



**United States Department of Education
Office for Civil Rights**

DISCRIMINATION COMPLAINT FORM

You do not have to use this form to file a complaint with the U.S. Department of Education's Office for Civil Rights (OCR). You may send OCR a letter or email instead of this form, but the letter or email must include the information in items 1-15 of this form. If you decide to use this form, please type or print all information and use additional pages if more space is needed. An online, fillable version of this form, which can be submitted electronically, can be found at:

<http://www.ed.gov/about/offices/list/ocr/complaintintro.html>

Before completing this form, please read all information contained in the enclosed packet including: Information About OCR's Complaint Resolution Procedures, Notice of Uses of Personal Information and the Consent Form.

If you have questions about civil rights or how to file a complaint, you may contact OCR at 800-421-3481, 800-877-8339 (TTY), OCR@ed.gov, or by calling the enforcement office that serves your state or territory. Contact information for enforcement offices can be found at: <https://ocracas.ed.gov/contact-ocr>.

If you have difficulty understanding English, you may, free of charge, request language assistance services for this Department information by calling 1-800- USA-LEARN (1- 800-872-5327) (TTY: 1-800-877-8339), or email us at: Ed.Language.Assistance@ed.gov. If you are a person with a disability, you may request disability-related assistance by contacting OCR at 800-421-3481, 800-877-8339 (TTY), OCR@ed.gov, or by calling the enforcement office that serves your state or territory. Contact information for enforcement offices can be found at: <https://ocracas.ed.gov/contact-ocr>. To request this document in an alternate format such as Braille or large print please contact the Department at 202-260-0852 or om_eeos@ed.gov.

1. Name of person filing this complaint:

Last Name: Trachman First Name: William Address: 2596 South Lewis Way
City: Lakewood State: CO Zip Code: 80227
Primary number: [REDACTED] Alternate number: _____
Email Address: [REDACTED]

2. Name of person discriminated against (if **other** than person filing). If the person discriminated against is age 18 or older, we will need that person's signature on this complaint form and the consent/release form before we can proceed with this complaint. If the person is a minor, and you do not have the legal authority to file a complaint on the student's behalf, the signature of the child's parent, guardian, or other authorized legal representative is required.

Last Name: _____ First Name: _____ Address: Caucasian business owners/contractors in Denver
City: _____ State: _____ Zip Code: _____
Primary Phone: _____ Alternative Phone: _____
Email Address: _____

3. OCR investigates discrimination complaints against schools, colleges and universities, institutions, and agencies which receive funds or other forms of financial assistance from the U.S. Department of Education and against public educational entities and libraries that are subject to the provisions of Title II of the Americans with Disabilities Act. Please identify the institution or agency that engaged in the alleged discrimination. If we cannot accept your complaint, we will attempt to refer it to the appropriate agency and will notify you of that fact.

Name of Institution: Denver Public School District
Address: 1860 Lincoln Street
City: Denver State: CO Zip Code: 80203
Department/School: District

4. The regulations OCR enforces prohibit discrimination on the basis of race, color, national origin, sex, disability, or age. The regulations also ban retaliation against persons who assert the right to be free from discrimination. Please note the following:

- Discrimination based on race, color, and national origin includes failure to provide meaningful access to English learners and limited English proficient parents and guardians, as well as discrimination based on shared ancestry or ethnic characteristics or based on citizenship in a country with a dominant religion.

Discrimination based on race, color, and national origin also includes discrimination, including harassment, because you and/or another individual are, for example, Jewish, Muslim, Arab, Hindu, or Sikh; or based on other ethnic and religious characteristics. For example, individuals who have been subjected to ethnic slurs (such as antisemitic or anti-Muslim harassment); harassed for how they look, dress, or speak in ways related to their ethnic background (such as skin color, religious attire, or language spoken); or stereotyped based on their perceived ethnic characteristics.

- Discrimination based on sex includes discrimination based on sex stereotypes, pregnancy or related conditions, sexual orientation, and gender identity, as well as rules about parental, family, or marital status that treat people differently based on sex.
- Discrimination based on disability includes discrimination against individuals who have a physical or mental impairment that substantially limits a major life activity, as well as individuals who have a record of or are regarded as having a disability.
- Discrimination based on age does not limit protection against discrimination to a certain age group (e.g., people over 40); however, there are a variety of exceptions to the relevant Federal law that may permit age to be taken into account.
- Retaliation refers to actions taken for the purpose of interfering with any rights under the laws enforced by OCR, or because you made a complaint, testified, or participated in any manner in an OCR proceeding.

