



September 21, 2023

*Via Email*

Timothy Riera  
Director  
New York District Office  
Equal Employment Opportunity Commission  
33 Whitehall Street, 5th Floor  
New York, NY 10004  
[timothy.riera@eeoc.gov](mailto:timothy.riera@eeoc.gov)

Re: *Nnete Matima and Joël Carter et al. v. ByteDance d/b/a/ TikTok*

Dear Director Riera,

I represent Nnete Matima and Joël Carter and I'm writing to file the enclosed pattern or practice charge against ByteDance d/b/a/ TikTok ("TikTok") on behalf of Ms. Matima and Mr. Carter. Attached to the charge are the particulars for Ms. Matima and Mr. Carter.

Ms. Matima and Mr. Carter respectfully request that the Equal Employment Opportunity Commission open and engage in a thorough investigation of TikTok's race discrimination, harassment, and retaliation against them and TikTok's pattern or practice of retaliation against people of color who complain about or oppose TikTok's race discrimination. Ms. Matima, Mr. Carter, and I look forward to working with you and the Commission on this matter.

You can reach me at the following telephone number and e-mail address: Peter Romer-Friedman, 202-355-6364 or [peter@prf-law.com](mailto:peter@prf-law.com).

Sincerely,

A handwritten signature in black ink, appearing to be "Peter Romer-Friedman", written in a cursive style.

Peter Romer-Friedman

cc: Arlean Nieto, Enforcement Manager

PETER ROMER-FRIEDMAN LAW PLLC  
1629 K Street NW, Suite 300  
Washington, DC 20006  
(202) 355-6364 (o) / (718) 938-6132 (c)  
[peter@prf-law.com](mailto:peter@prf-law.com)  
[www.prf-law.com](http://www.prf-law.com)

<h2 style="margin: 0;">CHARGE OF DISCRIMINATION</h2> <p style="font-size: small; margin: 0;">This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>		Charge Presented to: Agency(ies) Charge No(s):  <input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC
EEOC and New York City Human Rights Commission <i>State or local Agency, if any</i>		
Name <i>(indicate Mr. Ms. Mrs.)</i> Ms. Nnete Matima	Home Phone (Inc. Area Code) [REDACTED]	Date of Birth [REDACTED]
Street Address [REDACTED]	City, State and ZIP Code [REDACTED]	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. <i>(If more than two, list under PARTICULARS below.)</i>		
Name ByteDance Ltd. d/b/a/ TikTok	No. Employees, Members 100,000	Phone No. (Include Area Code) (818) 370-9863 (counsel)
Street Address 151 West 42nd St, Floor 57	City, State and ZIP Code New York, NY 10035	
Name [REDACTED]	No. Employees, Members [REDACTED]	Phone No. (Include Area Code) [REDACTED]
Street Address [REDACTED]	City, State and ZIP Code [REDACTED]	
DISCRIMINATION BASED ON <i>(Check appropriate box(es).)</i>  <input checked="" type="checkbox"/> RACE <input checked="" type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN  <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest 07/26/2022 Latest 08/11/2023  <input checked="" type="checkbox"/> CONTINUING ACTION (regarding the systemic practice of retaliation)
THE PARTICULARS ARE <i>(If additional paper is needed, attached extra sheet(s))</i> :  Please see attached for particulars.		
I want this charge filed with both the EEOC and the State or Local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY <i>When necessary for State and Local Agency Requirements</i>
I declare under penalty of perjury that the above is true and correct.  09 / 20 / 2023 <hr style="width: 100px; margin-left: 0;"/> Date		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  [REDACTED]
_____ Charging Party Signature		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

<h2 style="margin: 0;">CHARGE OF DISCRIMINATION</h2> <p style="font-size: small; margin: 0;">This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>		Charge Presented to: Agency(ies) Charge No(s):  <input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC
EEOC and Texas Workforce Commission <i>State or local Agency, if any</i>		
Name <i>(indicate Mr. Ms. Mrs.)</i> Mr. Joël Carter	Home Phone (Inc. Area Code) [REDACTED]	Date of Birth [REDACTED]
Street Address [REDACTED]	City, State and ZIP Code [REDACTED]	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. <i>(If more than two, list under PARTICULARS below.)</i>		
Name ByteDance Ltd. d/b/a/ TikTok	No. Employees, Members 100,000	Phone No. (Include Area Code) (818) 370-9863 (counsel)
Street Address 151 West 42nd St, Floor 57	City, State and ZIP Code New York, NY 10035	
Name [REDACTED]	No. Employees, Members [REDACTED]	Phone No. (Include Area Code) [REDACTED]
Street Address [REDACTED]	City, State and ZIP Code [REDACTED]	
DISCRIMINATION BASED ON <i>(Check appropriate box(es).)</i>  <input checked="" type="checkbox"/> RACE <input checked="" type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN  <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input checked="" type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest 02/01/2022 Latest 08/02/2023  <input checked="" type="checkbox"/> CONTINUING ACTION (regarding the systemic practice of retaliation)
THE PARTICULARS ARE <i>(If additional paper is needed, attached extra sheet(s))</i> :  Please see attached for particulars.		
I want this charge filed with both the EEOC and the State or Local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY <i>When necessary for State and Local Agency Requirements</i>
I declare under penalty of perjury that the above is true and correct.  09 / 20 / 2023 <hr style="width: 100px; margin-left: 0;"/> Date		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  [REDACTED]  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <i>(month, day, year)</i>
[REDACTED] <hr style="width: 100px; margin-left: 0;"/> Charging Party Signature		

**BEFORE THE  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
NEW YORK DISTRICT OFFICE**

---

**NNETE MATIMA and JOEL CARTER,  
on behalf of similarly situated workers**

**Complainants,**

**v.**

**BYTEDANCE LTD. d/b/a TIKTOK,**

**Respondent.**

---

**PARTICULARS**

This charge is filed by Nnete Matima and Joël Carter, two Black employees, on behalf of themselves and all other employees of ByteDance Ltd. d/b/a/ TikTok (“TikTok”) who have been subjected to unlawful retaliation by TikTok for complaining about race discrimination.

Several years ago, Black creators and their allies expressed concern that TikTok wasn’t treating Black creators equally on its social media app, prompting TikTok to apologize and release a statement vowing “to work each and every day to create a supportive environment for the Black community and everyone across the world.” Vanessa Pappas, TikTok US General Manager, A message to our Black community (June 1, 2020), <https://newsroom.tiktok.com/en-us/a-message-to-our-black-community>. At the end of its apology, TikTok posted the following statement:

At TikTok we deeply value the diverse voices among our users, creators, artists, partners, and employees.

