

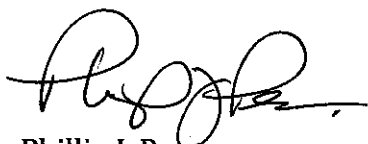
November 7, 2017

To the Region 10 Community:

Last evening, the Board of Education met to review the report issued by Attorney Christine Chinni regarding a Title IX complaint lodged against Regional School District #10 stemming from a video produced and shown in 2013.

Given the level of media and community attention focused on the complaint, we are publishing the report of the investigation on the District's website. Once released from attorney-client privilege the report would have been available to anyone through a Freedom of Information Act (FOIA) request, but the Board has elected to provide an additional level of transparency in this particular matter.

As you will see in the report, no Title IX violation was found. Based on the recommendation of the district's Title IX investigator, Cheri Burke, we will be communicating to all staff through ongoing professional development the importance of always conducting oneself in a manner that reflects well on the District. No disciplinary action will be taken, and we now consider the matter closed.



Phillip J. Penn
Chairman
Regional School District #10

Report on Investigation into Title IX Complaint

**Issued to: Phil Penn, Chairman, Region 10 Board of Education and
Cheri Burke, Director of Student Learning and Title IX Coordinator**

Complaint filed: October 18, 2017

Report completed: October 27, 2017

**By: Christine L. Chinni
Chinni & Meuser LLC**

Background:

On October 20, 2017, Cheri Burke, Director of Student Learning and Title IX Coordinator, asked me to investigate a complaint pursuant to Title IX. The Complainant is Dwight Harris, a resident of Burlington. He filed his complaint with the members of the Region 10 Board of Education (the "Board") on October 18, 2017. Mr. Harris is not now, and never has been, an employee of Regional School District No. 10. Ms. Burke shared the complaint with me via electronic mail on October 20, 2017.

The Complaint concerned a video produced in the spring of 2013 by teachers and staff at Harwinton Consolidated School. ("HCS") The complaint included a link to the video, which I reviewed. While the complaint made references to the video, and others made in other years by HCS staff, the Complainant also stated: "1) My review of the Jack Gedney matter has caused me to lose all confidence in the current Administration's ability to either conduct a proper Title IX investigation or appropriately address allegations of misconduct; and 2) It appears from the video that Ms. Burke may have to investigate not only her peers but also her superiors. That being the case I think it is imperative that Board of Education support, be involved and thoroughly monitor the investigation." Mr. Gedney is neither the subject of, nor appears in, the video.

The complaint did not identify any victims damaged or harmed by the video. In addition, as the video is more than four years old, any complaint referencing it is well outside the 180-day timeline for filing a Title IX complaint set forth by the Office of Civil Rights. Nevertheless, in consultation with the Board's general counsel and the Board chairman, Ms. Burke determined that the complaint should be investigated, and asked me to do so.

I took the following actions in investigating the complaint in this matter. I first reviewed the video twice, and asked my business partner, Craig Meuser, Esq., to review it, which he did. I then conducted a number of interviews, including all of the individuals who appeared in the video who are current employees of the Board, including: Superintendent Alan Beitman; Carrie Howe, secretary to the Director of Business Operations; HCS teacher Todd Adams; HCS Teacher Karen Czerwinski, who also created the video; HCS Teacher Darren Murphy; HCS Coordinator for STEM Robert Gauvin; Region 10 Lead Technology Teacher Leigh Pont; and the Complainant, Mr. Harris; Lake Garda School Coordinator for STEM Brennan Glasgow; and Region 10 School Resource Officer Gene Torrance, who is an employee of the Town of Burlington. I also interviewed Megan Mazzei, current Principal of HCS, who was also Principal at the time the video was made, and the Complainant, Mr. Harris.