Please indicate the basis of your complaint:

Discrimination **based on race (specify)**

DPS publicly acknowledges, and indeed promotes, the fact that its Equitable and Inclusive Contracting Policy includes race as a factor in making school district contracts.

Discrimination **based on color (specify)**

DPS publicly acknowledges, and indeed promotes, the fact that its Equitable and Inclusive Contracting Policy includes skin color as a factor in making school district contracts.

Discrimination **based on national origin (specify)**

Discrimination **based on sex (specify)**

DPS publicly acknowledges, and indeed promotes, the fact that its Equitable and Inclusive Contracting Policy includes sex as a factor in making school district contracts.

Discrimination **based on disability (specify)**

Discrimination **based on age (specify)**

Retaliation because you filed a complaint or otherwise asserted rights under laws enforced by OCR (specify)

Violation of the Boy Scouts of America Equal Access Act (specify)

5. Please describe each alleged discriminatory act. For each action, please include the date(s) the discriminatory act occurred, the name(s) of each person(s) involved and, why you believe the discrimination was because of race, disability, age, sex, etc. Also please provide the names of any person(s) who was present and witnessed the act(s) of discrimination.

DPS admits that it maintains a preference program for "minority and women owned businesses." It describes its policy as "Equitable & Inclusive Contracting." It solicits regular feedback on the program, and regardless of the results, always announces that it can do more to use race. But all of DPS's programs and activities are covered by Title VI, including its contracting. After SFFA, its race preferences clearly violate Title VI. ("Eliminating race discrimination means eliminating all of it.")

6. Do you have documents or written information that you think will help us to understand your complaint?
- No
 Yes

If yes, please describe the documents or written information you have.

Exhibit 1: Equitable and Inclusive Contracting website page

Exhibit 2: Equitable and Inclusive Contracting Policy

Exhibit 3: 2017 MGT Report to increase "MWBES"

If OCR investigates your complaint, we may ask you to provide us the items you describe above.

7. What is the most **recent date** you were discriminated against?

Date: November 7, 2023--ongoing violation

8. If this date is **more than 180 days ago**, you may request a waiver of the filing requirement.

I am requesting a waiver of the 180-day time frame for filing this complaint.

Please explain why did not file your complaint within 180 days.

9. Have you complained about the allegations that you raise in this complaint to your school, institution, or another organization or agency?

YES NO

If yes, have you complained about the allegations that you raise in this complaint by:

- filing an internal complaint or appeal with your school or institution?
 participating in your school or institution's grievance procedures?
 participating in a due process hearing either at your school or institution, or through another organization or government agency?

If you answered **yes to any of the above questions**, please describe the allegations that you raised in an internal complaint or appeal, through your school or institution's grievance procedures, or in a due process hearing, identify the date you complained about the allegations and where you made the complaint, and tell us the status of the complaint, appeal, grievance procedures, or due process hearing. If possible, please provide us with a copy of your complaint or grievance or appeal or due process request and, if completed, the decision in the matter.

10. If the allegations contained in this complaint have been filed with any other Federal, state or local civil rights agency, or any Federal or state court, please give details and dates. We will determine whether it is appropriate to investigate your complaint based upon the specific allegations of your complaint and the actions taken by the other agency or court.

Agency or Court: _____

Date Filed: _____

Case Number or Reference: _____

Results of Investigation/Findings by Agency or Court:

11. You do not need to have a lawyer to file a complaint with OCR; however, if you do have a lawyer, OCR staff are required to communicate directly with your lawyer. If you have a lawyer representing you in this matter, please provide the lawyer's contact information.

Last Name: Trachman First Name: William
Telephone: [REDACTED] Email: [REDACTED]

12. If we cannot reach you at your home or work, we would like to have the name and telephone number of another person (relative or friend) who knows where and when we can reach you. This information **is not required**, but it will be helpful to us.

Last Name: _____ First Name: _____
Telephone: _____ Email: _____

13. **Option to Participate in OCR's Early Mediation Process**

OCR provides an early mediation process as an opportunity for you and the recipient institution to voluntarily resolve your complaint soon after you file it with OCR.

Mediation is a form of complaint resolution that OCR offers as an alternative to its investigative process. Mediation is an informal process in which a staff member from OCR who is trained in mediation assists the parties to reach a negotiated resolution of the complaint. The mediator does not decide who is right or wrong and does not have the authority to impose a settlement on the parties. Instead, the mediator helps the parties to find a mutually acceptable resolution to your complaint. Mediation is a strictly voluntary process. If either party does not want to participate in mediation, OCR will address the complaint through its regular processes.