We stand with the Black community and are proud to provide a platform where #blacklivesmatter and #georgefloyd generate powerful and important content with over 1 billion views.

We are committed to fostering a space where everyone is seen and heard.

 TikTok

Black employees like Nnete Matima and Joël Carter who joined TikTok in the subsequent years took this statement and other public diversity pledges by TikTok as a positive sign that TikTok would actually “value the diverse voices among [its] . . . employees,” and that the company “appreciate[s] being held accountable.” *Id.*; see also TikTok, One year later: Our commitment to diversity and inclusion (June 23, 2021), <https://newsroom.tiktok.com/en-us/one-year-later-our-commitment-to-diversity-and-inclusion> (describing how TikTok was proud to launch BLXCK, an Employee Resource Group, “to connect and support the advancement of Black talent at TikTok”). And when they personally faced race discrimination from their supervisors or others as Black employees too often do in *all* large American workplaces Ms. Matima and Mr. Carter brought their concerns to TikTok’s human resources department and management through internal complaints.

For example, Ms. Matima, a top salesperson of “Lark,” TikTok’s workplace software suite, complained that her manager required her to reach a much higher sales outreach quota than her white peers, often gave away sales leads she’d developed to her white peers, and prevented her from transferring to another department in an act of retaliation. And she complained that the Vice President who supervised her routinely told their colleagues that “Black Snake” was the “spirit animal” he associated with her. Her direct supervisor also called her a “Black Snake”.

But rather than holding anyone accountable, TikTok denied the blatant discrimination that Ms. Matima and Mr. Carter suffered, failed to stop it from continuing, engaged in sham “investigations” of their complaints, took away their work, and then terminated Ms. Matima and Mr. Carter in retaliation for complaining about race discrimination and mistreatment. TikTok has engaged in similar retaliation against other people of color who opposed discrimination, calling into question TikTok’s self-serving claim that it “appreciate[s] being held accountable” and indicating that the company has no tolerance for dissent within its ranks.

TikTok’s standard operating procedure of brazenly retaliating against workers who complain about discrimination is both wrong and unlawful. Title VII of the Civil Rights Act not only prohibits race discrimination in the workplace something that is all too common in Big Tech but it also protects workers from retaliation when they oppose discrimination or file discrimination complaints. See 42 U.S.C. §§ 2000e-2(a), 2000e-3(a).

TikTok’s pattern or practice of retaliation against workers who complain about discrimination is emblematic of a systemic problem in Silicon Valley and more generally in large American companies. Corporate leaders say they support racial and gender equality in the workplace, tell their workers to speak up when they believe they’ve been discriminated against or harassed, and say they take seriously every single discrimination or harassment complaint. But when workers summon the courage to complain about discrimination or harassment, the same corporate leaders pass the buck, express disbelief that discrimination is a problem at *their* companies, and deploy so-called “neutral” investigators whose primary purpose is to sweep discrimination under the rug. Against all odds, these corporate leaders seem to believe that systemic discrimination exists everywhere *except* their own companies. They will do whatever is necessary to protect themselves and their reputations, including actively coordinating to silence the people of color who have the courage to stand up for their civil rights and dignity.

This case demonstrates the dilemma that way too many workers of color face today: they can ignore discrimination and let biased supervisors sabotage their careers, or they can report that discrimination and suffer retaliation that often leads to being terminated. No worker should have to choose from such dehumanizing alternatives. And that's why we are asking the EEOC to investigate TikTok's pattern or practice of retaliation against workers who complain about discrimination and TikTok's discrimination and retaliation against Nnete Matima and Joël Carter.

### **Background on ByteDance / TikTok**

ByteDance is a private company that owns and operates the popular social media platform TikTok and the workplace communication app Lark. Founded in China in 2016, TikTok quickly grew to become one of the most popular apps on the internet. In 2023, TikTok had 1.7 billion monthly active users. *See* Mansoor Iqbal, *TikTok Revenue and Usage Statistics*, Business of Apps (Aug. 23, 2023), <https://www.businessofapps.com/data/tik-tok-statistics/>. In 2022, ByteDance had more than \$80 billion in revenue. *See* Zheping Huang, *ByteDance Matches Tencent's \$80 Billion Sales After TikTok Boom*, Bloomberg (Apr. 3, 2023), <https://www.bloomberg.com/news/articles/2023-04-03/bytedance-matches-tencent-s-80-billion-sales-after-tiktok-boom>. ByteDance has more than 100,000 employees globally, including at least 7,000 in the United States.

ByteDance does not publicly disclose the racial, ethnic, or gender demographics of its workforce in the United States. However, based on the complainants' observations within the company, it appears that ByteDance's workforce in the United States is far less racially diverse than the labor market from which it hires, especially when it comes to Black and Hispanic workers. For instance, as described below, Joël Carter was the only Black person on the North American Ad Policy team that had 12 employees and the only Black employee on the Global Ad Policy team that had 85 employees. And for most of her time on the Lark sales team, Nnete Matima was the only Black Business Development Representative.

### **Nnete Matima's Discrimination and Retaliation Claims**

Nnete Matima is a Black professional who has excelled in a variety of fields. Ms. Matima graduated from Fordham University (magna cum laude) with a major in legal and policy studies and graduated from the University of Massachusetts Law School. After working initially as a lawyer, she focused her career on business development with an emphasis on sales. Along the way she founded her own ethically-sourced jewelry company. And while employed full-time in corporate jobs, Ms. Matima has also been a professional actor and performing artist since 2017.

In July 2022, Ms. Matima was hired by TikTok as a Business Development Representative ("BDR") in the Lark Division of ByteDance. But based on Ms. Matima's extensive experience in sales and leadership (including previously serving as a director of sales), she should at a minimum been offered a higher-level role, such as a Director of Sales position. We believe that if Ms. Matima were not Black, she would have been offered a higher-level position when she started at ByteDance, rather than the BDR role.

In the BDR role, Ms. Matima's role was to sell Lark, TikTok's workplace software suite, to other businesses. To do this, BDRs receive "leads" from the company, *i.e.*, the names of people or companies to contact to sell Lark. BDRs are also expected to generate some of their own leads.

From the very first day Ms. Matima started at TikTok on July 25, 2022, she was treated differently and worse than her BDR colleagues who were nearly all white. For instance, instead of onboarding Ms. Matima properly, Ms. Matima was immediately told to start her sales outreach to companies. As a result, she did not have enough time to complete TikTok's mandatory training modules, and she was forced to work nights and weekends to complete her training. In contrast, Ms. Matima's white BDR peers were given ample time during normal work hours to complete their training before they were required to start their sales outreach.

