CONSENT FORM FOR USES OF PERSONAL INFORMATION FOR COMPLAINT

I have read the Notice about investigatory Uses of Personal Information by the U.S. Department of Education (hereinafter Department) Office for Civil Rights (OCR).

I am aware that it is the policy of OCR to protect the identity of complainants who cooperate with OCR investigation. However, I acknowledge the release of my identity to the institution that my complaint is against may be essential to the investigation and enforcement activities conducted by OCR. I give my consent in those limited circumstances when release is required for the processing of the complaint.

In addition, I acknowledge that under the Freedom of Information Act (FOIA), OCR may be required to disclose information gathered from me pursuant to this investigation. Although no guarantee of confidentiality has been given to me in exchange for this information, I have not waived any right to privacy under FOIA that OCR may assert on my behalf.

I understand that the information I provide, as well as other information developed by the investigation, will be used to resolve my complaint against the institution. I understand that this information will be available to any person within the Department with a need to know its contents, and may be used for program analysis, review, evaluation, and statistical purposes. However, should there be a need to disclose information from the complaint file for reasons other than those already stated, or pursuant to the Privacy Act, 5 U.S.C. § 552a(b), or the Freedom of Information Act, 5 U.S.C. § 552, my prior consent will be solicited.

(Date)

(Name)

(Docket Number)

EXHIBIT

302

1-22-04

Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.
DISCRIMINATION COMPLAINT FORM

(This form is not required to file a complaint with OCR. However, the information requested in Items 1 – 5 must be provided for all complaints, whether or not the form is used.)

1. Name of person filing this complaint:

NAME (Mr./Ms.) Nga Christine Wing-Si
(First) (Middle)
ADDRESS: 1400 Orange Ln
CITY & STATE Davis, CA 95616 (ZIP)
HOME PHONE No. (530) 753-3150 (Area Code)
WORK PHONE No. (Area Code)

2. Name of person discriminated against (if other than person filing):

NAME (Mr./Ms.) Same as above
(First) (Middle)
ADDRESS: 
CITY & STATE 
(ZIP)
HOME PHONE No. 
(Area Code)
WORK PHONE No. 
(Area Code)

Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.
3. OCR investigates discrimination complaints against institutions and agencies, which receive funds from U.S. Department of Education. Please identify the institution or agency that discriminated against you. If OCR cannot take your complaint, it will refer it to the appropriate agency.

NAME (Mr./Ms.) GREG WOZECKA, Pam GILL-FISHER, & Larry SWANSON

ADDRESS One SHEILDS AVE

CITY & STATE/ZIP Davis, CA 95616

DEPT. OF SCHOOL Department of Athletics

4. The laws OCR enforces prohibit discrimination because of race, color, national origin, sex, disability, or age. Please indicate whether the complaint concerns student services or employment (or both) and complete the appropriate category(ies) under basis:

   BASIS (Check one or more and specify for each item checked.)

   Grounds on which you feel you were discriminated against:

   [X] Student Services  [X] Race/Color
   [X] Sex
   [ ] National Origin
   [ ] Disability
   [ ] Age

   [ ] Employment  [ ] Race/Color
   [ ] National Origin
   [ ] Sex
   [ ] Disability

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

   March 9, 2001

lw43
6. If more than 180 days have passed since this date, please explain why you waited until now to file your complaint.

7. When did the alleged discrimination begin? October 2000

8. When and in what way did you first become aware that the treatment, act, or decision was discriminatory?

When our coach told us we were no longer allowed to be on the wrestling team, due to the athletic administration's orders.

9. Have you tried to resolve your complaint with the institution through an internal grievance procedure?

YES  NO X

If you answered yes, please give OCR the name of the grievance procedure, the date you filed, and tell OCR the status of your complaint at this time.

10. The laws OCR enforces prohibit institutions receiving Department of Education funds from retaliating, harassing, or intimidating persons for taking action or participating in an action to secure rights protected by Title VI, Title IX, Section 504, Title II, or the Age Discrimination Act. If you feel that you have been harassed, intimidated, or retaliated against, please explain how and when this took place in your statement. Be sure to explain what action you took on your own behalf, or for someone else, to protect yourself or others from discrimination on the bases of race, color, national origin, sex, disability, or age, and describe how and when the institution learned of your action.

W44
11. In your own words, describe what happened, when it happened, and who was responsible. (Attach additional pages if necessary)

There have been females on the wrestling team for the past five years. This year, after the first month of practice, the Athletic Directors told us we were no longer allowed to be on the team. They said the reasons were: 1) the team would not be eligible to compete by other NCAA teams because it would become a "mixed" team and no longer a men's team, if we continued to be on the team. When we asked why females were allowed to be on the team earlier, the athletic director (Greg Warzecka) replied, "It was a mistake; you guys were never supposed to be part of the team." The Athletic Director stated that if the wrestling team became a mixed team, it would only be able to participate with mixed teams. My teammate (female) and I called NCAA to inquire about this statement. A NCAA membership representative told us these statements were invalid.

