

Investigative Report
Regarding Whistleblower Allegations
by John Paul Chaisson-Cardenas

Report Prepared By:

Peter J. Murphy
Shipman & Goodwin LLP

August 16, 2024

Introduction

In April 2024, John Paul Chaisson-Cardenas, VP for Diversity, Equity, and Inclusion for CT State Community College (“CT State”) emailed the Human Resources Committee of the Board of Regents (“BOR”), stating that he was submitting a second whistleblower complaint. It appeared that Mr. Chaisson-Cardenas was referencing a second complaint filed with the CHRO’s Office of Public Hearings (“OPH”), which he had done previously. Vita Litvin, Interim General Counsel for Connecticut State Colleges and Universities (“CSCU”) responded to Mr. Chaisson-Cardenas that it was not clear if he had in fact filed with OPH. That email also informed him that he, as a state employee, had the right to file with OPH, with the Employees’ Review Board, or the Auditors of Public Accounts - but only in one of those venues - or he could file a complaint under BOR policies. However, since Mr. Chaisson-Cardenas did not provide any information that he filed the complaint with an external enforcement agency, his complaint was processed internally through the CSCU Office of General Counsel.

In his email to the BOR HR Committee, Mr. Chaisson-Cardenas stated that he and his staff were fearful of retaliation by CSCU leadership. Mr. Chaisson-Cardenas emphasized that he was not fearful of retaliation by Dr. John Maduko, President of CT State. Instead, his concern was focused on unnamed leaders at CSCU. In addition, he stated that, because of the prior complaints filed by him and Nicholas D’Agostino, CT State’s Director of Equal Employment, there had been continued retaliatory attacks on his and his staff’s credibility, and efforts to neutralize his office’s original reports and current functions. After it was determined that Mr. Chaisson-Cardenas was proceeding with an internal complaint, Shipman & Goodwin LLP (“Shipman”) was retained to investigate the complaint. During this investigation, the Shipman investigator interviewed the following individuals:

- John Paul Chaisson-Cardenas, Vice President of Diversity, Equity, and Inclusion for CT State;
- Lori Lamb, Interim Assistant Vice Chancellor of Human Resources and Labor Relations;
- Jessica Paquette, Vice Chancellor for System Affairs & Chief of Staff · Connecticut State Colleges & Universities; and
- Nicholas D’Agostino, Director of Equal Employment Opportunity for CT State.

In addition, the investigator reviewed documents and emails provided by these individuals. At the conclusion of those interviews, the factual findings and conclusions related to Mr. Chaisson-Cardenas’s allegations are the following:

Factual Findings and timelines

In his position as Vice President of Diversity, Equity, and Inclusion for CT State, Mr. Chaisson-Cardenas oversees several individuals, including Nicholas D’Agostino, the Director of Equal Employment Opportunity for CT State, and several investigators.

On April 8, 2023, Ms. Chaisson-Cardenas sent Terrence Cheng, CSCU Chancellor, an email stating that he was fearful of retaliation from Ben Barnes, CSCU's then Chief Financial Officer. Mr. Chaisson-Cardenas raised three specific alleged instances of concerning conduct by Mr. Barnes and Diane Mazza, CSCU's then Vice President, Human Resources Strategy.

Around that same time, on April 9, 2023, Mr. D'Agostino sent the Chancellor and Mr. Chaisson-Cardenas an email with examples of CSCU hiring practices that occurred over the prior six months that he believed violated civil rights, affirmative action, and equal opportunity laws and regulations. On May 8, 2023, Mr. Chaisson-Cardenas then filed a complaint with the CHRO's Office of Public Hearings, alleging various acts of retaliation or threatened retaliation, and seeking protection for himself and members of his team. Mr. Chaisson-Cardenas's complaint attached a copy of Mr. D'Agostino's list of concerns to the complaint.

On July 26, 2023, Mr. Chaisson-Cardenas filed a withdrawal form with OPH that indicated that he was withdrawing his complaint, had reached a satisfactory agreement with CSCU, and that CSCU would be investigating his concerns. At the time the withdrawal was filed, CSCU had a motion to dismiss pending, which argued that Mr. Chaisson-Cardenas was employed by CT State, and not CSCU, and therefore he could not bring a whistleblower complaint against CSCU.

