
Office for Civil Rights Discrimination Complaint Form: Submission #736878

1. Enter information about yourself

First Name:

Last Name:

Address:

City:

State:

Zip Code:

Best Time to Call You: Day

Primary Phone Number:

Alternative Phone Number:

Your Email Address:

2. Who else can we call if we cannot reach you?

Contact's Name: {Empty}

Daytime Phone Number: {Empty}

Relationship to you: {Empty}

3. Who was discriminated against?

Yourself or Someone else Someone else?

If someone other than yourself please include:

Injured Person's Name: Jewish students attending San Francisco Unified

Daytime Phone Number: {Empty}

Evening Phone Number: {Empty}

Relationship to You
(eg. son or daughter) {Empty}

Injured Person's Address: {Empty}

City: San Francisco

State: California

Zip Code: {Empty}

4. What institution discriminated?

Institution Name: San Francisco Unified School District

Address: {Empty}

City: {Empty}

State: California

Zip Code: {Empty}

School or department involved: Several

5. Have you tried to resolve the complaint through the institution's grievance process, due process hearing, or with another agency?

Have you tried to resolve the complaint? No

6. Describe the discrimination

OCR enforces regulations that prohibit discrimination on the basis of race, color, national origin; sex; disability; and/or age.

(You may select more than one.)

On what basis were you discriminated against? national origin

In the space provided below please describe each discriminatory action separately. For each action, you need to provide the following information: An organization that operates at multiple school sites under contract by San Francisco Unified School District actively encouraged students of the district to walk out of classes during school hours, to disrupt school for other students, and to use hate speech at multiple school sites on 10/18/2023 and other dates/times since Oct 7, 2023. The organization, called the Arab Resource and Organizing Center (AROC), encouraged students to use hate speech, including but not limited to the phrase "River to the Sea" during the protests and walkouts from classes that was extremely distressing to Jewish students, and indeed, other members of the community such as myself. To my knowledge, the district has failed to take any meaningful corrective action against this contractor despite its clear violation of district policies, breach of its own contract with the district, and its intentional disruption of educational activities at multiple school sites. Encouraging religiously targeted hate speech on campuses, and threatening activities/statements by other students in public schools strikes me as a clear violation of anti-discrimination laws and the rights of other students, particularly Jewish students, who were forced to experience this school sanctioned hate speech on campus during school hours. An article in the San Francisco Chronicle newspaper can be found here:

<https://www.sfchronicle.com/bayarea/article/sfusd-aroc-walkout-gaza-war-18540167.php>

Do you have written information that you think will help us understand your complaint?

yes or no No

7. Your complaint must be filed within 180 days of the discriminatory action

The laws that we enforce require that complaints be filed with our office within 180 days of the alleged discriminatory event. If any of the alleged discriminatory actions took place more than 180 days before the postmark or receipt date of this complaint, you may request a waiver of the 180-day limit. When did

the last act of discrimination occur?

When did the last act of discrimination occur?

Enter the date: Wed, 10/18/2023 - 00:00

Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred more than 180 days before the filing of this complaint?

Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred more than 180 days before the filing of this complaint?

yes or no No

Reason for not filing complaint before 180 days: {Empty}

8. What would you like the institution to do as a result of your complaint?

What remedy are you seeking? Assuming the facts are confirmed through your investigation, the district should be required to: (1) immediately terminate the contract with the organization in question and sever any ties with it; (2) ban that organization from any district or school related activities or events, including preventing it from coming on campus, etc.; (3) as a corrective measure and to restore faith in the safety of its schools for Jewish students, SFUSD should be required to issue a public, formal apology for the actions of its contractor in this matter that expressly condemns the actions taken by the contractor, the hate speech 'river to the sea' the contractor encouraged, and assure Jewish students that the district in no way agrees with or endorses the views of this organization or the protestors it incited; and, (4) the district should be required to speak in its own voice to condemn calls for violence against Jews using as express examples specifically chants praising the "Intifada" and use of the phrase 'river to the sea' so that students know the district does not agree with the hate speech they've been forced to hear on campus. Finally, OCR's investigation should include a meaningful inquiry into whether any district employees, including teachers, used school resources, equipment, or their positions to encourage the walkout and hate speech by other students... this should include use of subpoenas to collect email, text messages, and instant messages, as well as witness interviews. Both school accounts and personal accounts should be searched as part of this effort. Should it be found that teachers or others employed by the district did encourage these violations of anti-discrimination laws, the employees should be terminated. We cannot allow teachers who use school resources to preach hate inside our schools to continue their jobs. Also, if OCR intends to let the district take the lead on any investigation, OCR must ensure that the district is reviewing employee emails, text messages, IMs, etc. and doing a

proper investigation, as I have no confidence in the district conducting a real investigation as opposed to simply trying to white wash events and conduct a superficial "investigation" in order to move on without truly fixing the harm that has been done or holding those who were involved accountable.