The Video:

The video is approximately twenty minutes in length. In it, Ms. Czerwinski portrays a character called "Mitsy". She is fully clothed, but is not wearing appropriate attire for teaching. The video incorporate a series of vignettes that were shot separately. Some show Mitzi dancing. Others show Mitzi having various staff members demonstrate different games, such

as: wrapping toilet paper around staff at a table; flipping a plastic cup on the edge of a table or desk; a number of games utilizing ping pong balls and aiming them at various containers; shaking a tissue box attached to a staff member's buttocks to dislodge ping pong balls placed in the box; balancing dice on a stick in a staff member's mouth; passing a piece of fruit from under one staff member's chin to another; During a number of vignettes in the video, Mitsy engages in flirtatious behavior and uses double entendres. The video also shows Mitsy bringing the video for Mr. Beitman to review, at Ms. Mazzei's request, and Mr. Beitman pretending to review it, with increasing dismay. Finally, Mr. Beitman pretends to call Ms. Mazzei and arranges to have her stopped. A school security guard lets her go. Mr. Beitman then pretends to seek her arrest. Mr. Torrance then pretends to arrest her, and puts her in his police vehicle. Next, the video depicts Mr. Beitman and his assistant, Mary Spitz, playing one of the games. The next sequence shows Mitsy under "house arrest," due to Mr. Beitman's concerns about the video. The final shot depicts Mitsy dancing with a staff member.

Creation of the Video:

As she had in previous years, Ms. Czerwinski created the video at issue in the complaint for an end of year gathering of HCS staff. As planned, the video was presented at the gathering, which was held at a banquet facility in the evening. Only adults were in attendance. Several of the participants in the video, Leigh Pont, Mr. Torrance, Ms. Howe, and Mr. Beitman, were not in attendance at the party and have not seen the video even now.

Ms. Czerwinski asked colleagues from HCS and other Region 10 employees to participate in the video. She utilized a video camera she borrowed from a relative. Most of the vignettes in the video were taped before or after school or during lunch. A few of the segments may have been taped during the school day, but never at a time that any of the participants were supposed to be delivering instruction or working with students. To the extent that any segments were taped during an individual participant's planning time, this would not have been an appropriate activity for that time.

Interviews:

I conducted the interviews listed above on three separate days during the week of October 23, 2017.

Alan Beitman

Mr. Beitman indicated that Ms. Czerwinski asked him to participate in the video in the spring of 2013. While Mr. Beitman was reluctant to do so, when he learned that previous superintendents had been part of the video, he agreed. Ms. Czerwinski assured him that the video would be "in good taste". Ms. Czerwinski also informed Mr. Beitman of the purpose of the video, that only HCS staff would view it, and that the viewing would take place outside of work hours and off the premises of Region 10. The spring 2013 video was the only one of the HCS end of year videos in which Mr. Beitman participated.

Mr. Beitman recalled that, in 2015, just before Mr. Beitman removed Mr. Gedney as Principal of Lake Garda School the Board's general counsel, William Connon, Esq., informed Mr. Beitman that Mr. Gedney's counsel told Mr. Connon that Mr. Gedney had a copy of a video that would be embarrassing to Mr. Beitman, and that Mr. Gedney would release it if Mr. Beitman took any disciplinary action against him. Nevertheless, Mr. Beitman removed Mr. Gedney as Principal.

Mr. Beitman regretted his participation in the video, as he indicated in an apology he issued to the Region 10 community after a local television station informed his office that the station was in possession of the video. Ms. Czerwinski did not make any videos for HCS events subsequent to the video at issue in the complaint.

Mr. Beitman indicated that he received no complaints of any kind about the video at issue in the complaint, or any prior videos Ms. Czerwinski had created, from any member of the Region 10 staff. The sole complaint concerning the video is the instance complaint from Mr. Harris.

Carrie Howe

Ms. Czerwinski asked Ms. Howe to be in the video. She did not feel any pressure to participate, did not feel uncomfortable participating, and had no concerns about the video. While Ms. Howe does not believe that she viewed the spring 2013 video, she has viewed others prior to this one. She stated that she looked forward to them and enjoyed them as stress relief at the end of the school year.

Megan Mazzei

The 2012-2013 school year was Ms. Mazzei's first year as Principal of HCS. Prior to that year, Ms. Mazzei served as Assistant Principal of HCS. She was on staff at HCS during each of the years when Ms. Czerwinski produced the videos for the HCS staff's end of year party. Ms. Mazzei believes there were 5 or 6 years during which the videos were made.

