

# COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES



## At a Glance

**TANYA A. HUGHES**, Executive Director

Cheryl A. Sharp, Deputy, Director

Established – 1943

Statutory Authority – CGS Chapter 814c

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**2022- 2023 Budget: \$10,720,338** (\$6,431,830 in Personal Services; \*\$4,288,508 in Other Expenses) Number of positions filled: 82 (75 full-time; 7 Temporary or Durational); Authorized positions: 88 full-time. During this period, we had 18 new hires and six positions that were converted to permanent positions from temporary or durational.

\*\$4,000,000 of this budget is appropriated for the Disparity and Equity Studies. See Legislative description for full discussion.

**Organizational structure:** Nine-member commission establishes policy; Executive Director manages/oversees the administrative office, legal department and four regional offices; and independent Human Rights Referees hear contested cases.

### **Mission:**

The mission of the Connecticut Commission on Human Rights and Opportunities is to eliminate discrimination through civil and human rights law enforcement and to establish equal opportunity and justice for all within the state through advocacy and education.

### **Statutory Responsibility:**

The statutory responsibility of the Commission is to:

- Eliminate illegal discrimination in employment, housing, public accommodations and credit transactions through education and law enforcement.
- Monitor contract compliance laws and small contractor set-aside provisions by state agencies, contractors, and subcontractors.

- Review and monitor state agency affirmative action plans and compliance with laws requiring affirmative action and equal opportunity in state government.
- Establish equal opportunity and justice for all persons in Connecticut through education and outreach; and
- Provide sexual harassment prevention training for all residents.

**Public Service:** The Commission is headed by a policy-making body consisting of nine members. Five of the members are appointed by the Governor and the leadership of the General Assembly appoints four. All new appointments require legislative approval through the advice and consent of the House and Senate. The Commission conducts regular monthly meetings on the second Wednesday of the month. The Commission conducts special meetings as it deems necessary.

Six Commissioners were serving at the end of the fiscal year. The Chairperson position remained vacant. Continuing as commissioners were Secretary Edward Mambruno, and Commissioners Andrew Norton, Edith Pestana, Joseph Suggs, Lisa Giliberto, Nicholas Kapoor, and Alex Harris (appointed May 23, 2023). Two vacancies remained at the end of the program year. Currently, however, all positions are filled as of August 2023 with the appointment of Commissioner Nicholas Kapoor as Chairperson and two additional appointments of Tamara J. Titre and Sujata Gadkar-Wilcox, also in August 2023.

An Executive Director appointed by the Commission oversees the operations of the agency. Executive Director Tanya Hughes was appointed Interim Executive Director on July 13, 2013, and re-appointed to three four-year terms. Her current appointment expires September 15, 2025. The agency's administrative office, located in Hartford, houses the Office of the Executive Director, Tanya Hughes, the Office of the Deputy Director, Cheryl Sharp, the Legal Division, the Affirmative Action Unit, the Contract Compliance Unit, the Fair Housing Unit, and the Office of Public Hearings. There are also four regional offices located in Hartford, Bridgeport, Norwich, and Waterbury.

- Capital Region (Hartford) – Ronald Simpson, Manager (retired February 2023)
- West Central Region (Waterbury) – Shawn Burns, Manager (covered for Capital since February 2023)
- Eastern Region (Norwich) –Robert Aldi, Manager
- Southwest Region (Bridgeport) –Jamie Rubin, Manager

### **MARTIN LUTHER KING, JR COMMISSION:**

By statute, the Commission serves as the secretariat for the Martin Luther King, Jr. Holiday Commission (MLK). The State of CT Dr. Martin Luther King, Jr. Holiday Commission was established in 1986 to ensure that the commemoration of Dr. King's birthday is meaningful and reflective of the spirit with which he lived and the struggles for which he died. The purpose of the statewide Commission is to unify and educate communities within the State of Connecticut and encourage meaningful observations, ceremonies, and activities in commemoration of the federal holiday and state legal holiday honoring Dr. Martin Luther King, Jr. throughout the towns, cities, school districts, counties, and local government within Connecticut. The MLK Holiday Commission Roster is as follows:

Donna Campbell, Chairperson; Members: Dr. Stacey Brown; Guy Fortt; Seth Freeman; Dr. Steven Hoffer; Elder Ashley AJ Johnson; Bobby Ramos; Kristen Shorter; Mandy Wenis; Christopher Williams; Jami Williams; Sherry Woods. Analysts: Yvette Moore; Lori Stewart

The MLK Holiday Commission hosted and or partnered three events this year with assistance from the CHRO. They included the Annual Bell Ringing Ceremony on January 17, 2022, which was moved to Urban Hope Refuge Church due to Covid-19. That same day they joined CHRO in the inaugural Children's March at St. Peter's Church in Cheshire, CT. On March 18, 2022, there was a community panel and forum, and a Juneteenth event on June 16, 2022.

The annual budget for this commission is \$5,977.

### **IMPROVEMENTS/ ACHIEVEMENTS 2022- 2023:**

In July 2022, the administration divided the legal department into two divisions and appointed two new directors who were promoted from within the agency. The legal department is the largest unit with 24 staff members. Attorney Michelle Dumas-Kueler became Managing Director of Housing/Training, and Attorney Kimberly Jacobsen became Managing Director of Employment. Both attorneys bring over 25 years of experience as attorneys with demonstrated dedication, commitment, and capabilities of providing quality services to stakeholders, staff, and the public. They oversee a robust litigation department that also provides training and education services to the public, legislature, and sister state agencies.

#### **Litigation Summary**

##### Second Circuit Court of Appeals

*Soule v. Conn. Assoc. of Schools* – A favorable decision was issued by the initial panel of the Second Circuit Court of Appeals in a case for which Attorney Michael Roberts, working with Legal Intern Greg Antill, contributed to the brief in support of preserving the Connecticut policy of permitting athletic participation in accordance with a student's gender identity.

##### United States District Court

*Poteat v. Hartford Housing* – A favorable decision was obtained dismissing this action brought in part against the CHRO and multiple staff members arising from the processing of a housing discrimination complaint. Attorney Michael Roberts represented the CHRO defendants.

##### Connecticut Supreme Court

*Hartford Police Dept. v. CHRO* – In this employment discrimination case, the Court unanimously agreed with CHRO that the Appellate Court erroneously substituted its own judgment for that of the Referee, who had ruled in favor of the complainant and awarded over \$100,000 in damages. The CHRO's arguments successfully preserved the "transferred intent" principle, by which a decision-maker's adoption of a recommendation by someone with discriminatory animus may demonstrate impute such animus to the

employer. The appeal was argued by Attorney Megan Graefe, with whom, on the briefing, was Attorney Michael Roberts. Attorney Robin Fox originally tried the case.

#### Connecticut Appellate Court

*CHRO ex rel. Cortes v. Valentin* – A petition for certification was denied in this housing election case, leaving in place a favorable decision from the Appellate Court. The Court affirmed a judgment in favor of the CHRO and complainant on claims regarding a denial of rental and discriminatory statements awarding \$7,500 to the complainant and \$5,000 to the CHRO as a civil penalty. The CHRO was represented at trial and on appeal by Attorney Margaret Nurse-Goodison.

#### Connecticut Superior Court

*CHRO ex rel. Pizzoferrato v. The Mansions* – In this housing election case, more than \$15,000 was awarded, in addition to mandatory fair housing training, to remedy a constructive failure to accommodate through an allowance of emotional support animals despite a no-pet policy. The CHRO was represented by Managing Director for Housing/Training Michelle Dumas Keuler.

*Notz v. CHRO* – The CHRO successfully resolved a declaratory judgment action through the rescission of a policy change that prohibited non-attorney representation in pre-contested case proceedings. Attorneys Michael Roberts and Megan Graefe represented the CHRO.

#### CHRO Office of Public Hearings

*CHRO ex rel. Council v. Charter Communications* – In what may be a case of first impression, a respondent was found to have engaged in disability discrimination against the complainant, its former employee, arising in part from her use of medical marijuana as prescribed for a disability. As a result, the complainant was awarded over \$70,000, in addition to several nonmonetary remedies. Attorney Margaret Nurse-Goodison represented the CHRO.

