



STATE OF CONNECTICUT

STATE DEPARTMENT OF EDUCATION



DISCRIMINATION COMPLAINT PROCESS

I. INTERNAL COMPLAINTS

- A. The Connecticut State Department of Education's (CSDE) Affirmative Action Office (AAO) establishes this internal grievance procedure to assist it in carrying out its responsibilities in administering and enforcing applicable federal and state nondiscrimination laws and the Department's policies related to nondiscrimination. This grievance procedure addresses complaints of alleged discrimination in the employment practices, policies and services of the CSDE, based on *race, color, religious creed, sex, age, national origin, ancestry, marital status, sexual orientation, gender identity or expression, disability (including, but not limited to, intellectual disability, past or present history of mental disorder, physical disability or learning disability), genetic information, veteran status, or any other basis prohibited by Connecticut state and/or federal nondiscrimination laws*. The CSDE does not unlawfully discriminate in employment and licensing against qualified persons with a prior criminal conviction.

The procedure described herein is an internal process for resolving complaints of alleged discrimination in an expeditious and informal manner, and does not preclude an employee from exercising his or her right to pursue a complaint through a formal process as provided by state and/or federal law and/or applicable collective bargaining agreement. Irrespective of how a complaint is filed or brought to the attention of the AAO, all complaints of unlawful discrimination will be investigated. The AAO retains full discretion over the manner in which investigations are conducted pursuant to this policy. The AAO may, from time to time, amend these procedures as necessary.

- B. **JURISDICTION OF THE AFFIRMATIVE ACTION OFFICE:** In carrying out the applicable policies set forth by the CSDE and to conform to the Connecticut General Statutes, members of the AAO investigate complaints of discrimination within the Office's jurisdiction and make recommendations following such investigations. Consistent with federal and state law and CSDE policies related to nondiscrimination, the AAO has jurisdiction to investigate complaints concerning alleged violations of CSDE policies and procedures prohibiting employment discrimination on the basis of *race, color, religious creed, sex, age, national origin, ancestry, marital status, sexual orientation, gender identity or expression, disability (including, but not limited to, intellectual disability, past or present history of mental disorder, physical disability or learning disability), genetic information, or any other basis prohibited by Connecticut state and/or federal nondiscrimination laws*.
- C. **INTERNAL DISCRIMINATION COMPLAINT PROCEDURES:** The Equal Employment Opportunity (EEO) Director, or designee, investigates and attempts to resolve complaints concerning alleged violations of the CSDE's employment-related nondiscrimination policies and procedures through this internal process. The AAO is required, by Connecticut law, to investigate all complaints of unlawful discrimination, no matter how a complaint is received or by whom it is communicated. As a result, the AAO will investigate any and all complaints of discrimination pursuant to this grievance procedure. This would include; whether the complaint is verbal or in writing; whether the complainant himself/herself notifies the AAO of the issue, or the matter is brought to the Office's attention through some other party; and/or whether the complainant seeks assistance from an external agency/union or chooses to pursue the complaint through the CSDE's internal processes. The Affirmative Action Office would prefer, but does not require, the assistance and/or cooperation of the complaining party in order to complete this investigative process.

450 Columbus Boulevard □ Hartford, Connecticut 06103

The Connecticut State Department of Education is an affirmative action/equal opportunity employer.

As part of the grievance process, employees may request confidential counseling from the EEO Director or designee to address questions or concerns about the process, individual rights, and CSDE policies/procedures relative to nondiscrimination, although the investigation will proceed as required by law with or without the cooperation of the complaining party. Opportunities to mediate and/or conciliate employment-related issues under this policy are available throughout this grievance procedure and may occur anytime during the investigation. The EEO Director or designee may endeavor to use these alternative means as well as other informal options to resolve complaints.

1. **Filing a Complaint:** Written complaints alleging discrimination may be filed with the AAO in accordance with these grievance procedures. After a complaint is filed, however, conciliation, or some other informal resolution mechanism may occur at any time during the course of the investigation.

Conciliation: The EEO Director or designee may endeavor to resolve complaints filed through this internal process through conciliation to reach a satisfactory solution. Conciliation is defined as an informal mediation process that is designed to assist the parties in reconciling their differences before utilizing a more formal means of resolution. Conciliation may occur at any time during the course of the investigation.

2. **Timeframe for Filing a Complaint:** Complaining parties are encouraged to submit a written complaint as soon as possible, but should file such complaint with the AAO no later than sixty (60) days from the alleged discriminatory act in order for a complaint to be considered timely. The EEO Director may extend the time of this filing requirement in limited situations based on extenuating circumstances.

3. **Requirements of a Complaint:** A complaint alleging violation(s) of the CSDE's Nondiscrimination Policy should be submitted to the AAO in writing, preferably on the form provided by the Affirmative Action Office, and should include the information set forth in numbered paragraphs below (1) through (4). Notwithstanding this preference, the AAO, pursuant to its statutory obligation to investigate all claims of unlawful discrimination, will rely upon this grievance procedure to investigate and act upon any claim of alleged discrimination or harassment brought to its attention; whether in a written complaint made in person, by telephone, email, written correspondence, written report, union grievance, and/or by filing a complaint with the Equal Employment Opportunity Commission, Office for Civil Rights (OCR) and Commission on Human Rights and Opportunities (CHRO).