2) The Athletic Department could not afford to keep us on the team because we were too much of a liability for them. The Athletic Director stated we were "never going to have a chance to start for the team," thus it was not worth the money to support us. Insurance wise, we talked to our Wrestling Coach, Mike Burch, who completely supports
female wrestlers as a part of the
team. He informed us that men who
will have a chance to start, are part of
the team. Thus, the Athletic Administration
does not want to be liable for females on
the team, but will no doubt be liable for
males.

As a female, I want and deserve
the same opportunity to wrestle as a
male does. The Athletic Administration
will not allow me to wrestle, nor any other
female, and I strongly believe it is due to
my sex. I want to be a part of the
team and the female wrestlers of UC Davis
have been treated unfairly. We want gender equity.
12. If you have filed this complaint with any other Federal, State or local civil rights agency, or any Federal or State court, please give details and dates. OCR 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: ________________________________________________

RESULT OF INVESTIGATION/FINDINGS BY AGENCY: ______________

________________________________________________________________

________________________________________________________________

13. If you have not filed with another agency, do you intend to do so?

YES ___ NO X

NAME OF AGENCY: __________________________________________

ADDRESS: __________________________________________________

CITY & STATE: ________________________________________________ (ZIP Code)

14. Have you (or the person you are filing this complaint for) ever filed a complaint with OCR before?

YES ___ NO X
15. While it is not necessary for you to know about money that the institution you are filing against receives from the Federal government, if you know of any Education Department funds received by the program or department in which the alleged discrimination occurred, please provide this information below.

The University of California, Davis is a public institution which is funded by the federal government.

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

4-24-01
(Date)  

(Signature)

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

NAME Arezou Mousourian

TELEPHONE NUMBERS: (HOME) (530) 754-2445 (Area Code)  
(WORK) (707) 373-6080 (Area Code)

18. OCR has a procedure available which is quicker than an investigation. This is an OCR mediation process. In this process, OCR attempts to help the complainant and the institution reach an agreement to settle the complaint. OCR does not use mediation if class issues are involved (e.g. more than one individual is alleged to have been harmed). In addition, both the complainant and the institution must want to take part in the mediation. Mediation is generally limited to approximately 25 days, and the complainant, the institution, or OCR may end the mediation process if it appears that an agreement cannot be reached. If this happens, OCR will investigate the complaint. One of the primary benefits of this process is that it may be possible to resolve your complaint quickly, without the need for an investigation.

If OCR feels that mediation of your complaint is appropriate, are you interested in having OCR mediate your complaint?

YES ___ NO X ___
Ms. Christine Ng
1400 Oragne Lane
Davis, California 95616

(In reply, please refer to Docket Number 09-01-2082.)

Dear Ms. Ng:

This Office is reviewing your complaint which we received on April 25, 2001. Our target date for completion of that review is May 25, 2001. If you do not hear from this office within ten days after the target date, please ask for the Specialist assigned to your case, at (415) 556-4275.

The enclosed information provides an overview of OCR's complaint evaluation and resolution process.

Sincerely,

Dorothy W. Brady

Enclosure

Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.
May 14, 2001

UNITED STATES DEPARTMENT OF EDUCATION
Office for Civil Rights
Old Federal Building
50 United Nations Plaza, Room 239
San Francisco, California 94102
ATTENTION: Donato Tapia

Re: Christine Ng/ University of California - Davis
Discrimination in Intercollegiate Sports Program
Docket No. 09-01-2082

Dear OCR,

Please consider these allegations as supplemental to the complaint that I filed on April 24, 2001:

1. UC-Davis recruits male "student-athletes" for its wrestling program but prohibits such recruitment for eligible females. Moreover, since on or about 1997 UC-Davis has recruited and continues to recruit male wrestlers who are less qualified academically than female wrestlers. For example, a male with a 3.00 grade point average (GPA), i.e., the minimum GPA for UC admissions (theoretically) and an S.A.T. score of just 1,000 will be offered admission to UC-Davis and a place on the wrestling team, whereas a female with a 3.55 grade point average will not receive any offer whatsoever.

2. UC-Davis prohibits women wrestlers from participating in regularly scheduled competition. If they do participate in competition, it must be "on their own time" and they must pay for this participation themselves.

3. UC-Davis denies women wrestlers the use of the "intercollegiate training room". (Until last year the Athletic Director refused to assign them locker space.)

4. UC-Davis denies women wrestlers the services of its athletic trainers. Injured women wrestlers must use their own health plans or their own pocket-books to pay for treatment for sport-related injuries.