*CHRO ex rel. Kinge v. Makuch* – Following a default hearing, the Referee awarded over \$150,000 to a complainant who had been subjected to a hostile housing environment on the basis of her race and color. Attorneys Catherine Spain and Jody Walker-Smith represented the CHRO.

### **LEGISLATION**

The Legislative and Administrative advisor for the CHRO is Attorney Darcy Jones-Strand. She has successfully guided CHRO through the legislative process and with the assistance of its legal department, drafted/proposed legislation and testimony in support and opposition to over 80 raised bills. The State of Connecticut has placed a priority on equality in its business practices. It is currently overseeing two studies: a Disparity Study that was initiated in July 2022. The State of Connecticut contracted with Griffin and Strong, PC, who will examine whether Connecticut's procurement program achieves the State's goal of identifying and hiring small contractors and minority business enterprises and will be completed by 2024. CHRO is working closely with DAS and OPM to administer this review. The 2021 budget and implementer included \$4 million for the CHRO to conduct a disparity study and an equity study. The 2021 budget implementer also included language that requires the CHRO to work with OPM and

DAS to administer the equity study. The state contracted with The Faulkner Consulting Group for the Equity Study, which will complete its review of state agencies in consultation with DAS, CHRO, and OPM in November 2023. Both studies are running well according to schedule, with an abundance of public input and feedback.

Some important legislation we supported passed that directly impacts our work includes:

PA 23-145 (HB 6638) – An Act Revising the State’s Antidiscrimination Statutes  
CHRO’s agency bill requested through the Judiciary Committee.

It repeals Section 46a-81a (the previous location of the “sexual orientation” definition and moves it to Section 46a-51. New definition: “‘Sexual orientation’ means a person’s identity in relation to the gender or genders to which they are romantically, emotionally, or sexually attracted, inclusive of any identity that a person (A) may have previously expressed, or (B) is perceived by another person to hold. *Effective July 1, 2023.*

PA 23-205 (HB 6942) – the “bonding” bill

Adds language requiring the commission to refer any matter to the Office of the Chief State’s Attorney if it has reason to believe that a person who is a party to a discriminatory practice case has engaged or is engaged in conduct that constitutes a violation of part VI of chapter 952. Whenever the commission has reason to believe that a person who is a party to a discriminatory practice case has engaged or is engaged in conduct that constitutes a violation of part VI of chapter 952 may refer such matter to the Office of the Chief State’s Attorney. *Effective July 1, 2023.*

PA 23-207 (SB 998) - An Act Establishing a Tax Abatement for Certain Conservation Easements and Addressing Housing Affordability for Residents in the State  
Housing omnibus bill. Includes pieces of HB 6633 (Fair Share), HB 6666 (AA Expanding Renters’ Rights), SB 4, HB 6781. Establishes an Affordable Housing Roundtable Group. First meeting should be in August and first annual report due on January 1, 2024. *Effective October 1, 2023.*

PA 23-66 (HB 6642) - An Act Concerning a Title IX Compliance Toolkit for School Districts

Requires the Commission on Women, Children, Seniors, Equity and Opportunity to convene and lead a working group to identify or develop a Title IX compliance toolkit for use by local and regional boards of education, students and parents and guardians and students. The working group is tasked with submitting the toolkit to the Children’s Committee by July 1, 2024. *Effective July 1, 2023.*

PA 23-101 (SB 2) - An Act Concerning the Mental, Physical and Emotional Wellness of Children

Expands the Task Force on the Comprehensive Needs of Children through January 1, 2025. The CHRO has sat on the task force since its inception. This section adds the review and analysis of programs designs to assist and support children and families that have received federal funds under the Coronavirus Aid, Relief and Economic Security Act, the Coronavirus Response and Relief Supplemental Appropriations Act, and the American Rescue Plan Act. The Task Force should make recommendations about

which of these programs should receive a more permanent funding structure from the state. *Effective from passage.*

#### PA 23-9 (SB 953) - An Act Concerning Racial Profiling

This bill originated with the CT Racial Profiling Prohibition Project.

