

COMMENT FOR MR. DAVID DESROCHES/WNPR

A “reasonable cause” finding issued by the State of Connecticut Commission on Human Rights and Opportunities (“CHRO”), is a finding, after investigation, issued by a CHRO investigator who is typically not an attorney. In every case filed with the CHRO alleging discrimination in employment, including this case, a “reasonable cause” finding must be obtained before the case can advance to be heard and decided on the merits by a hearing officer (Human Rights Referee) in accordance with the law at the CHRO Office of Public Hearings who is appointed by the CHRO to hear and decide such cases. Alternatively, the cases could be heard in a court of law. Thus, the “reasonable cause” findings issued in these three cases are not final findings. The claims remain to be heard and decided on the merits.

The Town of Greenwich does not agree CHRO investigator’s “reasonable cause” findings which, in these cases, were issued after an investigation that was incomplete. Importantly, the investigator declined to interview Ms. Bruce. Likewise, the investigator did not review the Nathaniel Witherell surveillance video as requested. The “reasonable cause” findings do not reflect or mention Ms. Bruce’s and Ms. Bausch’s attestations in CHRO filings that the extremely invasive nature of the assault as described in the CHRO complaints was not reported to them by the Complainant on the day of the incident. In addition, Ms. Bruce and Ms. Bausch attested in CHRO filings that both of them, in separate discussions with the Complainant after the incident, did ask Complainant if the Department of Human Resources could be contacted, and the Complainant firmly indicated no, both to Ms. Bruce and to Ms. Bausch.

Not only was the investigation in this case incomplete, the “reasonable cause” findings fail to set forth the controlling legal standards. The correct legal question for the investigator to review in connection with the claims of sexual harassment was whether the Town took prompt action to stop the alleged sexual harassment consistent with the law. There can be only one conclusion to be reached on that issue. Less than twenty-four (24) hours after the incident, the Town of Greenwich took the following actions:

- Immediately made sure that von Keyserling was effectively banned from the building.
- Contacted the Greenwich Police Department immediately to ensure that Complainant had streamlined access to the Greenwich Police Special Victims Unit.
- Met with Complainant and encouraged her to go to the police.
- Encouraged Complainant to take paid administrative leave from her job.

- Put Complainant in touch immediately with the Town's Employee Assistance Program ("EAP") (for counseling and support).
- The Assistant Director of Human Resources, Erica Mahoney, accompanied Complainant to the Greenwich Police Department.
- As a result, von Keyserling subsequently was arrested.
- Later, after Mr. von Keyserling's arrest, the Board of Selectmen of the of Town of Greenwich subsequently issued a press release calling for Mr. von Keyserling's resignation from the Town's Representative Town Meeting.

See Reasonable Cause Findings, ¶¶11-14; ¶35. There can be no doubt that the Town took prompt action to stop the alleged sexual harassment and no doubt the Town does not tolerate sexual harassment. In addition, the evidence will show that the Town showed extraordinary support for the Complainant in various ways.

As indicated, the "reasonable cause" findings are a required step along the path to that time when the case will be heard on the merits and in accordance with the correct legal standards by a CHRO Human Rights Referree at trial at the public hearing or in a court of law.