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9 Attorneys for Plaintiff  
10 TIANA NIXON

11 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **COUNTY OF SANTA CLARA**

13 TIANA NIXON, individually,  
14 Plaintiff,  
15 v.  
16 SANTA CLARA UNIFIED SCHOOL DISTRICT;  
17 VIVIAN RHONE-LAY, individually; and DOES 1  
18 through 50, inclusive.  
19 Defendants.

Case No. 22CV404882

**COMPLAINT FOR DAMAGES**

- 1. Retaliation, Cal. Lab. C. § 98.6
- 2. Pregnancy Discrimination, Cal. Gov. Code § 12945
- 3. Harassment, Cal. Gov. Code § 12940
- 4. Failure to Engage in Good Faith Interactive Process, Cal. Gov. Code § 12940
- 5. Failure to Prevent Discrimination and Harassment, Cal. Gov. Code § 12940
- 6. Intentional Infliction of Emotional Distress
- 7. Wrongful Termination in Violation of Public Policy

**DEMAND FOR JURY TRIAL**

21 1. Plaintiff TIANA NIXON (“Nixon”), individually, brings this action against Defendant  
22 SANTA CLARA UNIFIED SCHOOL DISTRICT (“SCUSD”); VIVIAN RHONE-LAY (“Rhone-Lay”);  
23 and DOES 1 through 50, inclusive.

***PARTIES***

24 2. Plaintiff is, and at all times relevant to this action was, a resident of Santa Clara,  
25 California. The events giving rise to this action arose in San Jose, California.

26 3. Plaintiff is informed and believes, and based thereon alleges, that Defendant SCUSD is a  
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1 California school district and is authorized to do business in California.

2 4. The true names and capacities, whether individual, corporate, associate or otherwise, of  
3 defendants Does 1 through 50 (“Does”), inclusive and each of them, are not known to Plaintiff at this time.  
4 Such Does are legally responsible for the events and happenings described herein and for the damages  
5 proximately caused thereby. Plaintiff will seek the leave of the Court to amend this complaint to set forth  
6 the true names and capacities of any such Does when they have been ascertained.

7 5. On information and belief, at all times mentioned herein, defendants, inclusive and each of  
8 them, including without limitation any Does, were acting in concert and participation with each other; were  
9 joint participants and collaborators in the acts complained of; and were the agents and/or employees of one  
10 another in doing the acts complained of herein, each acting within the course and scope of said agency  
11 and/or employment.

12 6. SCUSD, Rhone-Lay, and Does 1 through 50, inclusive, are collectively referred to hereafter  
13 as “Defendants”.

14 ***JURISDICTION AND VENUE***

15 7. This Court has jurisdiction over Defendant SCUSD because at all times relevant, it was  
16 authorized to transact, and is transacting business in California.

17 8. Venue is proper in this Court pursuant to Code of Civil Procedure § 395, because the acts,  
18 events and omissions complained of herein occurred in Santa Clara County, California.

19 ***EXHAUSTION OF ADMINISTRATIVE REMEDIES***

20 9. On or about July 27, 2022, Plaintiff obtained a Right to Sue Letter from the California  
21 Department of Fair Employment and Housing attached hereto as Exhibit A.

22 ***GENERAL ALLEGATIONS***

23 10. Plaintiff Tiana Nixon is an African American female.

24 11. Plaintiff began employment with Defendant SCUSD on August 12, 2021, as a temporary  
25 employee.

26 12. On January 31, 2022, Ms. Nixon was offered a full time position at Kathleen MacDonald  
27 High School as a Registrar. Upon acceptance of this new position, Ms. Nixon disclosed with the Principal,  
28 Vivian Rhone-Lay, that she was pregnant with a due date of July 22, 2022.



1           23.    Cal. Lab. Code § 98.6 provides:

2  
3           (a) A person shall not discharge an employee or in any manner discriminate,  
4           retaliate, or take any adverse action against any employee . . . because the  
5           employee . . . engaged in any conduct delineated in this chapter, including .  
6           . . . Chapter 5 (commencing with Section 1101) of Part 3 of Division 2, or  
7           because the employee . . . or because of the exercise by the employee or  
8           applicant for employment on behalf of himself, herself, or others of any  
9           rights afforded him or her.