It makes important changes to the definition of “racial profiling.” Under prior law, for an act to be considered racial profiling in needed to be committed by the police officer *solely* on the basis of the racial or ethnic status of such individual. This new definition removes the term “solely” and replaces it with “in whole or in part.” It also makes clear that the racial or ethnic status is as that status is “perceived” by the officer. *Effective from passage.*

#### PA 23-194 (SB 984) - An Act Accelerating the State Hiring Process

This bill, which originated with the Department of Administrative Services, makes changes in the State Personnel Act. *Effective July 1, 2023*

Requires DAS to provide each awarding agency a preliminary report on or before June 30 of each year establishing small and minority business state set-aside program goals for the twelve-month period beginning July first in the same year. (Previously each awarding agency established their own goals). On or before September 30 of each year, each awarding agency shall submit a final version to DAS, CHRO and the P&D and GAE Committees. Allows the signatory of the nondiscrimination affirmation provision in the contract to demonstrate understanding of their obligation.

Increases relevant thresholds regarding prequalification from \$500,000 to \$1 million.

Requires DAS to hold an annual training for the purpose of discussing state contracting requirements.

### **AFFIRMATIVE ACTION**

During this reporting period, the Affirmative Action unit experienced significant changes in staffing. Its supervisor, Neva Elaine Vigezzi retired after over 45 years of state service. The Affirmative Action Unit staff analyzed thirty-one state agency affirmative action plans. Of these, thirty were approved, and one was disapproved. We recently added and trained a new HRO trainee to the Unit bringing the total to three. Additionally, 237 technical assistance sessions with state agencies via a combination of telephone, teams, email, or in-person throughout the fiscal year. Affirmative Action Unit staff are active participants in the agency’s Diversity, Equity, and Inclusion (DEI) Committee with our staff belonging to the DEI Survey Subcommittee, DEI Training Subcommittee, and the DEI Newsletter Subcommittee. The Affirmative Action Taskforce is meeting with the Office of Policy and Management on affirmative action plan regulation reform. The CHRO is assigned to the Department of Labor for HR and some administrative services. Through a memorandum of understanding, the EEO Manager, Jeri Beckford, is assigned to assist with the preparation of the Commission’s Affirmative Action plan as well as conduct all internal investigations.

### **CONTRACT COMPLIANCE**

Commission staff analyzed 502 affirmative action and set-aside plans submitted by contractors that were awarded public works and construction contracts. 421 plans were approved, 81 plans received violations, and 741 projects were closed out. Staff worked with contractors to cure plans for 277 disapproval reviews. Approximately 14 cases were referred to the Legal Division for further enforcement action. Staff instituted

monthly, open-invitation compliance trainings for municipalities and continued to conduct monthly trainings for contractors. Staff conducted, in collaboration with the primary funding agencies, numerous grant-specific trainings. On a daily basis, staff proactively reviewed the procurement documents for state and municipal projects (totaling many thousands over the course of the year). As a part of the unit's extensive, ongoing outreach to state agencies regarding public works grants and projects, staff worked collaboratively with 21 separate funding agencies to implement best practices for contract compliance on grant programs and expenditures. Staff sent a total of 390 screener questionnaires to proactively alert grantees of the contract compliance requirements and to collect necessary project information. All the while, staff members conducted ad hoc outreach when invited to do so. To incorporate revisions to the General Statutes, staff revised the several document templates and forms, the boilerplate nondiscrimination contract language, and public notice flyers that companies must post. A formal, standardized internship program was established for the CC Unit, which also began training two new hires. The unit has also housed the temporary employees assisting with the Disparity Study and Equity Study. To assist those studies, staff have provided exhaustive records.

### **Sexual Harassment Training**

CHRO continues to serve as a vital resource for training Connecticut employees about sexual harassment in the workplace and places of public accommodation. Commission staff answered hundreds of questions about the sexual harassment training mandate. Over 850,000 people were issued certificates via our online training since inception with hundreds of thousands who were provided this training directly by their employer, reflecting over one million employees in the state of CT were trained during this period. <http://www.portalct.gov/chro>

### **Internal Training**

CHRO, through its legal department has provided extensive two-week legal trainings for 18 new staff members this year. Legal division staff conducted numerous IT training and development sessions with agency staff; 2 full-day, agency-wide trainings were conducted with internal and external presenters in December 2022 and June 2023. The DEI Committee conducted several interactive sessions in addition to developing and collecting survey data on agency operations and activities. Following the survey, many recommendations were provided for consideration and implementation.