5. The females on the team have always filled out the necessary NCAA forms to be "officially" on the team. Nevertheless, in a personal conference in February 2001 UCD's Athletic Director, Greg Warzechka, told me and team-mate Arezou Mansourian, "News flash! You NEVER WERE on the team!" This, in spite...
of the fact that our current coach, Mike Burch, was recruited under criteria which paid lip service to supporting women wrestlers.

6. The Associate Vice Chancellor, Bob Franks emailed the women on the team and told us that our names were to be added on to the “men’s roster”. Attached is a copy of the email. The administration wants to add our names to the roster only for us to be counted as men in the gender ratio. We are obviously not men and should not be counted as men. Another problem with this is that if we let them count us as men, then we will be put under the men’s cap and instead of 32 men and 3 women, there would just be 32 men and us women would be included under the men. Also, the email from Bob Franks stated that we should talk to our coach about our reinstatement. On a phone call Arezou Mansourian received from Bob Franks, he told her that Greg Warzecka was saying that my coach, Mike Burch was the one who kicked us off the team. That is ludicrous! Our coach recruited the women wrestlers and supports them as much as the men wrestlers. The administration is trying to cover themselves by blaming it on my coach. The administration is setting my coach up. Greg Warzecka wrote my coach a letter telling him to reinstate the women! He replied that he couldn’t do that because he was not the one that took us off the team in the first place. The administration has been lying to the women and to my coach, as well as the local papers (Davis Enterprise). What we want is a letter of apology from the administration acknowledging that the removal of the women on the wrestling team was their error, not my coach’s. We also want to be counted as women on the team as well as on the roster, not men. Thus we should not be under the men’s cap, which was made to promote gender equality anyway. If anything, women counting as women would allow men to engage in more sports.

Thank you for incorporating this supplemental information into your investigation. Please inform me when OCR’s investigation of my complaint is to begin.

Very truly yours,

Christine Ng

Cc: Arezou Mansourian
    Noreen B. Mazelis, Esq.
Ms. Christine Ng
1400 Oragne Lane
Davis, California 95616

(In reply, please refer to Docket Number 09-01-2082.)

Dear Ms. Ng:

This Office is reviewing your complaint which we received on April 25, 2001. Our target date for completion of that review is May 25, 2001. If you do not hear from this office within ten days after the target date, please ask for the Specialist assigned to your case, at (415) 556-4275.

The enclosed information provides an overview of OCR's complaint evaluation and resolution process.

Sincerely,

Dorothy W. Brady

Enclosure
Case 2:03-cv-02591-FCD-EFB Document 330-3 Filed 03/06/2008 Page 109 of 122

REGION VI
U.S. DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS COMPLAINT FORM

Ng, Christine
NAME LAST

1400 Orange Ln, Davis, CA, 95616
ADDRESS CITY STATE ZIP CODE

University of California - Davis
(Name of Institution Alleged to Have Discriminated against Complainant and/or Injured Party(s))

Davis CA 95616
CITY STATE ZIPCODE

June 18, 2001
(DATE ALLEGED DISCRIMINATION TOOK PLACE)

STATEMENT

1. I, Christine Ng, Arezou Mansourian, Lauren Mancuso
   (Name of Person(s) Discriminated Against)

   have been/has been/is being/was discriminated against

   because of SEX
   (Indicate race, color, national origin, sex, disability, etc. Indicate what race, age, etc.)

11. I believe this to be true because:
   (Tell reason why you believe the above to be true. Make comparisons in difference in treatment received)

   The UC-Davis athletic department granted the male members of the wrestling team the scholarships awarded by wrestling coach,

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II. (continued)
Mike Burch, in June 2001, but not to the females.

III. The following person(s) will verify the above statements or will be witnesses in this complaint:

<table>
<thead>
<tr>
<th>Name of Person</th>
<th>Address</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mike Burch</td>
<td>810 Wilma Ave</td>
<td>(530) 757-7754</td>
</tr>
<tr>
<td>Arezou Mansourian</td>
<td>Novato, CA 94947</td>
<td>(530) 902-6080</td>
</tr>
</tbody>
</table>

IV. Additional Information

-To be filled out by the complainant for including any information not on front page or if complainant feels the information is important in the resolution of his/her complaint. If additional pages are needed, a third sheet may be attached.

SEE NEXT PAGES
Important note: This is the women wrestlers' third gender-biased complaint against Greg Warzecka and the athletic department at the University of California in Davis.

Greg Warzecka wrote the following in an e-mail to the wrestling coach, Mike Burch, on June 18, 2001, "Your recommendation to offer athletic grant-in-aid money to Chris Ng, Arazou Mansourian and Lauren Mancuso has been received. The use of any unallocated money in the 2000-01 wrestling grant-in-aid fund will be discussed and decided upon by me, Larry Swanson and the new wrestling coach." (A copy of the email from Warzecka is included.)

