



State of Connecticut
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

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RE: Sexual Harassment Prevention Training

To Whom It May Concern:

The Commission on Human Rights and Opportunities enforces state anti-discrimination laws. Specifically, the Commission oversees compliance with CONN. GEN. STAT. 46a-54(15) and CONN. AGENCIES REGS. § 46a-54-200-207 (Regulations for Sexual Harassment Posting & Training Requirements). This letter responds to numerous inquiries the Commission has received regarding whether online, Internet, or e-learning programs on preventing sexual harassment in the workplace comply with the laws and regulations mandating supervisory training.

On July 22, 2002, the Commission issued a letter concluding that, due to the nature of e-learning, such programs fall short of the legal requirements, and therefore do not comply with Connecticut's laws mandating sexual harassment training. In reaching that conclusion, the Commission cited CONN. AGENCIES REGS. § 46a-54-204(c):

Such training and education shall be conducted in a classroom-like setting, using clear and understandable language and in a format that allows participants to ask questions and receive answers. Audio, video and other teaching aides may be utilized to increase comprehension or to otherwise enhance the training process.

Specifically, due to the nature of the programs, if the student has a question during the course of the training, it does not appear that a trainer is immediately available to respond to any queries. The Commission was concerned that without an interactive process, the value of such training would be greatly diminished. In response to such concern, e-learning providers have pointed out that their programs provide relevant information online at all times, an individual from Human Resources to answer questions based on the program, and/or the availability of an electronic bulletin board for employees to post their questions and obtain answers.

Although initially the Commission strictly construed its regulation to require that all sexual harassment prevention training take place in a classroom, the actual language is "classroom-like setting." Further, the Commission acknowledges that since the implementation of its regulations in 1993, with advancements in technology, employers and even educators have come to increasingly rely on e-learning as an effective training tool.

Thus, the Commission concludes that so long as an e-learning program otherwise satisfies the statutory and regulatory requirements set forth at CONN. AGENCIES REGS. § 46a-54-204(c)(1) and ((2), **and** provides an opportunity for students to ask questions and obtain answers in a reasonably prompt manner, then such a program **does** comply with our statutes and regulations. This letter supersedes the letter issued on July 22, 2002, which conditionally concluded the opposite.

The Commission does not review or regulate trainers or training programs. This informal opinion simply responds to the multiple requests for clarification about e-learning that the Commission has recently received.

If you have any questions, please contact Attorney C. Joan Parker at (860) 541-3428.

Sincerely,

Cynthia Watts Elder
Executive Director

CHRO

Safeguarding Civil Rights in Connecticut