The complainant will be asked to sign the written complaint with or without revisions; however, the investigation will proceed whether or not the complainant signs the complaint form and/or cooperates with the investigative process.

Complaints filed with an external agency, court, or with a union will be routed to the AAO and used as the informational source of the investigation. The AAO may contact the complainant to determine if there is any additional information and/or materials that would assist in the investigation.

Arrangements will be made to assist those individuals filing a complaint or participating in the investigation who may require an accommodation.

While a complaining party should follow the procedures set forth herein to utilize this internal grievance process, the AAO has an independent obligation to investigate all complaints of unlawful discrimination and will do so irrespective of whether a complaining party follows these procedures.

- a. **Complaint Requirements:** The written complaint should include the following information:
 1. The full name and address of the complainant;
 2. The name and work address of the respondent;
 3. A clear and concise written statement of the basis for the complaint and the facts and circumstances that constitute the alleged discriminatory acts, including a description of the alleged act(s) of discrimination, the date(s) and location(s) of the alleged act(s), and names of any witnesses or other individuals with relevant information;
 4. The complainant's signature and the date signed.
 - b. **Intake Interview:** At or shortly after a written complaint is received by the AAO, the EEO Director or designee may conduct an interview with the complainant to clarify and confirm allegations set forth in the complaint.
4. **Complaint Processing.**
- a. **Notice to Respondent:** The respondent shall be informed of the allegations against him/her and will be afforded the opportunity to provide information in response to those allegations and to be heard concerning all of the allegations of the complaint.
 - b. **Notice to Others Regarding Complaint:** With the exception of the respondent, only those persons with a legitimate need to know, including those who have information relevant to the complaint will be apprised of the filing and final disposition of a complaint.
 - c. **Access to Information Regarding the Investigation:** The complainant and the respondent, upon inquiry and during the course of an investigation, shall be advised of the status of the investigation.
 - d. **Amending a Complaint:** If during the course of an investigation the EEO Director or designee determines that more information is required to enable a meaningful investigation, s/he may request that the complainant clarify allegations in the complaint. The complaining party may also add additional allegations related to the original complaint, in appropriate circumstances and/or if the additional information falls within the time limits otherwise applicable to the filing of a complaint.
5. **Investigation of Allegations in Complaint:** Once a complaint has been filed with the AAO, the EEO Director or designee will act as a neutral fact-finder and investigate the allegations set forth in the complaint using investigative strategies appropriately tailored to the particular facts and circumstances. These strategies may include, but are not limited to, personal interviews, individual statements, and site visits, as well as gathering documents, and/or relevant interviews of other identified individuals who have or may have information concerning the allegations set forth in the complaint.
6. **Findings and Recommendations:** Upon completion of an investigation, the EEO Director or designee will evaluate the evidence and prepare a final investigative report concerning his or her findings and recommendations for review by the Commissioner of Education or his/her designee.
- a. The final investigative report will indicate whether there was either **sufficient evidence or insufficient evidence** to conclude that there was a violation of the CSDE's nondiscrimination policies. The AAO will notify the complainant of the Office's findings.

- b. If the investigative findings indicate that there is reason to believe that the CSDE Nondiscrimination Policy may have been violated, the investigator may recommend, within the report findings actions that include, but are not limited to conciliation, disciplinary action, and/or other corrective/remedial action deemed appropriate, such as education and training. The EEO Director or designee will submit the findings and recommendations to the Commissioner or his/her designee, and the Bureau of Human Resources for a final determination as to the action(s) that will be implemented.
- c. The AAO will process and resolve complaints through this internal Discrimination Complaint Process within **ninety (90) days** from the date a properly filed complaint is submitted, but may require a longer period for resolution upon good cause.

7. Administrative Responses and Individual Rights.

- a. Irrespective of the investigative conclusions and/or final determination, all complainants retain the right to pursue available remedies through other administrative, collective bargaining and legal opportunities. This internal process in no way supersedes, replaces, or precludes an employee's right to exercise his or her rights using such other formal processes available under state, federal and/or administrative law, and/or collective bargaining agreement.
 - b. Any individual whose conduct results in a finding of a policy violation by the AAO, and against whom disciplinary action is initiated as a result of that finding, shall be afforded all rights and protection as provided by union contract, federal and state law or any other applicable processes.
 - c. In the course of investigation, the AAO shall report to the Department of Public Safety any conduct that the investigator reasonably believes constitutes criminal conduct, regardless of any mitigating or other circumstances.
 - d. No complainant shall be transferred to another facility or assignment in connection with a complaint of discrimination unless the complainant agrees to such transfer in writing.
 - e. The manner in which the complaint is handled is at the discretion of the AAO.
8. **Closure:** An investigation shall be considered complete and the investigation shall be closed after the complainant is notified of the results. According to the Connecticut General Statutes, the AAO shall not represent the CSDE in any EEOC or CHRO proceedings concerning complaints of discrimination. Such representation shall be assigned by the Commissioner to a designee.
9. **Withdrawal of Complaint:** Once filed, the AAO has an obligation to investigate complaints raising claims of discrimination. However, in appropriate circumstances, and at the discretion and judgment of the EEO Director, the AAO may agree, upon a written and signed request to do so by the complaining party, to withdraw a complaint of discrimination.

