

July 28, 2003

Boston Office  
U.S. Department of Education  
Office for Civil Rights  
J.W. McCormack Post Office and Courthouse  
Room 701  
Boston MA 02109-4557

Also via facsimile: 617-223-9669

To Whom It May Concern:

We write to identify the following issues that have led us to file a complaint to your office. We file this complaint with regard to the Department of Children and Families (DCF), specifically the DCF Connecticut Juvenile Training School (CJTS) facility, and the Unified School District (USD) II.

We have organized this complaint into the following sections:

- I. Federal Statutes**
- II. Overview of the Connecticut Juvenile Training School**
- III. The Complainants**
- IV. The Complaint**
  - a. Violations**
  - b. Record Keeping**
  - c. Policies and Procedures**
  - d. Adequacy of Investigation**
  - e. Risks and Discrimination against Adjudicated Female Youth**
  - f. Retaliation**
- V. Contact**

Terminology: Unless otherwise specified, when we refer to "administration" or "management" in this complaint, we mean DCF, including CJTS and the Unified School District II. In addition, the Connecticut Juvenile Training School (CJTS) is the facility. The Unified School District operates a school located within CJTS called the Cady School. When we refer to "school" in this document we mean that entire facility. If appropriate to refer to the educational program only, we will so reference it as the "Cady School." We use the terms "employees" and "staff" interchangeably without specific reference to "school" or "Cady School" unless otherwise noted. We use the terms "students" and "residents" to refer to the

adjudicated male youth who reside (and participate in educational programs) at the Connecticut Juvenile Training School. If you have any questions about our references, please advise us and we will attempt to clarify any wording.

The Connecticut Juvenile Training School, located in Middletown, Connecticut, opened in September 2001. Our complaint is that the Department of Children and Families employees of the Connecticut Juvenile Training School have been deprived of their civil rights under Titles VII, Title IX and Section 1983.

We hold the following positions and individuals accountable for these complaints and violations of Titles VII, IX and Section 1983: former DCF Commissioner and current DCF Commissioner. Under the jurisdiction of the DCF Commissioner's Office, we also hold the following agency departments and positions accountable: DCF Hotline; former and current Bureau Chiefs/Directors; DCF Human Resources; former CJTS Superintendent and acting CJTS Superintendent; and, the Unified School District II Superintendent.

**From October 25, 2001** on, union and Title IX representatives have provided information to DCF administrators concerning the overwhelming number of Title IX and other harassment concerns at the Connecticut Juvenile Training School (copies of communication and testimony about these efforts can be provided).

**On June 16, 2003**, the building Title IX designee (Carol Winiski) and CSEA Union Steward (Paula Dillon) met with the State Department of Education's Education Consultant for Multicultural Education and Gender Equity (Bill Howe) and the USD II Superintendent (Ismael Carreras) and discussed sexual harassment and civil rights issues. The USD II Superintendent indicated that as the Title IX coordinator he was responsible for the Cady School and the rest of CJTS was a separate entity. The SDE Consultant informed him that such an understanding was incorrect.

**On June 16, 2003**, the CJTS Superintendent (Brett Rayford) was informed that employees would pursue a sexual harassment complaint. Since that time, based upon information provided by staff at the Facility, some remedial steps have been discussed by the CJTS Superintendent to address concerns that are also contained in this complaint. Wherever appropriate, we have noted those actions as part of the history of this complaint.

**On July 18, 2003**, a meeting was held to discuss the Title IX and other civil rights concerns at the Connecticut Juvenile Training School. From this meeting a "Title IX -- Civil Rights Committee" was formed to address civil rights concerns at the Facility. This meeting was held as a result of the pressure from employees' ongoing efforts to address these Title IX and civil rights complaints (for example, after the employees had repeatedly addressed their concerns in almost two years of labor-management meetings and other forums, and after CJTS staff met with the Education Consultant and the Director of the Permanent Commission on the Status of Women.)