If you are interested in participating in the early mediation process, you must check the box below. If you indicate your interest in early mediation by checking the box below **and** OCR determines that your complaint is appropriate for this process, OCR will contact you and the recipient institution and offer this resolution option. If the recipient agrees to participate in early mediation, OCR will work with you and the recipient to achieve a mutually agreeable resolution of your complaint. If the recipient does not wish to participate in early mediation, OCR will proceed with its regular processing of your complaint. ***If you do not indicate your interest in early mediation by checking the box below, early mediation will not be offered to you and OCR will proceed with its regular processing of your complaint.***

I am interested in participating in early mediation (Please check box):

NOTE: You **MUST** submit a signed Consent Form to OCR if you want to participate in early mediation.

14. What would you like the institution to do as a result of your complaint
— what remedy are you seeking?

End DPS's race and sex preferences in contracting. Even if
DPS relies on social disparities in race and sex, these are
insufficient to meet strict/intermediate scrutiny. And even if DPS
argues that it, itself, previously discriminated, "such institutions
should perhaps be the very last ones to be allowed to make
race-based decisions, let alone be accorded deference."
(SFFA)

15. We cannot accept your complaint if it has not been signed. Please
sign and date your complaint below.

11/07/2023
(Date)

William E. Trubman
(Signature)

(Date)

(Signature of person in Item 2)

Please mail or email the completed and signed Discrimination Complaint Form, your signed
consent form and copies of any written material or other documents you believe will help
OCR understand your complaint to the OCR Enforcement Office responsible for the state
where the institution or entity about which you are complaining is located. You can locate
the mailing information for the correct enforcement office on OCR's website at
<https://ocrcas.ed.gov/contact-ocr>.

**CONSENT FORM - FOR DISCLOSING NAME AND OTHER PERSONAL INFORMATION
CONTAINED IN THE DISCRIMINATION COMPLAINT FORM TO OTHERS**

(Please print or type except for signature line)

Your Name: William E. Trachman

Name of School or Other Institution That You Have Filed This Complaint Against: Denver
Public Schools

- The purpose of this consent form is for the Office for Civil Rights (OCR) to request your consent to disclose your name and other personal information when OCR decides that doing so will assist in investigating and resolving your complaint.
- For example, to decide whether a school discriminated against a person, OCR often needs to reveal that person's name and other personal information to employees at that school to verify facts or get additional information. When OCR does that, OCR informs the employees that all forms of retaliation against that person and other individuals associated with the person are prohibited. OCR may also reveal the person's name and personal information during interviews with witnesses and consultations with experts.
- If you do not consent to OCR disclosing your name or other personal information, OCR may decide to close your complaint if OCR determines it is necessary to disclose such information in order to determine whether the school discriminated against you.

NOTE: If you file a complaint with OCR, OCR can release certain information about your complaint to the press or general public, including the name of the school or institution; the date your complaint was filed; the type of discrimination included in your complaint; the date your complaint was resolved, dismissed or closed; the basic reasons for OCR's decision; or other related information. Any information OCR releases to the press or general public will not include your name or the name of the person on whose behalf you filed the complaint.

NOTE: OCR requires you to respond to its requests for information. Failure to cooperate with OCR's investigation and resolution activities could result in the closure of your complaint.

Please sign section A or section B (but not both) and return to OCR:

- If you filed the complaint on behalf of yourself, you should sign this form.
- If you filed the complaint on behalf of another specific person, that other person should sign this form.
EXCEPTION: If the complaint was filed on behalf of a specific person who is younger than 18 years old or a legally incompetent adult, this form must be signed by the parent or legal guardian of that person.
- If you filed the complaint on behalf of a class of people, rather than any specific person, you should sign the form.

A. **I give OCR my consent to disclose my name (and that of my minor child/ward on whose behalf the complaint is filed) and other personal information contained in the Discrimination Complaint Form to others for OCR's investigation of, and enforcement activities related to, the Discrimination Complaint Form.**

William E. Trachman
Signature

Nov. 7, 2023
Date

OR

B. **I do not give OCR my consent to disclose my name (and that of my minor child/ward on whose behalf the complaint is filed) nor other personal information contained in the Discrimination Complaint Form to others for OCR's investigation of, and enforcement activities related to, the Discrimination Complaint Form.** I understand that OCR may have to close my complaint.

Signature

Date

I declare under penalty of perjury that it is true and correct that I am the person named above; and, if the complaint is filed by a parent or legal guardian on behalf of a minor child/individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, that I am that person's parent or legal guardian. This declaration only provides consent for the disclosure of identity of the persons (and other individually identifiable information about them contained in the Discrimination Complaint Form) and does not extend to any of the claims filed in the complaint.

