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February 14, 2024

**VIA EMAIL**

San Francisco Office  
Office for Civil Rights  
U.S. Department of Education  
50 United Nations Plaza  
Mailbox 1200, Room 1545  
San Francisco, CA 94102  
Email: [ocr.sanfrancisco@ed.gov](mailto:ocr.sanfrancisco@ed.gov)

U.S. Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson Department of Education Bldg  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Fax: 202-453-6012  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

West Contra Costa Unified School District  
1108 Bissell Ave.  
Richmond, CA 94801  
Email: [webmaster@wccusd.net](mailto:webmaster@wccusd.net)

United Teachers of Richmond  
700 Crestview Dr.  
Pinole, CA 94564  
Attn: John Zabala, President  
[president@unitedteachersofrichmond.com](mailto:president@unitedteachersofrichmond.com)

Re: (b)(6); (b)(7)(A); (b)(7)(C) v. West Contra Costa Unified School District & United Teachers of Richmond

I am writing to formally complain about the West Contra Costa Unified School District and The United Teachers of Richmond on behalf of (b)(6); (b)(7)(A); (b)(7)(C) and others similarly situated. The District and Teachers Union have discriminated against students of Jewish descent,

on the basis of their national origin, by failing to respond appropriately to incidents that created a hostile environment for Jewish students and teachers.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d, et seq., and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin in programs and activities receiving financial assistance from the U.S. Department of Education (the Department). The University is a recipient of financial assistance from the Department. Therefore, OCR has jurisdictional authority to investigate this complaint under Title VI.

A violation of Title VI may be found if a recipient has created or is otherwise responsible for a hostile environment due to national origin-based harassment, i.e., harassing conduct (e.g., physical, verbal, or graphic conduct) that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities, or privileges provided by the recipient. A recipient has subjected an individual to discrimination based on national origin if it has effectively caused, encouraged, accepted, tolerated, or failed to correct a hostile environment of which it has notice.

Once a recipient has notice of a racially hostile environment, the recipient has a legal duty to take reasonable steps to eliminate it. OCR evaluates the appropriateness of the responsive action by assessing whether it was reasonable, timely, and effective. What constitutes a reasonable response to harassment will differ depending upon the circumstances; however, in all cases, the recipient must conduct a prompt, thorough, and impartial inquiry designed to reliably determine what occurred. If harassment is found, it should take reasonable, timely, age-appropriate, and effective corrective action, including steps tailored to the specific situation. The response must be designed to stop the harassment, eliminate the hostile environment, and remedy the effects of the harassment on the individual who was harassed. The recipient must also take steps to prevent the harassment from recurring, including disciplining the harasser where appropriate.

### **Parties**

(b)(6); (b)(7)(A); (b)(7)(C)

As you know, following the Hamas terror attack on Israel on October 7, 2023, incidents of antisemitism increased in both the San Francisco and Oakland Unified School Districts. Charges of violation of Title Six, and the allowing of a hostile environment for Jewish students and teachers are being investigated by OCR. With this letter, we respectfully request that you also

commence an investigation of the West Contra Costa Unified School District and the United Teachers of Richmond.

Attached hereto as Exhibit One is a document created by Defendants herein which creates a hostile environment for Jewish teachers and students.

Amongst, the clearly antisemitic assertions in this widely circulated document are:

1. Israel is committing Genocide. (an allegation recently denied by the International Court)
2. West Contra Costa Unified failed to put out such a resolution following October 7, thus only complaining about the death of non-Jewish persons.
3. Accusing Israel, the only Jewish country in the world, of apartheid and ethnic cleansing.
4. Accusing Israel of creating a concentration camp in Gaza prior to October 7, 2023.
5. The document falsely accuses Israel of "harvesting organs of Palestinians" where there is no evidence of such incidents. Sadly, these allegations shadow the ancient blood libel that Jews used the blood of gentile babies to make matzoh for their rituals. This anti-Semitic blood libel has been responsible over the ages for inciting antisemitism, and it has incited antisemitism in the School District
6. While the document indicates that the Unified School District encourages public education, its very document is an antisemitic trope.
7. The Unified School District has no authority to define antisemitism. Indeed, the definition of antisemitism, accepted by the United States Department of State, and thousands of schools and districts throughout the country, the International Holocaust Remembrance Society, includes anti Zionism as an example of anti-antisemitism. See *The Legally Binding Character of The International Holocaust Remembrance Alliance Working Definition of Anti-Semitism*, "As anti-Semitism rates reach historic levels, both in the United States and worldwide, more attention has been paid to methods of counteracting it through law and public policy. The most important legal approach has involved the use of the International Holocaust Remembrance Alliance's (IHRA) 2016 Working Definition of Anti-Semitism (the "IHRA Definition" or the "Definition") to identify incidents that should be considered motivated by Jew-hatred. This global consensus behind the IHRA Definition continues to expand rapidly, with a large volume of adoptions having taken place within the last few years. This process of this adoption has been unique in the history of human rights efforts for the richness and global character of its democratic provenance; the breadth of Jewish communal support; and the Definition's practical usefulness. One of the most frequently mentioned, but rarely explained, claims about the International Holocaust Remembrance Alliance's (IHRA) Working Definition of Anti-Semitism (the International Working Definition or the Definition) is that it is "non-legally binding." Indeed, IHRA itself has stated, from the beginning, that "[o]n 26 May 2016, the Plenary in Bucharest decided to... [a]dopt the ... non-legally binding working definition of antisemitism." And yet they are all wrong, or at least out-of-date, because while it may have been non-legally binding on

the date and in the context in which it was adopted, the IHRA Definition has become legally binding in various respects and in multiple jurisdictions, including the United States, as a result of actions taken by various governmental entities subsequent to the 2016 Bucharest plenary, even if it is not legally-binding in the way that some critics fear. The upshot of this confusion is that institutions routinely act as if the Definition is not applicable to them. The problem is exacerbated by misunderstandings about what it might mean for a definition to be legally binding, domestically or internationally, and whether this could entail infringement on constitutionally-protected expressive rights. The International Working Definition is legally binding to the extent that it has been made binding by appropriate legal authorities. And indeed, it has been made binding, in important if constitutionally-constrained respects, in ways that materially impact countless entities around the world including nearly all colleges and universities in the United States. This fact should be obvious to those who have followed the extraordinary speed with which the Definition has been embraced by governmental and non-governmental entities around the world. And yet it must be explained, because the movement to make IHRA effective, not just educational and symbolic, is the single most important current approach to the resurgence of global and U.S. anti-Semitism.”

The circulation of this antisemitic document has led to a host of antisemitic incidents on campus at the district-

(b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C)

We are uncertain if the Union receives Federal funding and therefore is covered by Title Six. The Union is certainly contributing to the hostile environment at the district.

Even if OCR was to deny that the Union violated Title Six, it is clear that the Union has breached the duty of fair representation which applies to anything that a union does as a representative of the employees. [REDACTED] individual should not be subjected to [REDACTED] [REDACTED] We are contemplating either Unfair labor practice charges against the Union at the NLRB or litigation in Federal Court. Alternatively, we would be happy to participate in mediation in an effort to resolve all issues.

Please respond to this good faith demand within ten days.

Sincerely,

Joel H. Siegal



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

REGION IX  
CALIFORNIA

50 UNITED NATIONS PLAZA  
MAIL BOX 1200, ROOM 1545  
SAN FRANCISCO, CA 94102

July 18, 2024

Dr. Kenneth Chris Hurst  
Superintendent  
West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801

By email only to: [chris.hurst@wccusd.net](mailto:chris.hurst@wccusd.net)

Re: West Contra Costa Unified School District - OCR Case No. 09-24-1326

Response required by: August 2, 2024

Dear Superintendent Hurst:

On February 16, 2024, the U.S. Department of Education (the Department), Office for Civil Rights (OCR), received a complaint against West Contra Costa Unified School District (the District). The complaint, filed by (b)(6); (b)(7)(A); (b)(7)(C) (Complainant), alleged that the District failed to respond effectively to incidents of harassment of Jewish students by other students and parents based on national origin (Jewish shared ancestry) since October 7, 2023. The alleged incidents by other students and parents include (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C)

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d-2000d-7, and its implementing regulations, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin under any program or activity receiving federal financial assistance. As a recipient of federal financial assistance from the Department, the District is subject to Title VI.

OCR will investigate the following issue: whether the District failed to respond in a manner consistent with the requirements of Title VI to alleged harassment of Jewish students by other students and parents based on national origin (Jewish shared ancestry).