### **External Training**

CHRO, through its legal department provided outreach and education to the public virtually this year which included three fair housing trainings geared towards landlords, a series of webinars funded by HUD grants, an event in Simsbury on housing and education, a Human Rights Day talk with CT high schoolers, a Pride Month legal update for the Department of Social Services, speaking at a UConn Law event for students, an in person sexual harassment training, several cultural competency trainings, and a staff member served as the keynote speaker at a well-attended breastfeeding webinar sponsored by La Leche League of CT.

## **OUTREACH AND EDUCATION**

During this fiscal year, the commission held and/or participated in a large number of different Education and Outreach events and activities. Education and training events

conducted by the CHRO included multiple symposia that focused on fair housing and employment matters. The CHRO conducted multiple fair housing trainings for various landlords over the course of the fiscal year. We did extensive training on fair housing, sexual harassment and domestic violence laws that included the production of a public service announcement in English and in Spanish, and videos, and multiple live trainings and webinars. The Commission appeared on Univision El Show de Ana Leh on two occasions conducting outreach to the Hispanic community statewide. The shows were widely disseminated and can be found on our YouTube channel, on the website of the Ana Leh Show, and on our website.

Our outreach to youth included our annual “Kids Court” where kids make presentations to a panel of Judges on current civil rights issues. The Commission partnered with Real Art Ways in Hartford for the third year of Kids Court Academy, a social justice and attorney pipeline program for middle and high school students. There was a focus on housing issues and homelessness. The Commission also gave presentations on Civil Rights Day at multiple state high schools and participated in presentations to several groups on Martin Luther King Day. The Commission sponsored a Children’s March on the Martin Luther King Jr. Holiday where interfaith groups and other organizations marched along-side the Commission for unity, peace, equity, and equality. We were joined by the Lt. Governor of the state of Connecticut and the Executive Director of the Martin Luther King, Jr. Holiday Commission.

The Outreach Coordinator, Ana Mitchell also facilitated an ambassador program to set up information tables at multiple events to provide the public information on employment discrimination, housing discrimination and our complaint process. Every unit at the CHRO participated and/or hosted many exciting events. The Commission partnered and collaborated with stakeholders to address housing discrimination and housing access, police accountability, trans-gender rights, medical disparities, etc. The Commission’s education and outreach coordinator partnered with state Representative Geraldo Reyes to address housing issues in his district of the state.

### **DIVERSITY, EQUITY, AND INCLUSION**

Since 2019, Attorney Jody Walker Smith has successfully chaired the Diversity, Equity, and Inclusion Committee at CHRO. The Committee provides educational content via its Social Media Team and DEI newsletter. It has significantly increased the agency’s online presence with a significant number of subscribers. You can find nearly daily posts to update the public about issues of public interest and how to access our services for assistance. The legal department weekly thought-provoking and critically important conversations about equity and discrimination law. The regional offices, Affirmative Action, Contract Compliance, and Fair Housing Units also contribute regularly to statewide efforts to increase diversity and inclusion through our work with schools, businesses, municipalities, stakeholders, and local chambers of commerce.

We can be followed at:

facebook.com/ctchro.

Instagram: @ct\_chro.

Website: <http://www.portalct.gov/chro>.



For more information about the CHRO Diversity, Equity, and Inclusion committee, follow us at: [DEI.CHRO@ct.gov](mailto:DEI.CHRO@ct.gov).

Subscribe to our DEI Newsletter using [this form](#)

## **TECHNOLOGY COMMITTEE**

This committee is chaired by Attorney Jonathan Sykes. The committee is responsible for ensuring efficient and effective troubleshooting of IT related issues within the agency or, if necessary, through unit-specific elevation to DAS. The committee is also responsible for training staff on the use of technology, adoption of best practices, intra-agency IT security protocol development, and recommendation of technology purchasing. Each unit has at least one representative on this unit to ensure consistent and accurate application of all agency practices and procedures. Since his appointment as chairperson, Jonathan has led to many streamlined and improved procedures. He is currently leading an overhaul and update of our website.