**On July 22, 2003**, at a labor-management meeting CJTS Superintendent Rayford said that based upon information provided at the July 18, 2003 meeting, he would initiate address of

the following issues at the Facility. The following is the list created by the CJTS Superintendent of items to be addressed:

1. Youths suspended from school - program development
2. Sexual harassment training for all staff - mandatory
3. All supervisors trained by Affirmative Action (re sexual harassment training) as soon as possible
4. Hold community meeting at CJTS with Dr. Howe (SDE Gender Equity Coordinator)
5. All staff mandatory training - all shifts
6. Eliminate difficulty on this issue between school and residential (related to when kids are suspended)
7. Train all Human Resources staff (see item 3, re sexual harassment training)
8. Sign for Charlene Buano (posting regarding her new role as a Title IX designee at the Facility). Also posting/sign for all trained Title IX designees.
9. Intense course for youths who are sexually inappropriate
10. Train the trainer
11. Feedback on charges (provide information to staff regarding the charges that they file with regard to any "chargeable" conduct)
12. Communication-chain upward on all sexual harassment
13. Expected behavior from youths (a concrete "do's and don'ts" for staff and students)
14. Chart of who investigates (who investigates what kinds of issues; clarify when CJTS consults with State Police)
15. Move YSO Title IX coordinator (cover 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> shifts)
16. Homophobia training
17. Write policy on false allegations.
18. Have Lt. Henry (supervisor of Agency Police at CJTS) give a preamble when any resident is interviewed that they could be criminal charges if a resident provides a false statement.

We have struggled with these continuing sexual harassment and civil rights concerns and complaints for the past two years. We believe some of these concerns and complaints stem from the lack of a clear vision concerning the nature and purpose of the Connecticut Juvenile Training School.

We sincerely appreciate that based upon our efforts, the CJTS Superintendent has in turn made efforts in recent weeks to discuss these very serious concerns about harassment and civil rights issues. It is important to note that we understand that the current DCF Commissioner (Darlene Dunbar) and the acting CJTS Superintendent (Brett Rayford) have inherited problems that were embedded prior to their arrival.

We hope that the dialogue and address of these concerns continues as part of the examination of these claims. Based upon the volume of complaints, we have not yet attempted to write a list of resolutions to these claims. We also hope that more employees will have the opportunity to share their stories in a confidential manner during the investigation of this complaint. We seek lasting, thoughtful, detailed and comprehensive solutions to the concerns and violations listed in this complaint.

## **I. Federal Statutes:**

We are filing this complaint based upon our belief that our civil rights have been violated in reference to:

Title VII of the Civil Rights Act of 1964

Title IX, 1972, Education Amendments

Section 1983. Civil action for deprivation of rights - 42 U.S.C. § 1983

## **II. Overview of the Connecticut Juvenile Training School:**

The Connecticut Juvenile Training School is located at 1225 Silver Street, P.O. Box 882 Middletown, Connecticut 06457. Phone numbers: 860-638-2700 (Cady school office at CJTS); 860-638-2400 (main administrative number for CJTS).

The Department of Children and Families' description (from DCF website) of the Connecticut Juvenile Training School:

"The Connecticut Juvenile Training School is a 240 bed, secure facility for male adjudicated delinquents committed to the Department by the Superior Court for Juvenile Matters. The facility includes an intake unit, special needs units, general population buildings, extensive space for education and vocational programming and a transition unit for youth preparing for community re-entry.

All youth receive a comprehensive assessment, including mental health and substance abuse evaluation, to plan their individual program. Services focus on behavioral health treatment, education, vocational programming, therapeutic recreation and a strong emphasis on family involvement.

Reintegration planning and activities, including the active involvement of community service providers, occur throughout youths' stay at the facility. All youth, upon return to the community, participate in an Aftercare Program providing ongoing supervision and continuation of services in keeping with each youth's risk and needs assessment."

