consultant were concerned that CD's statement of having only had an inkling of Student's feelings the day before was inconsistent with what Student had told them.

At Employee 2 and Consultant's request, CD agreed to: cease all phone calls and not have contact with Student after the June 13th Board meeting; not to tell Student about their meeting; and not to follow through on his original plan to involve Student in any CAL/fraternity events.

A friend of Student ("Friend") asserts that Student confided in her about the relationship with CD. Friend then confided in Employee 3 that she was very concerned about the relationship between Student and CD. Specifically, on June 27th, Employee 3 asserts that Friend told her that after the June 13th Board meeting, Student and CD went to dinner at Jack London Square, held hands and kissed. Employee 3 also asserts that Friend read her inappropriate emails or text messages that Student had forwarded to her about her relationship with CD.

"Friend" made the following allegations, among others:

- Student had sent Friend Instant Messages that CD visited her dormitory room several times and later they parked near Strawberry Canyon late at night and "necked," groped, and gave each other hickies."

- Student had sent Friend Instant Messages indicating that CD picked Student up from a hotel after her (Student's) graduation and on the night of her prom (after the prom) and took her to the Berkeley Marina.

SUMMARY OF INVESTIGATIVE PROCEDURES

Committee members interviewed four witnesses and reviewed previous witness statements, email communications, and text messages. All interviews included admonishments regarding confidentiality and protections against retaliation.

Witnesses Interviewed: Through his attorney, CD declined the committee's request for an interview. As a result, the Committee relied on the statements of the witnesses below and on CD's prior statements to District counsel.

- Student
- Employee #1
- Employee #2
- Employee #3
- Consultant

Documents Reviewed

- Email communications of Student to CD
- Email communications from CD to Student
- Witness statements
- CPS Statement of suspected child abuse, dated 7/19/07
- Board policies and bylaws

ASSESSING CREDIBILITY

Most witnesses interviewed by the Committee appear to be credible to a large degree.

STATEMENT OF CORROBORATED FACTS

Student is a former student of OUSD. CD is a current member of the Governing Board of OUSD. Over the course of several months, CD and Student developed a friendship about which two or more adults and Friend became concerned. On June 8th, CD met Student in the lobby of her hotel in Emeryville at approximately 2:00 a.m. and drove her to the Berkeley Marina. On June 9th, Employee 2 and Consultant met with CD to inform him that Student had romantic feelings for him. CD expressed surprise at this information and agreed to disengage himself from a friendship/personal relationship with Student beginning on June 13, 2007.

On June 13th at approximately _____, CD took Student to dinner before driving her home. On July 5th, at approximately 10:00 p.m., CD visited student in Berkeley. He visited her dormitory room before taking her to Lyons for a meal. Afterward, they sat in his car near Strawberry Canyon. They discussed personal topics including Student's sex life.

On Monday 7/16, Employees 2 and 3 and Consultant met with Employee 1 to inform her that they believed there to be an inappropriate relationship between Student and CD.

FINDINGS

ALLEGATION #1:

Two or more incidents of parking at secluded venues late in the evening or early in the morning with Student and engaging in questionable conduct while there.

FINDING #1: SUSTAINED

CD and Student did park at secluded venues on at least two occasions. Student acknowledges parking at the Berkeley Marina and near Strawberry Canyon with CD on 6/8 and 7/5 respectively. During one of those incidents, CD acknowledged having a conversation with Student about her sex life and about other things of a personal nature, including his relationship with his girlfriend. Student says CD kissed and hugged her while they were in the car parked at the Berkeley Marina. CD acknowledged that on 6/8 and 7/5 that he kissed Student goodbye on the cheek but says they were out of the car. He says he hugged her out of the car rather than when they inside the vehicle on those dates. He also acknowledged that on Thursday 7/5 Student was upset about being taunted by her roommate and that he "held her."

The Committee finds that some form of inappropriate physical contact occurred on the night of 6/8. This finding is based on:

- Student's statement to Employee 2 and Consultant that she was willing to "risk everything to be with him" or words to that effect.
- Student's acknowledgment that she and CD kissed.
- Student's communication to CD dated Saturday 6/9 wherein she writes: "The conversation with you at Chili's got me thinking about us a little bit. And what happened last night, even if it wasn't meant to be, definitely confirmed my feeling. I guess before I wasn't sure what to think about you. I understand you have a girlfriend, and I always questioned myself if I'm doing the right thing by liking someone who is taken... You're different than any guys that I ever [sic]"

been with... and I can say you are everything I look for in a man... You made it clearly [sic] that we can't be together."