Less than two weeks after she started her job on August 4, 2022, Ms. Matima received a letter from Allen Adjajian, the Vice President of Sales at TikTok's Lark Division, that outlined the expected Objectives and Key Results ("OKR") sales goals for Ms. Matima and her teammates. Mr. Adjajian explained that Ms. Matima would be responsible for 75% of the total OKR goal, while the other three BDRs would collectively be responsible for 25% of the total OKR goal. And making it harder for Ms. Matima to achieve this unfair OKR goal, Ms. Matima was required to train some of those colleagues who had started around the same time as her.

At this time, Ms. Matima was the only Black BDR on the 40-person North America Sales team (they would later add another Black woman), and it was abundantly clear that Mr. Adjajian was treating Ms. Matima far worse than her white BDR peers. In fact, Mr. Adjajian spoke to her in a disrespectful and patronizing manner on a regular basis but did not do the same to her peers.

On August 11, 2022, a week after she received the sales goal letter, Ms. Matima filed a written complaint to TikTok's Human Resources. In that complaint, she stated:

I am experiencing problems with my manager (Allen Adjajian, VP of Sales) and I've barely started here. I am very troubled by the way I am being treated and spoken to. I am being treated differently from my colleagues (and they have noticed as well). The issues: I have not been allowed to complete my trainings while others have been given time to focus on that. I am having to train the new hires when I myself have been deprived of training. I am not given the same considerations as others. I am having piles of tasks thrown at me with no instruction. I am having unreasonable expectations placed on me that others are not. I am being spoken to disrespectfully. I am being treated like a second-class citizen and being patronized constantly and don't feel that is right or fair. I want to speak up immediately because it has created a hostile work environment and it is escalating. I am afraid that if these things are not addressed promptly, it will ruin my experience with the organization. I came here to learn, further my career, and produce great results- not to be treated like I'm lesser than. I am shocked that Allen is treating me this way and I am very upset. Again, I am shocked that he has chosen to take this negative approach with me as I am so new and have barely gotten my footing here. I have already scheduled 2 meetings, with no training, no support. It is clear that despite that, I am not appreciated and I fear I am being set up for failure instead of being treated with consideration and being empowered by Allen. This is all very disappointing and stressful.

In response to Ms. Matima's complaint, TikTok's Ethics Office, which handles race discrimination complaints, would open an investigation and proceeded to investigate. But in the meantime, TikTok's management tried to cover up Mr. Adjajian's bias against Ms. Matima. On August 25, 2022, Andy Wang, the General Manager of the Lark Division, told Ms. Matima that Mr. Adjajian wanted to promote her to an Account Executive position because of her "stellar performance as a producer" on the team. Mr. Wang said that Mr. Adjajian would draw up the paperwork for Ms. Matima to be promoted in the next month or so. But that never happened because Mr. Adjajian was upset that Ms. Matima had filed a discrimination complaint about him. In addition, Mr. Wang told Ms. Matima that three departments within ByteDance had approached him about having Ms. Matima transfer to work for them, but Mr. Wang said that he had declined the proposed transfer. When pressed, he would not say which departments were interested in hiring Ms. Matima, which prevented her from identifying better opportunities within the company where she would not be subjected to discrimination or retaliation by her manager.

On October 4, 2022, the Ethics Department concluded its investigation. It found that there had been no wrongdoing. When asked for an explanation why, Ethics Department staffer Lacey Rainwater told Ms. Matima that the Ethics Department had spoken to her colleagues, who were asked whether they thought Ms. Matima had been discriminated against, and they responded that it "can't be that bad, since Nnete is doing so well" in her work. Ms. Rainwater refused to provide Ms. Matima with a copy of the investigative report.

Around the same time that the Ethics Department cleared Mr. Adjajian of wrongdoing, TikTok promoted Mr. Adjajian from the Vice President of Sales position to the Global Head of Sales position. Thus, instead of taking any action to address the obvious bias that Mr. Adjajian had shown to Ms. Matima, TikTok rewarded him with a significant promotion and gave him even more power to derail Ms. Matima's career at TikTok.

Empowered by his promotion and the apparent lack of accountability, Mr. Adjajian amplified his retaliatory campaign against Ms. Matima in an effort to drive her out of the company. For instance, in late October 2022, Mr. Adjajian assigned Ms. Matima to be the sole TikTok sales representative to attend a Diversity Equity and Inclusion in Tech conference, but he told her not to sell to anyone at the conference and to suspend her other sales work for two weeks. This assignment and instruction undermined Ms. Matima's ability to meet her fourth quarter sales quota. Even worse, Mr. Adjajian took the list of leads that Ms. Matima generated at the conference and distributed them to other BDRs (who are mostly white), driving up their sales figures despite the fact that Ms. Matima had cultivated those leads.

Furthermore, Mr. Adjajian reassigned hundreds of low-quality leads to Ms. Matima from a non-Black BDR colleague, Kimberly Collantes, who was struggling to make a dent into her leads. Mr. Adjajian knew that assigning Ms. Matima so many poor leads would prevent her from reaching her sales quota. In a call during November 2022, a non-Black BDR colleague told Ms. Matima that she and Mr. Adjajian had agreed that her "junk leads" would be given to Ms. Matima to give her an advantage over Ms. Matima.

In mid-November 2022, Mr. Adjajian also refused to provide Ms. Matima the bonus she had earned at the completion of her first quarter working on the team based on her sales commissions. Mr. Adjajian would not even meet with Ms. Matima for weeks or discuss when she



would receive the bonus or how it would be calculated. He ultimately withheld Ms. Matima's first quarter bonus for two quarters, while Ms. Matima's white BDR colleagues received their bonuses on time and much sooner. In response to Ms. Matima's complaints to Mr. Adjamian that he was withholding her bonus and treating her differently, Mr. Adjamian reported her to Bhawna Raina, a human resources business partner, and falsely claimed that others on the team had complained about her.

Notwithstanding the fact that Mr. Adjamian had stacked the deck against Ms. Matima, in November 2022 Ms. Matima was regularly the top performing BDR on her team in terms of daily output. In late November 2022, Mr. Adjamian acknowledged Ms. Matima's strong performance and told her that she had been approved to transfer to another TikTok department, but that she needed to keep up her performance or else he'd give a bad report about her to the hiring manager. No such transfer materialized. And Ms. Matima remained under the supervision of Mr. Adjamian, who continued to retaliate against her.

In January 2023, Ms. Matima was already concerned that Mr. Adjamian would not stop his campaign of discrimination and retaliation. But then she received shocking though perhaps now surprising news from a colleague.