Updated October 30, 2023

Excerpt from the Online Interactive Complaint Form

Race / Color / National Origin / Ethnicity / Shared Ancestry

Discrimination based on national origin includes discrimination based on the country, world region, or place where a person or their ancestors come from; a person's limited English proficiency or English learner status; and a person's actual or perceived shared ancestry or ethnic characteristics, including membership in a religion that may be perceived to exhibit such characteristics (e.g., Hindu, Jewish, Muslim, and Sikh students). For more information about race, color, and national origin discrimination, please visit www.ed.gov/ocr/frontpage/pro-students/race-origin-pr.html.

Sex

Discrimination based on sex includes discrimination based on sex stereotypes, pregnancy or related conditions, sexual orientation, and gender identity. Discrimination based on sex also encompasses rules about parental, family, or marital status that treat people differently based on sex. For more information about sex discrimination, please visit <https://www2.ed.gov/policy/rights/guid/ocr/sexoverview.html>.

Disability

A person with a disability is defined as any person who (i) has a physical or mental impairment, which substantially limits one or more major life activities, or (ii) has a record of such impairment, or (iii) is regarded as having such an impairment. Whether a person has a disability is determined without considering mitigating measures. For more information about disability discrimination, please visit www.ed.gov/policy/rights/guid/ocr/disability.html.

Attachment 1



Bond & Mill Levy

Home News About

2024 CPAC

2020 Bond & Mill Levy

Contact

DPSK12.org



Equitable & Inclusive Contracting

In November 2014, Denver Public Schools' Board of Education passed the [Equitable and Inclusive Contracting Policy](#). The policy instructed DPS to increase the utilization of minority and women-owned businesses (MWBEs) in the district's bond construction program and other construction-related services. Since then, DPS administration has led efforts to provide greater opportunities to diverse construction vendors, including the implementation of a goals program. The aspirational goal for all bond-funded construction-related projects was originally 24% participation of MWBE firms. **DPS exceeded that goal within the first year of the program.** As of June 2020, bond-funded construction-related projects had 31% utilization of MWBEs.

Business Diversity & Outreach Program

In support of this policy, our Business Diversity Outreach Program helps promote diversity in construction and related contracting for bond-funded capital improvement projects.

2020 Bond MWBE Contractors

Hispanic Heritage Month - Martinez F...



Reverse Trade Fair



The program strives to ensure all businesses, especially those identified as underutilized MWBEs, are afforded a fair and equitable opportunity to provide their construction and construction-related services to the school district.

To learn more about our efforts and commitment to equity in contracting, please visit the following links:

- Read the board's [Equitable and Inclusive Contracting Policy](#)
- Read the [March 2020 update](#) to the board on our MWBE work
- Watch the 2019 [Reverse Trade Fair video](#)
- Read the [2017 MGT Report](#)

How to Get Involved

Meet the Business Diversity Outreach Program team and learn more about how to do business with DPS:

- Attend a [quarterly coffee chat](#)
- Register to [work with DPS or view our list of open bids](#)
- Email businessdiversity@dpsk12.org
- Visit the [Office of Business Diversity](#)



AAPI History Month: An interview with Jennifer Thong, Co-founder of Eidos Architects and L



May 26

CONTACT US

Bond & Mill Levy

1860 Lincoln Street
Denver, CO 80203

info@dpsk12.org | www.dpsk12.org

Phone: 720-423-3200

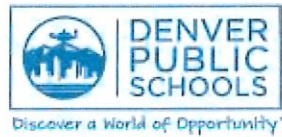
STAY INFORMED

Sign up to receive the "Our Word Is Our Bond" Newsletter

SIGN UP

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Attachment 2



Book	Denver Public Schools Administration Policies
Section	A - Foundations and Basic Commitments
Title	Equitable and Inclusive Contracting Policy
Code	ACE
Status	Active
Adopted	November 20, 2014

Pursuant to the Board of Education's Resolution 3457, school district administrators and officials are to develop a policy to increase in the school district's bond construction program and other construction related services the utilization and participation by minority and women owned businesses ("MWBEs").

Accordingly, school district administrators and officials subsequently hired MGT of America to examine the school district's procurement practices and determine whether any current school district policies and procedures have been, or are barriers to meaningful participation by MWBEs. The MGT disparity study presented to the School Board of Education identified that current practices contributed to the underutilization of ready, able and willing MWBEs in the construction industry operating in the Denver Metropolitan area.

The Board of Education, upon the receipt and acceptance of the MGT disparity study, authorizes the Superintendent or designated representative(s) to take all necessary and reasonable action required to ensure that all businesses, principally those identified as underutilized MWBEs, are afforded a fair and equitable opportunity to provide their construction and construction-related services and goods to the school district.