## **FEDERAL REVENUE:**

The CHRO has workshare agreements with both the Equal Opportunity Commission (EEOC) and the US Department of Housing and Urban Development (HUD). For every complaint dual-filed with both the CHRO and either EEOC or HUD, the federal government remits payment to the CHRO to process and investigate the complaint on their behalf. To ensure fair and impartial processing, this money is not contingent on the outcome of the complaint. As a result of this arrangement, approximately 25% of the commission's budget is covered by federal vouchers for case processing. This revenue is directly deposited into the General Fund. In FY 2022-2023, the CHRO vouchered for \$1,121,400 from the EEOC for case processing and \$521,828 from HUD for case processing. An additional \$34,000 grant was received from HUD plus another \$7,000 from HUD for training and travel. In July 2022,

During this program year, the Commission promoted Diane Carter as Supervisor of the Fair Housing Unit. Under her direction, CHRO was able to significantly improve its performance in completing the Housing investigations within the prescribed 100-day timeframe. The monthly reports provided show that the unit averaged 10 closures per month and hit the goal of 100 case closures by April of 2022. By June 30, 2022, they reported closing 124 cases. This obviously leads to increased revenue for the agency. But more importantly, it reflects enhanced services to the complainants who seek our services.

## **PUBLIC HEARINGS**

The Office of Public Hearings (OPH) conducts contested case proceedings in discrimination cases brought by the Commission and in whistleblower retaliation cases filed with the Chief Human Rights Referee pursuant to CONN. GEN. STAT. § 4-61dd. The office is led by Chief Referee, Dr. Cherron Payne. Attorney Jon FitzGerald is the other referee with one appointment remaining to be filled.

Chief Referee Payne revised internal policies, proposed revisions, and amendments to state regulations, revised administrative/case forms, and developed recruitment strategies for volunteer attorneys which led to a projected 30% increase in volunteers. Dr. Payne was also selected as the 2022 national fellowship winner for the National Association of Administrative Law Judiciary where she presented at the national conference in New Mexico. The attached article was published in the [Journal of the National Association of Administrative Law Judiciary | Caruso School of Law | Pepperdine University](#).

## **REPORTS**

Annual reports required by statute including reports on the state of Affirmative Action in state agencies, the contract compliance program, agency case processing trends, and the awarding of attorney fees can also be found on our website. The reports can be accessed at <https://portal.ct.gov/CHRO/Commission/Publications/CHRO-Publications> under the “Publications” tab.

This past year has resulted in a smoother transition balancing working from home and office than in previous years. There were minimal technology issues with fact-findings and mediations being largely conducted via teams. We have had a positive response from respondents, complaints, as well as investigative staff. We readily consider and/or accommodate requests for reasonable accommodation throughout all of our units.

The executive director provides monthly productivity and status reports to the commissioners at every public commission meeting. The regions continue to demonstrate a large amount of activity in the area of outreach events. Over 80% of the staff participate in some way in agency outreach and training activities.

Regular and consistent staff meetings occur in every unit of the agency with attorney designation assignments to each unit for consistent application of laws and regulations.

## **FREEDOM OF INFORMATION**

The Commission takes seriously its responsibility to comply with the provisions of the state’s Freedom of Information Act. The Legal Division is responsible for responding to all freedom of information (FOI) requests, except those received directly in a regional office requesting a file being processed by that office. The Legal Division also responds to subpoenas for documents and testimony related to agency procedures and documents. Support staff handles most requests; complex requests and hearings are referred to the Executive Director. The Executive Director ensures that all regular and special Commission meetings are properly noticed and filed with the Office of the Secretary of State in accordance with the requirements of the Freedom of Information Act.

Additional Information: Individuals seeking more information about the Commission, the laws it enforces, or its services and programs are encouraged to contact the Commission’s website (<http://www.portalct.gov/chro>) or call our toll-free number (800) 477-5737.