On January 5, 2023, an account executive, Hannah Wells, called Ms. Matima and informed her that Mr. Adjamian, the Global Head of Sales for Lark, and several other supervisors and colleagues in Lark Ahmad Fayad, a Business Development Manager and her direct supervisor, BDR Dana Azadegan and BDR Kimberly Collantes commonly referred to Ms. Matima as a "Black Snake". Ms. Wells learned this at a team dinner during a conference in Las Vegas. Apparently, Ms. Matima was told, Mr. Adjamian also said that "Black Snake" is the "spirit animal" that he associates with Ms. Matima.

This outrageous "Black Snake" nickname was not only racially derogatory and inflammatory, but also suggested that Ms. Matima is a deceitful, untrustworthy, and sneaky person (the well-known traits of a snake) because she was disloyal in filing a discrimination complaint about Mr. Adjamian's racial bias against her. Ms. Matima also learned that in early January 2023 an account executive, Manuel Perez, told Ms. Matima's teammates at a dinner that "All the BDRs are great, except one (Nnete), she's checked out."

Shaken by these revelations, Ms. Matima felt an even greater urgency to switch to a different department within TikTok. But, again, that never happened, due to the retaliation by Mr. Adjamian, Mr. Fayad, Ms. Raina, and other supervisors who joined them in their pattern of retaliation.

For instance, in mid-January 2023 Ms. Matima came down with the flu and told Mr. Fayad, a Business Development Manager and her direct supervisor, that she could not attend an in-person meeting in San Jose, California. Despite personally approving Ms. Matima's sick leave, Mr. Fayad pretended that Ms. Matima had not informed him that she could not attend the event and belligerently ordered her to fly to San Jose that night or else he would report her to human resources. He did, in fact, report her and she was asked by Ms. Raina why she hadn't attended the meeting. Ms. Raina knew that Ms. Matima had taken sick leave in the days leading up to the meeting. Ms. Matima attended virtually and actively participated in all group discussions despite

being ill, and Ms. Raina was aware of this because she was present at the meeting and personally witnessed Ms. Matima's participation. Mr. Fayad did not act in the same manner towards Ms. Matima's white colleagues.

In another instance, Mr. Fayad berated Ms. Matima for missing work on a Friday in January 2023, even though Ms. Matima and two other salespeople had been told that they could take the day off. And in late January 2023, Ms. Matima learned that Mr. Fayad had taken leads that Ms. Matima had substantially developed and gave them to a white BDR, Lisa Novichkova. When asked about the leads, Ms. Novichkova remarked that Mr. Fayad had promised her Ms. Matima's leads. As for Mr. Fayad, he refused to transfer those leads back to Ms. Matima. Around the same time, Mr. Fayad and Mr. Adjajian told a teammate that Ms. Matima had "dropped the ball" by not contacting a potential client to smear Ms. Matima's reputation among her colleagues. But that allegation was false. In fact, Ms. Matima *had* contacted the client and Ms. Matima's work with that client led to one of the largest revenue-generating deals for the team (a deal for which Ms. Matima never received any recognition).

In 2023, Ms. Matima's managers also excluded her from meetings. For example, in mid-January, Ms. Matima was asked to attend a conference in New York City (where she works and lives) at the last minute. Ms. Matima agreed, but quickly learned that every other member of her team had been invited to the event for some time (including teammates who live in other cities), and that she'd been the only person who was going to be excluded until the last-minute request for her to attend.

While other departments at TikTok were very interested in hiring Ms. Matima, Mr. Fayad and other leaders of TikTok ensured that would never happen in retaliation for her prior complaints. On or around late January 2023, Mr. Fayad told Ms. Matima that he was aware she wanted to transfer to a different department. He then proceeded to berate her and tell her that she was "about to run into a lot of headwinds and I will tell you when I want you to transfer". Then, smirking, he said, "Well, have you heard back from any hiring managers? Is it even going anywhere?" Then, he said, "if a hiring manager contacted me, I wouldn't know what to tell them. I wouldn't tell them good things about you". And on February 9, 2023, Ms. Matima learned that TikTok's Head of Marketing, Katrina Krantz, who wanted to hire her, was told by Andy Wang, Lark's General Manager, Mr. Fayad, and Ms. Raina that Ms. Krantz could not hire Ms. Matima for a role on her team, despite Ms. Matima's stellar qualifications for that role. Over the next two weeks, Mr. Fayad sabotaged Ms. Matima's potential transfer to yet another role in another department by delaying the submission of her transfer application and stating that he would not approve the transfer request.

On February 23, 2023, Ms. Matima filed a five-page complaint with TikTok explaining that (1) her prior discrimination and hostile work environment complaints had been mishandled, (2) she had learned that Mr. Adjajian, Mr. Fayad, and others referred to her as a "black snake," (3) Mr. Adjajian and Mr. Fayad had engaged in a pattern of retaliation against her for filing her prior complaint (which she documented in detail), (4) she had sought to transfer to a different department to avoid Mr. Adjajian and Mr. Fayad, but Mr. Fayad and others had sabotaged and blocked her transfer, and (5) she continued to be treated in a discriminatory, retaliatory, and unprofessional manner. She concluded her complaint by stating:

At this point, because the hostility and retaliation are steadily escalating on a day to day basis, I do not at all feel safe. I have experienced my direct leaders (Ahmad [Fayad], Allen [Adjajian]) smear my name, reputation and completely misrepresent facts and fabricate negative narratives regarding me. I feel as if I am constantly walking on egg shells despite working very hard to advance Lark and continuing to be a high performing member of the team. The abovementioned list of incidents outline continuing retaliation on the part of my direct leadership which ensued after my previous Good Faith Ethics Complaint. I hope that this time around, my pleas for help will be taken seriously as I really hope to finally experience a healthy work environment, most preferably on a team, in role which is commensurate with my education, skills, and experience, in which I can thrive or at least be treated with basic respect and consideration.

This complaint led to another sham investigation from March 2023 to early June 2023 in which Ms. Matima fully cooperated. But in the meantime, the retaliation against Ms. Matima continued unabated. For example, Mr. Fayad scheduled a recurring two-hour weekly calling block after work hours on the East Coast, which Mr. Fayad knew would be difficult and burdensome for Ms. Matima to attend. He told Ms. Matima that she should take PTO if she did not want to join an evening meeting and then he told other teammates that Ms. Matima refused to join the meetings when she was unable to join some of them. And once again Ms. Matima was told to give some of her leads to a white BDR colleague based on Mr. Fayad's instructions.

April 2023 brought further retaliation and scrutiny for filing the latest complaint. On April 14, 2023, Mr. Wang, the General Manager of Lark, demanded to know if she was going to sue TikTok, said that the Legal Department was ready for litigation, and noted that Mr. Fayad had given her a bad performance evaluation. Mr. Wang also suggested that he would create a new role for Ms. Matima that reported directly to him, but then failed to do so.