### **III. The Complainants:**

The employees who have signed in support of this complaint are all employees of the Department of Children and Families and they are all assigned work at the Connecticut Juvenile Training School.

Education (including vocational instructors, state school teachers, school psychologists), supervisory, custody (youth service officers), clinical (including clinicians, clinical nurses, psychologists), recreation, unit leaders and assistant unit leaders, parole services, police, and other employees staff the Connecticut Juvenile Training School. A specific staffing list will be provided separately if needed.

All of the employees who have signed in support of this complaint are union members.

The three largest unions at CJTS are the CSEA (Connecticut State Employees Association/Service Employees International Union Local 2001), Local 2663 of Council 4 AFSCME (American Federation of State, County and Municipal Employees), and 1199 (District 1199/New England Health Care Workers Union/SEIU). If necessary, we will provide information about the bargaining units and unions of other CJTS employees.

## **IV. The Complaint**

### **A. Violations:**

1. DCF has failed to deal with the hostile and unsafe work environment at the Connecticut Juvenile Training School.

2. Staff have not been provided the tools to effectively address residents' behaviors so that hostile or unsafe actions will not be repeated.

3. Employees have come to the Title IX designee at CJTS with their specific concerns about workplace sexual harassment (staff to staff and residents targeting staff). Those employees have not been willing to make formal complaints for fear of retaliation and/or lack of confidentiality.

4. Staff should be clearly informed that they can make such complaints known and will not be subjected to any retaliation.

5. Staff and residents have been subjected to assaults by residents.

6. Employees have not received appropriate de-briefing, support, and victim advocacy after assaults, restraints, sexual harassment and other incidents that occur in their workplace.

7. Employees have been placed in unsafe situations after resident complaints or grievances. Employees may not be aware of such complaints or grievances.

8. Employees have been told by supervisors and by CJTS facility administration that they should expect and tolerate sexual harassment and other inappropriate behavior from the residents.

9. Employees have been subjected to false allegations and have no effective means of redress.

10. Employees feel that they are unsafe when they go to or return to work at CJTS.

11. Employees are not supported in a specific, planned, consistent, just and comprehensive manner after they have been assaulted/sexually assaulted.

12. The administration does not provide a specific, planned and comprehensive program for residents who act out sexually, are sexually reactive or who are sexual offenders. In addition, it is not known whether DCF does post-discharge treatment or monitoring for said residents.

13. CJTS employees have requested that they receive alerts or appropriate information regarding youth admitted to CJTS who have a particular history that includes sexual misconduct or abuse or an extremely violent history. Such communication has not been provided.

14. The administration does not address homophobic or otherwise intolerant behavior or comments.

15. Requested training regarding sexual harassment has not been provided in a comprehensive manner.

16. General training concerns have not been addressed in a planned and ongoing manner.

17. The Title IX designee at CJTS has requested expert training for all CJTS staff in the areas of Title IX and has received little support in such requested training.

18. The administration has interfered with Title IX Coordinator's requests for expert training. The need for planned, ongoing, systematic, and interdepartmental training has been clearly expressed to DCF administration, including the Unified School District II superintendent, the CJTS superintendent, human resources, and to the State's Office of Labor Relations. The administration has failed to date to provide requested training. Note: The CJTS Superintendent has said such training is now being organized.

19. CJTS administration has designated the facility's quality assurance manager as a Title IX designee. Said manager has not been trained as appropriate by the State Department of Education. The appointment of said manager as a Title IX designee presents a conflict of interest. Said manager assignment eliminates the ability to resolve issues at lower steps or informally. Note: On July 17, 2003, the quality assurance manager stepped down as the Title IX designee.