10           (b)(1) Any employee who is discharged, threatened with discharge,  
11           demoted, suspended, retaliated against, subjected to an adverse action, or in  
12           any other manner discriminated against in the terms and conditions of his or  
13           her employment because the employee engaged in any conduct delineated in  
14           this chapter, including . . . Chapter 5 (commencing with Section 1101) of  
15           Part 3 of Division 2 . . . shall be entitled to reinstatement and reimbursement  
16           for lost wages and work benefits caused by those acts of the employer.

17           24.    Defendants were Plaintiff Tiana Nixon's employer, and Plaintiff was Defendants'  
18           employee.

19           25.    Plaintiff disclosed her pregnancy to Defendants.

20           26.    Defendants retaliated against Plaintiff by denying her the continued full time position of  
21           Registrar at Kathleen MacDonald High School and failing her probation period.

22           27.    Plaintiff was harmed.

23           28.    Defendants' conduct was a substantial factor in causing Plaintiff's harm.

24           29.    Pursuant to Cal. Lab. Code § 98.6(b)(3), Defendants are liable to Plaintiff for a civil  
25           penalty of ten thousand dollars (\$10,000) for each violation.

26           30.    As a direct, foreseeable, and proximate result of Defendants' discriminatory acts, Plaintiff  
27           has suffered and continues to suffer substantial losses in earnings and job benefits, and has suffered and  
28           continues to suffer humiliation, embarrassment, mental and emotional distress, and discomfort, all to  
29           Plaintiff's damage in an amount to be proven at trial.

30           31.    The conduct of Defendants and each of them as described above was malicious,  
31           fraudulent, or oppressive and done with a willful and conscious disregard for Plaintiff's rights.  
32           Defendants and each of them, and their agents/employees or supervisors, authorized, condoned, and  
33           ratified the unlawful conduct of each other. Consequently, Plaintiff is entitled to punitive damages

1 against each of said Defendants.

2 ***SECOND CAUSE OF ACTION***

3 *Pregnancy Discrimination*

4 *Cal. Gov. Code § 12945(a)*

5 *(On Behalf of Defendant SCUSD and DOES 1-50)*

6 32. Plaintiff re-pleads, re-alleges, and incorporates by reference each and every allegation set  
7 forth in this Complaint.

8 33. Government Code section 12945 provides in relevant part:

9  
10 It is an unlawful employment practice. . . (3)(A) [f]or an employer to refuse  
11 to provide reasonable accommodation for an employee for a condition  
related to pregnancy, childbirth, or a related medical condition...

12 34. At all times herein mentioned, Government Code § 12945, et seq. was in full force and  
13 effect and binding upon Defendants, and each of them. These laws make it an unlawful employment  
14 practice to discriminate against any employee on the basis of her pregnancy.

15 35. Defendants were an employer subject to the California Fair Employment and Housing Act  
16 (“FEHA”). Pregnancy discrimination is a subset of sex discrimination under the FEHA.

17 36. Defendants were Plaintiff’s employer.

18 37. At all relevant times, Plaintiff was a member of a protected class within the meaning of  
19 FEHA because she was pregnant and or/had a condition related to pregnancy or childbirth.

20 38. Defendants subjected Plaintiff to adverse employment actions including, but not limited to,  
21 denying Plaintiff continued work in the position of Registrar at Kathleen MacDonald High School.

22 39. Throughout the period of Plaintiff’s employment, Plaintiff was discriminated against by  
23 reason of her pregnancy, and was subjected to harassment, discrimination and retaliation by her Principal  
24 Ms. Rhone-Lay.

25 40. Plaintiff was subjected to hostile treatment from Defendants when she was disregarded the  
26 week following her removal of her permanent full time position as Registrar and the Defendants inability  
27 to answer why she had been removed from this position.

28 41. Such actions were in direct violation of Government Code Section 12940 and were done

1 with the intent of depriving Plaintiff of her rights to equal employment opportunity and for the purpose of  
2 depriving Plaintiff of the benefits of her employment. In addition, Defendants made it impossible for  
3 Plaintiff to use maternity leave as they moved her back to a temporary position.