D. INFORMATION RELATED TO COMPLAINTS AND INVESTIGATIONS:

- 1. **Confidentiality:** Employees of the AAO shall maintain information it obtains as confidential during the course of an investigation to the extent possible, except where disclosure is required:
 - a. By an obligation imposed on the Connecticut State Department of Education by law;
 - b. Pursuant to the investigative process in order to complete a thorough investigation of the complaint and obtain the required information to make a sound recommendation;

- c. To advise Complainant, or other appropriate party identified as to the outcome of an investigation;
or
 - d. To facilitate other legitimate CSDE processes, on a need to know basis.
2. **File Management:** The complaint file, including all information and documents pertinent to the complaint, shall be maintained in the AAO as confidential files and shall not be disclosed except as required by law or administrative necessity as set forth herein.
 3. **Periodic Review:** All records of grievances and their dispositions shall be reviewed on a periodic basis by the AAO to identify any patterns in the nature of the grievances.
 4. **Training:** The EEO Director shall receive periodic training in counseling and grievance investigations.

II. UNION GRIEVANCES AND EXTERNAL COMPLAINTS

The CSDE acknowledges that individuals have the right to use the formal grievance procedures available under applicable collective bargaining agreements and/or file formal complaints with external agencies at any time within the applicable agency deadlines, and that those complaints may be filed concurrently with or in lieu of complaints that are filed with the AAO. The fact that a complaint has been filed with a union and/or an external agency will in no way deter an investigation within the jurisdiction of the CSDE.

1. **Collective Bargaining Agreements:** Employees covered by a collective bargaining agreement may use the formal grievance procedure set forth in the applicable contract.
2. **External Agencies:** Any person who believes he or she has been subjected to employment discrimination can, by himself/herself or by a representative, file a complaint with the Connecticut Commission on Human Rights and Opportunities, the Equal Employment Opportunities Commission, or the Office for Civil Rights within the time period specified by law.
 - a. **The Connecticut Commission on Human Rights and Opportunities (CHRO):** Complaints should be filed with the CHRO no later than one hundred and eighty (180) days after the alleged unfair employment practice or act of discrimination occurred.

Contact Information: General Telephone: 800-477-5737

Capitol Region

450 Columbus Boulevard
Suite 2
Hartford, CT 06103
Telephone: 860-541-3400

Southwest Region

1057 Broad Street
Bridgeport, CT 06604
Telephone: 203-579-6246

West Central Region

55 West Main Street, Suite 210
Waterbury, CT 06702
Telephone: 203-805-6530

Eastern Region

100 Broadway, City Hall
Norwich, CT 06360
Telephone: 860-886-5703

- b. **United States Equal Employment Opportunity Commission (EEOC):** Complaints should be filed with the EEOC no later than three hundred (300) days after the alleged unfair employment practice or act of discrimination occurred.

Contact Information: Regional Office Telephone: 617-565-3200
Equal Employment Opportunity Commissioner
Boston Area Office
John F. Kennedy Federal Building, Room 475
Boston, MA 02114

- c. **Office for Civil Rights (OCR):** Complaints should be filed with the OCR no later than one hundred and eighty (180) days after the alleged unfair employment practice or act of discrimination occurred. The Office Director, or designee, may grant a waiver of the 180-day filing for good cause.

Contact Information: Regional Office Telephone: **617-289-0111**
U.S. Department of Education
Office for Civil Rights
5 Post Office Square, Suite 900
Boston, Massachusetts 02109-3921

- d. Any other state, federal or local agency – including the United States Department of Labor, Wage and Hour Division, and the United States Department of Education, Office for Civil Rights – that enforces laws concerning discrimination in employment.

III. PROTECTION FROM RETALIATION/ADVERSE ACTION

The Department of Education expressly prohibits the use of threats, coercion, restraint, or other forms of intimidation or retaliation of any kind against any person who files an internal/external complaint of discrimination, assists/participates in an investigation, proceeding or hearing, or opposes an unlawful discriminatory practice or policy. Retaliation in violation of this provision shall form an independent basis for investigation and potential administrative action under these procedures.

IV. DISTRIBUTION OF THE DISCRIMINATION COMPLAINT PROCESS

In order to ensure that employees are fully aware of their right to file an internal and/or formal employment discrimination complaint, this grievance procedure will be posted on the CSDE's website and throughout the CSDE's facilities. It shall also be distributed to employees on an annual basis and provided to each new employee at or near the time of their appointment. All employees are expected to fully cooperate with all complaint investigations and any actions taken by the CSDE as a result of an investigation.