MEMORANDUM

TO: Dr. Zulma Toro, President, CCSU
FROM: Shipman & Goodwin LLP
       Attorneys Lisa Banatoski Mehta and Christopher Engler
DATE: January 10, 2019
SUBJECT: Theatre Department Review and Climate Investigation

As you know, we were asked to participate in a series of recent investigations related to reports of alleged sexual misconduct and/or other inappropriate behavior by one or more faculty members in the Theatre Department. Separate investigation reports addressing the findings of those individual investigations into the specific allegations of those complaints made to the Office of Diversity and Equity (ODE) at Central Connecticut State University (CCSU) have already been issued. However, as part of the investigation, we were also asked to review and inquire into various issues related to the climate of the Theatre Department and the treatment of any concerns previously reported to the University. Accordingly, this memorandum addresses our findings with respect to the climate, the administration’s handling of expressed concerns, and other personnel related matters.

I. Theatre Department Background and Climate

As you know, the University has a full-service Theatre Department. The mission of the Theatre Department is as follows:

The two-fold mission of the Theatre Department is to provide a foundation for the artistic and intellectual growth of our students and to offer a cultural opportunity to the community through public performance. Theatre is a multi-art form, consisting of performance, design, technology, art, music, dance, and literature. Therefore, the education of Theatre students requires a comprehensive program of practical application of techniques and theory, plus personal awareness, in order to prepare students for productive participation in an increasingly diverse and multi-cultural world. The performance offered to the public should provide a varied season of productions to build an appreciation of the theatrical event as well as an increased sense of the value of the arts in our society.
To fulfill this mission, the Department provides instruction in both the performance aspects and technical elements of theatre. There is little overlap between the two different programs in that most, if not all, professors focus on either the technical side of the program or the performance area, but not both. The Department also offers opportunities for students to participate in both faculty and student-run productions. While the curriculum and classes offered in the Theatre Department include some written assignments and work product, students participate in a substantial amount of performance exercises.

For quite some time, there has existed tension and conflict between various staff and faculty members within the Theatre Department. While there is a difference of opinion among faculty members as to the cause of and/or who bears the responsibility for such conflict, by all accounts, the conflict has caused attrition among the faculty and other staff, complaints about and disputes among members of the Department, and "factions" to develop. There can be no doubt that such conflict has affected the operation of the Department. Indeed, the University has had to bring in other non-Theatre Department faculty to address such issues at various points in time. For example, the University previously appointed Robert S. Wolff, Ph.D. to serve as "Acting Department Chair" in or about the Fall semester of 2014. Dr. Wolff also enlisted the assistance of Raymond Chip Tafrate, Ph.D. to conduct a study of the Department and the relationships that existed in the Department. Both diligently worked to mend relationships within the Department and move the Department forward. In some cases, faculty and staff needed to be separated from one another due to the strife in the Department. To this day, there is still a divide that continues to exist because some members of the Department have longstanding personal or professional differences of opinion and others feel as though long-term issues and complaints have not been addressed. Quite frankly, it appears as though members of the Theatre Department faculty have engaged in a tit-for-tat strategy against one another for many years, and the leadership of the Department has not been successful at addressing it. This has caused longstanding disputes about the types of shows to be performed and the manner in which they should be produced. Such divide appears to have a negative impact not only on the working relationship but also on the learning environment since most of those students interviewed commented on the tension that they perceive between various members of the Department.

1 Throughout the investigation in this matter, there was much discussion about whether the subject matter of some shows was appropriate for the University environment or whether they were too sexual in nature. Likewise, questions arose as to whether the faculty member(s) directing such shows were making appropriate costume choices and the like. Over the years, it appears as though the Department has suffered from the lack of a consistent vision and acceptance of policies and standards for making such decisions.
Nearly all of those interviewed agreed that the environment in the Department is also quite informal. Indeed, students call their professors by the first names and share personal stories. Furthermore, students and faculty spend extensive amounts of time together on nights and weekends preparing and performing in faculty produced and student run productions. Some interviewees also reported that students and some faculty have, at times, frequently socialized at parties or other gatherings where alcohol is being consumed. Such occasions have also included during theatre festivals, study abroad programs and other trips in which the Theatre Department has participated. Likewise, those interviewed highlighted concerns related to the propriety of some exercises (journals, massage circles, etc.) that are utilized in some classes and rehearsals in the Theatre Department. Therefore, it appears as though the informality of the Department has led to a climate in which personal space and boundaries are not respected.

