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9 Attorneys for Plaintiff
10 OMI SALAS-SANTACRUZ

11 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF ALAMEDA**

13 OMI SALAS-SANTACRUZ, individually

14 Plaintiff,

15 v.

16 UNIVERSITY OF CALIFORNIA, BERKELEY,
17 and PATRICIA BAQUEDANO-LOPEZ, an
18 individual, and DOES 1 through 50, inclusive.

19 Defendants.

Case No. 22CV022013

AMENDED COMPLAINT FOR DAMAGES

1. Retaliation, Cal. Gov't Code §12940(h)
2. Hostile Work Environment Harassment, Cal. Gov. Code § 12940(j)
3. Failure to Prevent Discrimination and Harassment, Cal. Gov. Code § 12940
4. Intentional Infliction of Emotional Distress
5. Gender Discrimination

DEMAND FOR JURY TRIAL

20
21 1. Plaintiff OMI SALAS-SANTACRUZ (“Salas-SantaCruz”) individually, brings this action
22 against Defendants THE REGENTS OF THE UNIVERSITY OF CALIFORNIA (“The Regents”), and
23 PATRICIA BAQUEDANO-LOPEZ (“Baquedano-Lopez”), an individual, and DOES 1 through 50,
24 inclusive.

PARTIES

25
26 2. Plaintiff is, and at all times relevant to this action was, a resident of the City of
27 Sacramento, California. The events giving rise to this action arose in Berkeley, California.

28 3. Plaintiff is informed and believes, and based thereon alleges, that Defendant the Regents

1 of the University of California (Regents) is the governing board of the University of California and is
2 authorized to do business in California.

3 4. The University of California, Berkeley (hereinafter “Berkeley”) is part of the University
4 of California system and is governed by Defendant Regents.

5 5. Plaintiff does not know the true names of Defendants Does 1 through 50, inclusive, and
6 therefore sues them by those fictitious names. The names, capacities, and relationships of Defendants
7 Does 1 through 50, inclusive, will be alleged by amendment to this Complaint when the same are known
8 to Plaintiff.

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

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

19 8. Defendant Patricia Baquendo-Lopez was at all times relevant to this action a Professor at
20 Berkeley and an employee of Defendant Regents.

21 9. The Regents, Baquedano-Lopez and Does 1 through 50, inclusive, are collectively
22 referred to hereafter as “Defendants”.

23 ***JURISDICTION AND VENUE***

24 10. This Court has jurisdiction over Defendants because at all times relevant, they were
25 authorized to transact, and are transacting business in California.

26 11. Venue is proper in this Court pursuant to Code of Civil Procedure § 395, because the acts,
27 events and omissions complained of herein occurred in Alameda County, California.

28 ***EXHAUSTION OF ADMINISTRATIVE REMEDIES***

1 19. Beginning in May 2016 Professor Baquedano-Lopez began to change her attitude towards
2 Plaintiff, mocking Plaintiff's gender transition and their person as a trans individual. Baquedano-Lopez
3 began sabotaging Plaintiff's letters of recommendation, removing Plaintiff from publication
4 opportunities, denying reimbursements for research-related work, and asking the admins in the School of
5 Education to remove Plaintiff from funding opportunities. She asked Plaintiff to commit voucher fraud,
6 for her to have two students support her, by having Plaintiff split their summer stipend to pay the second
7 student's expenses, which she did not have permission to do so. Plaintiff chose not to do this and was
8 pressured to give up their summer stipend and job or choose to live below minimum wage and commit
9 university voucher fraud. Plaintiff then reported this as an abuse of power and ethics complaint.

10
11 20. During this same time, Plaintiff saw a text message from Baquedano-Lopez to a student
12 where she called Plaintiff an "it" and to be careful of them. Plaintiff also found out that they were the
13 only lab researcher not receiving reimbursement for attending a lab related conference paper
14 presentation, in which Baquedano-Lopez responded to a student's inquiry, "What about Omi's
15 reimbursement part?" She responded, "It is not my problem."