On April 18, 2023, Ms. Matima received her annual performance evaluation. Unsurprisingly, given their past retaliation, Mr. Fayad and Mr. Adjajian gave Ms. Matima a negative performance evaluation with an overall score of "Improvement Needed". The review contained false and unfair criticisms that did not accurately reflect her strong performance, and it did not give sufficient weight to the fact that Ms. Matima had attained 95% of the sales goals her supervisors had established for her. After she was presented the evaluation by Mr. Fayad, Mr. Wang, and Bhawna Raina, Human Resources Business Partner, Mr. Wang encouraged Ms. Matima to appeal the evaluation so that he could correct the evaluation to reflect her actual performance. However, when she did file an appeal, Mr. Wang and Ms. Raina informed her in late May 2023 that higher level leadership prevented Mr. Wang from changing her evaluation.

When Ms. Matima learned in mid-May 2023 that Mr. Adjajian had been let go by TikTok, she thought momentarily that TikTok would finally respond to her cries for help. But she was mistaken. In early June 2023, TikTok's investigators, Christy Barr and Chelsea Walker, informed Ms. Matima that they found that no wrongdoing, discrimination, harassment, or retaliation had occurred notwithstanding the fact that days later Mr. Fayad too would be let go from the company.

When TikTok terminated Mr. Fayad, Mr. Wang offered to promote the only other Black employee on the sales team to Mr. Fayad's role of BDR Manager, even though she had no relevant leadership experience. But the Black Account Executive colleague declined the role, despite being highly pressured by Mr. Wang to accept, because it was transparent that Mr. Wang wanted to promote her (a Black woman) so that she could terminate Ms. Matima and make her termination appear less discriminatory. She thought this because Mr. Wang told her that she would have the power to hire and fire her direct reports and she was aware of how Ms. Matima had been discriminated and retaliated against by her supervisors. Undeterred from his plan to have a Black woman terminate Ms. Matima, Mr. Wang ultimately hired his own secretary who is bi-racial and identifies as a Black woman for the BDR Manager role so that *she* could terminate Ms. Matima. His secretary-turned-BDR Manager, Christina Bowllan, immediately took away Ms. Matima's workload, reassigning her leads to others while taking some for herself. Mr. Wang's secretary, however, had just graduated from college in 2022 and had far less work experience (no actual sales experience) to be qualified for the BDR Manager role.

On June 13, 2023, Ms. Matima sent a letter to Mr. Wang and other leaders on her team and human resources explaining that her federal civil rights had been violated due to discrimination and retaliation, demanding that those practices cease, and asking to be compensated for the various forms of harm she had suffered, including emotional, psychological harm, and physical harm. In response, Ms. Raina, in typical fashion failed to properly address or remedy Ms. Matima's concerns, but instead chose to insult Ms. Matima by stating that Ms. Matima failed to secure a new role, knowing that she and other leadership deliberately sabotaged her attempts to transfer. In another obvious act of retaliation, on June 26, 2023, Ms. Matima was removed from her team's rotation for receiving new leads. And on July 3, 2023, she was excluded from the BDR Dashboard where leads were assigned and Ms. Matima's leads were reassigned to the new BDR Manager. As a result, Ms. Matima was effectively left without any work to do or a meaningful ability to generate sales and meet her quarterly goals.

On August 11, 2023, Ms. Matima met with Mr. Wang and Zoe Ma from the Human Resources Department, who informed Ms. Matima that she was being terminated immediately. The reasons that they provided for the termination were all pretext for retaliation and discrimination, infected by prior discriminatory acts by Mr. Fayad, Mr. Adjajian, Mr. Wang, and others, or completely false.

First, they said that Ms. Matima had poor performance, which was belied by the fact that she was the top performing BDR in the first two quarters of 2023. Her performance had only dropped in the third quarter of 2023 because her leads and other work had been taken away in acts of retaliation. Second, they pointed to her negative performance evaluation in April 2023, which had been primarily swayed by the same retaliatory and discriminatory actors. Third, they said that they had heard that Ms. Matima does not participate in group chats within her team, which is false. Shortly before this meeting occurred, Ms. Matima learned from another BDR that in late June 2023 Mr. Fayad had told him in their last one-on-one meeting that he was very bitter over being terminated and that a decision had already been made to terminate Ms. Matima. Adding insult to injury, when Mr. Wang informed Ms. Matima's team that she was leaving the company, he made negative statements about her and praised other BDRs.

The actions described above constitute discrimination, retaliation, and a hostile work environment based on race or color in violation of Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000e-2(a), 2000e-3(a), the New York State Human Rights Law, N.Y. Exec. Law § 296(a), (e), and the New York City Human Rights Law, N.Y.C. Admin. Code §§ 8-107(1)(a), (7). These discriminatory and retaliatory actions include denying Ms. Matima a higher-level position than the BDR role TikTok offered her in July 2022, terminating Ms. Matima in August 2023, subjecting her to a hostile work environment, denying her the opportunity to transfer to other positions within the company, eliminating her work opportunities, and otherwise discriminating and retaliating against Ms. Matima in the compensation, terms, conditions, or privileges of employment.

### **Joël Carter’s Discrimination and Retaliation Claims**

Joël Carter is a Black professional who has focused his career on tech policy. In 2018, Mr. Carter graduated from Concordia College in Minnesota with a double major in International Business and French. Next, Mr. Carter attended the LBJ School of Public Affairs at the University of Texas at Austin, where he received a Master of Global Policy Studies in 2020.

After earning his master’s degree, Mr. Carter worked as a researcher for the Center for Media Engagement, a center that conducts original groundbreaking research alongside newsrooms, social media platforms, and organizations looking to influence media practices for the benefit of democracy. And in June 2021, Mr. Carter was hired by TikTok as a Risk Analyst on the Risk Investigations Management (“RIM”) team, where he was responsible for evaluating the quality and health of TikTok’s advertising and e-commerce ecosystems, identifying nascent abuse trends, and informing relevant stakeholders to support risk mitigation at-scale.

In February 2022, Mr. Carter migrated to a new role at TikTok, joining the North America Ad Policy team as an Ad Policy Manager. In that role, Mr. Carter developed advertising policies and processes and collaborated with stakeholders throughout the company to ensure that TikTok’s ad policies were executed and enforced. When Mr. Carter started this new role on the Ad Policy Team, he should have been placed in a higher job level that would have come with about \$20,000 greater pay, given that he had equal or better education and work experience than some of the other Ad Policy Managers who were classified at that higher job level. When he was transferred to the Ad Policy Team, Mr. Carter raised his concern that he was being improperly classified at a lower level and that he was being subjected to discrimination in his pay and job level. He subsequently raised his concern about this issue numerous times, including to Mike Manco, the Head of Americas Ad Policy and Natalie Tan and Harriet Redfern in Human Resources.