In response to The Recorder article and during the investigation, it was widely reported by those interviewed that there was “lore” passed down from one class of students to another, warning them about the pitfalls of the Department including certain interactions and certain professors. Faculty, administrators and students reported that there had been “rumors” about relationships between professors and students in the Department over the years. For a variety of reasons, those interviewed felt as though such “rumors” and allegations had not been properly addressed.

II. Handling of Concerns/Complaints

In the course of the investigation into this matter, it indeed became clear that while concerns have been raised by various individuals at various points in time, such complaints have not been properly investigated and effectively addressed. No one individual or office is solely responsible for these failures, rather, such responsibility is shared by the Office of Diversity and Equity, the University Human Resources function and those administrators responsible for oversight of those offices and the Theatre Department over the years.

First, the interviews demonstrated that there is confusion as to where students, faculty members, and other administrators should go to report various concerns. For example, many individuals were unsure as to whether they should go to Human Resources or Office of Diversity and Equity to report any concerns. Many former students who were interviewed commented that there was little, if any, information available during their time at CCSU about the available avenues for reporting complaints. Interviews with more recent students also demonstrated that there is still improvement needed to properly educate students about where they can report a

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2 It is worth noting that the interviews conducted followed the publication of an article in the student newspaper, The Recorder, which reported on allegations of sexual misconduct or inappropriate behavior in the Department.

3 This finding is consistent with the prior review of the CCSU Police Department which was conducted by Shipman & Goodwin LLP.
particular type of complaint or concern. Accordingly, both the Office of Diversity and Equity and the Human Resources Department must work with other administration officials to determine how they can improve awareness among students, staff and faculty as a whole.

Likewise, some individuals characterized the Office of Diversity and Equity (and/or its predecessor agencies) and the current Chief Diversity Officer, Rosa Rodriguez, (and/or her predecessors, Thomasina Carr, Ernest Marquez and/or Moises Salinas) as not welcoming or friendly and, in some cases, intimidating and/or lacking follow through. Faculty members and administrators stated that they were discouraged by their interactions with the Ms. Rodriguez in her role as current Chief Diversity Officer and the lack of follow through on their concerns, particularly when they reported specific details and complaints. Some administrators expressed concern about the promptness of and/or level of information sharing; the administrators queried whether she provided all available information regarding the pendency of inquiries and reviews as directed in a timely manner. Indeed, several reported that the President had asked for all available information by a specified deadline but that several supplemental and/or revised reports from the Chief Diversity Officer were required to provide the necessary information to address the matters requiring investigation or other action in this case. These reports were confirmed by the objective review of the correspondence and documents provided by the Office of Diversity and Equity to the investigators in this case. It is critical that the administration have prompt and accurate information from the Office of Diversity and Equity to be able to expeditiously address the important matters that come before that office. Notably, the interviews conducted in this matter confirm the findings of the Police Department climate investigation in that the Office of Diversity and Equity is not satisfactorily fulfilling the crucial function of receiving, investigating and addressing complaints.

In the course of the investigation in this matter, the investigators also reviewed prior investigation documents and reports including but not limited to one involving the Theatre Department which was conducted by the Office of Multicultural Affairs/Affirmative Action. Despite a finding that the respondent had exercised poor judgment and committed a violation of the Sexual Harassment policies of the University, the investigator, Thomasina Carr, only recommended that the faculty member have no further contact with the student. As a result, it seems that, in that case, there was little, if any, coordination with Human Resources to properly address the personnel issues.