16
17 21. Starting in Fall of 2016, Plaintiff experienced that while coming in early to the Center for
18 Latino Policy Research a homeless person, who appeared and acted under the influence, inside of the
19 wheelchair access landing. This homeless person harassed, yelled, and cursed at Plaintiff daily. Plaintiff
20 verbally reported this to the University and Baquedano-Lopez on multiple occasions, filed a formal
21 complaint into Defendant's IX system. Defendants took no action to remove this person. Plaintiff felt
22 unsafe and at risk of being harmed. By the Fall of 2018 Plaintiff submitted a follow-up report to the
23 ethics points system, due to Defendant's inaction.

24
25 22. In October 2018, Plaintiff and three other students met with Dean Dr. Prudence Carter, to
26 discuss the abuse of power by Baquedano-Lopez causing an investigation to take place. They met with
27 the Dean in hopes to get support to advance the investigation process as the formal complaints were not
28

1 being taken seriously by the larger university system and Title IX office. The Dean stated she would be
2 impartial in treatment; however, she sided with Baquedano-Lopez and placing her as head of equity
3 advising, which oversees fellowships, department equity complaints, and networking opportunities.

4 23. Despite their meeting qualifications for a fellowship, Baquendo-Lopez denied Plaintiff the
5 fellowship because Plaintiff was not under "normative time" although it was apparent that Defendants,
6 particularly Baquedano-Lopez were stalling Plaintiff's advancement. Baquedano-Lopez held networking
7 events and socials in her residence denying Plaintiff access to opportunities to meet potential academic
8 colleagues/collaborators.

9
10 24. After a year of inaction on the complaint via Title IX, Plaintiff followed up as things in
11 the School of Education were continuing to decline. In May of 2019, Plaintiff complained that their new
12 faculty, Michael Dumas, was not submitting letters of recommendation, submitting required documents
13 for external fellowships, or meeting their disability accommodations.

14
15 25. Plaintiff submitted all the required documents for appointment application with the school
16 of education in the Spring and Fall of 2018 and again Fall of 2019. Plaintiff was never selected for jobs
17 or received a follow-up correspondence. Although these job applications are beyond the statute of
18 limitations, they are the evidence of the hostile environment and discriminatory animus to which Plaintiff
19 was subjected during Plaintiff's time at Berkley. The school of education had Plaintiff's application until
20 Plaintiff graduated and Plaintiff did not receive a single teaching or research job offer.

21
22 26. In August 2019, Plaintiff further inquired about not getting internal student teaching
23 positions, despite their applications. The School of Education staff and faculty received general training
24 on trans inclusion and from that moment Plaintiff began to be ignored by staff and not given any
25 fellowships, jobs, or even prompt responses related to administrative issues such as prompt responses to
26 forms needed for degree completion. This continued for Plaintiff's entire tenure at Berkeley.

1 27. In October 2019, Plaintiff received three letters of support from students and faculty
2 member who experienced similar discrimination or had witnessed the events described by Plaintiff.
3 These letters were requested from Title IX officer Alvaro Soria to begin the investigation.

4 28. In Spring of 2019 Plaintiff was finally able to secure a job by directly applying with
5 Professor Lisa Garcia-Bedolla. If Plaintiff did not contact the Professor directly the school of education
6 would not have forwarded the application. Usually, at 50% employment, employees' fees are fully
7 covered, and if not, the department would usually find funding for the employees. However, that did not
8 happen in Plaintiff's case. Plaintiff secures a 50% job, but the department chose not to pay Plaintiff's fees
9 and suggested the professor find funding to cover Plaintiff's fees.

10 29. In May 2020, Defendants in general and Baquedano-Lopez particularly, denied Plaintiff's
11 continuing student fellowship and further denied them internal job opportunities and fellowships.
12 Plaintiff continued following up with the investigation and submitted their requests. Plaintiff complained
13 about the inaction from the Title IX Office. They were told there was an oversight due to the investigator
14 taking a new director position. Berkeley then conducted an external investigation into Plaintiff's
15 complaints. Plaintiff received two reports stating the investigation resulted in confirmed sexual
16 harassment and delineated an abuse of power from Baquedano-Lopez and a denial of disability
17 accommodations from Dr. Dumas.