In May 2023, there was a dispute about 'Mr. Chaisson-Cardenas's reporting structure, as it was reported that he stated in a DEI meeting that he had a direct reporting line to the Chancellor. In addition, there was a concern that Mr. Chaisson-Cardenas was performing work on behalf of CSCU despite being a CT State Employee. At the time, Mr. Chaisson-Cardenas was informed that he should be working only on CT State matters, and not matters related to CSCU, because he was a CT State employee. On May 5, 2023, Mr. Chaisson-Cardenas emailed a copy of a document outlining what he was working on to AnneMarie Harrison, CT State's then Chief of Staff, and President Maduko. On May 9, 2023, Mr. Chaisson-Cardenas met with Ms. Paquette and Danny Aniello, CSCU's Executive Director for System Project Management, so that they could gain clarity about Mr. Chaisson-Cardenas's belief that he had a direct-line reporting structure to the Chancellor. During that meeting, Mr. Chaisson-Cardenas sent Ms. Paquette an email with information about the pending complaints that he and Mr. D'Agostino had pending against CSCU. That same day Ms. Paquette responded and noted that she and Mr. Aniello had not requested such information, that she did not need such information, and that she would disregard the email. She also requested that he not copy her on any future communications related to his investigation. Ms. Paquette concluded that Mr. Chaisson-Cardenas was a CT State employee and he did not have a direct reporting line to the CSCU Chancellor. Organizational charts from that time also show that he had a direct line to Dr. Maduko, CT State's President.

In October 2023, Mr. D'Agostino filed a second complaint with CSCU. On February 9, 2024, Mr. D'Agostino settled his two pending complaints. As part of that settlement, Mr. D'Agostino's position was moved from CSCU to CT State, and he began to report to Mr. Chaisson-Cardenas.

As noted previously, Mr. Chaisson-Cardenas sent an email to the BOR HR Committee in April 2024, which led to this investigation. The emails indicated that Mr. Chaisson-Cardenas believed that he and his department had recently come back into CSCU's crosshairs for retaliation based on

a recent newspaper article addressing Ms. Lamb’s hiring by CSCU. Additional factual findings or details will be set forth below as needed to discuss the claims raised by Mr. Chaisson-Cardenas.

Analysis of Claims:

In the documents and in his interview, Mr. Chaisson-Cardenas made several allegations involving Ms. Lamb. For example, Mr. Chaisson-Cardenas suggested that Ms. Lamb was hired to conduct the HR assessment in order target him and his group, and that that she attacked his credibility in a HR Assessment Presentation given throughout CSCU, which injured his reputation. These retaliation claims cannot be substantiated.¹

Regarding the former, Ms. Lamb was a private consultant who conducted HR assessments at colleges and universities across the country. Ms. Lamb conducted a review at Central Connecticut State University (“CCSU”), and through that process ultimately was engaged to conduct a review of the entire HR Shared Services (“HRSS”) system at CSCU. Ms. Lamb and Ms. Paquette both stated that Mr. Lamb’s retention for that review was not targeted toward Mr. Chaisson-Cardenas, and there is no evidence to support Mr. Chaisson-Cardenas’s claim at this time.² Although the review included Mr. Chaisson-Cardenas’s group, it also involved all other aspects of HR Shared Services.

Regarding the second allegation, Ms. Lamb provided the investigator with a copy of the PowerPoint presentation (“PPT”) she gave following the completion of her review. That PPT has some language that does reference and criticize Mr. Chaisson-Cardenas’s Equity and Civil Rights team (“ECR”) through statements such as the following:

- Compliance functions are scattered throughout various areas (e.g., EEO/ECR, HR, Labor Relations, General Counsel, etc.) and not coordinated; no centralized compliance function within CSCU System or institutions.
- HRSS is blamed for everything despite their best efforts in difficult circumstances; also, despite the fact that they are not responsible for all issues (e.g. EEO/ECR role in search process, data they are not provided in a timely manner).
- Failed partnership between EEO/ECR and HR.
- Each unit originally or currently housed within HR Shared Services has its challenges and

¹ In his April 4, 2024 email complaint, Mr. Chaisson-Cardenas noted that the Hartford Courant had written an article about CSCU hiring Ms. Lamb as the Interim Assistant Vice Chancellor of Human Resources and Labor Relations despite the fact that she lives in Arizona and had just completed the HRSS assessment. Mr. Chaisson-Cardenas stated that he and his staff then “found ourselves in CSCU cross hairs again,” and denied leaking that information to the Courant. The investigation did not reveal any information about people accusing him of leaking that information, however, and also did not find any factual support for him being in CSCU’s crosshairs. To the extent this was an allegation in his complaint, therefore, it is not substantiated.

² Indeed, at the time Mr. Chaisson-Cardenas expressed a belief that his EEO department was not part of shared services and was not included in the HRSS review. As noted in the text above, however, his department was eventually included in the review due to its connection and interaction with other HR departments.

opportunities: EEO/ECR; Labor Relations; Operations (payroll and data); Talent Acquisition; Classification/Compensation/Benefits; HR Strategy).

