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Office for Civil Rights Discrimination Complaint Form (/)

Office for Civil Rights Discrimination Complaint Form

REQUEST FOR CONSENT AND CONFIRMATION OF YOUR SUBMISSION

Thank you for submitting your complaint to the Office for Civil Rights (OCR).

To facilitate the processing of your complaint, **please submit your signed consent form within 20 calendar days of the date of this email**. If you checked the box on the complaint form requesting early mediation, you **MUST** submit a signed consent form to participate.

You may submit your signed consent form in one of these three ways:

1. Email a scanned PDF file or photo/jpeg file of your consent form to the email address below; or
2. Fax your consent form to the fax number below; or
3. Mail your consent form to the office address below. Please notify OCR using the email address or phone number below that you are mailing your consent form. In your e-mail or voicemail message, please include your case number, the name of the recipient, and the date that you mailed your signed consent form.

A copy of the consent form is available for your convenience at [OCR Complaint Consent Form \(https://ocras.ed.gov/sites/default/files/ocr_complaint_consent_form.pdf\)](https://ocras.ed.gov/sites/default/files/ocr_complaint_consent_form.pdf). If you do not have access to a printer, please email or call the OCR Regional Office identified below to request a blank consent form. For more information about how OCR may use personal information with written consent, please see OCR's "[Notice About Investigatory Uses of Personal Information \(https://www.ed.gov/about/offices/list/ocr/notice\)](https://www.ed.gov/about/offices/list/ocr/notice)."

Your complaint has been automatically forwarded to the following OCR Regional Office for review:

Office for
Civil Rights/ED
San Francisco Office
50 United Nations Plaza
Mail Box 1200,
Room 1545

Phone: 415-486-5555
TDD: 800-877-8339
Fax: 415-486-5570

Email: ocr.sanfrancisco@ed.gov (mailto:ocr.sanfrancisco@ed.gov?subject=he specified office:)

San Francisco, CA, 94102

class="js-form-item form-item js-form-wrapper form-wrapper webform-section" id="office_for_civil_rights_discrimi--enter_information_about_yourself"> <h2 class="webform-section-title">1. Enter information about yourself</h2> <div class="webform-section-wrapper"> <div class="webform-element webform-element-type-textfield form-item js-form-item form-type-item js-form-type-item form-item-first-name js-form-item-first-name form-group" id="office_for_civil_rights_discrimi--first_name"> <label class="control-label">First Name:</label> Benjamin)

The Regional Office will contact you if it needs more information about your complaint. If you need to communicate with OCR or submit additional information regarding your complaint, **please do not reply to this message**. Instead, please direct your correspondence to the above office.

We recommend that you print a copy of this message and retain it for your records.

The following information has been sent to the specified office:

1. Enter information about yourself

First Name: [REDACTED]

Last Name: [REDACTED]

Pronoun mr

Address: [REDACTED]

City: [REDACTED]

State: California

Zip Code: [REDACTED]

Best Time to Call You: Day

Primary Phone Number: [REDACTED]

Your Email Address: [REDACTED]

3. Who was discriminated against?

Yourself or Someone else Someone else

If someone other than yourself please include:

Injured Person's Name: Sonoma State Athletes of protected classes

4. What institution discriminated?

Institution Name: Sonoma State University

Address: 1801 East Cotati Ave

City: Rohnert Park,

State: California

Zip Code: 94928

School or department involved: President Office and officers

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? race or color, national origin

In the space provided below please describe each discriminatory action separately. For each action, you need to provide the following information:

Civil Rights Filing

Subject: Disparate Impact of Sonoma State University's Athletic Program Cuts on Coaching Staff from Protected Classes

1. Introduction:

To:

U.S. Department of Education, Office for Civil Rights (OCR)

California Department of Fair Employment and Housing (DFEH)

California Attorney General's Office

Sonoma State University

This filing is submitted to bring attention to the disparate impact of Sonoma State University's decision to cut its athletic programs, which disproportionately affects coaches who belong to protected classes under Title VII of the Civil Rights Act of 1964 and California's Fair Employment and Housing Act (FEHA). Approximately 65% of the paid athletic coaching faculty at Sonoma State University are from protected classes, including racial minorities and women.