18 30. However, Plaintiff continued to experience discrimination from the department in general
19 and Baquedano-Lopez in particular. Plaintiff submitted their dissertation to their committee and
20 dissertation system one week before the deadline. A few hours before the deadline, Plaintiff was notified
21 their petition for an external co-chair had been ignored and not in the system and they had to spend all
22 day rushing to ensure they could file on time.
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1 31. In the Fall of 2021, Plaintiff was asked if Plaintiff could "sit in" lieu of Zeus Leonardo
2 during a medical leave but when Plaintiff inquired about the possibility of pay the department went
3 silent.

4 32. In May 2022, Plaintiff had an exit interview with a new employee, Dr. Tesha Sengupta-
5 Irving who acknowledged a lack of disability related accommodations and requested feedback for future
6 students, acknowledged hearing a lack of support from the department after Dr. Dumas firing, and the
7 school failures to have both gender affirming, supportive faculty and work/courses related to the degree
8 advertised and sought by Plaintiff stating the school would be changing its name and potentially
9 reconsidering the name of the degree itself as to not "defraud" incoming students into thinking the
10 program offers courses in line with the degree advertised.

11 33. For the three years before filing this action Defendants harassed, marginalized, and
12 denigrated Plaintiff denying them the full opportunities and benefits that non-trans PHD candidates at
13 Berkeley received during the same time period. As a result of this hostile environment, Plaintiff suffered
14 extreme emotional distress and psychological injury.

15 34. In violation of Cal. Gov. Code §12940, Plaintiff was discriminated against based on
16 gender and sex. Plaintiff is informed and believes that other co-workers have been given opportunities
17 for promotion, scholarly and research opportunities, fellowships, access to opportunities to meet potential
18 academic colleagues/collaborators, and letters of recommendations.

19 35. The discrimination Plaintiff experienced in the workplace caused Plaintiff extreme stress,
20 anxiety, worry, loss of sleep, changes in appetite, dramatic loss of weight, apprehension, and dismay. As
21 a result of the emotional toll on Plaintiff, they experienced feelings of paranoia, depression, and a
22 triggering of ADHD. Plaintiff began seeing an in-house specialist at Berkley to be evaluated, which
23 resulted in the suggestion of Plaintiff seeking a psychiatrist.
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1 52. Plaintiff's supervisor engaged in the conduct.

2 53. Defendants knew or should have known of the conduct and failed to take any corrective
3 action whatsoever, let alone immediate appropriate corrective action.

4 54. The above-described acts and conduct by Defendants proximately caused Plaintiff
5 damages and injury in an amount to be proven at trial.

6
7 55. The conduct of Defendants and each of them as described above was malicious,
8 fraudulent, or oppressive and done with a willful and conscious disregard for Plaintiff's rights.
9 Defendants and each of them, and their agents/employees or supervisors, authorized, condoned, and
10 ratified the unlawful conduct of each other. Consequently, Plaintiff is entitled to punitive damages
11 against Defendant Baquedano-Lopez.

12 ***THIRD CAUSE OF ACTION***

13 *Failure to Prevent Discrimination and Harassment*

14 *Cal. Gov. Code § 12940*

15 *(Against All Defendants)*

16
17 50. Plaintiff re-pleads, re-alleges, and incorporates by reference each and every allegation set
18 forth in this Complaint.

19 51. Government Code section 12940(m)(2) provides in relevant part:

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

23 52. Defendants wrongfully failed to take all reasonable steps necessary to prevent harassment
24 and discrimination of Plaintiff based on Plaintiff's gender and sex.

25 53. Plaintiff suffered and continues to suffer harm as a result of Plaintiff's treatment and exit
26 by Defendants.

27 54. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

28 55. Under Government Code section 12940, Plaintiff is entitled to recover Plaintiff's
economic and noneconomic damages caused by Defendants' unlawful practices. Plaintiff is also entitled

1 to reasonable attorney's fees and costs pursuant to Government Code section 12965.

2 56. The conduct of Defendants and each of them as described above was malicious,
3 fraudulent, or oppressive and done with a willful and conscious disregard for Plaintiff's rights.
4 Defendants and each of them, and their agents/employees or supervisors, authorized, condoned, and
5 ratified the unlawful conduct of each other. Consequently, Plaintiff is entitled to punitive damages
6 against Defendant Baquedano-Lopez.