## **B. Record Keeping:**

1. The School District policies require that the School District Title IX Coordinator shall "coordinate the School District's compliance effort; provide direction, support and consultation to building level Title IX Coordinators; complete audits, as required, with the assistance of the building level Title IX Coordinators; prepare and submit an annual report of Title IX activities to the Superintendent; assume the duties of a building level Title IX Coordinator, as required." These requirements have not been followed.

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2. The Title IX designee addressed specific concerns to the USD Superintendent on October 27, 2001. The concerns raised in this letter have not been adequately addressed.

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3. The administration, including the School District Title IX Coordinator (the USD II Superintendent), has failed to review and ensure that appropriate training, policies, and data collection (e.g., regarding assaults, harassment) have been accomplished.

4. Disposition of youth internal and external charges should be provided to staff in a timely manner. An ongoing review of such charges should take place at Cady School, CJTS, and DCF levels. Note: On July 22, 2003, the CJTS quality assurance manager contacted the Title IX designee and CSEA union steward and asked what the best way to accomplish this task would be.

5. It is not clear if DCF Human Resources or Affirmative Action have maintained any necessary records on complaints of sexual harassment made by staff against students or other staff. Policy 9-16 states that Human Resources will inform Affirmative Action and they will investigate. It is not clear that Human Resources has followed this policy. Until recently, youth service officers at CJTS were informed that they should go to Human Resources if they had sexual harassment complaints. Later, the Quality Assurance Manager was designated to receive sexual harassment complaints. It is unclear whether any complaints have been forwarded to DCF's Affirmative Action unit.

### **C. Policies and Procedures:**

1. Policies and procedures are ambiguous in that it appears that some only apply to Cady School, some apply to all CJTS staff, some apply to DCF in general (e.g. sexual harassment policies and procedures). Staff is confused about the application of policies. Policies should be made more clear and consistent in their application.
2. Staff should be provided access to copies of all current policies and procedures in "hard copy" for reference purposes. Staff does not have consistent access to Internet information regarding policies and procedures during their workday.

3. Staff should be provided side-by-side documentation about how investigations are conducted in all areas of DCF, relating to inappropriate interactions or incidents (staff to resident, resident to staff, staff to staff).

4. Employees, particularly new employees to the Cady School, do not receive consistent, planned and systematic training. These employees do not receive an employee handbook detailing specific procedural information such as: general facility report writing, who to contact, management personnel chain, contact information, etc. Concerns about the lack of training have been expressed to the USD II Superintendent on an ongoing basis without adequate results.

5. CJTS employees and their unions have brought Title IX and other sexual harassment issues to the attention of management without satisfactory address. (Examples include October 25, 2001 letter from Title IX designee (Winiski) to administrators; May 16, 2002 letter from Union to USD Superintendent; August 19, 2002 letter from Union to DCF Bureau Chief (Ando); December 8, 2002 letter from Union and Title IX designee to DCF Commissioner; and January 27, 2003 letter from Union and Title IX designee to DCF Commissioner. More recently, on June 13, 2003, two CSEA union stewards wrote to both the CJTS Superintendent and to the USD II Superintendent about employees' critical concerns.)

6. DCF did provide a response to the August 19, 2002 letter of concern from the Union to the DCF Bureau Chief. The DCF Bureau Chief (Lou Ando) responded on January 28, 2003. His response indicated that a "comprehensive sexual harassment policy" would be developed. No such policy has been developed. DCF offered no other response to the systemic concerns at CJTS. Note: On July 11, 2003, CJTS administration provided to staff a copy of the new sexual harassment policy dated July 10, 2003.

7. Employees should be informed that if they have a complaint or concern that involves sexual harassment or Title IX they do not have to bring that complaint/concern to anyone inside that Agency or Facility.

8. Employees have been informed that they cannot file outside police charges without first going through the police at CJTS. Such a requirement interferes with employees' rights to file outside charges and otherwise impedes the filing of outside charges.

9. Employees should be informed that they could file such harassment complaints with the Office of Civil Rights, Police Agencies, Commission on Human Rights and Opportunities.

