

WindhamARTS

State of Connecticut's Designated Regional Service Organization for Northeastern Connecticut

September 21, 2016

To Whom It May Concern:

Windham Arts is the State of CT, Office of the Arts, Designated Regional Service Organization or Northeastern CT. We are writing to ask that you help make the mediation and investigation process for employment discrimination a more and efficient system.

Businesses and non-profit organizations have become the victims in a system that has an ineffective model for determining human rights violations. The current system does not rely on facts or evidence. It judges its success and effectiveness by how many dollars are awarded to complainants. Anyone knows that a process whose goal is to get money for complainants will ultimately get money for the complainant whether it is justified or not.

I would like to share our experience. Windham Arts has a board of directors with five females and two males. The staff's supervisor is one of the female board members. We have had an all female staff for most of our existence with the exception of one interim director. Last year we fired our Executive Director for lack of performance based on a specific and written job description as well as her insubordination and her outright refusal to work with other staff and to "take orders" from her supervisors. Our paperwork is clean and supports our decision to separate from this person.

A complaint was filed against us for sexual discrimination. After reading her lengthy complaint it was not clear to anyone including several attorneys what the discrimination was. Her complaint was mostly about the organization and her supervisor. There is absolutely no evidence of discrimination. Holding an employee accountable for doing their job should not be discrimination.

Our response to her multiple page complaint took a total of 48 hours to complete as we had to deny or agree to every sentence she wrote. Time was spent consulting attorneys and researching the process.

The mediation process that took an entire day consisted of an investigator convincing us to give the complainant money so everyone could move on. We are a non-profit organization that not only has very limited funds but our funding sources do not allow us to use dollars on any legal action. Upon insistence of the mediator, we agreed to pass the hat at our board meeting and give the complainant \$1000. She had been collecting unemployment which, although we had the justification to do so, we did not fight when she applied. She wanted \$30,000 and refused our offer.

The investigation was the next step where we spent half a day sitting in a room where the complainant went on about how much she didn't like us. At no time did she actually say how she was discriminated against. At the end



Department of Economic and
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the complainant admitted that she did not like it when, during casual conversation between her and our board chairman, they spoke about hockey. Our chairman is a hockey coach and told her that he had the greatest respect for hockey moms because of all the work and time they put into the program for the benefit of their kids. This we determined was the base of her claim. How is this discrimination?

The investigator told us that he bases his judgment on facts and said off the record that this case really had no merit. We have yet, one year later, received any judgment. We did not hire an attorney but our cost to date has been about \$4000.00 in time working on the case. The investigator did tell us that no matter what he decided, the complainant's attorney, who specialized in these claims, would appeal and the case would go to Hartford where it will ultimately be overturned. He told us it would be overturned as a matter of routine and our only action would be to appeal to federal court, hire an attorney and fight the case there.

If attorneys know they will win every one of these cases then where is the fairness? It has become a way for employees to extort money from their employers. If companies will have to pay tens of thousands of dollars for complimenting people, what kind of work environment are we creating? What kind of financial burden has been put on the backs of employers, especially non-profits? It has become common knowledge that if you want a cash bonus you make a discrimination claim against your employer and you will win 99% of the time and get your money.

There needs to be a better model for this agency to measure its performance other than how much money it collects for complainants. Our legislators need to be involved to make sure that commissions set up to perform a certain duty actually do it, fairly and efficiently. We urge you to resolve these issues by creating standards and a model of investigation and mediation that will serve everyone fairly.

I am happy to meet with anyone to discuss the details of our experience with CHRO. Thank you for your consideration of this matter.

Sincerely,

Diane Nadeau
Vice President
Windham Arts



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