- CD's communication to Student dated Monday 6/13 wherein he writes: "Hello my Dearest [Student], (that sounds cheesy, but I mean it) ... I just wish our situations were different. I read your email this morning and I was thinking about it all day. I just have to say again that I have to listen to my head and not my heart... when the opportunity presented itself, I got scared because I am too old to be trying to get at you. In addition, it is unethical to do so. Plus, I have a girlfriend so I should not have been trying stuff in the first place. I have some songs I would like to play for you, but I think it would just get me in further trouble.
- Student's communication to CD dated Tuesday 6/12 wherein she writes "... although 'we' didn't exist for long, I really enjoyed our time together. I don't regret anything and thanks again for being a chapter of [sic] my life... I think songs can better explain things than words can. And how is it going to get you into more trouble if nobody else will find out?"

ALLEGATION #2:

Late night visits to Student at a hotel on the night of her graduation and after her prom.

FINDING #2: SUSTAINED IN PART, DENIED IN PART

CD acknowledged having visited Student at a hotel in Emeryville on Saturday 6/8. Student was staying at the hotel and there was a graduation party there. Student called him to pick her up. CD came to the hotel at approximately 2:00 a.m. CD met Student in the lobby because he thought it was improper to go to her hotel room and he did not want to be seen by other students who he says were at a party in Student's room. CD asserted that after speaking with her for a short time in the lobby, they left the hotel, intending to go to Denny's. There is no evidence that he went to her hotel room.

There is insufficient evidence to corroborate the allegation that CD visited Student at a hotel after her prom on Saturday 5/12.

ALLEGATION #3:

One late night visit to Student at her dormitory.

FINDING #3: SUSTAINED

CD did visit Student at least one time at her dormitory on Thursday 7/5. He entered her room at approximately 10 p.m. At some point, he and Student left the room and went to

Lyons Restaurant in Emeryville and later sat parked in his car near Strawberry Canyon in Berkeley. He returned Student to her dormitory between 12:30-1:00 a.m.

ALLEGATION #4:

Inappropriate communications with Student.

FINDING #4: SUSTAINED

CD sent inappropriate emails or Instant Messages to Student:

- In at least one communication, wherein CD greeted Student by writing “Hi, Baby, I miss you,” or words to that effect. CD acknowledged that this communication was sent to Student while he was in France.
- See communications referred to in Finding #1.
- Student acknowledged to Employee 2 and Consultant that she and CD had one or more telephone calls that began around or lasted after 11:00 p.m.
- In one communication, CD acknowledged that he knew he had sent Student “mixed messages” about his feelings for her but that he really liked being around her.

ALLEGATION #5:

Two or more “dates” with Student.

FINDING #5: SUSTAINED

This finding is based on, among other things, (1) Student’s reference to adults that she trusted that her dinners alone with CD were “dates”; (2) the nature of the outings described the adult witnesses; (3) CD’s comments; and (4) the fact that on some occasions, Student informed certain trusted adults that she and CD walked arm-in-arm.

- [Unknown date] but believed to be prior to 6/6:] CD took Student to dinner at Chilis after she accompanied him to his graduate school class. The class ended at or near 10 p.m. During dinner they discussed personal issues including the fact that he had a girlfriend.
- Wednesday 6/6: Consultant overheard Student speaking to Friend about having dinner with someone and how Student didn’t “want to look like a little girl.” Student confided in Consultant that she was having dinner with CD. She confided the same thing to Employee 2 and told her that the dinner would be their second one. During this dinner, Student and CD discussed her feelings for him and she

asked for clarification of “what their relationship meant.” After dinner, Student sent Consultant a text message saying that she was back from her “date” with CD.

- Saturday 6/9: At approximately 2:00 a.m., CD picked student up from her hotel in Emeryville and drove her to the Berkeley Marina where they discussed their personal lives and looked at the view. Student questioned him about what his girlfriend thought about their friendship and what his intentions were in calling Student numerous times on the phone. They discussed the status of the relationship between them. As indicated in Finding #1, it is likely that some form of inappropriate physical contact occurred on that date.
- Wednesday 6/13: CD confirmed that he took Student to dinner alone at La Pifñata. They discussed personal issues, including the fact that he would get into more trouble by continuing to have contact with her. Student was apologetic about the fact that Employee 2 and Consultant had confronted him about the nature of his relationship with her.
- Thursday 7/4: CD visited Student at her dorm room at 10 p.m., took her to dinner and then parked with her near Strawberry Canyon. They discussed her sexual history and some problems she was having. At some point during the evening, she became upset and he held her. He acknowledged having given her “a couple of kisses on the cheek.” Student says they kissed and hugged while in the car. CD says they did so in parting and that the kisses were on the cheek. He returned her to her dormitory at 12:30 or 1:00 a.m.