On April 19, 2022, Mr. Carter received a glowing annual performance evaluation. His overall score was “Exceeds Expectations,” and the narrative feedback highlighted the impressive work he had done since he joined TikTok. One reviewer explained that in Mr. Carter’s position on the RIM Team:

Joël has been a key player for RIM Insights by establishing and maintaining risk monitoring and reporting workflows, especially for LATAM. He led the LATAM daily monitoring for 2 key markets and supported his team on NA daily monitoring. Throughout this time, he completed 55 RCAs, detailing the root cause of the issue

as well as actions taken to mitigate the risk. Once the LATAM team ramped up (around Nov-Dec), he onboarded and trained them to take over this workflow and subsequently took over US daily monitoring. In October, BR HRPB skyrocketed due to a massive impersonation issue. Joël contributed to the investigation, escalation, and mitigation of violating accounts, however his most significant contributions were the BR Promote Business Case and the Brazil Post Incident Review. The former was Joël's own initiative[.]

Another reviewer reflected on Mr. Carter's work on the Ad Policy Team by stating that "Within his time in Ad Policy, Joël has successfully ramped up, supported project work, and demonstrated his readiness to independently lead project work," "Joël is now in an excellent position to independently lead several policy projects this half," and he "is a thoughtful contributor to the team, and I'm excited to see him given the opportunity to be an independent policy owner in H2 2022."

Another colleague said that Mr. Carter is "open and humble above all," a "great teammate," and "happy to provide assistance or guidance whenever needed. He never had an ego and was always open to collaboration and feedback. He was firm with his own ideas, but often included the perspectives or ideas of others." A final reviewer said that "Joël devotes a significant amount of time and energy to his work; he takes great pride in his work, ensuring it is polished and relevant. Regardless of the task at hand or its timeline, Joël will do whatever it takes to deliver a high quality output."

Due to this strong performance rating, Mr. Carter received a bonus of 6% of his annual base salary and a 4.1% increase in total compensation. Despite this bump in pay, Mr. Carter's compensation was significantly lower than other members of his team who are not Black, and Mr. Carter asked Mike Manco, the Head of Global Ad Policy for TikTok, to approve a correction to his compensation and status to address this inequity. But Mr. Manco declined to do so, noting that such changes rarely occurred outside of the Annual Performance Review cycles (even though one cycle had just occurred).

In June 2022, a month after Mr. Carter received a glowing performance evaluation, he started to experience discrimination and hostility from his direct manager, Michael Suguitan. In his first one-on-one meeting with Mr. Carter, Mr. Suguitan, a white man, had described himself as a "ladder climber who stacked the deck to do whatever must happen in order to gain visibility and advance professionally." And in June 2022 Mr. Suguitan proceeded to advance his career at TikTok at the expense of Mr. Carter: treating Mr. Carter, the only Black employee on the 12-person North America Ad Policy team, far worse than his mostly white peers and effectively sabotaging Mr. Carter's once-promising career.

For example, Mr. Suguitan routinely prevented Mr. Carter from attending meetings where Mr. Suguitan inappropriately claimed credit for Mr. Carter's novel ideas and work product, which other team members noticed and reported to Mr. Carter. Mr. Suguitan arbitrarily changed Mr. Carter's role on team projects or removed him from them altogether, and in August 2022 he reassigned Mr. Carter to work as an assistant to Sean O'Grady, a white Ad Policy Manager who had the same title and status as Mr. Carter. Mr. Suguitan did not do the same things to undermine other employees under his supervision. Mr. Suguitan also actively solicited complaints about Mr.

Carter's demeanor from his teammates so that he could later falsely report that colleagues believed Mr. Carter was frustrated, angry, and tense (traits that are belied by the glowing comments from Mr. Carter's prior annual performance evaluation).

Between September 27 and October 19, 2022, Mr. Carter tried to engage Mr. Manco, the Head of Americas Ad Policy, in a conversation about assigning him to a different manager, Maria "Maffy" Porras, because of how Mr. Suguitan was mistreating him. Ms. Porras, a Hispanic woman, was a Senior Ad Policy Manager who reported to Mr. Manco, just like Mr. Suguitan. But when Mr. Carter finally had the opportunity to discuss switching his manager with Mr. Manco and explained that Mr. Suguitan was treating him differently than other workers on the team, he was told by Mr. Manco that a transfer was not possible and he offered no justification for refusing the transfer.

Mr. Suguitan continued to treat Mr. Carter poorly. For instance, Mr. Suguitan unfairly blamed Mr. Carter for the failure of a major policy project that overlapped with a project of an executive leadership group of which Mr. Carter was not aware. Although Mr. Suguitan knew that Mr. Carter was unaware of the other project, he unfairly claimed that Mr. Carter had not successfully managed his project and removed Mr. Carter from that project. In addition, Mr. Suguitan had assigned Mr. Carter to another project that overlapped significantly with a project that Mr. Suguitan was personally working on. Even though Mr. Suguitan was constantly undermining Mr. Carter, Mr. Carter still received a very positive mid-year review in 2022. However, Mr. Suguitan used the mid-year review to retaliate against Mr. Carter, including by unfairly blaming Mr. Carter for project failures.

In early 2023, Mr. Suguitan continued to retaliate against Mr. Carter and attempt to isolate him from their team and colleagues. In early February 2023, Mr. Suguitan was hypercritical of Mr. Carter in group meetings and chats, causing peers to comment to Mr. Carter that Mr. Suguitan was being unnecessarily harsh towards him. And later that month, Mr. Suguitan invited each of his direct reports *except Mr. Carter* to attend an important policy summit in London, where the team would work with other members of the Ad Policy Team to develop Guided Review Trees for all ad policy categories. (Mr. Suguitan had been responsible for scheduling, planning, and coordinating the London conference). Mr. Carter's colleagues, such as Sean O'Grady, were invited to attend the conference and were not required to apply to attend it. By missing out on this conference, Mr. Carter lost a critical opportunity to connect with other TikTok employees and leaders and advance his career at the company. In fact, one of the key topics of the conference was a policy initiative that Mr. Carter had initiated and managed. And at that conference, Mr. Suguitan claimed responsibility for developing ideas that Mr. Carter had developed and proposed to their team, prompting another employee to call out Mr. Suguitan for taking credit for Mr. Carter's work.