No one ever complained to Ms. Mazzei about participating in the videos or viewing them. No one told Ms. Mazzei that they felt pressured to participate in the videos, or uncomfortable watching them. Ms. Mazzei herself enjoyed them as an entertaining and humorous part of the end of each school year. She does not appear in the 2013 video at issue in the complaint, but appeared in others and enjoyed doing so. She acknowledged that some of the humor in some of the videos was off color, but was never offended by anything in the videos herself and never received any complaints about them.

Dwight Harris

I interviewed the Complainant, Dwight Harris, at the Central Office of the Region 10 Public Schools. He requested that he be permitted to have an additional person present, which request I declined. He also requested to make an audio recording of the meeting, which request I declined. He expressed concern about my having "a conflict of interest," having worked for the

Board previously. I informed him that there was no conflict of interest, and proceeded with the interview.

Mr. Harris would not inform me how or when he obtained the video. He informed me that he decided to file a complaint about the video after viewing it and considering the matter for several days. He also stated that he had shared the video with four other individuals who also found it highly offensive. He would not inform me of the identity of these individuals.

Mr. Harris told me that had no knowledge of any staff member who participated in the video being pressured to do so, or feeling uncomfortable while doing so. He had no knowledge of any staff member who viewed the video who felt uncomfortable while doing so, or after the fact. He identified himself as the victim in his complaint, because he found the video offensive, in light of his volunteer work in and on behalf of the Region 10 Public Schools, its staff, and its students. Mr. Harris highlighted a number of activities and organizations through which he had worked on behalf of the schools.

Mr. Harris wanted to discuss the 2015 investigation of Mr. Gedney at several points during the interview. He indicated that teachers had told him that they felt pressured to provide incriminating information about Mr. Gedney, and feared retaliation if they did not. He stated that a number of teachers had shared this with him, but did not provide me with the names of any of them. I informed him that my task was to investigate his, Mr. Harris's, complaint concerning the 2013 video, and not to reinvestigate the 2015 allegations concerning Mr. Gedney.

In closing, Mr. Harris stated that he had not meant to make this matter public, and only provided the video to the news media after Mr. Beitman's written apology made the matter public. However, Mr. Beitman's apology was issued only after the Waterbury Republican-American informed the district, on the telephone and via electronic mail, that the newspaper was in possession of the video tape.

Gene Torrance

Mr. Torrance is employed by the Town of Burlington, and is the School Resource Officer for the Region 10 Public Schools.

Ms. Czerwinski asked Mr. Torrance to appear in the video. He did not feel pressured to participate in the video, and felt no discomfort in doing so. Once he had completed the vignette of the video in which he appears, he did not give the matter "another thought." He has never viewed the video.

Teacher Interviews

Michael Brady, the Uniserv Representative of the Connecticut Education Association, who is also an attorney, attended all of the interviews with teachers, as Association Representative, to which they are entitled under Connecticut law.

Todd Adams

Mr. Adams is a second grade teacher at HCS.

He participated in the 2013 video, but has not viewed it since the HCS end of year staff party that year. He does not recall his exact role in the video, but recalls that he was in one of the vignette demonstrating one of the games. He did not feel pressured in any way to participate in the video, was not in any way uncomfortable doing so, and enjoyed watching the video at the dinner.

He did not recall when during the day his segment was produced. He did state that it did not occur during a time when he was supposed to be instructing students or engaging in any other professional activity.

Karen Czerwinski

Ms. Czerwinski believes that she produced 4 or 5 videos featuring the "Mitsy" character for the HCS end of year staff parties. The video at issue in this complaint was the final such video.

Ms. Czerwinski stated that she never pressured anyone to participate in the video at issue in the complaint, or in any of the other videos. She also stated that no one had ever approached her to tell her that they were made uncomfortable by participating in or viewing the videos. On one occasion, the entire staff gave her "Thank You" card, signed by all, for creating the video that year.

Ms. Czerwinski indicated that she used a video camera she borrowed to create the videos, and never utilized any Region 10 equipment. She also indicated that most of the taping of the 2013 video occurred before or after the school day, or at times when the participants were free from work responsibilities, such as break times or at lunch. She stated that none of the segments were taped when staff were responsible for student instruction or other work duties, other than occasionally during planning time.

Ms. Czerwinski stated that she knew Mr. Harris, and he had never spoken or written to her with any concerns about the 2013 video.

