



**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](mailto: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://ocrcas.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](mailto: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](mailto: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://ocrcas.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](mailto:om_eeos@ed.gov).

1. Name of person filing this complaint:

Last Name: Trachman First Name: William Address:

2596 S. Lewis Way

City: Lakewood State: CO Zip Code: 80227

Primary number: 720-640-8713 Alternate number: 303 887 7284

Email Address: wtrachman@mslegal.org

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 members of the public who wish to use

City: the Gill Tract Community State: Farm 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: U.C. Berkeley (owner of Gill Tract Farm)

Address: 2111 Bancroft Way, Suite 300

City: Berkeley State: CA Zip Code: 94720

Department/School: Office for the Prevention of Harassment

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)**

U.C. Berkeley owns a tract of land called the Gill Tract Community Farm. On Saturdays, non-Caucasians are not permitted to reserve space or time at the farm. The farm reserves Saturday as "BIPOC" only day. This violates Title VI.

Discrimination **based on color (specify)**

See above

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

Discrimination **based on sex (specify)**

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.

See attachment 1. Additionally, U.C. Berkeley provides significant assistance to the Gill Tract Farm, because representatives from Berkeley's College of Natural Resources help govern the Farm's Operations. See Attachment 2.

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.

Text string with evidence that Saturdays are BIPOC-only days at Gill Tract Community Farm. Attachment 1.

**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: Ongoing.

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: n/a

Date Filed: \_\_\_\_\_

Case Number or Reference: \_\_\_\_\_

Results of Investigation/Findings by Agency or Court:

**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: \_\_\_\_\_

U.C. Berkeley, owner of Gill Tract Farm

- 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

3/25/24

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.**

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

Open Gill Tract Community Farm to the public, without regard to race. Post statement on the website announcing correction of misconduct. Engage in training to ensure that this does not reoccur, and that other programs and activities run by U.C. Berkeley do not violate Title VI. Mandatory training for every individual associated with running the Gill Tract Farm.

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

8/25/24  
(Date)

William E. Tucker  
(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>.



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

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  - 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.

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\_\_\_\_\_  
Signature

\_\_\_\_\_  
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.**

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**Signature**

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**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](http://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](http://www.ed.gov/policy/rights/guid/ocr/disability.html).

# **Attachment 1**

Saturday is [REDACTED] and I was thinking of coming to the farm.

11:54 AM 

I was curious if I will know many people or if they will mostly be folks who are new to me.

It's doesn't matter if I know them or not. I was just curious.

11:55 AM 

[REDACTED]

Saturdays are exclusively BIPOC. Exceptions have only been made for events that are BIPOC-centered and with plenty of advance notice and planning.

I trust you stand in solidarity with upholding boundaries around that safe and sacred space.

Effie and/or Paul are good folks to reach out to if you'd like more context about Saturdays.

55m



Message



# **Attachment 2**



About

Herbal Classes

Get Involved

Programs

More

DONATE

FEEDBACK

## About Us

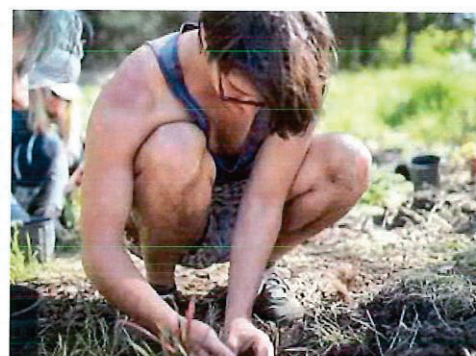
Our mission is to conduct collaborative community-driven research, education, and extension focused on ecological farming and food justice, and to foster equitable economies, a healthy environment, and increased resilience in vulnerable communities, both urban and rural.

The UC Gill Tract Community Farm is a collaborative community project between the University of California Berkeley and the local community, focused on issues of food justice and urban farming. It is located in Albany, CA, at the corner of San Pablo Ave and Marin Ave. It is an urban farm where you can come and harvest food for yourself and your family in exchange for help with weeding, planting, and watering. It also hosts a sliding-scale farmstand and partners with several East Bay community organizations and food pantries to distribute fresh organic produce to those who lack access to it.

In recent years, Gill Tract farmers have been honored to deepen in reciprocity and relationship with the land and the life it supports. In 2018, farmers began collaborations with Sogorea Te' Land Trust, in support of processes of rematriation. In the winter of 2020, the Xerces Society identified the Gill Tract as the East Bay's largest overwintering site for the Western Monarch Butterfly, inspiring farmers to begin learning how to steward the site as endangered species' habitat.

The UC Gill Tract Community Farm is one of the increasing number of urban agriculture and alternative sustainable food systems worldwide that exist to develop innovative local solutions to social, environmental and economic injustices. Community members work with representatives of UC Berkeley's College of Natural Resources on a Stewardship Council to jointly govern the land as we learn about, research, and address food and equity needs in the East Bay region and beyond (See "Working Groups" tab for more information).

You are welcome to get involved at any level, whether that is joining a working group or simply coming to join us during our open hours.







*Gill Tract Farm*  
*ALL IN Alameda County Food Recovery Partner*  
Thank you for supplying fresh, organic produce to SAHA's food recovery distribution program.



1/1

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