9. Option to Participate in OCR's Early Mediation Process

I am interested in participating in early mediation: No



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

January 12, 2024

Dr. Matt Wayne
Superintendent
San Francisco Unified School District
San Francisco, CA 94102

By email only to: waynem@sfusd.edu

Re: San Francisco Unified School District - OCR Case No. 09-24-1153

Response required by: January 26, 2024

Dear Superintendent Wayne:

On December 8, 2023, the U.S. Department of Education (the Department), Office for Civil Rights (OCR), received a complaint against San Francisco Unified School District (the District). The Complainant alleges that the District discriminated against Jewish students on the basis of national origin (shared Jewish ancestry) when the District failed to respond adequately to incidents of alleged harassment by other students that the Complainant asserts were encouraged by the Arab Resource and Organizing Center (AROC), an organization operating at multiple school sites within the District, during October, November, and December 2023.

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 students by other students and a third-party organization based on national origin (shared Jewish ancestry).

Please note that opening an investigation 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 and addresses the allegation 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.

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

OCR will contact you or your designated representative soon to discuss the allegation and the complaint resolution process. 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 allegations. 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.

Complaints may be resolved in a variety of ways, including through mediation under Section 201(b) of OCR's CPM. Under that provision, 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.

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. 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.

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.

On receipt of this letter, **please contact Blake Mollberg of OCR San Francisco at malissa.mollberg@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. Your cooperation is appreciated. If you have any questions, please contact Blake Mollberg.

Sincerely,

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

Sara Berman
Team Leader

Enclosures

U.S. Department of Education - Office for Civil Rights, San Francisco
Initial Data Request
San Francisco Unified School District
OCR Docket No. 09-24-1153

OCR requests that this information reach our office by **January 26, 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:

- Mail:** U.S. Department of Education, Office for Civil Rights
50 United Nations Plaza
Mailbox 1200; Room 1545
San Francisco, CA 94102
- Email:** Blake Mollberg at malissa.mollberg@ed.gov
- Fax:** (415) 486-5570
- 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 Blake Mollberg at malissa.mollberg@ed.gov to receive online portal information to upload data.

Please do *not* provide the information via an electronic cloud format such as Google Docs. Please also do not include student social security numbers with any submission.

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.

For purposes of this data request and all subsequent data requests, “document” means a piece of written, printed, photographic, electronic, videotaped, audiotaped, or other matter.

Please note that this data request is of an ongoing nature, such that if documents relevant to this request are discovered or become available at a later time, we request that the recipient promptly provide such documents to OCR. OCR also requests that you provide any and all documents that are relevant to OCR’s review of this matter, regardless of whether OCR has specifically requested such documents.

Preservation of requested and relevant data and documents: To ensure that OCR can assess the recipient’s compliance with the statutory and regulatory obligations at issue in this investigation, please ensure that recipient employees preserve the data and documents requested below for the time-frame specified in these requests and going forward until OCR closes this complaint. Please also ensure that recipient employees preserve other data and documents that are relevant to the allegation(s) under investigation until OCR closes this complaint. 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.

Please provide the following information for the 2023-2024 school year:

1. A narrative response to the issue opened for investigation.
2. 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 (shared Jewish ancestry). Please also provide 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.
3. An explanation of the means by which the District informs students, parents, and staff of the policies and procedures referred to in Item. 2. Please provide copies of all materials disseminated to students, parents, and staff or provide links to the webpages where these materials are posted.
4. A copy of the District’s policies and procedures, and/or a description of its practices, governing organizations operating on District property, including school sites. Include (a) the process for approving organizations to operate on District property (b) the name(s), job title(s), and contact information of the District employees responsible for overseeing third-party organizations operating at school sites and (c) the requirements, rules, policies, and/or procedures imposed by the District on third-party organizations operating on District property.
5. Provide a list of all third-party organizations operating on District property and the contact person and contact information for each organization.
6. Provide a list of every school site in the District where the Arab Resource and Organizing Center (AROC) is operating and what services and programs are being offered by AROC at each site.
7. A detailed description of any formal and informal complaints and reports of discrimination, including harassment, based on national origin (shared Jewish ancestry) of students and/or staff in relation to the walkout on October 18, 2023. Please include:
 - a. copies of any complaint(s) or reports received;
 - b. the name(s) and job title(s) of the person(s) to whom the complaint was made or who otherwise became aware of the alleged incident;
 - c. the name and relation to the District of the person making the report/complaint (e.g., student, staff, parent/guardian, counsel, member of the public);
 - d. the date of each complaint(s) or report received;
 - e. a detailed description of each complaint/report, 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 complaint/report;
 - f. a detailed description of the procedures used to resolve the complaint or report;
 - g. the length of the process to resolve the complaint or report (e.g., 62 days);
 - h. the name(s) of any students involved in the alleged incident and their national origin (shared ancestry) if known;

- i. the name(s) and job title(s) of the person(s) responsible for investigating and otherwise resolving the complaint or report;
 - j. the name(s) and relationship to the District of any witnesses interviewed by the District;
 - k. all actions taken by the District in response to the allegations raised by the complaint or report, including any individual and or District-wide corrective actions, and the date(s) of such action(s);
 - l. the District’s final determination, if any, regarding each complaint and report and the date of the determination;
 - m. any notice of the final outcome of the investigation or resolution provided to the reporting party or others with regard to the complaint or report;
 - n. 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; and
 - o. copies of any other documentation related to each complaint or report. including but not limited to, interview or other notes, emails, investigative reports, internal and external memoranda, witness statements, meeting minutes, correspondence, logs, forms, record of supportive measures and/or remedies offered and provided, and hearing transcripts generated by the District offices.
8. For the 2023-2024 school year, a detailed description of all formal and informal complaints and reports of discrimination, including harassment, based on shared ancestry of students at the District. Please include:
 - a. copies of any complaint(s) or reports received;
 - b. the name(s) and job title(s) of the person(s) to whom the complaint was made or who otherwise became aware of the alleged incident;
 - c. the name and relation to the District of the person making the report/complaint (e.g., student, staff, parent/guardian, counsel, member of the public);
 - d. the date of each complaint(s) or report received;
 - e. a detailed description of each complaint/report, 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 complaint/report;
 - f. a detailed description of the procedures employed to resolve the complaint or report;
 - g. the length of the process to resolve the complaint or report (e.g., 62 days);
 - h. the name(s) of any students involved in the alleged incident and their national origin (shared ancestry) if known;
 - i. the name(s) and job title(s) of the person(s) responsible for investigating and otherwise resolving the complaint or report;
 - j. the name(s) and relationship to the District of any witnesses interviewed by the District;
 - k. all actions taken by the District in response to the allegations raised by the complaint or report, including any individual and or District-wide corrective actions, and the date(s) of such action(s);
 - l. the District’s final determination, if any, regarding each complaint and report and the date of the determination;
 - m. any notice of the final outcome of the investigation or resolution provided to the reporting party or others with regard to the complaint or report;

- n. 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; and
 - o. copies of any other documentation related to each complaint or report. including but not limited to, interview or other notes, emails, investigative reports, internal and external memoranda, witness statements, meeting minutes, correspondence, logs, forms, record of supportive measures and/or remedies offered and provided, and hearing transcripts generated by the District offices.
9. A detailed description of any training regarding discrimination, including harassment, based on national origin (shared Jewish ancestry) provided to District and school staff responsible for responding to complaints based on Jewish ancestry. For each such training provide the dates of such training, a description of the training, a description of the training participants, and copies of any materials distributed during the training.
10. To the extent not covered by any request above, copies of any email(s), correspondence, and/or social media post(s) received by the District relating to the October 18, 2023 walkout, as well as any written or electronic notices or correspondence sent from any District administrator regarding antisemitism or hate incidents in or after October 2023.
11. The name, job title, address, telephone number, fax number, and email address of the District contact person for this complaint.
12. Any other information the District believes will assist OCR in its investigation.