7 ***FOURTH CAUSE OF ACTION***

8 *Intentional Infliction of Emotional Distress*

9 *(Against Defendant Baquedano-Lopez)*

10 57. Plaintiff re-pleads, re-alleges, and incorporates by reference each and every allegation set
11 forth in this Complaint.

12 58. Defendant's treatment of Plaintiff as discussed supra, exceeds the bounds of decency, is
13 intolerable within our civilized community, and is therefore outrageous.

14 59. Defendant's actions, as discussed supra, were intended to cause Plaintiff to suffer the
15 resulting emotional distress.

16 60. Defendant caused Plaintiff to suffer extreme emotional distress, as indicated by the
17 lingering anxiety, extreme stress, worry, loss of sleep, changes in appetite, dramatic loss of weight,
18 apprehension, paranoia, depression, triggered ADHD, panic attacks, and dismay that are the direct and
19 proximate results of Defendant's conduct.

20 61. Plaintiff was harmed.

21 62. Defendant's conduct was a substantial factor in causing Plaintiff's harm.

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

26 ***FIFTH CAUSE OF ACTION***

27 *Gender Discrimination*

28 *Cal. Gov. Code § 12940*

(Against All Defendants)

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

65. Government Code section 12940(a) provides in relevant part:

It is an unlawful employment practice . . . (a) [f]or an employer, because of the . . . sex, gender . . . of any person . . . to discharge the person from employment . . . or to discrimination against the person in compensation or in terms, conditions, or privileges of employment.

66. Plaintiff is a non-binary person.

67. Plaintiff was subjected to unwelcome gender discrimination.

68. Defendant was Plaintiff's employer, and Plaintiff was Defendants' employee.

69. Plaintiff was harassed by their Professor. This harassment included making comments about Plaintiff's gender-affirming transition, calling them an "it", excluding them from work at the lab, removing them from lab projects, sabotaging their letter of recommendation, asking Plaintiff to commit voucher fraud.

70. Throughout their employment, Plaintiff made multiple complaints to Defendant about the harassment and discrimination they received from their professor. Despite Plaintiff's complaints of the harassment, Defendants did not remedy the situation.

71. Plaintiff suffered harm when they were discriminated against by Defendants.

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

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

74. As a result of Defendants' discriminatory treatment Plaintiff suffered extreme emotional distress, as indicated by the lingering anxiety, extreme stress, worry, loss of sleep, changes in appetite, dramatic loss of weight, apprehension, paranoia, depression, triggered ADHD, panic attacks, and dismay that are the direct and proximate results of Defendant's conduct.

75. The conduct of Defendants and each of them as described above was malicious,

1 fraudulent, or oppressive and done with a willful and conscious disregard for Plaintiff's rights.
2 Defendants and each of them, and their agents/employees or supervisors, authorized, condoned, and
3 ratified the unlawful conduct of each other. Consequently, Plaintiff is entitled to punitive damages
4 against Defendant Baquedano-Lopez.

5 **PRAYER FOR RELIEF**

6 **WHEREFORE**, Plaintiff prays for judgment against the Defendants, and each of them, as
7 follows:

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

14
15 Dated: March 21, 2023.

RATNER MOLINEAUX, LLP

16 

17 _____
18 David S. Ratner
19 Shelley A. Molineaux
20 Attorneys for Plaintiff Omi Salas-SantaCruz

21 **DEMAND FOR JURY TRIAL**

22 Plaintiff hereby demands trial of her claims by jury to the extent authorized by law.

23 Respectfully submitted,

24 Dated: March 21, 2023.

RATNER MOLINEAUX, LLP

25 

26 _____
27 David S. Ratner
28 Shelley A. Molineaux
Attorneys for Plaintiff Omi Salas-SantaCruz

EXHIBIT A



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
www.dfeh.ca.gov | contact.center@dfeh.ca.gov

October 17, 2022

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

RE: Notice to Complainant's Attorney
CRD Matter Number: 202210-18579717
Right to Sue: Salas-SantaCruz / UC Berkeley et al.

