

STATE OF CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES



**Regular Commission Meeting Minutes
Wednesday, October 12, 2022
2:00 p.m.
Via Microsoft TEAMS**

Commissioners Present

Andrew Norton
Lisa Giliberto
Nick Kapoor
Edith Pestana

Commissioners Absent

Edward Mambruno
Joseph Suggs

Staff Present

Tanya A. Hughes, Executive Director
Michelle Dumas Kueler, Managing Director, Legal
Kimberly Jacobsen, Managing Director, Legal
Neva Vigezzi, Supervisor AA (TWR)
Gary Madison, HRO Rep

Cheryl Sharp, Deputy Director
Robin Fox, Attorney
Michael Roberts, Attorney
Renee Vander Wall Bake
Dedra Morris, Secretary

I. CALL TO ORDER

Commissioner Andrew Norton called the meeting to order at 2:00 PM.

II. ELECTION OF CHAIRPERSON PRO TEMPORE

Commissioner Norton called for a motion to elect the Chair Pro Tempore. Commissioner Kapoor moved to elect Commissioner Norton as Chairperson Pro Tempore for the Wednesday, October 12, 2022, Commission meeting. Commissioner Lisa Giliberto seconded the motion. Commissioner Norton asked for other nominations. There being no other nominations or debate Commissioner Norton called for the vote. The motion carried by Yes (3); No (0); Abstentions (0).

III. CHAIRPERSON'S REPORT

Commissioner Norton noted there was no report at this time

IV. APPROVAL OF MINUTES

Commissioner Giliberto moved to approve the motion. It was seconded by Commissioner Kapoor. The motion carried with Yes (2); No (0); Abstention (1).

V. AFFIRMATIVE ACTION RECOMMENDATIONS – VOTE REQUIRED

Presented by Deputy Director Cheryl Sharp

Office of the Secretary of the State

Staff Representing the agency were: Scott Bates, Deputy Secretary of the State, Lorna Reed, Director of Human Resources.

This plan is recommended for approval based on compliance with the following: The plan contains all the elements required by sections 46a-68-78 through 46a-68-94, inclusive. The agency has demonstrated every good faith effort to achieve its goals, and despite these efforts, was unable to do so. The agency has substantially addressed deficiencies noted by the Commission in prior plan reviews.

The goal achievement is as follows:

- Hiring Goal Achievement: 2 out of 6 for 33%.
- Promotional Goal Achievement: None set.
- Program Goal Achievement: 0 out of 2 for 0%.

The agency's plan history is as follows. In 2015 the plan was approved. In 2017 the plan was disapproved. In 2018 and 2019 the plan was approved then again disapproved in 2021.

Commissioner Kapoor moved for approval of the Secretary of the State's Affirmative Action Plan and to retain its annual filing status; Commissioner Pestana seconded. The motion carried with Yes (3); No (0); Abstentions (0).

Western Connecticut State University

Staff representing the University were: Interim President, Dr. Paul Beran, Jesenia Minier, Chief Diversity Officer, and Fred Cratty, Chief Human Resource Officer.

This plan is recommended for approval based on compliance with the following: the plan contains all elements required by sections 46a-68-78 through 46a-68-94. The agency has demonstrated every good faith effort to achieve its goals but was unable to do so. The agency had no deficiencies in the prior plan review. Therefore, the agency is following the B4 standard.

The goal achievement is the following:

- Hiring Goal Achievement: 2 out of 17 for 12%.
- Promotional Goal Achievement: 9 out of 9 for 100%
- Programmable Achievement: 1 out of 2 for 50%

The plan history over the previous five years is as follows. In 2017, 2018, and 2019 the plan was approved. In 2020 the plan was conditionally approved. It was also approved in 2021.

Commissioner Giliberto moved to approve the Affirmative Action Plan for Western Connecticut State University and to retain its annual filing status. Commissioner Pestana seconded. The motion carried with Yes (3); No (0); Abstentions (0).