The documents reviewed and interviews conducted also highlighted concerns in the handling of complaints by the Human Resources Office for many years. During the course of this inquiry, it was discovered that the records of some prior Chief Human Resource Officers, including but not necessarily limited to Lou Pisano had not been properly maintained and, therefore, were unavailable for inspection. Others demonstrated that in the course of investigations, various former Human Resources officials, including perhaps both Anne Alling and Lou Pisano, had failed to interview
complainants or witnesses about alleged misconduct involving the Theatre faculty members. In at least one case, former Human Resources Officer Anne Alling, contacted a relevant potential witness and then later sent the same individual correspondence indicating that an interview was no longer required, despite the fact that the concern still existed and the faculty member remained employed by the University. Similarly, in two other cases involving a complaint about the same faculty member, former Human Resources Officer Lou Pisano failed to interview a relevant student witness before making a determination with respect to the matter. Had the Human Resources Office conducted such further inquiry, the outcome may have been substantially different and more significant prior discipline issued up to and including termination of the professor's employment.

It is apparent from the investigation in this matter that complaints and concerns of sexual misconduct and other inappropriate behavior were reported to several different Human Resources officials and other administrators over the years and, yet, they went largely unaddressed. In some cases, the concerns were raised by current or former students, and others raised by current or former faculty or administrators. The records demonstrate that the same incidents and behaviors were reported on multiple occasions throughout the years without much, if any, follow-up or investigation. Indeed, a former faculty member, Sheila Sragusa, raised many, if not all, of the concerns that were the subject of this investigation previously with Human Resources (Anne Alling and Lou Pisano), the Office of Diversity and Equity (Rosa Rodriguez), former Dean (Susan Pease) and the former Provost (Carl Lovitt). In some instances, the concerns were investigated in a cursory manner, and some necessary witnesses were not interviewed at all as previously mentioned above. Furthermore, the Office of Diversity and Equity, Human Resources and others have been reluctant to investigate without a formal complaint from a student or faculty member who has been directly impacted. It also appears as though the concerns raised by Professor Sragusa were dismissed perhaps, in part, because she was threatening to file a claim against the University at this time. Indeed, upon receipt of the complaint, the former Provost, Carl Lovitt sent correspondence to the then Human Resources Officer, Lou Pisano acknowledging the receipt of a grievance containing reference to the concerns and stating, "Okay. Let me know how this plays out. I honestly can't imagine that she could have a case, but I understand she has assembled a 75-page dossier. We can discuss when you have a chance." Had the concerns been properly investigated at that time, the investigation would have revealed many of the same findings and conclusions as indicated in the current investigation reports.\footnote{The Record article reported that "Pease maintained that complaints have been made often do not come from the directly-affected student. A lot of times, people don't make official complaints and we can't operate on rumors, Pease said. Pease reiterated that no investigation could be opened unless an official complaint is made directly by the person who was affected by an action. "I personally find it frustrating because there is some egregious behavior that goes on," Pease said."}  

\footnote{Frankly, a proper investigation at that time may have revealed greater evidence of misconduct in the Theatre Department since memories would have been fresher and documents more readily available.}
Most recently, it was reported that one of the Theatre professors made the current Chief Human Resources Officer Anna Suski-Lenczewski, aware of an ongoing media investigation regarding the allegations of sexual misconduct in the Theatre Department in December 2017. However, it appears as though she may have failed to coordinate with other offices in the administration, including but not limited to the President’s Office to determine whether further action was required at that time. Likewise, during meetings before the article was published in 2018, the Chief Human Resources Officer did not share the nature of her correspondence with the professor who was the subject of some of the allegations in the article and the investigation in this matter with the President and other cabinet officials. Here again, a strong Human Resources function is critical to recognizing previous shortcomings and deficiencies and insuring that they are not repeated. In this case, the University’s Human Resource Office must take seriously issues and complaints within its jurisdiction, thoroughly investigate such matters, and promptly and effectively take action to address personnel challenges; such duties include strong communication and coordination with other cabinet officials and Offices as appropriate.

