



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

February 26, 2024

Via Certified Mail

Agent of Service for: Hayward Unified School District:

Aurora Sweet
24411 Amador Street
Hayward, CA 94544

Respondent(s):

Hayward Unified School District
24411 Amador Street
Hayward, CA 94544

RE: Notice of Filing of Discrimination Complaint - Response Requested

Case Number: 202310-22254608

EEOC Number: 37A-2024-01177

Case Name: Craven-Neeley / Hayward Unified School District

To All Listed Respondent(s):

Enclosed is a copy of a complaint filed with the Civil Rights Department (CRD). The enclosed complaint, which was filed under Government Code section 12960, alleges unlawful discrimination and names you as a Respondent or Co-Respondent.

The CRD independently investigates and assesses the facts and legal issues in each case. The CRD uses the facts obtained through its investigation to determine if there is reasonable cause to believe that a law the department enforces has been violated.

Government Code Section 12940, subdivision (h), prohibits any retaliatory action against a person because he or she has filed a complaint, has opposed any practices forbidden under the Fair Employment and Housing Act, or has assisted in any proceeding before the CRD.

California Government Code section 12946 requires that all employment records (or union membership and referral records) be retained for a minimum of two (2) years. When a discrimination complaint has been served, the records must be kept until the CRD closes its inquiry and until any resulting lawsuit or appeal has been terminated.

This complaint has also been filed with the U. S. Equal Employment Opportunity Commission (EEOC). You need not reply to the EEOC unless that agency specifically requests a response.

You must submit a response to the questions below and to the supplemental questions attached within thirty (30) calendar days of the date of this letter.

1. State the legal name of your business and any other name(s) under which you do or have done business in California.
2. State your business address. Please note that you are required to notify the CRD in writing of any change of address and the effective date of such change while the complaint is under investigation and throughout any administrative adjudication. (California Code of Regulations, title 2, section 11013).
3. State type of legal business entity (i.e., corporation, partnership, limited partnership, sole proprietorship, etc.).
4. Does your company have a current contract(s) for the provisions of goods, services or public works with the State of California or receive federal funds? If so, name the awarding agency.
5. State the number of employees your business employs.
6. Provide your response to the allegations of the complaint including the facts that support your denial(s) or affirmative defenses(s); the names, addresses, email addresses and telephone number(s) for any witnesses who have knowledge of your denials(s) or affirmative defenses(s); and any physical or electronic documents, recordings or images related to your denials(s) or affirmative defenses(s).

You can respond to this letter by:

- Using our online California Civil Rights System (CCRS). This is a three-step process:
 - Create an account for yourself at <https://ccrs.calcivilrights.ca.gov>. All you need is a valid email address and a phone number.
 - Email your assigned investigator (named below) or contact us at contact.center@calcivilrights.ca.gov and make reference to the Case #: **202310-22254608** to request that your account be associated to the complaint.
 - Log into your account. You will see the case number in your list of Open Cases. Click on Upload documents. Select Files, click on Upload New File, and select the files you wish to upload.

- Email. Send your response to your assigned investigator (named below) and to contact.center@calcivilrights.ca.gov. Include a copy of this letter and make reference to Case #: **202310-22254608**.
- US mail. Send your response to: CRD Enforcement Division, 2218 Kausen Drive, Suite 100, Elk Grove, CA 95758. Include a copy of this letter and make reference to Case #: **202310-22254608**.

In appropriate cases, your assigned investigator may assist you in reaching an agreement to resolve this complaint. If you are interested in discussing a possible settlement of this complaint, please contact your investigator. Settlement discussions are confidential. However, discussions of facts or legal issues with you will not be considered part of a settlement discussion unless the CRD specifies in advance that a discussion is for this purpose.

Also, please be advised that the Department offers free mediation services. In appropriate cases, if you and the complainant agree to mediate and the Department approves, the complaint will be assigned to a mediator, who will contact you to schedule the mediation conference. All settlement discussions during the mediation process are confidential and not subject to disclosure. If you are interested in formal mediation, please contact the assigned investigator.

Sincerely,

Jessica Rodriguez

Jessica Rodriguez
Staff Services Analyst
559-337-5281
jessica.rodriguez@calcivilrights.ca.gov

Enclosures

CERTIFIED MAIL: 7020 1290 0001 3025 6774

SUPPLEMENTAL QUESTIONS

Complainant: Ernest Craven-Neeley

Respondent: Hayward Unified School District

File Date: February 23, 2024

1. Identify the person or persons designated to represent the company in this matter. Provide telephone contact number, email address, and mailing address for your representative(s).
2. Provide a statement of the employer's position with regard to the allegations contained in the complaint "see complaint memo."
3. Provide copies of documents that support the employer's position regarding the allegations contained in the complaint.
4. Provide copies of the Complainant's entire personnel file.
5. Provide copies of personnel files for employees who have file a complaint of harassment in the last three years and discrimination in the last two years.
6. Please provide a copy of Employee Handbook.
7. Tell us why cp could not discuss the comment made during the 2022 in service meeting "this is not a place to express your white guilt"?



COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

CASE NUMBER

202310-22254608

EEOC NUMBER

37A-2024-01177

COMPLAINANT

Ernest Craven-Neeley

ADDRESS

1307 Martin Luther King Jr. Way
Berkeley, CA

PHONE

(209) 809-5963

TYPE OF DISCRIMINATION AND LAW

Government Code 12940

NAMED IS THE EMPLOYER, PERSON, AGENCY, ORGANIZATION OR GOVERNMENT ENTITY WHO DISCRIMINATED AGAINST ME

RESPONDENT(S)

Hayward Unified School District

ADDRESS

24411 Amador Street
Hayward, CA 94544

PHONE

(510) 784-2600

AGENT FOR SERVICE

Aurora Sweet, Agent of Service for
Hayward Unified School District

ADDRESS

24411 Amador Street
Hayward, CA 94544

PHONE

(510) 784-2600

NO. OF EMPLOYEES

501 or more



COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

CASE NUMBER

202310-22254608

EEOC NUMBER

37A-2024-01177

- Allegation -

I ALLEGE THAT I EXPERIENCED

Discrimination

ON OR BEFORE

September 28, 2023

BECAUSE OF MY ACTUAL OR PERCEIVED

Color; Race (includes hairstyle and hair texture)

AS A RESULT, I WAS SUBJECTED TO

Denied any employment benefit or privilege

PARTICULARS

On or about September 28, 2023 I believe I was denied an employment benefit or privilege because of my race (Caucasian) and color (white). On or about September 28, 2023, during a coaching session with Ki Gross, WOKE kindergarten facilitator, I was told I could not ask questions in regard to comments made during the 2022 in service meeting. During the 2022 in service meeting someone told me "this is not a place to express your white guilt." I believe this was because of my race and color.

SIGNED UNDER PENALTY OF PERJURY

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to matters stated on my information and belief, and as to those matters I believe them to be true.

SIGNATURE OF COMPLAINANT OR COMPLAINANT'S LEGAL REPRESENTATIVE:

DATE:


Form CRD-ENF 09CESE (Rev. 10/23) (PS)

Feb 23, 2024

<p>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION</p> <p>Ernest Craven-Neeley</p> <p>vs.</p> <p>Hayward Unified School District</p>	<p>PERSON FILING CHARGE Ernest Craven-Neeley</p> <hr/> <p>THIS PERSON (CHECK ONE) <input checked="" type="checkbox"/> Claims to be aggrieved <input type="checkbox"/> Is filing on behalf of other person(s)</p> <hr/> <p>DATE OF ALLEGED VIOLATION Earliest: September 28, 2023 Most Recent: September 28, 2023</p> <hr/> <p>PLACE OF ALLEGED VIOLATION California, County of Alameda</p> <hr/> <p>EEOC CHARGE NUMBER 37A-2024-01177</p> <hr/> <p>FEPA CHARGE NUMBER (if known) 202310-22254608</p>
--	--

NOTICE OF CHARGE OF DISCRIMINATION IN JURISDICTIONS WHERE AN FEP AGENCY WILL INITIALLY PROCESS
(See EEOC "Rules and Regulations" for additional information)

YOU ARE HEREBY NOTIFIED THAT A CHARGE OF EMPLOYMENT DISCRIMINATION UNDER

- Title VII of the Civil Rights Act of 1964
- The Age Discrimination in Employment Act of 1967 (ADEA)
- The Americans with Disabilities Act of 1990 (ADA)

HAS BEEN RECEIVED BY

- The EEOC and sent for initial processing to _____
(FEP Agency)
- The CIVIL RIGHTS DEPARTMENT and sent to the EEOC for dual filing purposes.

While EEOC has jurisdiction (upon the expiration of any deferral requirement if this is a Title VII charge) to investigate this charge, EEOC may refrain from beginning an investigation and await the issuance of the Agency's final findings and orders. These final findings and orders will be given weight by EEOC in making its own determination as to whether or not reasonable cause exists to believe that the allegations made in the charge are true.

