

**Human Relations Commission
Special Meeting Minutes
Monday, July 8, 2024**

The meeting was called to order at 6:02 pm. Present: Sridhar Kadaba, Kevin Kuzia (arrived 6:04pm), David O'Connor (Chairman), Leslie Ohta, Isabel Rolfe (Secretary), and Human Resources Director, Sherri Tanguay.

Others present for the meeting were Town Manager, Jonathan Luiz, and Town Attorney, Michael Collins.

1. New Business

(a) Discussion with Town Attorney Michael Collins about handling complaints of discrimination

Town Attorney, Michael Collins, introduced himself for the record and noted that he is here to answer questions regarding complaints of discrimination. Ms. Ohta noted that she is aware of only 2 complaints in 30 years. Ms. Tanguay provided copies of the ordinance. Attorney Collins provided a brief overview of the Freedom of Information Act (FOIA) and explained that this Commission receives and investigates discrimination complaints. He noted that the Commission has the power to subpoena witnesses. Attorney Collins explained that, under the FOIA regulations, these meetings generally cannot be closed to the public and confidential. Chairman O'Connor asked if the Commission can publicly announce the name of the person making the complaint. Attorney Collins explained that, under the FOIA regulations, the discrimination complaint and names of the claimant and accused generally must be made public and added that these are public meetings. Mr. Kadaba asked for more information on how the Commission should approach discrimination cases. Attorney Collins explained that the Commission is investigating an outside entity and will hear from the person who has made the complaint and added that the accused party will be able to respond to the allegations. Ms. Ohta remarked that she is surprised that this hearing is public and spoke briefly about her experience with federal administrative claims and resolving issues confidentially. Attorney Collins explained that the Town is limited by the statutes and added that confidentiality does not apply in this case. There was a brief discussion on handling complaints from Town staff or school district staff. Attorney Collins noted that the process depends on whether the complaint involved a student and if records are part of the discussion. Ms. Ohta noted that the 2 complaints did not involve Town employees. Mr. Kadaba stated that the recent complaint is not from a former Town employee. Ms. Tanguay confirmed the information. A journalist from the *Journal Inquirer* arrived at 6:12pm.

Mr. Kadaba asked if the Human Relations Commission can go into executive session as part of the process of handling the complaint. Attorney Collins noted that this has nothing to do with the Town and remarked that, given the nature of the claim, it is hard to envision how executive session can be allowed in this case. Mr. Luiz asked for information about the noticing requirement and how it applies to the accused party. Attorney Collins stated that the notices have to satisfy the FOIA regulations and added that they have to be provided to both sides.

Chairman O'Connor asked if the Town Attorney should be included in the process. Attorney Collins replied yes and explained that it makes sense because this has only happened 3 times in 30 years. Mr. Luiz asked for more detail on the role of the Commission on Human Rights and Opportunities (CHRO) and the role of the Human Relations Commission. Attorney Collins explained that claimants must go before the local agency before they are able to go to the CHRO. Ms. Ohta spoke briefly about a past discrimination case and noted that the person wanted to inform and educate the public. Mr. Kadaba asked if the CHRO would overrule any recommendations made by this Commission. Attorney Collins noted that he would have to look into how the CHRO handles complaints and added that it is likely that they handle each case as its own review. He remarked that the CHRO would likely review the case de novo / from scratch.

Ms. Tanguay read out the portion of the ordinance, which states that the Commission shall "encourage and attempt to accomplish voluntary compliance with all state and federal laws relating to discrimination and equal opportunities, before referring such complaints to proper agencies." She asked for more information on the Commission's role. Mr. Luiz asked how the ordinance would apply given that there is a statute. Ms. Ohta noted that it is her understanding that the Commission will do its best to try and resolve the issue amicably. Mr. Luiz noted that the CHRO is a step before someone can sue. He noted that the CHRO can rule in favor of the claimant and added that this is a step before Superior Court. Ms. Tanguay explained that the CHRO works with both sides to come up with a resolution through mediation. Chairman O'Connor noted that the person who made the complaint wants their job back and asked for more information on the Commission's role. Attorney Collins noted that there is an opportunity at the hearing with the other party present to respond to the allegations. Ms. Ohta pointed out that the complaint from a few years ago dealt with one side. Mr. Collins stated that he thought the recent claimant tried to go to CHRO first. Ms. Tanguay replied yes and explained that the claimant told her that the CHRO referred her to the Glastonbury Human Relations Commission. Mr. Luiz noted that the claimant communicated verbally and confirmed that they were referred by the CHRO.

Mr. Luiz asked about the rules of evidence. Attorney Collins noted that the rules of evidence do not apply. Chairman O'Connor asked for more information. Attorney Collins explained that more evidence can be let in if the Commission decides it has relevance. Chairman O'Connor asked if there is anything else they should be aware of. Attorney Collins noted that the hearing might lead to subsequent hearings and added that he does not know if it will get to that level of complication. Mr. Luiz wanted to confirm that anyone testifying must take an oath. Attorney Collins replied yes. Ms. Tanguay asked what can be done if the respondent does not show up to the hearing. Attorney Collins remarked that it will be one sided and added that the Commission might not find that the claimant has proven the allegation. Ms. Tanguay directed the Commission to the ordinance and noted that making a determination does not sound like it is in the realm of this Commission. She read out the passage in the ordinance that states the Commission shall "refer such complaints, where appropriate, to the proper agency having jurisdiction in the particular matter." Ms. Tanguay reiterated the phrase in the ordinance that states "voluntary compliance" and added that she can see the Commission referring the claimant to the CHRO. She brought up a concern about denying an applicant their right to due process. Attorney Collins explained that ruling against the applicant is a final decision and added that this

Commission can have a hearing and refer the claimant to the CHRO. Mr. Collins explained that a claimant must exhaust all administrative reviews before being allowed to the CHRO. He noted that issues might be resolved before the CHRO stage.

Mr. Luiz noted that there is no cost to go before the CHRO and explained that the process allows for other agencies to resolve the matter first. He added that the claimant might see that they do not have enough evidence to prove discrimination. Mr. Luiz noted that in some cases the CHRO finds that there is discrimination and this might prompt the employer to negotiate to avoid trial. Mr. Kuzia explained that the CHRO prevents all cases from going directly to trial. Mr. Kadaba asked about the next steps. Chairman O'Connor noted that they would have to schedule a meeting and suggested next week. Ms. Tanguay explained that the meeting must be noticed to ensure that Attorney Collins and both parties have time to prepare for a hearing. There was a discussion on meeting availability. Mr. Collins noted that, if he cannot attend the meeting, a partner with experience with the CHRO can attend. Ms. Ohta remarked that the case does not sound complex. Commission members briefly discussed the duties of the commission as outlined in the resolution adopting the commission. Mr. Kadaba suggested a future meeting to discuss and define what they are. Mr. Luiz agreed. After further discussion on potential meeting times, it was agreed that the next meeting would be scheduled for July 29, 6:00 pm in Meeting Room A of Town Hall. Mr. Luiz suggested Council Chambers. The reporter from the *Journal Inquirer* asked for a copy of the complaint. Mr. Luiz noted that the complaint does not contain sensitive information and added that it is public information. Ms. Ohta provided the reporter with a copy of the complaint.

2. Adjournment

The meeting was adjourned at 6:40 pm.

Respectfully submitted,

Nadya Yuskaev
Recording Secretary