In other words, the females on the wrestling team were not granted the scholarships awarded by Coach Burch. However, Coach Burch was able to award scholarships to continuing and incoming male wrestlers in June 2001, and the male wrestlers were able to receive scholarships in June 2001. So, Warzecka has granted the male wrestlers the scholarships awarded by Coach Burch but not the female wrestlers. It is clearly sexual discrimination, if scholarships, awarded by the same coach at the same time, were granted to the men but not to the women.

In addition, Coach Burch has informed the female wrestlers that the threat from Warzecka to take away funds from his scholarship account, in order to balance the operational budget, has never been done before and has never happened to any other sports. Also, Coach Burch said that even if Warzecka did take $3,985 out of the scholarship account, there would still be enough funds remaining in his scholarship account to cover all the three scholarships awarded to the women wrestlers. Finally, according to Coach Burch, Warzecka, has never in the past given any input to Coach Burch about the allocation of scholarships until now, when Coach Burch has awarded scholarships to women.

The news that the scholarships were not to be granted to the female wrestlers was received from Coach Burch on the night of June 20, 2001. On the morning of June 21, 2001, Ng e-mailed Warzecka for an explanation, in hope that the situation could be resolved. (A copy of that email to Warzecka is also included.) The email was also sent to Larry Swanson, Pam Gill-Fisher, Chancellor Larry Vanderhoef, and Vice Chancellor Bob Franks. The female wrestlers have not received a response as of 2:30PM on June 26, 2001.

The female wrestlers are on the wrestling team roster, and to their understanding, the female wrestlers are eligible for athletic scholarships. The female wrestlers want to receive the athletic scholarships that were awarded to them.
I certify that the above statements are true and correct to the best of my knowledge.

Name of Complainant ____________________________
(Signature)

Date 6/26/01
To: Pat Shelton  
From: Arezou Mansourian  
Date: August 13, 2001  
Re: Complaint of Retaliation regarding Coach Mike Burch

I am submitting the following complaint to OCR, in addition to the others we have filed with your office concerning the ongoing sex discrimination (Title IX) we have experienced by UCD’s Athletic Department. We are hopeful that you will aggressively pursue our equal rights, as women, so that we can again wrestle on UCD’s intercollegiate wrestling team.

As you are aware, our Coach, Mike Burch’s contract was not renewed for this upcoming year. We are filing this complaint, alleging that his firing was in retaliation against him and us, because he fought to keep us on UCD’s intercollegiate wrestling team, making himself the target of the Athletic Director (AD), Greg Warzecka, who wanted us off the wrestling team for financial reasons.

On its face, Coach Burch’s firing was illogical and makes no sense. He was named Coach of the Year and brought us to a winning season. For example, Coach Burch sent four men to the intercollegiate nationals, more than any other PAC-10 school in California. His sudden firing, contemporaneous with all the fighting around our demotion, is made even more suspect because he received an email from his supervisor, Larry Swanson, shortly after the season, stating that Coach did a great job coaching this year. Swanson stated in his email that he had many “long-term” goals for Coach Burch at UCD.

Shortly after receiving this email, Coach Burch began to strongly advocate for us to be kept on the team. He supported us in all the decisions that Chris Ng and I had made. Coach Burch was our #1 advocate! If it wasn’t for his support of women wrestling, I would have never came to UC Davis, because my decision to come to Davis was 90% as a result of Coach Burch’s support of women wrestlers.

The fact that Coach Burch’s contract is not being renewed this year is evidence of blatant retaliation against him and all the women wrestlers who were on the UCD wrestling team. The athletic administration’s
pride was hurt because of all of Coach Burch's support in the papers. He had the courage to tell the truth about what the administration did to the women wrestlers. And for not agreeing with the administration, he was fired.

This retaliatory act directly impacts Christ Ng and I, due to the fact that he was our #1 advocate, our coach, and in every way, our support system. Since he has been wrongly terminated from UCD and lost to us as our coach, AD Greg Warzecka hired a new coach who does not support women's wrestling.

We believe that Coach Burch was fired intentionally by UCD's athletic administration and intentionally replaced by a coach who will not allow women to participate with the men on the team. The new wrestling coach also made derogatory comments about us to Chris Ng, who attended a meeting in which he was interviewed for the position. Clearly, Coach Burch's firing and the hiring of a coach who does not support women wrestlers is both discriminatory and retaliatory towards Chris Ng and myself. There has been no sufficient reason given for Mike Burch's removal. To this date, the athletic department had refused to tell even Mike Burch why his contract was not removed.

Date: August 13, 2001

Respectfully submitted,

Arezou Mansourian