RECOMMENDED ACTIONS BY THE COMMITTEE

- That the Board pass a resolution to censure Director Chris Dobbins with the following recommendations:
 - “Censure” Governing Board Member Dobbins in the strongest possible terms for violations of ethical standards incumbent upon a member of this body;
 - Because the Board deems Governing Board Member Dobbins’ unethical, unprofessional and inappropriate conduct to be an unacceptable, damaging and irreparable breach of trust, call upon him to immediately resign as a member of the Governing Board;
 - In the interim, Governing Board Member Dobbins should be removed from all Board committees, appointments and external assignments, if any, effective immediately, until and unless reappointment is made pursuant to Board Bylaws 9130 and 9140; and
 - In the interim, Governing Board Member Dobbins must refrain from any further unethical, inappropriate or unprofessional conduct as a member of the Governing Board.

- In the interim Governing Board Member Dobbins and the Governing Board as a whole shall immediately undergo training on the legal, professional, and ethical standards expected of a Governing Board Member and the importance of upholding such standards without failure

**RESOLUTION
OF THE
GOVERNING BOARD
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT
No. 0708-0023**

Censure of Governing Board Member Christopher Dobbins for Violations of Ethical Standards

WHEREAS, a Governing Board member who violates ethical standards may subject himself, the Board and the District to embarrassment and/or other actions; and

WHEREAS, the Governing Board is committed to promptly investigating and addressing all credible allegations or complaints of unprofessional, inappropriate or unethical behavior on the part of a Governing Board member; and

WHEREAS, the Governing Board seeks to presently and publicly respond to credible allegations that certain actions by Governing Board member Christopher Dobbins violated the high ethical standards required of him as an elected official of the District; and

WHEREAS, the President of the Governing Board on August 17, 2007 appointed a Special Committee on the Possible Censure of a Governing Board Member, with the assistance of the Interim General Counsel, to review the allegations against member Dobbins, to render Findings of Fact and a Recommendation to the Governing Board regarding the Committee's investigation of the allegations; and

WHEREAS, the Governing Board has reviewed and adopted the Findings of Fact and Recommendation of its Special Committee on the Possible Censure of a Governing Board Member, with said Findings of Facts incorporated herein by reference as though fully set forth, to wit, holding that member Dobbins breached the ethical standards of his elected position as a member of the Governing Board by engaging in conduct with a student that is unbecoming of a Governing Board member, that is unprofessional, inappropriate or unethical, and that places him, the Board and the District in a negative light;

NOW, THEREFORE, BE IT RESOLVED that the Governing Board hereby "Censures" Governing Board Member Dobbins in the strongest possible terms for violations of ethical standards incumbent upon a member of this body; and

BE IT FURTHER RESOLVED THAT the Governing Board finds Governing Board Member Dobbins' conduct to be abhorrent, offensive and an abrogation of the high degree of public trust placed in him by the residents of Oakland and his fellow Governing Board members; and

BE IT FURTHER RESOLVED THAT the Governing Board, because it deems Governing Board Member Dobbins' unethical, unprofessional and inappropriate conduct to be an unacceptable, damaging and irreparable breach of trust, calls upon him to immediately resign as a member of the Governing Board; and

BE IT FURTHER RESOLVED THAT in the interim Governing Board Member Dobbins is removed from all Board committees, appointments and external assignments, if any, effective immediately, until and unless reappointment is made pursuant to Board Bylaws 9130 and 9140; and

BE IT FURTHER RESOLVED THAT in the interim Governing Board Member Dobbins shall refrain from any further unethical, inappropriate or unprofessional conduct as a member of the Governing Board; and

BE IT FURTHER RESOLVED THAT in the interim Governing Board Member Dobbins and the Governing Board as a whole shall immediately undergo training on the legal, professional, and ethical standards expected of a Governing Board Member and the importance of upholding such standards without failure.

Passed by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

I hereby certify that the foregoing is a full, true and correct copy of a Resolution adopted, under its Community Relation and Governance Authority, at a Special Meeting of the Governing Board of the Oakland Unified School District held on August 22, 2007.

Edgar Rakestraw, Jr.
Secretary
Governing Board of the Oakland Unified School District

Legislative File

File ID No.: 07-0923
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Enactment No.: _____
Enactment Date: _____
By: _____