4 42. Defendants engaged in the aforementioned unlawful actions, including but not limited to  
5 discrimination, harassment and retaliation on the basis of Ms. Nixon's pregnancy.

6 43. Plaintiff believes and alleges that Plaintiff's pregnancy was a substantial and determining  
7 factor in Defendants' decision to deny Plaintiff her permanent position and deny Plaintiff her legally  
8 protected maternity leave under the law.

9 44. Defendants' actions as alleged in this complaint constitute an unlawful employment practice  
10 in violation of Cal. Gov. Code § 12945(a).

11 45. As a direct, foreseeable, and proximate result of Defendants' discriminatory acts, Plaintiff  
12 Ms. Nixon has suffered and continues to suffer substantial losses in earnings and job benefits, and has  
13 suffered and continues to suffer humiliation, embarrassment, mental and emotional distress, and  
14 discomfort, all to Plaintiff's damage in an amount to be proven at trial.

15 46. Under Government Code section 12945, Plaintiff is entitled to recover Plaintiff's economic  
16 and noneconomic damages caused by Defendants' unlawful practices. Plaintiff is also entitled to  
17 reasonable attorney's fees and costs pursuant to Government Code section 12965.

18 47. The conduct of Defendants and each of them as described above was malicious, fraudulent,  
19 or oppressive and done with a willful and conscious disregard for Plaintiff's rights. Defendants and each  
20 of them, and their agents/employees or supervisors, authorized, condoned, and ratified the unlawful  
21 conduct of each other. Consequently, Plaintiff is entitled to punitive damages against each of said  
22 Defendants.

23 ***THIRD CAUSE OF ACTION***

24 *Harassment*

25 *Cal. Gov. Code § 12940*

26 *(On Behalf of Plaintiff Against All Defendants)*

27 48. Plaintiff re-pleads, re-alleges, and incorporates by reference each and every allegation set  
28 forth in this Complaint.



1 accommodations, if any, in response to a request for reasonable  
2 accommodation by an employee or applicant with a known physical or  
3 mental disability or known medical condition.

4 58. California Code of Regulations, Title 2 section 11069 provides in relevant part:

5 (a) Interactive Process. When needed to identify or implement an effective,  
6 reasonable accommodation for an employee or applicant with a disability,  
7 the FEHA requires a timely, good faith, interactive process between an  
8 employer or other covered entity and an applicant, employee, or the  
9 individual's representative, with a known physical or mental disability or  
10 medical condition. Both the employer or other covered entity and the  
11 applicant, employee or the individual's representative shall exchange  
12 essential information identified below without delay or obstruction of the  
13 process.

14 59. Defendants were Plaintiff's employer, and Plaintiff was Defendants' employee.

15 60. Defendants knew that Plaintiff was a pregnant female.

16 61. Plaintiff was able to perform the essential job duties of Plaintiff's position.

17 62. Defendants refused to provide a reasonable accommodation to Plaintiff and failed to engage  
18 in a good faith interactive process. Instead, Defendants denied Plaintiff her permanent full position due to  
19 Plaintiff's pregnancy and pregnancy related disability.

20 63. Plaintiff suffered harm when Defendants failed to engage in a good faith interactive process  
21 with Plaintiff.

22 64. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

23 65. Under Government Code section 12940, Plaintiff is entitled to recover economic and  
24 noneconomic damages caused by Defendants' discriminatory practices based on Plaintiff's disability and  
25 violation of the Fair Employment and Housing Act. Plaintiff is also entitled to reasonable attorney's fees  
26 and costs pursuant to Government Code section 12965.

27 66. As a direct and proximate result of Defendants' unlawful acts alleged herein,  
28 Plaintiff has suffered injury, including emotional injury, entitling her to compensatory damages in an  
amount to be proven at trial.

67. The conduct of Defendants and each of them as described above was malicious, fraudulent,  
or oppressive and done with a willful and conscious disregard for Plaintiff's rights. Defendants and each



1 of them, and their agents/employees or supervisors, authorized, condoned, and ratified the unlawful  
2 conduct of each other. Consequently, Plaintiff is entitled to punitive damages against each of said  
3 Defendants.