On Wednesday, January 22nd Sonoma State University's Interim President announced the decision to eliminate the entire athletics program as part of a broader restructuring effort aimed at addressing the university's financial challenges. This decision resulted in the elimination of all varsity sports, including the elimination of coaching positions and athletic trainers. The cuts were presented as necessary due to budgetary constraints, with a focus on reducing operational costs amid declining enrollment and financial instability exacerbated by the COVID-19 pandemic.

While the university cited financial sustainability as the primary reason for the decision, the move has sparked significant controversy. Sonoma State University's Interim President made the decision to eliminate the entire athletics program as part of a broader restructuring effort aimed at addressing the university's financial challenges. This decision resulted in the elimination of all varsity sports, including the elimination of coaching positions, athletic trainers, and support staff. The cuts were presented as necessary due to budgetary constraints, with a focus on reducing operational costs amid declining enrollment and financial instability exacerbated by the COVID-19 pandemic.

While the university cited financial sustainability as the primary reason for the decision, the move has sparked significant controversy and drawn criticism for not sufficiently exploring alternative cost-saving measures or addressing the long-term consequences of eliminating the athletic program, which played a central role in student life and university culture.

The cuts were seen as severe and final, leaving little opportunity for affected staff and students to transition or adjust, and raising questions about the equity and fairness of the process, especially for marginalized groups within the coaching staff or addressing the long-term consequences of eliminating the athletic program, which played a central role in student life and university culture.

Approximately 65% of the paid athletic coaching faculty at Sonoma State University are from protected classes, including racial minorities and women. This filing argues that the decision to cut athletic programs disproportionately impacts coaches from these groups, constituting a violation of civil rights laws due to its discriminatory effect.

2. Legal Framework:

- Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on race, color, religion, sex, and national origin. Under Title VII, employers must not implement policies or practices that have a disparate impact on members of a protected class, unless those policies are justified by a legitimate business necessity.
- California's Fair Employment and Housing Act (FEHA) mirrors the protections offered under Title VII and provides additional safeguards against discrimination in employment, including disparate impact claims.

- **Disparate Impact:** A disparate impact occurs when a neutral policy or practice disproportionately affects individuals from a protected class. Even if the university's decision to cut the athletic program is not motivated by discriminatory intent, the policy may still violate civil rights laws if it disproportionately affects protected class coaches in a negative way, without a legitimate, job-related necessity.

3. Facts of the Case:

1. **Athletic Program Cuts:** Sonoma State University recently made the decision to eliminate its athletic programs. As a result of these cuts, all coaching positions have been eliminated. While the reduction of these programs may have been done in the name of fiscal responsibility or restructuring, it is crucial to assess how this decision impacts the university's diverse coaching staff.

2. **Demographics of the Coaching Staff:**

- o 65% of the athletic coaching staff at Sonoma State University are from protected classes under Title VII and FEHA. This includes:

- ☐ Racial minorities (African American, Hispanic, Asian, etc.)

- ☐ Women (in particular, those coaching women's teams)

- o These coaches are disproportionately affected by the university's decision to cut the athletic program, as many of them have lost their jobs and will face significant reductions in career advancement opportunities as a result of the restructuring.

3. **Impact on Employment and Career Advancement:** The cuts affect coaches from non-protected classes as well, but evidence suggests that protected class coaches are more likely to be displaced or laid off, given their overrepresentation in lower-paid or part-time coaching positions. Moreover, the lack of job retraining or placement assistance for these individuals in comparable positions raises additional concerns.

4. Disparate Impact Analysis:

- **Employment Loss and Career Disruption:** A review of the university's cuts reveals that coaches from protected classes are disproportionately represented in the affected programs. This creates a disparate impact, as it negatively affects groups already underrepresented in positions of power within the coaching ranks.

- **Higher Risk of Layoffs for Protected Class Coaches:** Statistical evidence from the athletic department's employment records may show that coaches from protected classes are more likely to be laid off or have their employment significantly reduced, even when considering seniority, job performance, and tenure.

