



**Civil Rights  
Department**

2218 Kausen Drive, Suite 100 |  
Elk Grove | CA 195758  
800-884-1684 (voice)  
1800-700-2320 (TTY) |  
California's Relay Service at 711  
civildrights.ca.gov |  
contact.center@civildrights.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.  
[Hayward Unified School District](#)
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).  
[24411 Amador Street](#)  
[Hayward, CA 94544](#)
3. State type of legal business entity (i.e., corporation, partnership, limited partnership, sole proprietorship, etc.).  
[Local Government Organization](#)
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.  
[Not applicable.](#)
5. State the number of employees your business employs.  
[3,271](#)
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).

Tatiana Peugnet, Principal ([tpeugnet@husd.k12.ca.us](mailto:tpeugnet@husd.k12.ca.us))  
Michelle Mason, Teacher ([mmason@husd.k12.ca.us](mailto:mmason@husd.k12.ca.us))  
Pam Illes, Teacher ([pilles@husd.k12.ca.us](mailto:pilles@husd.k12.ca.us))  
Ki Gross, Contractor (<https://www.wokekindergarten.org/>)

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](mailto: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](mailto: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](mailto: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).

Kimberleigh Watts  
Assistant Superintendent, Human Resources  
[kwatts@husd.k12.ca.us](mailto:kwatts@husd.k12.ca.us)  
(510) 784-2695  
24411 Amador Street  
Hayward, CA 94544

2. Provide a statement of the employer's position with regard to the allegations contained in the complaint "see complaint memo."

The district does not have evidence to substantiate the complainant's allegation regarding discrimination in the workplace. The district can substantiate that there have been personal conflicts between the contractor "Woke Kindergarten" and Mr. Craven Neeley, as well as conflicts between other staff and Mr. Craven Neeley since the change in administration (Exhibit 1). In reviewing emails, and based on witness statements of the Principal and other teachers, Mr. Craven Neeley was perceived to have asked a series of questions questioning the validity or purpose of the training, and questioned the materials provided regarding "white supremacy" in school systems and "systemic oppression." (Exhibit 2).

Mr. Craven Neeley forwarded email correspondence between his Principal, Tatiana Peugent and himself following the September meeting (Exhibit 3). The Principal was informed by the contractor, Ki Gross that Mr. Craven Neeley had difficulty accepting some of the terminology and resources used during the meeting. The contractor was requesting to meet individually with Mr. Craven Neeley rather than in further group settings for meetings, based on the nature of the comments. Mr. Craven Neeley questioned his principal feeling he was being excluded from training opportunities with his peers. At that time the Principal did not respond as she went out on a leave of absence beginning November 2023. Mr. Craven Neeley contacted me as a district representative to confirm if it is allowable. I confirmed with the Principal that the individual coaching sessions constituted continuance of the professional training, and confirmed that Mr. Craven Neeley was not excluded from training, however the session composition of the whole team vs. individual was at the discretion of the contractor.

As of December 2023. The contractor was notified by the district of the termination of the contractor. The contractor had not provided professional services to the district since October 2023.

3. Provide copies of documents that support the employer's position regarding the allegations contained in the complaint.

**Exhibit 4** - Email (Coaching with Ki)

**Exhibit 5** - Email (Formal complaint letter)

4. Provide copies of the Complainant's entire personnel file.

**Exhibit 6** - Craven-Neeley Personnel File

5. Provide copies of personnel files for employees who have filed a complaint of harassment in the last three years and discrimination in the last two years.

**Exhibit 7** - Deborah Murayama Personnel File

**Exhibit 8** - Odessa Wiley Personnel File

**Exhibit 9** - Henry Bens Personnel File

**Exhibit 10** - Sandra Mallon Personnel File

**Exhibit 11** - Shannon Rowden Personnel File

**Exhibit 12** - Wendy Whittaker Personnel File

**Exhibit 13** - Tammy Holloway Personnel File

**Exhibit 14** - Curtis Pernice Personnel File

**Exhibit 15** - Waynesha Cooley Personnel File

**Exhibit 16** - Nicole St. Denis Personnel File

**Exhibit 17** - Gisella Canterbury Personnel File

6. Please provide a copy of Employee Handbook.

**Exhibit 18** - HEA Collective Bargaining Agreement

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"?

Based on statements of the Principal and staff present at the September meeting, the statement was made in response to Mr. Craven Neeley's questioning and objecting to the terminology being used in the training. The materials presented were referencing "white supremacy" & "systemic oppression" (**Exhibit 2**).



## 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







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