- The second highest number of “concerns” heard in this review process related to the search process and more specifically with a perception of over-involvement or control by EEO/ECR.

A fair and full reading of Ms. Lamb’s presentation makes clear, however, that there was criticism of many parts of HRSS, that there were other “positive indicators” too, and that any discussion of issues or problems within HRSS was not meant to minimize the positives within HRSS. Instead, the presentation noted a foundation of hope for a brighter future for the system. Even though the presentation referenced problems with Mr. Chaisson-Cardenas’s department, the report did not mention him by name, and it appears that Ms. Lamb’s report of receiving numerous complaints about Mr. Chaisson-Cardenas’s department was accurate. At this point, therefore, there is no evidence to support a claim that Ms. Lamb’s review was intended to target Mr. Chaisson-Cardenas or that her report unfairly or inaccurately depicted his department in retaliation for his prior protected activity.

Mr. Chaisson-Cardenas implied that Ms. Paquette also had targeted him for his whistleblowing. This claim also could not be substantiated. The parties appear to have had very little direct interaction, with their principal interaction being the online meeting in May 2023 concerning whether Mr. Chaisson-Cardenas had a direct reporting line to the CSCU Chancellor. When Mr. Chaisson-Cardenas attempted to bring up his pending complaint and the investigation into the same, Ms. Paquette informed Mr. Chaisson-Cardenas that she was not involved and did not want to be involved in that matter—which was distinct from the issue she was reviewing at the time. Mr. Chaisson-Cardenas also admitted in his April 13, 2024 email that he did “not believe Ms. Paquette was acting in bad faith, I think that she was listening to some bad actors who misled her. At the least I really hope that is the case.” Given their lack of interaction, the facts related to their one documented interaction, and Mr. Chaisson-Cardenas’s subsequent comments, any claim that Ms. Paquette retaliated against him for protected activity cannot be substantiated.

In his April 4, 2024 email complaint, Mr. Chaisson-Cardenas stated that he and his staff are very fearful of retaliation by CSCU leadership,” and that he in particular is “fearful of being selected as the escape [sic] goat by more powerful CSCU players.” Part of Mr. Chaisson-Cardenas’s concerns stem from the fact that his team and him formally reported what they viewed as improper hiring practices by Mr. Barnes and Ms. Mazza. Those concerns were reported primarily by Mr. D’Agostino, however, and Mr. Chaisson-Cardenas then submitted that same document with his complaint in 2023. Mr. D’Agostino resolved his complaints with the CSCU Office of General Counsel in early 2024, and he did not report any ongoing issues of retaliation in his interview. To the contrary, he indicated things were going well - a point other interviewees agreed with. Moreover, Mr. D’Agostino is now working under Mr. Chaisson-Cardenas within CT State, and Mr. Chaisson-Cardenas stated that he has a good relationship with President Maduko at this time and is not raising any issues with President Maduko.³

³ More specifically, his April 4, 2024 email complaint stated: “P.S. I also want to be clear, that it is my perception that at no point has Dr. Maduko and other CT State leadership been part of the retaliation. As far as I can tell it has all come from CSCU.”

Although CSCU system office may make HR or compliance staffing decisions within its organizational structure moving forward, that would not directly impact Mr. Chaisson-Cardenas or Mr. D'Agostino within CT State. Mr. Chaisson-Cardenas originally had concerns about open investigator positions in his department, however, at the time of the interviews those concerns had been resolved and the investigator positions were filled or were in the process of being filled. At this time, therefore, the investigators could not identify a pending act of retaliation against Mr. Chaisson-Cardenas. Although his complaint indicated a fear of future retaliation, that fear appears to have lessened given his ongoing, improving relationship with Ms. Lamb and others in Human Resources. To the extent Mr. Chaisson-Cardenas believes he suffers actual retaliation in the future, he may file a complaint in any of the ways identified in the April 2024 email to him from CSCU's Interim General Counsel. At this time, however, the Shipman investigator was unable to identify any actual or threatened retaliation against Mr. Chaisson-Cardenas.

Conclusion

The Shipman investigator was unable to substantiate any ongoing or past act of retaliation against Mr. Chaisson-Cardenas based on his prior whistleblowing activity, and therefore could not substantiate any violation of CSCU's policies, applicable laws or regulations. Moreover, all of the witnesses involved stated that overall working relationships had improved, and in particular between Ms. Lamb and Human Resources on the one hand, and Mr. Chaisson-Cardenas and Mr. D'Agostino and their department on the other hand. As noted previously, should Mr. Chaisson-Cardenas believe he is being retaliated against in the future, he can raise that claim at that time. At this time, however, the investigation did not substantiate any retaliation against Mr. Chaisson-Cardenas.