The Board of Education directs the Superintendent or designated representative to modify, change or amend any existing policy, practice, and/or procedure that has been a barrier to participation by MWBEs, or that can increase the utilization of MWBEs.

The Board of Education hereby delegates to the Superintendent or designated representative(s) the authority to take all necessary and reasonable steps the law permits to ensure the full, equitable participation of any and all qualified MWBEs, and small, and local businesses.

This Policy shall apply only to the solicitation of construction and construction-related supplies, services, and contracts procured in accordance with the School Board purchasing and procurement policies and the applicable laws of Colorado. To the extent permitted by applicable state and federal laws, this policy is intended to address the implementation of construction and construction-related programs to remediate the disparity and underutilization of MWBEs by developing a race and gender goals program, as well as a race and gender neutral program.

Attachment 3



(<https://businessdiversity.dpsk12.org>)

Contact Us » (<https://businessdiversity.dpsk12.org/our-team/>)

2017 MGT Report

DPS hosted a meeting with community members April 5 to discuss the results of a disparity study by MGT of America, following up on MGT's initial disparity work in 2014. The meeting also was an opportunity to highlight North High School, where the last major renovation project was completed in April 2016 for \$1.8 million – and with 34% participation by minority and women-owned business enterprises (MWBEs).

DPS is proud of the work we have done to increase the utilization of MWBEs in recent years, but we also know we have room to grow. So we asked for an independent review of the ongoing work, and MGT returned to provide an assessment. Their results, available by clicking links to the right, were shared with the community.

According to MGT Vice President Reggie Smith and Project Director Vernetta Mitchell, DPS has made strong progress in implementing its MWBE program. This includes:

- Establishing project goals for subcontractors; between 2014-16, DPS set MWBE goals for 126 projects.
- Adopting aspirational goals. The Denver Board of Education in 2015 adopted the goal of 24% MWBE participation in bond-funded construction projects, as recommended by MGT. In fact, DPS has attained a 34% overall MWBE mark.
- DPS purchased a business software program, B2GNow, to collect data on its MWBE subcontractor program.
- DPS hired staff to manage this program and monitor compliance, as well as hiring a new Business Diversity and Outreach Program Director, Murugan Palani.

In addition, MGT made a number of follow-up recommendations, such as establishing a program for small business owners. Palani shared that this project already is underway and DPS is making progress on, or has implemented, all of the MGT recommendations.

Part of the MGT review including interviewing many of our current and prospective business partners, and sharing their feedback. We appreciate your candor in these interviews and encourage you to keep working with us as we, together, help DPS achieve our MWBE potential!



Download the 2017 MGT Report » (http://businessdiversity.dpsk12.org/wp-content/uploads/sites/29/Denver-Public-Schools-Program-Review-Report_Final_04.04.17.pdf)

MGT Results Community Presentation » (<http://businessdiversity.dpsk12.org/wp-content/uploads/sites/29/DPS-Report-Presentation-MGT.pdf>)

Office of Business Diversity Community Presentation » (<http://businessdiversity.dpsk12.org/wp-content/uploads/sites/29/Program-Update-OBD-4-5-2017.pdf>)

Thanks to those who attended our Business Diversity Update!



(<https://www.dpsk12.org>)

Connect with DPS














ACCESSIBILITY INFORMATION ([HTTPS://WWW.DPSK12.ORG/ACCESSIBILITY-INFORMATION/](https://www.dpsk12.org/accessibility-information/))

About DPS

- Mission and Vision (<https://www.dpsk12.org/about-dps/mission-and-vision/>)
- Denver Plan 2020 (<http://denverplan.dpsk12.org/>)
- Schools (<https://www2.dpsk12.org/schoollist/default.aspx>)
- Departments/Services (<https://www.dpsk12.org/departments/>)
- Calendars (<https://www.dpsk12.org/resources/>)

Quick Links

Careers (<http://careers.dpsk12.org/>)

DPS News

- Announcements (<https://www.dpsk12.org/category/news/>)
- Events (<https://www.dpsk12.org/category/events/>)
- Our DPS Weekly (<https://www.dpsk12.org/category/odw/>)
- Weather (<https://www.dpsk12.org/weather/>)
- Videos (<https://www.dpsk12.org/category/video/>)

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2017 MGT Report | Business Diversity

Financial Transparency (<http://financialservices.dpsk12.org/welcome/financial-transparency/>)

Board of Education (<http://board.dpsk12.org/>)

Discrimination, Harassment and Title IX (<https://www.dpsk12.org/discrimination-prevention-and-response/>)

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