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

Please note that OCR's decision to investigate these issues in no way implies that OCR has made a determination with regard to its merits. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient as required by OCR's Case Processing Manual (CPM), (July 18, 2022). Please open this link for additional information about OCR's Complaint Processing Procedures. OCR also would like to make you aware that individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

OCR may close this complaint prior to making formal findings of compliance or non-compliance, provided that the circumstances or information gathered establishes an administrative or other basis for resolution in accordance with the CPM. For example, under Section 201(b) of OCR's CPM, if both parties are interested and if OCR determines that the individual allegations are appropriate for mediation, the parties may voluntarily resolve these complaint allegations through mediation that OCR will facilitate. Note that in such a case OCR does not monitor or enforce the agreement reached between the parties. Please inform OCR if you are interested in resolving this complaint through mediation.

To reach an efficient and timely resolution of this matter, OCR is providing you an opportunity to present the District's response to these allegations and to submit supporting documentation. Please provide the information described in the attached data request by the date indicated at the top of this letter. OCR has determined that the information itemized in the attached data request is necessary to investigate the issue. The regulations implementing Title VI, at 34 C.F.R. §§ 100.6(b) and (c), require that a recipient of federal financial assistance make available to OCR information that may be pertinent to reaching a compliance determination. Pursuant to 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii), of the regulations implementing the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, OCR may review personally identifiable records without regard to considerations of privacy or confidentiality. OCR will take all proper precautions to protect the identity of any individuals named in the documents.

On receipt of this letter notifying the District that OCR has opened an investigation of the above-referenced allegation, **please contact OCR San Francisco at [gemini.mccasland@ed.gov](mailto:gemini.mccasland@ed.gov)** with the name, title, email, and telephone number of the person you designate to be OCR's primary point of contact for the investigation of this complaint.

Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against any individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act (FOIA), it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, OCR will seek to protect, to the extent provided by law, personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

OCR Case Number 09-24-1326

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Your cooperation is appreciated. If you have any questions, please contact our office at 415-486-5536 or [gemini.mccasland@ed.gov](mailto:gemini.mccasland@ed.gov).

Sincerely,

(b)(6); (b)(7)(A); (b)(7)(C)

James Wood  
Team Leader

Enclosures

**Data Request**

OCR Case Number 09-24-1326  
West Contra Costa Unified School District

OCR requests that this information reach our office within **15 days from the date of the attached letter, which is July 18, 2024**. If any of the required items are available to the public on the Internet, you may provide the website address. While OCR prefers electronic submissions, you may send documents by any of the following means:

**SharePoint:** OCR may create an external sharing site through a browser-based portal in which the requested documents and information may be uploaded. Please contact Gemini McCasland to receive online portal information to upload data.

**Email:** gemini.mccasland@ed.gov

**Fax:** (415) 486-5570

**Mail:** U.S. Department of Education  
Office for Civil Rights  
San Francisco Office  
50 UN Plaza, Mail Box 1200, Room 1545  
San Francisco, CA 94102

Please do **not** provide the information via an electronic cloud format such as Google Docs. Because email is not reliably secure, please do not email any document that contains personally identifiable or private information without first encrypting this information. You may upload this information using the SharePoint option described above.

Please do not include Social Security numbers in your responses. If any responsive documents or data contain Social Security numbers, please redact them before sending OCR the information.

**Preservation of requested and relevant data and documents:** OCR may request supplemental data and documents that are relevant to the allegation under investigation. To ensure that OCR can assess the District's compliance with the statutory and regulatory obligations at issue in this investigation, please ensure that District employees preserve the data and documents requested below for the time frame specified in these requests and going forward until OCR closes this case. Please also ensure that District employees preserve other data and documents that are relevant to the allegation(s) under investigation until OCR closes this case. The regulation implementing Title VI, at 34 C.F.R. §§ 100.6(b) and (c), requires that a recipient of federal financial assistance make available to OCR information that may be pertinent to reach a compliance determination.