You are therefore encouraged to cooperate fully with the Agency. All facts and evidence provided by you to the Agency in the course of its proceedings will be considered by the Commission when it reviews the Agency's final findings and orders. In many instances the Commission will take no further action, thereby avoiding the necessity of an investigation by both the Agency and the Commission. This likelihood is increased by your active cooperation with the Agency.

- As a party to the charge, you may request that EEOC review the final decision and order of the above named Agency. For such a request to be honored, you must notify the Commission in writing within 15 days of your receipt of the Agency's final decision and order. If the Agency terminates its proceedings without issuing a final finding and order, you will be contacted further by the Commission. Regardless of whether the Agency or the Commission processes the charge, the Recordkeeping and Non-Retaliation provision of Title VII and the ADEA as explained on the reverse side of this form apply.

For further correspondence on this matter, please use the charge number(s) shown.

- An Equal Pay Act investigation (29 U.S.C. 209(d)) will be conducted by the Commission concurrently with the Agency's investigation of the charge.
- Enclosure: Copy of the Charge

BASIS OF DISCRIMINATION:

- RACE
- COLOR
- SEX
- RELIGION
- NATIONAL ORIGIN
- AGE
- OTHER
- DISABILITY
- RETALIATION

CIRCUMSTANCES OF ALLEGED VIOLATION:
See attached complaint.

DATE February 26, 2024	TYPED NAME/TITLE OF AUTHORIZED EEOC OFFICIAL Christine Park-Gonzalez, Acting District Director	SIGNATURE <i>Christino Park-Gonzalez</i>
----------------------------------	--	--

INFORMATION SHEET ON CHARGES OF DISCRIMINATION

EEOC RULES AND REGULATIONS

Section 1601.15 EEOC's Procedural Regulations provides that persons charged with employment discrimination, such as yourself, may submit a statement of position or evidence with respect to the allegations contained in this charge.

The Commission's Recordkeeping and Reporting Requirements are set forth in Title 29, Code of Federal Regulations (CFR), Part 1602 (see particularly Section 1602.14 below) for the Title VII and the ADA; 29 CFR Part 1620 for the EPA; and 29 CFR Part 1627, for the ADEA. These regulations generally require respondents to preserve payroll and personnel records relevant to a charge of discrimination until disposition of the charge or litigation relating to the charge (for ADEA charges, this notice constitutes the written request set out in Part 1627 for respondents to preserve records relevant to the charge -- the records to be retained are as described in Section 1602.14, as cited below, and should be kept for the periods described in that section). Parts 1602, 1620 and 1627 also prescribe record retention periods -- generally, three years for basic payroll records and one year for personnel records. Questions regarding retention periods and the types of records to be retained should be resolved by reference to the regulations.

Section 1602.14 Preservation of records made or kept . . . Where a charge of discrimination has been filed, or an action brought by the Commission or the Attorney General, against an employer under Title VII or the ADA, the employer shall preserve all personnel records relevant to the charge or the action. The term "personnel records relevant to the charge," for example, would include personnel or employment records relating to the aggrieved person and to all other aggrieved employees holding positions similar to that held or sought by the aggrieved person and application forms or test papers completed by an unsuccessful applicant and by all other candidates for the same position as that for which the aggrieved person applied and was rejected. The date of "final disposition of the charge or the action" means the date of expiration of the statutory period within which the aggrieved person may bring an action in a U.S. District Court, or where an action is brought against an employer either by the aggrieved person, the Commission, or by the Attorney General, the date on which such litigation was terminated.

NOTICE OF NON-RETALIATION REQUIREMENT

Section 704(a) of Title VII, Section 4(d) of the ADEA, and Section 503(a) of the ADA provide that it shall be an unlawful employment practice for an employer to discriminate against any of his/her employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because s/he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title. The Equal Pay Act of 1963 contains similar provisions. Additionally, Section 503(b) of the ADA prohibits coercion, intimidation, threats, or interference with any person because s/he has exercised or enjoyed, or aided or encouraged others in their exercise of employment, or rights under the Act.

Persons filing charges of discrimination are advised of these Non-Retaliation Requirements and are instructed to notify EEOC if any attempt at retaliation is made. Note that the Civil Rights Act of 1991 provides substantial additional monetary provisions to remedy instances of retaliation or other discrimination, including for example, to remedy the emotional harm caused by on-the-job harassment.

NOTICE REGARDING PRESENTATION BY ATTORNEYS

Although it is not necessary that you be represented by an attorney while we handle this charge, you have a right, and may wish to retain an attorney to represent you. If you are represented by an attorney we request that you provide the Commission with your attorney's name, address, and telephone number, and that you ask your attorney to write to the Commission confirming such representation.

Reverse side of EEOC Form 131/131-A (Test 10/94)