- **Limited Opportunities for Transition or Retention:** The university has failed to provide adequate transition programs or opportunities for retraining for laid-off coaches from protected classes. This results in an unequal burden on those who are already marginalized in the job market.

5. Disparate Impact and Violation of Civil Rights Laws:

The discriminatory impact of Sonoma State University's decision to cut the athletic program is evident from the disproportionate effect on coaching staff from protected classes. Under Title VII and FEHA, even if the cuts were implemented as a neutral business decision, the university's actions would still violate civil rights laws if they disproportionately affect employees from protected classes, especially when the university fails to show a legitimate business necessity for these cuts or if alternative, less discriminatory measures could have been taken. We argue that this is a legitimate possibility. At the very least, the university should have to prove why it cannot cut other programs that would not result in such a disparate impact and harm to protected classes of people.

- **Disparate Impact in Hiring and Retention:** Coaches from protected classes are often concentrated in lower-paying, non-revenue-generating sports. When these programs are cut, these coaches are at greater risk of job loss compared to their peers from non-protected classes.

- **Failure to Consider Less Discriminatory Alternatives:** Sonoma State University has not demonstrated that the cuts to the athletic program were the least discriminatory option available. For instance, instead of reducing the programs, the university could have explored other avenues for cost-saving measures that would not disproportionately affect coaches from protected classes, such as reducing administrative costs or increasing external funding for athletic programs.

6. Request for Relief:

In light of the disparate impact on coaching staff from protected classes, we request the following remedies:

1. **Immediate Reconsideration of Athletic Program Cuts:** A comprehensive review of the cuts to the athletic programs at Sonoma State University, considering alternative, less discriminatory measures that would not disproportionately affect coaches from protected classes.

2. **Equal Opportunity Employment Measures:** The university should be required to implement measures that ensure fair treatment and equal opportunity for all coaches, regardless of their race, gender, or disability status. This may include revising hiring, retention, and promotion practices to ensure that decisions are made based on merit and do not disproportionately affect protected class individuals.

3. **Monitoring and Reporting:** Sonoma State University should be required to provide regular reports to the California Attorney General's Office and the Office for Civil Rights detailing the impact of the cuts on faculty demographics, employee retention, and displacement of coaches from protected classes.

4. **Compensation and Career Transition Programs:** If the cuts indeed happen, SSU must provide for the establishment of programs to provide coaching staff from protected classes with severance pay, career transition services, and retraining opportunities to assist them in securing comparable employment in the athletic sector. In fact, the Women's Soccer Head Coach is of a protected class and a single mother who cannot move from the area due to the shared custody of her young son.

7. Conclusion:

Sonoma State University's decision to cut its athletic programs has created a disparate impact on coaching staff from protected classes and violates Title VII of the Civil Rights Act of 1964 as well as California's Fair Employment and Housing Act (FEHA). The university must reconsider its actions, provide remedies for the affected coaches, and implement policies that ensure fair treatment and equal opportunities for all faculty members.

This filing seeks intervention and support from the California Attorney General, the Office for Civil Rights, and the California Department of Fair Employment and Housing to rectify the discriminatory impact of these program cuts.

Respectfully submitted,

[Redacted Signature]

[Jan 26, 2025]

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

yes or no Yes

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? 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

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

What remedy are you seeking? Request for Relief:

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3. Monitoring and Reporting: Sonoma State University should be required to provide regular reports to the California Attorney General's Office and the Office for Civil Rights detailing the impact of the cuts on faculty demographics, employee retention, and displacement of coaches from protected classes.
4. Compensation and Career Transition Programs: If the cuts indeed happen, SSU must provide for the establishment of programs to provide coaching staff from protected classes with severance pay, career transition services, and retraining opportunities to assist them in securing comparable employment in the athletic sector. In fact, the Women's Soccer Head Coach is of a protected class and a single mother who cannot move from the area due to the shared custody of her young son.

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

I am interested in participating in early mediation: Yes

U.S. Department of Education's Office for Civil Rights (<https://www2.ed.gov/about/offices/list/ocr/index.html>) Complaint Assessment System (CAS)