4 ***FIFTH CAUSE OF ACTION***

5 *Failure to Prevent Discrimination and Harassment*

6 *Cal. Lab. Code § 12940*

7 *(Against Defendant SCUSD and DOES 1-50)*

8 68. Plaintiff re-pleads, re-alleges, and incorporates by reference each and every allegation set  
9 forth in this Complaint.

10 69. Government Code section 12940(m)(2) provides in relevant part:

11 It is an unlawful employment practice . . . (k) For an employer . . . to fail to  
12 take all reasonable steps necessary to prevent discrimination and harassment  
13 from occurring.

14 70. Defendants wrongfully failed to take all reasonable steps necessary to prevent harassment  
15 and discrimination of Plaintiff based on her gender and pregnancy.

16 71. Plaintiff suffered and continues to suffer harm as a result of Defendants' actions.

17 72. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

18 73. Under Government Code section 12940, Plaintiff is entitled to recover Plaintiff's economic  
19 and noneconomic damages caused by Defendants' unlawful practices. Plaintiff is also entitled to  
20 reasonable attorney's fees and costs pursuant to Government Code section 12965.

21 74. As a direct and proximate result of Defendants' unlawful acts alleged herein,  
22 Plaintiff has suffered injury, including emotional injury, entitling her to compensatory damages in an  
23 amount to be proven at trial.

24 75. The conduct of Defendants and each of them as described above was malicious, fraudulent,  
25 or oppressive and done with a willful and conscious disregard for Plaintiff's rights. Defendants and each  
26 of them, and their agents/employees or supervisors, authorized, condoned, and ratified the unlawful  
27 conduct of each other. Consequently, Plaintiff is entitled to punitive damages against each of said  
28 Defendants.

1 **SIXTH CAUSE OF ACTION**

2 *Intentional Infliction of Emotional Distress*

3 *(On Behalf of Plaintiff Against All Defendants)*

4 76. Plaintiff re-pleads, re-alleges, and incorporates by reference each and every allegation set  
5 forth in this Complaint.

6 77. Defendants' treatment of Plaintiff as discussed supra, exceeds the bounds of decency, is  
7 intolerable within our civilized community, and is therefore outrageous.

8 78. Defendants' actions, as discussed supra, were intended to cause Plaintiff to suffer the  
9 resulting emotional distress.

10 79. Defendants succeeded in their attempt to cause Plaintiff to suffer extreme emotional distress  
11 as indicated by the lingering anxiety and shame, and that are the direct and proximate results of Defendants'  
12 conduct.

13 80. Plaintiff was harmed.

14 81. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

15 82. The conduct of Defendants as described above was malicious, fraudulent, or oppressive and  
16 done with a willful and conscious disregard for Plaintiff's rights. Defendants and each of them, and their  
17 agents/employees or supervisors, authorized, condoned and ratified the unlawful conduct of each other.  
18 Consequently, Plaintiff is entitled to punitive damages against Defendants.

19 **SEVENTH CAUSE OF ACTION**

20 *Wrongful Termination in Violation of Public Policy*

21 *(On Behalf of Plaintiff Against All Defendant )*

22 83. Plaintiff re-pleads, re-alleges, and incorporates by reference each and every allegation set  
23 forth in this Complaint.

24 84. At all times herein mentioned in this complaint, California Government Code Section 12940  
25 (a), was in full force and effect and were binding on the Defendants and the Defendants were subject to  
26 their terms, and therefore Defendant was required to refrain from violations of public policy, including  
27 discrimination based on gender and pregnancy in violation of FEHA and in retaliation for complaining of  
28

1 said discrimination.

2 85. Defendants were Plaintiff's employer, and Plaintiff was Defendants' employee.

3 86. Defendant demoted Plaintiff in violation of Plaintiff's rights and public policy.

4 87. Plaintiff is informed and believes and thereon alleges that her protected status  
5 (gender/pregnancy) and/or her protestation against being discriminated against based on said protected  
6 status as alleged above, were, in part, factors in Defendants' decision to demote Plaintiff's employment.

7 88. Plaintiff was harmed.

8 89. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

9 90. As a proximate result of Defendants' conduct, Plaintiff has suffered special damages in the  
10 form of lost earnings, benefits and/or out of pocket expenses in an amount according to proof at the time  
11 of trial. As a further direct and proximate result of Defendants' conduct, Plaintiff will suffer additional  
12 special damages in the form of lost future earnings, benefits and/or other prospective damages in an  
13 amount according to proof at the time of trial.

