

From: (b)(6); (b)(7)(A);
To: OCR; OCR San Francisco; mfsweeney@ucdavis.edu; (b)(6); (b)(7)(A); (b)(7)(C)
Subject: Reported Incident at UC Davis-Title VI violation
Date: Tuesday, October 24, 2023 7:46:59 AM

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Reported Incident at UC Davis

Dear OCR:

I hope this email finds you well. I am writing to express my deep concern regarding the recent incident at the University of California at Davis involving threats and discrimination against Israeli and Jewish students on campus. It has come to my attention that these threats were made following a tragic event involving the loss of lives on October 7, which has raised serious concerns within the community.

I appreciate the university's swift response in initiating an investigation into this matter. However, I believe that it is essential to ensure that such incidents are thoroughly addressed and that the appropriate actions are taken to maintain a safe and inclusive environment for all students.

I kindly request that the university continues its investigation and takes necessary actions to prevent any further incidents of discrimination or threats against students based on nationality, race, or religion. Additionally, I believe it would be valuable for the Office for Civil Rights (OCR) to conduct its own investigation to ensure that all aspects of this case are thoroughly examined and that justice is served.

I trust in the university's commitment to upholding the principles of diversity, inclusivity, and safety, and I look forward to hearing about the steps that will be taken to address this matter.

Thank you for your attention to this serious issue, and I appreciate your efforts to maintain a respectful and safe learning environment for all students.

Sincerely,

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

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The chancellor of UC Davis condemned a controversial online post apparently made by a faculty member, which threatened “zionist journalists” in the days after the attacks in Israel by Hamas.

The post was made Oct. 10 by Jemma Decristo, an assistant professor of American studies and an undergraduate faculty advisor, according to an archived web page of [the UC Davis website](#).

In screenshots of the now-deleted post on X, formerly known as Twitter, Decristo posted under her account @jemmaisOKeh that “zionist journalists who spread propaganda & misinformation” were a group that was easily accessible to the public.

She said in the post that “they have houses w addresses, kids in school,” and “they can fear their bosses, but they should fear us more.” The post ends with a knife emoji, followed by a hatchet emoji and three drops of blood emojis.”

<https://www.latimes.com/california/story/2023-10-21/uc-davis-condemns-post-apparently-by-professor-threatening-zionist-journalists>

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“I find the comments revolting in every way, and I disagree wholeheartedly with them,” May said in the statement. “UC Davis rejects all forms of violence and discrimination, as they are antithetical to the values of our university.”

May said that if a faculty member has violated the school’s code of conduct, he or she will be disciplined after a review of the matter.”



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

December 14, 2023

Gary S. May
Chancellor
University of California Davis
One Shields Avenue
Davis, California 95616

By email only to: chancellor@ucdavis.edu

Re: University of California Davis
OCR Case No. 09-24-2038

Response required by: January 26, 2024

Dear Chancellor May:

On October 24, 2023, the U.S. Department of Education (the Department), Office for Civil Rights (OCR), received a complaint against the University of California Davis (the University). The complaint alleged that the University discriminated against students on the basis of their national origin (shared Jewish ancestry and/or Israeli) by failing to respond adequately to incidents of harassment by other students and a professor in October 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 University is subject to Title VI.

OCR will investigate the following issue: whether the University responded to alleged harassment of students on the basis of their national origin (shared Jewish ancestry and/or Israeli) by other students and employees in a manner consistent with the requirements of Title VI.

Please note that opening this issue for 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 Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

the allegations 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 is committed to resolving complaints as promptly as possible. OCR will contact you or your designated representative soon to discuss the allegations and the complaint resolution process. To reach an efficient and timely resolution of this matter, OCR is providing you an opportunity to present the University'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.

On receipt of this letter notifying the University that OCR has opened an investigation of the above-referenced issue, **please contact OCR San Francisco at Alexis.Turzan@ed.gov and Anne.Busacca-Ryan2@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 University 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 separate 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. Your cooperation is appreciated.

If you have any questions, please contact our office at 415-486-5555 or Alexis.Turzan@ed.gov and Anne.Busacca-Ryan2@ed.gov.

Sincerely,

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

Yohance Edwards
Team Leader

Enclosures

U.S. Department of Education - Office for Civil Rights, San Francisco
Initial Data Request
University of California, Davis
OCR Docket No. 09-24-2038

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:

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 Alexis.Turzan@ed.gov and Anne.Busacca-Ryan2@ed.gov to receive online portal information to upload data.

Email: Alexis.Turzan@ed.gov and Anne.Busacca-Ryan2@ed.gov.

Fax: (415) 486-5570

Mail: U.S. Department of Education, Office for Civil Rights
50 United Nations 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. 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 timeframe 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 reaching a compliance determination.

Please provide the following information for the 2022-2023 and 2023-2024 academic years:

1. A narrative response to the issue opened for investigation.
2. A copy of or link to the University'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, faculty, and staff on the basis of national origin (shared Jewish ancestry and/or Israeli). Please also provide the name(s), job title(s), and contact information of the University's employees responsible for handling such reports and complaints at the University at each level of the process.
3. An explanation of the means by which the University informs students, faculty, and staff of the policies and procedures referred to in Item. 2. Please provide copies of all materials disseminated to students, faculty, and staff or provide links to the webpages where these materials are posted.
4. Copies of the University's policies and procedures, and a description of the University's practices, governing: (a) disciplinary or corrective actions that may be taken to address harassment of and other discrimination against students on the basis of national origin, including shared ancestry; and (b) the provision of supports and remedies to students, employees, and other individuals found to have been discriminated against/harassed on the basis of national origin, including shared ancestry.
5. A detailed description of all formal and informal complaints and reports of discrimination, including harassment, based on national origin (shared Jewish ancestry and/or Israeli) of students at the University. 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 University of the person making the report/complaint (e.g., student, faculty members, 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 (including 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 University of any witnesses interviewed by the University;
 - k. all actions taken by the University in response to the allegations raised by the complaint or report, including any individual and or University -wide corrective actions, and the date(s) of such action(s);
 - l. the University'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; and
 - n. if the University 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 University offices.
6. State whether the University 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 University'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.
 7. A detailed description of any training regarding discrimination, including harassment, based on national origin (shared Jewish ancestry and/or Israeli) provided to University 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.
 8. The name, job title, address, telephone number, fax number, and email address of the University's contact person for this complaint.
 9. Any other information the University believes will assist OCR in its investigation.