In addition, it is troubling that there were other high level administrators who were on notice of the concerns raised in The Recorder article and the subsequent independent investigations but did not take action to properly address them and prevent recurrence in the future. For example, a former Dean and Provost (Susan Pease) in setting goals for the Department stated that the faculty in the Theatre Department needed to “shape up” and stated,

“Shape up means:
1) they have to stop sleeping with students,
2) they have to stop yelling at students and each other,
3) they have to start acting like a team and treating each other with respect,
4) they have to generate some student load credit,
5) they have to put on shows people want to see.
I think they could start with those.”
Despite the fact that she was aware of these complaints, she did not effectively address them. Similarly, another provost (Carl Lovitt) may have been aware of complaints from current and former faculty members about misconduct in the Theatre Department but it appears may have failed to take required corrective action both with respect to misconduct by one or more faculty members and the dysfunctional working environment among at least some of the staff and faculty. In the future, the University must address concerns as soon as possible to mitigate the impact of them on both students and employees.

III. Recommendations for Further Action

Based on the results of our review and the nearly unanimous chorus of interviews which made clear that at least some officials in the University were aware of the longstanding concerns related to the Theatre Department and at least some of its faculty members, we recommend that the University consider the following further actions and any others that the University deems appropriate:

- Immediate action to take whatever disciplinary action the University deems appropriate in accordance with the underlying investigations.

- Immediate action to review the role and performance of the Office of the Diversity and Equity and its Chief Diversity Officer to ensure that the mission of the Office is being properly fulfilled and that investigations are being conducted in a prompt, fair and unbiased manner. Such review may also include further training of investigators in appropriate interview techniques and investigation procedures.

- Immediate action to educate and train individuals regarding proper behavior in the workplace, discrimination, sexual harassment and diversity and equity principles as well as to clearly communicate to whom complaints and concerns should be addressed.

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6 During her interview with ODB in connection with the investigation of Siragusa’s complaint in the September, 2013, Susan Pease stated that “she was not aware of any issues within the Theater Department. She indicated that Siragusa never came to her directly about her concerns with Perlstein. Pease indicated that it was Anne Alling (former Chief Human Resources Officer) who informed her about the issues Siragusa had with Perlstein.” According to the ODB report, Susan Pease stated that “I also did a rather extensive investigation with Lou Piana when I was dean and HR should have it. And I believe there was some discipline involved. I am unaware of any current complaints. We were investigating an improper consensual relationship and did interview some former students.” However, there are little records available of that “extensive investigation” and the interviews and evidence reviewed in the course of the current investigation demonstrate that Pease and/or Piana failed to interview one or more critical witnesses to the matter being investigated.

7 Due to the longstanding nature of the concerns referenced in the report, there are likely other administrators in cabinet positions who similarly had knowledge of the serious issues regarding conduct of faculty members in the Department but are not specifically referenced in this report.
made and that they will be addressed promptly and with due regard for the seriousness of the matter.

- Immediate action to review the role and performance of the Office of Human Resources and its Chief to ensure that the mission of the Office is being properly fulfilled and to correct the defective procedures that resulted in the historical failure of the Human Resources Office to promptly investigate serious allegations into the conduct of CCSU and take mitigating measures as appropriate.

- Immediate action to address documentation of personnel matters and the retention of those records.

- Immediate action to review the operational issues described herein and develop appropriate policies and procedures for making decisions regarding productions and the like which reflect industry standards and in which there is universal buy-in from the Theatre Department.

- Immediate action to review the classroom and rehearsal exercises and practices of the Theatre Department.

- Immediate action to standardize documentation of Theatre Department records and documents and the retention of those documents.

- Other actions as the University deems appropriate and necessary to communicate a strong message to students, faculty and staff that:
  
  - Sexual misconduct, harassment, discrimination and other inappropriate behaviors will not be tolerated;
  
  - Reported concerns will be taken seriously and investigated promptly;
  
  - Corrective action will be taken as necessary and appropriate; and
  
  - Those reporting concerns in good faith should do so without fear of retaliation.

Please let us know if you wish to discuss further the findings and recommendations of this supplemental report. In the interim, we hope that this information and feedback is helpful to the University.