14 91. As a further direct and proximate result of Defendants' conduct, Plaintiff has suffered loss  
15 of financial stability, peace of mind and future security, and has suffered embarrassment, humiliation,  
16 mental and emotional pain and distress and discomfort, all to his detriment and damage in amounts not  
17 fully ascertained but within the jurisdiction of this court and subject to proof at the time of trial.

18 92. In violation of public policy, Defendants demoted Plaintiff because she is a female who is  
19 pregnant and required a pregnancy leave, despite the fact that Defendants knew that Plaintiff was  
20 experienced and able to perform the essential functions of her position.

21 93. The conduct of Defendants as described above was malicious, fraudulent, or oppressive and  
22 done with a willful and conscious disregard for Plaintiff's rights. Defendant and each of them, and their  
23 agents/employees or supervisors, authorized, condoned and ratified the unlawful conduct of each other.  
24 Consequently, Plaintiff is entitled to punitive damages against each of said Defendants.

25 **PRAYER FOR RELIEF**

26 **WHEREFORE**, Plaintiff prays for judgment against the Defendants, and each of them, as  
27 follows:  
28

1. Compensatory damages including emotional distress damages and lost wages, benefits and interest in a sum according to proof;
2. Interest on judgment, including prejudgment interest, at the legal rate;
3. Punitive damages in a sum according to proof;
4. Attorney's fees and costs; and
5. For any further legal and equitable relief, the Court deems proper.

//

Dated: September 29, 2022.

**RATNER MOLINEAUX, LLP**

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David S. Ratner  
Shelley A. Molineaux  
Attorneys for Plaintiff Tiana Nixon

# **EXHIBIT A**



## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive Suite 100 Elk Grove CA 95758  
(800) 884 1684 (Voice) (800) 700 2320 (TTY) | California's Relay Service at 711  
<http://www.dfeh.ca.gov> Email [contact\\_center@dfeh.ca.gov](mailto:contact_center@dfeh.ca.gov)

July 27, 2022

Shelley Molineaux  
1990 N. California Blvd, St 20  
Walnut Creek, CA 94598

RE: **Notice to Complainant's Attorney**  
DFEH Matter Number: 202207-17715727  
Right to Sue: Nixon / Santa Clara Unified School District et al.

Dear Shelley Molineaux:

Attached is a copy of your complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

**Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer.** You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the DFEH does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing



## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive Suite 100 Elk Grove CA 95758  
(800) 884 1684 (Voice) (800) 700 2320 (TTY) | California s Relay Service at 711  
<http://www.dfeh.ca.gov> Email [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

July 27, 2022

**RE: Notice of Filing of Discrimination Complaint**

DFEH Matter Number: 202207-17715727

Right to Sue: Nixon / Santa Clara Unified School District et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for DFEH's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in DFEH's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in DFEH's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact DFEH's Small Employer Family Leave Mediation Pilot Program by emailing [DRDOnlineRequests@dfeh.ca.gov](mailto:DRDOnlineRequests@dfeh.ca.gov) and include the DFEH matter number indicated on the Right to Sue notice.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,



## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive Suite 100 Elk Grove CA 95758  
(800) 884 1684 (Voice) (800) 700 2320 (TTY) | California's Relay Service at 711  
<http://www.dfeh.ca.gov> Email [contact\\_center@dfeh.ca.gov](mailto:contact_center@dfeh.ca.gov)

### Department of Fair Employment and Housing





## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive Suite 100 Elk Grove CA 95758  
(800) 884 1684 (Voice) (800) 700 2320 (TTY) | California s Relay Service at 711  
<http://www.dfeh.ca.gov> Email [contact\\_center@dfeh.ca.gov](mailto:contact_center@dfeh.ca.gov)

July 27, 2022



**RE: Notice of Case Closure and Right to Sue**

DFEH Matter Number: 202207-17715727

Right to Sue: Nixon / Santa Clara Unified School District et al.