10. Employees have not been informed of all of their rights when they have been harassed and/or assaulted.

11. Sexual harassment policy(ies) does not address what happens from the time a complaint is made until the proceedings begin to evaluate the complaint and if appropriate begin the investigation. Parties need to be protected from further complications as soon as possible after the incident occurs. An immediate action should be taken to ensure safety for all parties. Note: On July 22, one of the Title IX designees and a CSEA union steward informed the CJTS Superintendent of this concern. Suggested revisions will be provided to the CJTS Superintendent and the DCF Affirmative Action Director.

12. Employees have not been informed of specific rights (as listed in USD Policy 27-3-27):

The School District policies and procedures on sexual harassment do not deny the right of any individual to pursue other avenues of recourse, including

- ℞ filing a complaint with the United States Department of Education's Office for Civil Rights within 180 calendar days of the alleged incident, or within sixty (60) calendar days after the internal grievance procedure or other active attempt at resolution has been concluded
- ℞ filing a complaint with the Connecticut Commission on Human Rights and Opportunities in writing within 180 calendar days of the alleged incident
- ℞ initiating civil action
- ℞ seeking redress under state criminal statutes and/or federal law.

13. DCF only recently implemented a revised sexual harassment policy. It is unclear what policies are in effect. What policy is in effect for DCF? What policies have been operationalized for CJTS? The dates of policies and revisions to policies must be made clear and include accurate information.

It should also be noted that just prior to the July 10, 2003 revised grievance procedure policy, when questioned by the Title IX designee at CJTS, the Title IX coordinator (USD II Superintendent) said that the existing non-draft policy should be used to address any sexual harassment complaints. At the same time, when questioned, the CJTS Superintendent said that the Title IX designee should follow the draft policy. Fortunately a complaint did not have to be written before the revised and approved version was promulgated.

- β Draft policy March 6, 2003 re DCF Client Assurances, Sexual Harassment Policy Concerning Clients. Now in effect in policy promulgated July 10, 2003?
- β Operation of Unified School District, Title IX: Sex Discrimination Grievance Procedures, 27-3-27 (effective date July 15, 1995) New policy in effect July 10, 2003? Note: There was a March 6, 2003 "Client Assurance" draft policy that was the only written reference that addressed complaint procedure by staff regarding clients. On July 10, 2003, this information was incorporated into the revised 27-3-27 policy (grievance procedure) and was no longer a draft policy. This newest policy had errors when it was promulgated.
- β DCF (effective date July 15, 1995) Policy Bulletin regarding Title IX
- β Operation of Unified School District, Title IX: Prohibition of Sex Discrimination, 27-3-25 (effective date July 15, 1995). Same document as above?
- β Operation of Unified School District, Title IX: Sexual Harassment, 27-3-26 (effective date July 15, 1995)
- β DCF Policy Manual, Affirmative Action, 9-16 Sexual Harassment Prevention and Complaint Process (effective date September 3, 2002) (Specific to adult to adult harassment).
- β DCF Policy Manual, Personnel Management, Employee Conduct, 7-4-3.6 "Acts of Discrimination and Sexual Harassment," was distributed at the CJTS Community Meeting on June 19, 2003. Is this the policy now in place?

14. Administration has not posted information about staff access to Title IX coordinator.  
Note: Such information was posted on July 14, 2003 (via email to all CJTS staff).

15. USD II policy requires that the school district "adopt and publish a grievance procedure that provides for prompt and equitable resolution of student and employee complaints." Such a grievance procedure is not clear and has otherwise not been effective. It is unclear to whom one should complain.

16. The USD II superintendent has otherwise failed to maintain all requirements under School District and DCF sexual harassment policies. Under the school district policies it is required that the School District Title IX Coordinator shall

- ℞ "coordinate the School District's compliance effort;
- ℞ provide direction, support and consultation to building level Title IX Coordinators;
- ℞ complete audits, as required, with the assistance of the building level Title IX Coordinators;
- ℞ prepare and submit an annual report of Title IX activities to the Superintendent;
- ℞ assume the duties of a building level Title IX Coordinator, as required."