Eastern Connecticut State University

Staff representing the University were: Elsa Nunez, President, Dr. Lamar Coleman, Vice President for Equity & Diversity, Jay Zu, Director of Institutional Research

This plan is recommended for approval based on compliance with the following: the plan contains all elements required by sections 46a-68-78 through 46a-68-94. The agency has not met all or substantially all its hiring goals, and promotional goals. The program goals were achieved. The agency has demonstrated every good faith effort to achieve its goals, but despite these efforts, was unable to do so. The agency had no deficiencies in the prior plan review and was in compliance with the B4 standard.

The Goal Achievement is as follows:

- Hiring Goal Achievement: 9 out of 24 for 38%.
- Promotional Goal Achievement: 5 out of 12 for 42%.
- Program Goal Achievement 2 out of 2 for 100%

This agency has a five-year approval history from 2017 through 2021.

Commissioner Kapoor moved to approve the Affirmative Action Plan for Eastern Connecticut State University and for it to retain its annual filing status. Commissioner Pestana seconded. The motion carried Yes (3); No (0); Abstentions (0).

VI. CONTRACT COMPLIANCE: REQUEST FOR EXEMPTION

Request for renewal of blanket exemption with University of Connecticut Health Center presented by HRO Attorney Spencer Hill.

Staff representing University of Connecticut Health Center was Veronica F. Cook.

The University of Connecticut Health Center is requesting an exemption for grant-based collaborative and consulting agreements from contract compliance laws. This is a renewal of an exemption that had been granted since 2008. The request is for another year's exemption. The current one is running through November 30, 2022. The current request is for the exemption to be renewed to November 30, 2023. The request is based on the need to have an exemption for certain grant and sponsor programs related to subcontracts executed by UConn Health for work to be performed solely outside of the State of Connecticut. The exemption was not used during the previous year, although 128 contracts was completed during that time. The exemption is subject to four specific requirements and conditions. The Commission is recommending that the request be granted for a full year period.

Commission Giliberto moved to approve the request to renew the exemption that had been granted since 2008. This request is for another year's exemption. The current one expires November 30, 2022. The current request is for the exemption to be renewed to November 30, 2023. The request is based on the need to have an exemption for certain grant and sponsor programs related to subcontracts executed by UConn Health for work to be performed solely outside of the State of Connecticut. The exemption was not used during the previous year, although 128 contracts were completed during that time. The exemption is subject to four specific requirements and conditions. The Commission is recommending that the request be granted for the full year period.

Commissioner Giliberto moved to approve the request to renew the exemption for University of Connecticut Health Center and their grant based-based collaborative and consulting agreements from Connecticut's contract compliance laws for a period ending November 30, 2023, subject to the same condition set forth in the letter to the Assistant Vice President dated, October 7, 2022, and signed by Executive Director, Tanya Hughes.

Commissioner Pestana seconded it. The motion carried Yes (2) Opposed (1)
Commissioner Kapoor; Abstentions (0).

VII. REQUESTS TO REOPEN

Hannah Lawlor v. Fairfield University, CHRO No. 2220259

Presented by HRO attorney Robin Fox

Staff Recommendation: **Deny**

In attendance were Hannah Lawlor, the complainant. Attorney Jonathan Sterling,
Respondent's Counsel.

Commissioner Giliberto moved the motion to deny the request to reopen. Commissioner
Pestana seconded the motion. There being no discussion Chair Norton called for the
vote. The motion carried, Yes (2); No (0); Abstentions (0)

Liqiang Wei v. Yale University, CHRO No. 2230248

Presented by HRO Attorney Michael E. Roberts

Staff Recommendation: **Deny**

In attendance were Counsel for the Respondent, Kristianna Tyler

Commissioner Kapoor moved the motion to deny the request to reopen. Commissioner
Pestana seconded the motion. The motion carried, Yes (3); No (1); Abstentions (0).

Asim Hanif v. Town of Windsor, CHRO No. 2110120

Presented by HRO Attorney Robin Trepanier

Staff Recommendation: **To reopen**

In attendance were Complainant, Asim Hanif, and Counsel for the Respondent, Michael
Oleyer.

Commissioner Giliberto moved to reopen the case. Commissioner Kapoor
seconded the motion. The motion carried. Yes (3); No (0); Abstentions (0)

Asim Hanif v. Datto, Inc., CHRO No. 2110121

Presented by HRO Attorney Robin Trepanier

Staff Recommendation: **Deny**

In attendance were Complainant, Asim Hanif,

Commissioner Giliberto moved to deny the request to reopen. Commissioner Pestana
seconded. The motion carried Yes (3); No (0); Abstentions (0).