Dear Tiana Nixon:

This letter informs you that the above-referenced complaint filed with the Department of Fair Employment and Housing (DFEH) has been closed effective July 27, 2022 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

This matter may qualify for DFEH's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in DFEH's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in DFEH's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact DFEH's Small Employer Family Leave Mediation Pilot Program by emailing [DRDOnlineRequests@dfeh.ca.gov](mailto:DRDOnlineRequests@dfeh.ca.gov) and include the DFEH matter number indicated on the Right to Sue notice.



## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

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<http://www.dfeh.ca.gov> Email [contact\\_center@dfeh.ca.gov](mailto:contact_center@dfeh.ca.gov)

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing

**COMPLAINT OF EMPLOYMENT DISCRIMINATION  
BEFORE THE STATE OF CALIFORNIA  
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING  
Under the California Fair Employment and Housing Act  
(Gov. Code, § 12900 et seq.)**

**In the Matter of the Complaint of**

Tiana Nixon

DFEH No. 202207-17715727

Complainant,

vs.

Santa Clara Unified School District  
1889 Lawrence Rd  
Santa Clara, CA 95051

Vivian Rhone-Lay

,

Respondents

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1. Respondent **Santa Clara Unified School District** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant is naming **Vivian Rhone-Lay** individual as Co-Respondent(s).

3. Complainant **Tiana Nixon**, resides in the City of **Santa Clara**, State of **CA**.

4. Complainant alleges that on or about **April 29, 2022**, respondent took the following adverse actions:

**Complainant was harassed** because of complainant's sex/gender, pregnancy, childbirth, breast feeding, and/or related medical conditions.

**Complainant was discriminated against** because of complainant's sex/gender, pregnancy, childbirth, breast feeding, and/or related medical conditions and as a result of the discrimination was denied hire or promotion, demoted, denied accommodation for pregnancy.

**Complainant experienced retaliation** because complainant reported or resisted any form of discrimination or harassment and as a result was denied hire or promotion, demoted, denied accommodation for pregnancy.

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**Additional Complaint Details:** Tiana Nixon, an African American female, began working at Santa Clara Unified School District on August 12, 2021 as a temporary employee.

On January 31, 2022, Ms. Nixon was offered a full time role at MacDonald High School as a Registrar. Upon acceptance of this new position Ms. Nixon disclosed with the Principal, Vivian Rhone-Lay, that she was pregnant with a due date of July 22nd, 2022.

Throughout Ms. Nixon's probationary period she completed assigned tasks and projects timely and received positive feedback about her work performance, having never received negative feedback or negative evaluations.

On April 25th, 2022, Ms. Nixon had a probation meeting with HR and Ms. Rhone-Lay informing her that she did not pass probation. Ms. Nixon inquired about the decision that lead to the failed probation, and she was informed that she would know based off of her three month evaluation and was given no further information. Ms. Nixon's three month evaluation was scheduled for April 21st, 2022, but was canceled on April 14th, 2022 with no explanation. Therefore, the three month evaluation never took place.

On April 29, 2022, Ms. Nixon filed a complaint through HR. To this day, Ms. Nixon has not received any updates on the status of her failed probation.

As a result of her failed probation, Ms. Nixon was not able to return to her previous roll for one week. For the remainder of her week in her current roll she was not given any work tasks or assignments, was blatantly disregarded, and had no communication with anyone.

Having lost this job position means that Ms. Nixon lost her full time and permanent position, lost her pay increase and maternity leave and will go back to a temporary employment status.

This caused Ms. Nixon a great deal of stress, anxiety, panic attacks and emotional distress during her pregnancy that has negatively affected her health.

As a result of the foregoing action, Ms. Nixon was harassed, discriminated against, and retaliated against on the basis of her sex, gender, and pregnancy. Respondents are also liable for negligent and/or intentional infliction of emotional distress to Ms. Nixon's detriment.

1 VERIFICATION

2 I, **Shelley A. Molineaux**, am the **Attorney** in the above-entitled complaint. I have  
3 read the foregoing complaint and know the contents thereof. The matters alleged are  
4 based on information and belief, which I believe to be true.

5 On July 27, 2022, I declare under penalty of perjury under the laws of the State of  
6 California that the foregoing is true and correct.

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**Walnut Creek, CA**