While their colleagues attended the London conference, Mr. Carter told Mr. Manco that he was being singled out by Mr. Suguitan, that he was uncomfortable with Mr. Suguitan's management of him, and, once again, that he wanted a new manager who would not treat him so poorly. During this conversation, Mr. Manco conceded privately to other employees that Mr. Carter should have been invited to the London summit, but again would not agree to place Mr. Carter under a different manager.

During the latter half of February 2023, Mr. Carter reached out to TikTok’s human resources staff to complain about the discrimination he had experienced, but he received no meaningful response. On March 6, 2023, Mr. Carter wrote to Lacey Rainwater in TikTok’s Ethics Department:

I hope you’re well. I regret messaging you under such dire circumstances, but I need to escalate an ongoing issue with my direct lead @Michael Suguitan; I have faced this issue for quite some time and no longer feel comfortable reporting to him because of a demonstrated pattern of bias towards me. I have attempted to resolve the issue myself by speaking to team leadership about the friction (or alluding to it) to no avail and exhausted the little social currency I have in the process. . . . I messaged my HRBP about the issue who has not responded, but I hope we will find time to speak next week.

On March 9, 2023, Ms. Rainwater asked Mr. Carter what type of bias he was referring to, and he replied on March 11, 2023 that he believed that Mr. Suguitan’s bias towards him was based on his race – whether “conscious or unconscious” – and that he is “acutely aware of the fact that I am the only Black employee in the NA Ad Policy Manager team (and have been since I joined) and the only black Ad Policy Manager at the global level.” And Mr. Carter explained further that he did not believe that any other protected statuses could explain why Mr. Suguitan had targeted him for such disparate treatment. That same day, Mr. Carter shared a detailed complaint with Ms. Rainwater explaining how Mr. Suguitan had mistreated him and providing evidence of the disparate treatment he had experienced. In that complaint, he explained that due to Mr. Suguitan’s mistreatment his “quality of life has declined and my mental, emotional, and physical health have deteriorated,” and that although it was his “preference to continue my career at TikTok as North America Ad Policy Manager . . . [u]nfortunately, it is difficult to envision a path that allow me to do that.”

Despite Mr. Carter’s explanation to Ms. Rainwater on March 11, 2023 that he believed he’d been discriminated against based on his race, just four days later – and before any formal investigation had occurred – Ms. Rainwater told Mr. Carter that the company had determined that “there is not sufficient information to meet the definition of discrimination or harassment under [TikTok’s] Policy.” As a result, the company would assign the investigation of his complaints to a division (HRBP) that only handles “interpersonal and interpersonal conflicts” instead of the Ethics Department that investigates complaints of race discrimination and harassment.

During the next several weeks, TikTok’s investigators interviewed Carter and asked for names of his peers who might have information to corroborate Mr. Carter’s allegations. But investigators Lacey Rainwater and Harriet Redfern in HRBP failed to contact or interview key individuals that Mr. Carter told the investigators could corroborate his claims, including team members who worked with Mr. Carter and Mr. Suguitan. Instead, Mr. Manco, Mr. Suguitan, and Ms. Porrás were contacted. Meanwhile, as the investigation began, Mr. Suguitan turned up the heat on Mr. Carter, contacting him outside of business hours and scheduling several one-on-one meetings where he panned Mr. Carter and his work, even though TikTok’s human resources staff suggested that Mr. Carter should not feel the need to meet with his manager during the investigation. And Mr. Carter was assigned to more rudimentary tasks rather than the more challenging policy work he previously did.



On April 4, 2023, TikTok’s investigators shared their findings with Mr. Carter: they found that Mr. Suguitan had engaged in no wrongdoing or discrimination and that the real problem was that Mr. Carter was “frustrated, angry, and tense” due to Mr. Suguitan’s management style. Harriet Redfern, who delivered the findings, could not explain why TikTok had dismissed the notion that Mr. Carter was subjected to discrimination. But as Mr. Carter explained in a message to Ms. Redfern, the characterization of him as “frustrated, angry, and tense” “perpetuates a historic false-narrative about people of color, especially Black people, when we claim to be mistreated in the workplace” and “dismisses the courage it took to raise these concerns”. Moreover, that stereotypical characterization of Mr. Carter was inconsistent with Ms. Redfern’s observation that Mr. Carter had been “as professional as possible throughout all of this”.

In an ill-conceived effort to resolve the dispute, TikTok’s human resources staff decided to hold a “mediated conversation” between Mr. Carter and Mr. Suguitan that lasted two hours on April 6, 2023. During that meeting, Mr. Suguitan repeatedly attacked Mr. Carter’s character and performance, suggesting that he had behavioral issues and was unprofessional and untrustworthy. Those attacks, of course, were absurd, false, and contradicted by the glowing performance review that Mr. Carter had recently received from his colleagues, who described Mr. Carter as a kind, generous, courteous, hard-working, and trustworthy colleague. In addition, Mr. Suguitan repeatedly made false statements to TikTok’s human resources staff about Mr. Carter’s work, such as the falsehood that Mr. Carter had failed to share communication with teammates about an important project.

Further escalating the retaliation against Mr. Carter, in late April 2023 Mr. Suguitan led an effort to skew Mr. Carter’s annual performance evaluation – making negative comments that did not accurately reflect Mr. Carter’s true performance during the prior year. For example, the evaluation falsely accused Mr. Carter of “slamming doors” in the office to falsely characterize Mr. Carter’s behavior as “tense or angry”. But Mr. Carter *never* slammed a door in the office, and the types of office doors in his office are not even capable of being slammed (they are physically designed to close softly). These types of comments were part of a retaliatory and discriminatory effort to falsely portray Mr. Carter as the stereotypical angry and aggressive Black man. And while Mr. Carter was told that the performance review was completed *before* Mr. Carter had lodged his complaints to human resources in late February and early March, the evaluation contained remarks about a decision that occurred in mid-April 2023. It was clear that Mr. Suguitan and likely others were building a case to terminate Mr. Carter or push him out of the company. And that’s exactly what transpired over the next several months. Shortly after receiving this evaluation, Mr. Carter complained to Harriet Redfern in Human Resources that the negative comments in the evaluation were retaliatory.

In late April 2023, Mr. Carter’s role on the Ad Policy Team was changed and severely diminished. No longer was he working on developing or implementing policies. Now he was required to primarily answer other teams’ inquiries about advertising policies and escalate their concerns – work that was more tedious, far less challenging, and unlikely to provide a path for growth of his career at TikTok. This reassignment of Mr. Carter’s duties was effectively a demotion, calculated to force Mr. Carter to quit his job. Furthermore, in another act of retaliation for filing complaints, in late April 2023 Mr. Carter was issued an “Informal Coaching Plan” and was pressured to sign the plan, even though signing such a plan is not standard practice at the

company. These further acts of escalating retaliation caused Mr. Carter to experience panic attacks and need to take PTO.