Joshua Robinson v. Tarkett Sports dba Field Turf USA, Inc., CHRO No. 2110123

Presented by HRO Attorney George Welch

Staff Recommendation: **Deny**

In attendance were Complainant Joshua Robinson, and Respondent Attorney
Stephen Aronson.

Commissioner Kapoor moved to deny the request to reopen. Commissioner
Pestana seconded. The motion carried. Yes (3); No (0); Abstentions (0).

VIII. DIVISION REPORTS

Executive Director's Report, Executive Director Tanya Hughes

- Thanked those employees who helped manage the responsibilities of the office until new Executive Secretary, Darian Sanders, started on October 21.
- Work continues with the plans to hold the December 7th agency-wide meeting.
- Assistant Attorney General Laura Thurston is out on maternity leave.
- Attended the MCC contractors' matchmaking event this week.
- Thanked all the attorneys responsible for getting the agency name recognition out to the public.
- New employee recruitment continues. Aubri Petersen introduced as the New Secretary for the Legal Department.

Outreach Report, Deputy Director Cheryl Sharp

- Connecticut Civil Rights Museum. We have secured an intern to research the steps to create the museum.
- Employee trainings continue throughout the state. Invitations received recently to provide training for HR professionals and with the CT Bar Association.
- Work is being done in collaboration with the Commission on Women, Children, and Seniors.
- Two grants received FHAP partnership grant for \$25K and \$34K seed grant for purchase of equipment.

Legislative Update, Legislative and Administrative Advisor Darcy Strand

- Updated Disparity Study; Public kickoff occurred this week.
- Updated Equity Study; will start over the next few weeks.

IX. EXECUTIVE SESSION

It requires a two-thirds vote of Commissioners present and voting; staff and guests invited to attend must be noted.

Commissioner Norton entertained a motion to go into Executive Session and to invite in: Executive Director Tanya Hughes, Deputy Director Cheryl Sharp, Managing Attorney Kimberly Jacobsen, Managing Attorney Michelle Dumas-Kueler and Attorney Lewendon. Commissioner Giliberto moved to go into Executive session and Commissioner Kapoor seconded. The motion carried. Yes (3); No (0); Abstentions (0).

Commissioner Norton, Commissioner Giliberto, and Commissioner Kapoor returned after the executive session. Commissioner Pestana did not return.

Commissioner Norton noted that no votes were taken during the executive session.

X. VOTE ON EXECUTIVE SESSION ITEMS

Diane Devito v. BTB Group, LLC, and Randy Poxson, CHRO No. 2250025
Presented by HRO Attorney Timothy Lewendon

Commissioner Kapoor moved that the Commission on Human Rights and Opportunities instruct counsel to file in Hartford Superior Court and seek injunctive relief, punitive damages, and a civil penalty. Commissioner Giliberto seconded the motion. The motion carried Yes (2); No (0); Abstentions (0).

XI. OLD BUSINESS

There was no old business to discuss.

XII. NEW BUSINESS

There was no new business to discuss.

XIII. ANNOUNCEMENT OF TIME AND DATE OF NEXT MEETING

The next Commission Meeting will occur on Wednesday, November 9, 2022, via Microsoft Teams.

XIV. ADJOURNMENT

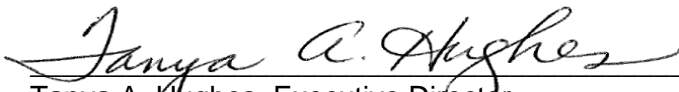
A motion was made by Commissioner Norton and seconded by Commissioner Giliberto to adjourn the Executive Meeting. The vote was: Yes (2); No (0), Abstentions (0). The motion carried.

The Executive Meeting was adjourned at 4:59 pm.

* Commissioner Edith Pestana exited the meeting at 4:35pm

The minutes of the Regular Commission meeting dated October 12, 2022, were approved on November 9, 2022.

Prepared by:



Tanya A. Hughes, Executive Director