**RESPONSE DUE: August 2, 2024**

Please provide the following information for academic year 2023-2024, unless otherwise indicated, or indicate in writing if any of the requested items do not exist. **If the District has already provided any of the information in response to a request made in another OCR investigation, please state what information has been provided, the relevant OCR case number, and the date of submission:**

1. The name, job title, address, telephone number, fax number and email address of the District's designated contact person for this complaint.
2. A narrative response to the issue opened for investigation and a copy of any documents or data relied upon in the narrative or supporting the facts stated in the narrative.
3. State whether the allegation(s) has(have) been or is(are) currently under investigation by the District or with another agency or court. If so, please provide the status of any investigation, any related complaint, and any determinations made by the District, the agency, or the court, including interim determinations.
4. A copy of or link to the District's policies and procedures, and a description of its practices, governing the investigation of and response to reports and complaints of discrimination, including harassment, against students and staff on the basis of national origin (including shared ancestry). Please include (a) disciplinary or corrective actions that may be taken to address harassment and other discrimination against students on the basis of national origin (including shared ancestry); and (b) supports and remedies that may be offered to students, employees, and other individuals found to have been discriminated against/harassed on the basis of national origin, including shared ancestry. Please also include the name(s), job title(s), and contact information of the District employees responsible for handling such reports and complaints at the District at each level of the process.
5. An explanation of the means by which the District informs students, parents, and staff of the policies and procedures referred to in Item 4. Please provide copies of all materials disseminated to students, parents, and staff or provide links to the webpages where these materials are posted.
6. Copies and/or descriptions of all formal and informal oral and written reports and complaints of harassment and other discrimination based on national origin, including shared ancestry (e.g. Jewish, Palestinian, Arab, ,and/or Muslim shared ancestry). For each report/complaint/incident, please provide:
  - a. the name(s) and job title(s) of the person(s) to whom the complaint was made, and the date the report/complaint was made;
  - b. the name and relation to the District of the person making the report/complaint (e.g., student, faculty members, parent/guardian, counsel, member of the public);
  - c. a detailed description of the report/complaint, including the name(s) of the alleged target(s) of discrimination/harassment and the alleged discriminators/harassers if not evident from the copy of the report/complaint;
  - d. a detailed description of the grievance procedures or other complaint processing procedures employed to resolve the report/complaint;

- e. the length of the investigation and complaint resolution process;
  - f. the name, national origin, and/or ancestry of each student, employee, or other individual involved in the alleged incident(s) of discrimination/harassment;
  - g. the name(s) and relation to the District of any individual(s) who witnessed the alleged incident(s), including any District students, employees, or others;
  - h. the name(s) and relationship to the District of any witnesses interviewed by the District;
  - i. the name(s) and job title(s) of the individual(s) involved in the response to, investigation of, and resolution of the report/complaint.
  - j. all actions the District has taken in response to the report/complaint/concerns raised, including corrective action taken, disciplinary sanctions imposed, supportive services and remedies offered and/or provided to individuals (e.g., counseling, safety measures); and/or District-wide remedies, and the date(s) of such action(s);
  - k. the final outcome of any investigation of the report/complaint, including copies of any incident/investigative reports, final determination, and any appeals;
  - l. if the District did not investigate any particular report/complaint, the reason(s) for not investigating, and the name(s) and job title(s) of the person(s) who made the decision;
  - m. any notice of the investigative findings provided to the complainant and/or other notice regarding the report/complaint, including notice of any outcomes on appeal; and
  - n. the complete case file for the report/complaint identified, including internal emails or other correspondence, internal and external memoranda, incident/investigative reports, video and audio recordings, witness statements, logs, forms, interview notes, notes regarding remedies provided, hearing transcripts, meeting minutes, and notes generated.
7. State whether the District conducts focus groups, other meetings, or trainings and/or holds informational sessions with students and/or staff regarding students' rights under Title VI, how to report possible violations of Title VI, and/or the District's obligation to respond to Title VI complaints. If so, provide the dates of such events, a description of the attendees, and any materials presented and/or distributed.
  8. A detailed description of any training regarding discrimination, including harassment, based on national origin, including shared ancestry, that the District provided to its staff responsible for responding to such complaints. For each such training provide the date(s) it was delivered, a description of the training, a list of the names and job titles of the individuals who attended the training, and copies of any materials distributed at the training.
  9. The name, job title, address, telephone number, fax number and email address of the District's designated contact person for this complaint.
  10. Any other information the District believes will assist OCR in this investigation.