Dear Shelley Molineaux:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) 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, CRD 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 CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

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October 17, 2022

RE: Notice of Filing of Discrimination Complaint
CRD Matter Number: 202210-18579717
Right to Sue: Salas-SantaCruz / UC Berkeley et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) 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 CRD'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 CRD'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 CRD'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 CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@dfeh.ca.gov and include the CRD 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 CRD is requested or required.

Sincerely,



Civil Rights Department

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
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Civil Rights Department



Civil Rights Department

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www.dfeh.ca.gov | contact.center@dfeh.ca.gov

October 17, 2022

Omi Salas-SantaCruz
2016 Woodstock Way
Sacramento, CA 95825

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202210-18579717
Right to Sue: Salas-SantaCruz / UC Berkeley et al.

Dear Omi Salas-SantaCruz:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 17, 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 CRD'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 CRD'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 CRD'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 CRD's Small Employer Family Leave Mediation Pilot Program by emailing



Civil Rights Department

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DRDOnlineRequests@dfeh.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

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 CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

1 **COMPLAINT OF EMPLOYMENT DISCRIMINATION**
2 **BEFORE THE STATE OF CALIFORNIA**
3 **Civil Rights Department**
4 **Under the California Fair Employment and Housing Act**
5 **(Gov. Code, § 12900 et seq.)**

6 **In the Matter of the Complaint of**

7 Omi Salas-SantaCruz

CRD No. 202210-18579717

8 Complainant,

9 vs.

10 UC Berkeley
11 2200 University Avenue
12 Berkeley, CA 94704

13 Patricia Baquedano-Lopez
14 2200 University Avenue
15 Berkeley, CA 94704

16 Respondents

17 **1. Respondent UC Berkeley is an employer subject to suit under the California Fair**
18 **Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).**

19 **2. Complainant is naming Patricia Baquedano-Lopez individual as Co-Respondent(s).**

20 **3. Complainant Omi Salas-SantaCruz, resides in the City of Sacramento, State of CA.**

21 **4. Complainant alleges that on or about May 31, 2022, respondent took the following**
22 **adverse actions:**

23 **Complainant was harassed** because of complainant's race, sex/gender, gender identity or
24 expression, sexual harassment- hostile environment.

25 **Complainant was discriminated against** because of complainant's race, sex/gender,
26 gender identity or expression, sexual harassment- hostile environment and as a result of the
27 discrimination was forced to quit, denied hire or promotion, denied work opportunities or
28 assignments.

1 **Complainant experienced retaliation** because complainant reported or resisted any form
2 of discrimination or harassment and as a result was forced to quit, denied hire or promotion,
3 denied work opportunities or assignments.

4 **Additional Complaint Details:** Omi Salas-Santa Cruz is a 38 year old, non-binary person,
5 who began employment with UC Berkeley on September 2nd, 2014 in Law School, then
6 began to work for the School of Education Laboratory for the Study of Interaction and
7 Discourse In Educational Research (L-SIDER), and UC Berkeley Summer Sessions on a
8 part-time basis, or summer-based employment. After being denied job opportunities, Omi
9 began working as Director/Fellow in the Multicultural Community Center. At all times in the
10 previous five years their teaching rating was above average and only 2% of the school of
11 education instructors earn the Outstanding Instructor recognition, which they received.

12 In May of 2016,, Omi began a gender-affirming transition both socially and medically. After
13 Omi's transition, they were excluded from work at the lab, the lab site (a local SF elementary
14 school), and eventually removed from the lab project, the lab office itself, and given a
15 schedule in another center (The Center for Latino Politics Research) to be attended during
16 non-business hours. Throughout Fall 2016 and Spring 2017 Omi was not being granted the
17 same scholarly and research opportunities as their peers both in the lab and the center. In
18 Spring of 2017, Omi was notified about gossiping about their person, body, appearance,
19 being called an "it", "a thing" and was shown a text from the lab director to another peer that
20 stated to be "careful of Omi" because "trans people are deceiving."