**17. Training regarding appropriate boundaries and inappropriate attention/affection directed by residents towards teachers has not been developed.**

Since at least January 2003, teachers, the Title IX designee, and union representatives at CJTS have made specific recommendations regarding the need for training regarding appropriate boundaries between staff and residents. Said employee representatives have also requested training for staff in how to deal with inappropriate attention/affection directed by residents toward teachers or other staff. No trainings have ever been developed. Note: Although not an address of these training issues, on June 30, 2003, an in-service training titled "Understanding Problem Sexual Behavior, Managing the Boundary (Part I)" was presented. On July 23, 2003, Part II of this in-service was presented.

- 18.** Policies regarding appropriate boundaries and inappropriate attention/affection directed by residents towards teachers have not been developed.

Teachers, the Title IX designee, and union representatives have requested the development and implementation of CJTS specific policies regarding appropriate boundaries, and inappropriate attention/affection directed by residents toward teachers or other staff. No policy has been implemented. Since January 16, 2003, the Title IX designee and a CSEA union representative have engaged in discussions with a CJTS management designee trying to develop such a policy. Note: It is possible that since the time this complaint has been sent, such a policy may have been promulgated.

**19.** Connecticut General Statutes, Chapter 814e, "Physical Restraint, Medication and Seclusion of Persons Receiving Care, Education or Supervision in an Institution or Facility" provide that "use of physical restraint or seclusion" shall be documented and monitored. The CJTS administration and human resources have stated that they interpret the law to generally preclude the use of seclusion. They have stated that having a youth in his room with the door locked for more than ten minutes is considered seclusion. Youth are not permitted to be in their rooms without open access (ability to open the door to their room without asking staff to "pop" the door).

In some cases, being in their room without open access may in fact be appropriate to ensure an appropriated physical/educational environment for the residents and staff. Residents have assaulted staff in order to be secluded. When residents are not appropriately secluded, they have freely assaulted residents and staff. In addition, this creates more resident restraints, which in turn has caused more resident and staff injuries. In particular, residents have been able to target residential staff.

#### **D. Adequacy of Investigation:**

1. The procedures for investigations (e.g., Hotline, Human Resources, Affirmative Action, State Police, local police, other internal investigations) have not been made explicit.

2. Staff has reported harassing comments and behavior from residents. The harassment has not been adequately and consistently addressed by the administration. There should be more clear actions and, if appropriate, consequences for these behaviors. Said clear actions and/or consequences could lead to reduction of inappropriate behaviors.

3. With regard to doing paperwork on resident misbehavior (the old major incident reports are now termed "minor" incidents): Labeling negative student behavior as "minor" incidents because they do not rise to the level of an internal charge (now called a "major" incident) may send residents the wrong message about their behavior.

4. Staff have stated that they do not bother sometimes to write paperwork on "minors" (less severe) and chargeable behaviors because it will not likely result in consequences that reduce the nature of the problems. The administration has not developed or enforced behavioral interventions. These behaviors do not receive consistent follow up and residents are falsely empowered then to re-offend.

5. This inconsistent follow up creates an unsafe environment which precludes the goal of education and rehabilitation for these students who are in DCF's care.

6. Staff has filed internal charges regarding such harassing comments and behaviors from residents and has seen no result.

7. The Title IX designee for the Facility compiled a list of comments and behaviors that residents exhibited toward staff (educational and residential/custody) while residents and staff were in Cady School in CJTS. Her review is for the period from October 2001 through April 2002 (the Title IX designee is in the process of updating this information).