Ms. Czerwinski stated that she created all of the videos solely for the purpose of presentation at the HCS end of year parties, to be shown only to staff. They were not intended for viewing by anyone else.

Darren Murphy

Mr. Murphy is a third grade teacher at HCS, and has been in the district for over 10 years.

Mr. Murphy recalled participating in the 2013 video, and in others as well. He did not recall his particular role in the video, and has not reviewed it since the 2013 dinner.

He did not feel pressured in any way to participate in the video, was not in any way uncomfortable doing so, and enjoyed watching the video at the dinner. He was happy to participate in this and other videos. No one else ever complained to him about being pressured to appear in and/or watch this or any other Mitsy video.

He did not recall when during the day his segment was produced. He did state he was certain that it did not occur during a time when he was supposed to be instructing students or engaging in any other professional activity.

Robert Gauvin

Mr. Gauvin is the Coordinator of STEM at HCS. He has worked for Region 10 for over 15 years.

Mr. Gauvin participated in the 2013 videos, and others as well. He recently viewed the 2013 video again after it became public, and identified himself as the staff member who demonstrated the game using the clipboard and ping pong balls.

He stated that he never felt pressured to participate in making the 2013 video or uncomfortable doing so. He stated that he enjoyed making and viewing the video. No one ever complained to Mr. Gauvin about participating in or viewing the video.

He said that his segments in the various videos were produced at HCS, on breaks or before or after school. He could not differentiate what time of day the 2013 segment was made as opposed to others.

Leigh Pont

Mr. Pont worked for Region 10 in various teaching positions for 37 years. He is currently the Lead Technology Teacher for the district.

Mr. Pont is featured in the video extremely briefly, for a few seconds. He remembers that Ms. Czerwinski asked him to appear. He did not feel pressured or uncomfortable participating in the video. He does not believe he has ever seen the finished video from 2013.

Brennan Glasgow

Mr. Glasgow has been a teacher in Region 10 for thirteen years. He currently serves as the Coordinator of STEM for Lake Garda School. During the 2012-2013 school year, when the video was made, he split his time between Lake Garda and HCS.

Mr. Glasgow recalled participating in the 2013 video, but did not recall his precise role. Once the video became public, he saw a screen shot of himself and recollected that he had participated in the vignette concerning the cup-flipping game. He was had participated in other videos.

Mr. Glasgow stated that he did not feel pressured to participate in the 2013 video in any way, nor was he uncomfortable doing so. He stated that he enjoyed watching the video, and felt "absolutely" no discomfort in doing so. He stated that no one had ever expressed any concerns to him about participating in the video, or viewing it.

Conclusions

Based upon the information provided in all of the interviews, including that of the Complainant, there is no basis for a finding of a Title IX violation in this matter.

The Office of Civil Rights defines a hostile work environment as conduct that "unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or abusive work environment." There is nothing on the face of the complaint, or in the statements made by the Complainant in the interview, that even rises to an allegation of a violation of this standard.

The sole victim the Complainant identifies is himself; this complaint cannot support a Title IX complaint, as he is not now and was not at the time of the creation of the video an employee of the Board. While the Complainant has the right to file a complaint of a hostile work environment on behalf of others, he had no knowledge of any employee of the Board who suffered a hostile work environment due to participating in the making of the video and/or the viewing of it. He could not identify any member of the Region 10 staff as a victim of the video.

Moreover, none of the participants indicated that they felt pressured to participate in the video, or felt uncomfortable participating in it or viewing it. None of the participants had ever heard a complaint of any kind about the 2013 video, prior to the complaint by Mr. Harris.

Ms. Mazzei, who is the Principal of HCS, and was at the time of the creation of the video, had not heard any member of the staff at HCS, or anyone else, express any concerns about the 2013 video. No one has ever informed Ms. Mazzei that participating in and/or viewing the video made them uncomfortable, or that they were pressured into or forced to participate in the production of or viewing of the video.

Mr. Beitman, who is the Superintendent of the Region 10 Public Schools, and was at the time of the creation of the video, has not received any complaints from staff about participating in or viewing of the video.

The creation of the video, particularly at a school facility during a school day, did not show the best judgment. To the extent that the participants worked on the video during teacher planning time, this was not an appropriate use of that time. However, this has no bearing on the fact that there is no basis for a finding of a violation of Title IX.