21 In May 2016, Professor Baquedano-Lopez began to change attitudes towards Omi, mocking
22 Omi's gender transition and their person as a trans individual. She began sabotaging Omi's
23 letters of recommendation, removing Omi from publication opportunities, denying
24 reimbursements for research-related work, and asking the admins in the School of
25 Education to remove Omi from funding opportunities. She asked Omi to commit voucher
26 fraud, for her to have two students support her, by having Omi split their summer stipend to
27 pay the second student's expenses, which she did not have permission to do so. Omi chose
28 not to do this and was pressured to give up their summer stipend and job or choose to live
below minimum wage and commit university voucher fraud. Omi then reported this as an
abuse of power and ethics complaint. During this same time, Omi saw a text message from
Professor B.-Lopez to a student where she called Omi an "it" and to be careful of them. Omi
also found that they were the only lab researcher not receiving reimbursements for attending
a lab related conference paper presentation, in which the Professor B.-Lopez responded to
a student's inquiry, "what about Omi's reimbursement part?" She responded, "It is not my
problem."

In October 2018, Omi and three other students met with the Dean, Dr. Prudence Carter, to
discuss the abuse of power by Professor B.-Lopez and an investigation took place. They
met with the Dean in hopes to get support to advance the investigation process as the
formal complaints were not being taken seriously by the larger university system and Title IX
office. The Dean stated she would be impartial in treatment, however she sided with the
Professor and placed her as head of equity advising, which oversees fellowships,

1 department equity complaints, and networking opportunities. Omi was later denied a
2 fellowship under the claim that Omi was not under "normative time" although it was apparent
3 that they were stalling Omi's advancement. Professor B.-Lopez was doing networking
4 events and socials in her residence denying Omi access to opportunities to meet potential
5 academic colleagues/collaborators. After a year of inaction on the complaint via Title IX, Omi
6 followed up as things in the School of Education were getting worse. In May of 2019, Omi
7 complained that their new faculty, Michael Dumas, was not submitting letters of
8 recommendation, submitting required documents for external fellowships, or meeting their
9 disability accommodations. In August 2019, Omi further inquired about not getting internal
10 student teaching positions, despite their applications. The School of Education staff and
11 faculty received general training on trans inclusion and from that moment Omi began to be
12 ignored by staff and not given any fellowships, jobs, or even prompt responses related to
13 administrative issues such as responses to forms needed for degree completion.

14 In October 2019, Omi received 3 letters of support from students and faculty member who
15 experienced similar discrimination or had witnessed the events described by Omi. These
16 letters were requested from Title IX officer Alvaro Soria to begin the investigation. In May
17 2020, the school denied Omi's continuing student fellowship and further denied them
18 internal job opportunities or fellowships. Omi continued following up with the investigation
19 and submitted their requests. Omi complained about the inaction from the Title IX Office as
20 was told there was an oversight due to the investigator taking a new director position. Omi
21 was granted an external investigation who took over looking into their complaints. Omi
22 received two reports stating the investigation resulted in confirmed sexual harassment and
23 delineated an abuse of power from Professor B.-Lopez and a denial of disability
24 accommodations from Dr. Dumas. Up to May 2022, Omi continued to experience
25 discrimination from the department in general. Omi submitted their dissertation to their
26 committee and dissertation system one week prior to the deadline. A few hours before the
27 deadline Omi was notified their petition for an external co-chair had been ignored and was
28 not in the system and they had to spend all day rushing to ensure they could file on time.

1 In May 2022, Omi had an exit interview with a new employee, Dr. Tesha Sengupta-Irving
2 who acknowledged a lack of disability related accommodations and requested feedback for
3 future students. Dr. Sengupta-Irving also acknowledged hearing a lack of support from the
4 department after Dr. Dumas' firing, and the school failures to have both gender affirming and
5 supportive faculty and work/courses related to the degree advertised and sought by Omi
6 stating the school would be changing it's name and potentially reconsidering the name of the
7 degree itself as to not "defraud" incoming students into thinking the program offers courses
8 in line with the degree advertised.

1 VERIFICATION

2 I, **Shelley Molineaux**, am the **Attorney** in the above-entitled complaint. I have read
3 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 October 17, 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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