

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALEXANDER *et al.*,

Plaintiff,

-against-

SUTTON *et al.*,

**DECLARATION OF NINA
MICKENS IN SUPPORT OF
DEFENDANTS’ OPPOSITION
TO PLAINTIFFS’ MOTION
FOR A PRELIMINARY
INJUNCTION**

Defendants. 24 CV 2224 (DG) (JRC)

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Nina Mickens, declares and states as follows:

1. I am a defendant in this action and employed by the New York City Department of Education (“DOE”) as the Equity Compliance Officer (the “ECO”). I have served as the ECO since February 2023.

2. I submit this declaration in support of the DOE Defendants’ opposition to Plaintiffs’ Motion for a Preliminary Injunction.

3. The statements in this declaration are based on my personal knowledge, and information provided to me by DOE employees, and as contained in the books and records of DOE.

4. As the ECO, I report to the Executive Director of the Office of Family and Community Engagement (“FACE”), which works with district leaders, school leaders, family-facing staff, parent leaders, and all families to improve student outcomes through building meaningful partnerships between families and schools.

5. The ECO is responsible for the receipt, response, processing, and investigation of complaints alleging violations of Chancellor's Regulation D-210, Citywide and Community Education Council Code of Conduct and Complaint Procedures: Anti-discrimination and Anti-harassment Policy ("Chancellor's Regulation D-210").

6. Prior to the enactment of Chancellor's Regulation D-210, the DOE received numerous complaints from parents, elected officials, community members, and other parent leaders about discriminatory and harassing conduct by Community Education Council ("CEC") members, coupled with the complaint that such misconduct could not be addressed by the DOE.

7. For example, there were instances where CEC members referred to students and parents with racial slurs and/or engaged in the online doxxing and harassment of DOE students. *See, e.g.,* Selima Algar, "Carranza accused of 'pitting parents against each other' along racial lines," *The New York Post*, Sept. 30, 2019 (available at <https://nypost.com/2019/09/30/carranza-accused-of-pitting-parents-against-each-other-along-racial-lines/> (last accessed May 5, 2024); November 13, 2019 Letter from Council Member Chaim M. Deutsch to Chancellor Richard Carranza, attached hereto at Exhibit 1; February 14, 2020 Letter from Eric L. Adams to Chancellor Richard Carranza, Re: Concerns surrounding treatment of Brooklyn's Asian community, attached hereto at Exhibit 2; July 12, 2020 Letter to Chancellor Richard Carranza from Taylor McGraw, et al., Re: Harassment of student advocates by elected parent leaders, attached hereto as Exhibit 3.

8. There were also complaints about CEC members exhibiting unprofessional behavior and offensive and derogatory language towards other CEC members, and instigating the bullying and verbal and physical intimidation of CEC members. *See* CEC 5 Resolution # 86 (Mar. 9, 2020), attached hereto as Exhibit 4.

9. Chancellor's Regulation D-210 was promulgated in response to a request by CEC members and other parents for a regulation that would address discriminatory and harassing conduct by CEC members, and facilitate the CECs' ability to perform their functions.

10. Accordingly, during the 2020-2021 school year, FACE convened an Equity Council composed of parent leaders to participate in the development of a Chancellor's Regulation that would address discriminatory and harassing conduct by CEC members. The regulation was approved by the Panel for Educational Policy in December 2021.

11. Consistent with DOE's policy to respect the privacy of parties and witnesses concerning complaints under Chancellor's Regulation D-210, and in balancing confidentiality interests with providing due process to the subject of such complaints as required by that regulation, copies of the complaints are not provided to the subjects of the complaints. *See* Chancellor's Regulation D-210, IV(C). However, I disclose the nature of the allegations to the subject either prior to or during the interview with the subject.

Maron D-210 Complaints

12. DOE received complaints against Maud Maron, a member of the CEC for Community School District 2, between October 2023 and March 2024 regarding alleged violations of Chancellor's Regulation D-210.

13. I attempted to schedule an interview with Ms. Maron about these complaints.

14. Specifically, on February 8, 2024, I contacted Ms. Maron by phone and email and left a voicemail message for her. On February 27, 2024, Ms. Maron sent an email to me inquiring about the number and nature of complaints against her. On March 8, 2024, I advised Ms. Maron that the allegations related to her comments about the LGBTQI+ community.

15. On March 11, 2024, Ms. Maron advised that she was available for an interview on March 22, 2024, and I scheduled the interview for that day and emailed her to confirm the appointment.

16. On March 20, 2024, I advised Ms. Maron that an additional complaint against her would also be discussed at the interview, and that this complaint concerned Ms. Maron's alleged statements about a Stuyvesant High School student. On the same day, Ms. Maron then asked to reschedule the interview to the following week.

17. I sent follow-up emails on March 20, 2024, March 25, 2024, and March 26, 2024 to reschedule the interview. Ms. Maron did not respond to these messages. In my March 26, 2024 email, I advised Ms. Maron to contact FACE by March 29, 2024, or the investigation would proceed without her participation. Ms. Maron did not contact FACE by March 29, 2024 and she did not participate in the investigation.

18. I completed the investigation concerning Ms. Maron's alleged statements about a Stuyvesant High School student, who authored an anonymous opinion piece in the school newspaper concerning the Israel-Hamas war. The investigation included evidence that parents and students expressed safety concerns and felt fearful of voicing their opinions as a result of Ms. Maron's conduct, and Ms. Maron's conduct created a risk of disruption, due, in part, to the fact that these statements appeared in a highly public forum (a major news outlet with a national digital presence), thereby foreseeably and predictably amplifying the impact of her statement and jeopardizing student safety. Notably, the comments to the news article in question included threats of violence against the students involved with the publication of the opinion piece.

19. I then prepared a report of my findings and recommendations, presented it to the Equity Council and then submitted it for a final determination by the Chancellor or his designee.

Alexander D-210 Complaint

20. On or about October 10, 2023, FACE received a complaint alleging that Deborah Alexander, among others, had violated Chancellor's Regulation D-210. At the time of the complaint, Ms. Alexander was a member of the CEC for Community School District 30.

21. On November 6, 2023, I contacted Ms. Alexander to schedule an interview with her. On December 8, 2023, I interviewed Ms. Alexander. During the interview, I disclosed that the allegations related to a social media post she published and her "liking" of a separate, related post, both of which concerned information about the child of another CEC member. I presented the relevant social media posts to Ms. Alexander during the interview and gave her an opportunity to respond to the allegations. I also identified the relevant provisions of Chancellor's Regulation D-210 implicated by the allegations.

22. Following the interview, Ms. Alexander provided me with additional information regarding the allegations, including evidence that the information at issue had been previously publicly disclosed.

23. I completed the investigation, prepared a report of my findings and recommendations, presented it to the Equity Council and then submitted it for a final determination by the Chancellor or his designee.

24. I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 8, 2024

Nina S. Mickens

Nina Mickens