From that compilation, here are some examples of such harassing comments:

You're a stupid bitch, you're a pussy, bitch (multiple incidents), slut, I don't know who this mother fucker thinks he is, why are you checking on my shit mother fucker, shut the fuck up, you're a stupid fuck, get your fucking class under control, I ought to stick this up your ass (referring to a ping pong paddle), fucking faggot, fuck this shit, fuck you, all right nigga, all right mother fucker, fuck that, you need to fucking say please, kiss my fucking ass, I don't have your fucking section sheet fuck you, tits the size of grapefruits, strippers with thongs, love pussy -- like animals

From that same compilation, some examples of such harassing behavior:

Grabbed own crotch; wanted teacher to see that he had an erection, gave the teacher the finger, tried to put hands in teacher's pockets, tried to look up teacher's skirt, leering at a teacher, asked teacher to put her finger in his belly button, used lotion and made masturbation gestures, black bitches shut the fuck up, slap make-up off your face, slap the man out of me, trying to access a pornographic web site in teacher's classroom, don't touch me or I'll fuck you up, poked teacher in the butt with a pencil, pushed chair at staff saying 'you fucking nigger, who do you think you are?', punch you in the head and fuck you up.

8. Escalating Title IX concerns were brought to the attention of the USD Superintendent (October 25, 2001 letter from Winiski to USD Superintendent Carreras and school administrators; May 16, 2002 letter from Union to USD Superintendent). Winiski did not receive a response until July 2002. That response included no plan, only a copy of an agenda from a previously held June 14, 2002 Title IX meeting to which she had no invitation or input. The Union requested (May 16, 2002) that the USD Superintendent "inform me at your soonest convenience how the School District or DCF plans to immediately respond to and otherwise attend to these concerns." There was no response or plan offered.

9. CJTS has delayed processing outside complaints to the State Police. Employees have not been informed that they can file charges directly to the State Police. To the contrary, on July 18, 2003, the Lieutenant of the CJTS Police informed a CSEA Union Steward that employees should not file charges with the State Police directly.

10. CJTS employees have not been informed when they have had residents make complaints against them. Such lack of information contributes to an unsafe and hostile work environment.

11. The Unified School District II (USD II) superintendent, designated as the person to make decisions regarding Title IX complaints and issues, has not received training in this area as provided by the State Department of Education.

12. Having the USD II Superintendent designated as the Title IX Coordinator may be a conflict of interest (e.g., DCF policy 27-3-27, under "investigation procedures," indicates that the USD II superintendent may conduct students' complaints against staff). Said designation may also interfere with the ability to resolve sexual harassment issues, if appropriate, informally or at lower levels.

13. The Unified School District superintendent has not taken appropriate responsibility for Title IX concerns across the Connecticut Juvenile Training School.

14. The Unified School District II Procedures regarding "Reporting of Incidents" require that incidents of sexual harassment be reported, and that the appropriate principal and then the Superintendent of Schools will be notified. The Superintendent of Schools, or his/her designee, will take action as appropriate. It is not clear if the incidents of sexual harassment have been reported, or if actions have been taken with regard to sexual harassment.

15. Unified School District policy (27-3-26) requires that "following an investigation, the School District shall take appropriate disciplinary action towards any of its students or employees who are found to have sexually harassed another student or employee."  
The School District has not followed this policy.

16. Unified School District policy (27-3-25) requires that "a notice of the names, office addresses and telephone numbers of the coordinators shall be posted in each school for the information of students, parents and employees." This policy has not been followed.

17. Unified School District policy (27-3-27) requires that "if an investigation results in a finding that a staff member or client has maliciously, recklessly, or falsely accused another individual of sexual harassment, the accuser shall be subject to appropriate disciplinary action." This policy has not been followed. It does not appear that the School District has taken any steps to enforce this policy (e.g., investigating issues where staff have been subjected to false allegations).