Just as TikTok promoted the vice president who had retaliated against Ms. Matima, TikTok promoted Mr. Manco to Global Head of Ad Policy in April 2023 notwithstanding the fact that Mr. Manco had refused to address the discrimination and retaliation that Mr. Carter had complained about.

In May 2023, Mr. Carter renewed his request to be assigned to a different manager as a reasonable accommodation, in light of the retaliation and hostility he had faced from Mr. Suguitan and the harm that this was causing to his mental health. But TikTok's Employee Relations staff told Mr. Carter that it was not legally required to provide such a reasonable accommodation and would not do so.

Furthermore, in late May 2023, when Mr. Carter again filed an internal complaint about the discrimination and retaliation he had suffered, Harriet Redfern in Human Resources falsely suggested to Mr. Carter that he had not alleged racial bias when he lodged his complaints in February and March 2023. This is objectively false and contradicted by the messages between Mr. Carter and Ms. Redfern, among others. Moreover, at this point Mr. Carter's peers confirmed that they were never contacted by the investigators to learn about the discrimination he'd alleged, despite the fact that many of them knew about the discrimination he had experienced.

In June 2023, TikTok's Ethics Department decided to re-investigate Mr. Carter's claims of race discrimination and retaliation and told Mr. Carter that the company would consider withdrawing the Informal Coaching Plan if Mr. Carter's allegations were sustained by the new investigation. When the investigation began in July 2023, Mr. Carter was finally switched to a new manager, Maffy Porras, the person Mr. Carter had asked to work under back in September 2022. (However, even Ms. Porras threatened Mr. Carter with termination). As the investigation unfolded, Mr. Carter reached out to other Black employees within the company to share his personal experience of discrimination and retaliation, learn about their own experiences, and seek help from others. But because senior leaders of TikTok apparently monitor the Lark group chat for BLXCK, the Employee Resource Group for Black employees, TikTok's management could see that Mr. Carter was trying to engage other Black employees in opposing TikTok's race discrimination and retaliation. As a result, we believe that TikTok's management decided that regardless of the findings of the investigation, Mr. Carter would be terminated after that investigation.

Furthermore, as Mr. Carter waited for the conclusion of the re-investigation of his claims, he was contacted by various leaders and employees of TikTok, who attempted to intimidate and silence him and coerce him into resigning. For example, Dayo Simms, Angelica Erazo, and Frances Francois all asked Mr. Carter to speak with them despite the lack of a prior meaningful relationship, and among things, asked Mr. Carter what he'd ultimately do about the dispute, if he understood the meaning of litigation, whether he agreed that he had "socialized" the situation by contacting the BLXCK Employee Resource Group, and advised him that it would be best for him to find work in a different industry than the tech industry.

In July 2023, Mr. Carter learned that Mr. Suguitan and other TikTok managers had two private Lark channels that appeared to reference Mr. Carter “JC - P&C [Private & Confidential]” and “Joel Carter Interim & Long-Term Planning”. Mr. Carter believes that Mr. Suguitan and other TikTok managers used these Lark channels to coordinate how to respond to his complaints and retaliate against him for filing them.

On August 2, 2023, Mr. Carter was called into a meeting with human resources and informed that the investigation did not find his allegations accurate and that the company had decided to terminate him. No details were provided about the investigation or why the investigators rejected Mr. Carter’s contentions. It is plain as day that Mr. Carter was unlawfully terminated because he lodged numerous complaints about racial discrimination and retaliation.

The actions described above constitute discrimination, retaliation, and a hostile work environment based on race or color in violation of Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000e-2(a), 2000e-3(a), the Texas Labor Code, Tex. Labor Code Ann. §§ 21.21.051, 21.055, and the equivalent protections of the laws of the City of Austin and Travis County. In addition, the actions described above constitute disability discrimination, failure to provide a reasonable accommodation, and retaliation (including retaliation for requesting a reasonable accommodation) in violation of the Americans with Disabilities Act, 42 U.S.C. §§ 12112(a), 12203(a)-(b). These discriminatory and retaliatory actions include discrimination in setting Mr. Carter’s pay and position on the Ad Policy Team, terminating Mr. Carter, denying him the opportunity to transfer to other positions within the company, demoting him, subjecting him to a hostile work environment, and otherwise discriminating and retaliating against Mr. Carter in the compensation, terms, conditions, or privileges of employment.

**TikTok Has a Pattern or Practice of Retaliating Against People of Color Who Complain About Racial Discrimination.**

As described above, Ms. Matima and Mr. Carter both experienced a very similar pattern of retaliation over the past year. When they experienced discrimination, harassment, and retaliation, they made detailed complaints to TikTok’s human resources and/or ethics departments, as well as department leaders. But every time they did so, they suffered escalating forms of retaliation by supervisors, managers, or executives who refused to adequately investigate their claims and turned their fury on Ms. Matima and Mr. Carter. They were isolated from their co-workers, denied the opportunity to transfer to positions under different managers or departments, and had their work taken away from them or suffered a demotion. They received unfair and inaccurate performance evaluations. And they were ultimately terminated because they continued to oppose and complain about TikTok’s racial discrimination and retaliation.

But Ms. Matima and Mr. Carter are not the only people of color at TikTok who have experienced such retaliation. They are aware of other people of color who have complained about or opposed race discrimination at TikTok in the past year and were subjected to similar forms of retaliation or threats of retaliation, causing some to separate from the company too.

**Ms. Matima and Mr. Carter Bring This Charge on Behalf of a Class of People of Color Retaliated Against by TikTok and Seek All Legal and Equitable Remedies for Themselves and Similarly Situated Workers**

Ms. Matima and Mr. Carter bring this charge on behalf of all people of color at TikTok who have experienced retaliation for complaining about or opposing race discrimination at TikTok for at least the past three years, as well as people of color who experience such retaliation in the future (“the National Class”).

They seek all available equitable and legal remedies, including injunctive relief and damages, that are available to them individually for all of their claims, and for any members of the National Class, under Title VII of the Civil Rights Act and any relevant state or local law that prohibits sex discrimination in employment where TikTok employs workers, including New York, California, and Texas.

This charge is intended to exhaust all class and individual disparate treatment and disparate impact claims on behalf of Ms. Matima, Mr. Carter, and the National Class and to piggyback on any prior charges filed against TikTok regarding the same or similar practices challenged in this charge.

Dated: September 21, 2023

Respectfully submitted,

/s/ Nnete Matima  
Nnete Matima

/s/ Joël Carter  
Joël Carter