18. DCF's Hotline conducts investigations regarding abuse and neglect of children under DCF care. DCF's Hotline has access to information and authority with regard to interviewing witnesses. The employees' representatives have been denied access to similar information on behalf of the employees. There is no assurance of a fair investigation.

19. DCF policy is to take no action against clients who make false allegations regarding staff or other clients. DCF has failed to enforce its own policy that states penalties for anyone who makes such false allegations.

## **E. Risks and Discrimination Against Adjudicated Female Youth:**

1. Adjudicated female youth have not received appropriate facilities or placements tailored to their needs.
2. As of early July 2003, about 170 of the 700 juveniles committed to DCF were girls.
3. Girls have been placed in male detention centers that could be considered unsafe or inappropriate for their needs.
4. Although DCF has placed some adjudicated female youth at other DCF public facilities, this has not been done in an organized and consistent manner.
5. There is no public facility solely for adjudicated female youth in Connecticut (while there is a public facility (CJTS) for adjudicated male youth in Connecticut).
6. Adjudicated female youth should have every appropriate service or program that the male youthful offenders have no matter where they are located or placed. Adjudicated

youthful female offenders should have access to the same services provided via the Unified School District.

7. When residing at the Long Lane facility, adjudicated female youth were provided access to contraceptives; adjudicated male youth were denied access to contraceptives. Now at CJTS adjudicated male youth have no access to contraceptives.
  
8. At one time, DCF knowingly placed a manager in charge of the Long Lane facility who had a history of sexual harassment.
  
9. When the girls were at Long Lane (closed correctional school facility) they did not have equal access to planned recreation programs. Now that the girls have no public facility, the girls do not have access to planned recreation programs at the same level as adjudicated boys.

**F. Retaliation:**

1. When CJTS staff have made complaints about resident behavior, residents have been shielded by confidentiality



5. No disciplinary actions or consequences have taken place with regard to such false allegations.

6. The category of "false allegation" is not on the list of behaviors/offenses for which residents can receive charges.



10. DCF has no policies to support employees obtaining information about complaints against them.

11. DCF has informed staff who have been subjected to false allegations to request investigation by DCF Human Resources. DCF Human Resources may be investigating in the same case regarding alleged employee misconduct. This forum for address of false allegations presents a conflict of interest.

**12.** DCF does not initiate the address of false allegations. Note: On July 9, 2003, the CJTS Superintendent wrote, "At present, the facility does not have a policy regarding residents and false allegations. However, we are willing to explore a constructive dialogue with Central Office and the Union using the agencies mission as a guidepost for this discussion. It is important to underscore that this topic is already, under discussion with the DCF Hotline. It is important at this time to broaden the discussion in the service of a usable product for staff."

## **V. Contact:**

Thank you for your attention to this complaint. We have attached a list of signatures from the more than one hundred and twenty employees of the Connecticut Juvenile Training School who support this complaint. These signatures come from staff across almost every discipline of the Connecticut Juvenile Training School.

We would be glad to provide any and all necessary supporting documentation for this complaint. We look forward to working with the Office for Civil Rights and DCF to resolve this complaint.

We would be glad to serve as the initial contact people on behalf of the staff at CJTS. Although any one of us can be contacted, we would suggest that you first contact Paula Dillon (CSEA Union Steward) to verify receipt of this complaint and to request any immediate and necessary information. If you need mailing addresses or email addresses instead, please let us know.

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Paula Dillon  
State School Teacher  
CSEA Union Steward  
(CSEA)  
860-638-2842 (work # at Cady School at CJTS)  
860-638-2700 (school office, Cady School at CJTS)

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Carol Winiski  
State School Teacher  
Title IX Designee at CJTS  
(CSEA)  
860-638-2700 (school office, Cady School at CJTS)

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Charlene Buano  
Youth Service Officer  
Title IX Designee at CJTS  
(Local 2663, Council 4, AFSCME)  
860-638-2400 (CJTS master control number)

Encl: signature pages  
Diagram of CJTS facility