

This has been a busy year at the VHRC. The Commission issued several important decisions related to racial profiling and to the treatment of offenders with mental illness in our prisons. These decisions have helped to engage policymakers and the general public in discussions about how better to ensure that all Vermonters, regardless of their protected status, are provided equal access and equal opportunity.

Happy holidays! Wishing everyone peace and happiness in 2017. - Karen Richards

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*“As global citizens, it is our responsibility to become active participants in our democracy, and to make sure that everyone’s civil rights are protected.”*

*-Robert Allen*

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**WHO  
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WHO**

## Who We Are & What We Do

*“Where after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person: the neighborhood that he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination.”*

*- Eleanor Roosevelt  
1958 Speech to the United Nations*

The Vermont Human Rights Commission (VHRC) is the state agency having jurisdiction over claims of unlawful discrimination in housing, state government employment, and public accommodations. Public accommodations include any business or governmental unit that provides goods, services or facilities to the public (including but not limited to stores, restaurants, professional offices, and hospitals, and government agencies/entities (including schools). The VHRC has four statutorily mandated roles: enforcement, conciliation, outreach and education, and public policy development.

The law prohibits individuals or entities from taking adverse action (discriminating) against individuals in protected categories based on their membership in one or more of the categories. The Vermont Human Rights Commission enforces state anti-discrimination/civil rights laws; it does not enforce federal laws. Vermont law is broader than federal law in terms of the categories of people who are protected from discrimination.

By its enabling statute, the Human Rights Commission is an enforcement agency. It does not represent either party in a complaint. The VHRC staff conduct impartial investigations of allegations of discrimination under the Vermont Fair Housing and Public Accommodations Act (VFHPA), 9 V.S.A. §4500 et seq., the Vermont Fair Employment Practices Act (FEPA) (for State government employees only) and the anti-harassment provisions of Title 16 (education), 16 V.S.A. §11 and §570 et seq. VHRC staff determine whether there are reasonable grounds to believe that unlawful discrimination occurred and make a recommendation to the Commissioners. During the course of the impartial investigation, VHRC staff seek to resolve complaints through conciliation and, if appropriate, formal mediation. If the Commissioners, after hearing, find reasonable grounds to believe that a person or entity discriminated against someone in a protected class, the executive director engages in post-determination conciliation efforts. If a settlement cannot be reached, the Commissioners can authorize the executive director to file suit in state court in furtherance of the public’s interest in a society free from discrimination.

The VHRC is also charged with increasing “public awareness of the importance of full civil and human rights for each inhabitant of this state;” examining “the existence of practices of discrimination which detract from the enjoyment of full civil and human rights;” and with recommending “measures designed to protect those rights.” 9 V.S.A. §4552. It is within these roles that the VHRC works to ensure “equal justice, equal opportunity, and equal dignity without discrimination.” In furtherance of these goals, VHRC staff speak with and provide training to individuals and groups about their rights and responsibilities under state and federal civil rights laws, work with individuals, agencies and groups to combat bias and bigotry, and supply information, legal analysis, and advice to the Legislative, Executive and Judicial branches.

There are five Human Rights Commissioners appointed by the Governor, with the advice and consent of the Senate, for five-year terms. Commissioners may be re-appointed. The Commissioners meet regularly, usually monthly, to discuss and decide the merits of individual discrimination complaints, as well as to set the overall policy of the organization.

The VHRC also has a staff of five state employees. The Commissioners hire, supervise and direct the organization’s executive director who also acts as the VHRC’s legal counsel and legislative liaison. The executive director hires, supervises and directs the executive staff assistant, and three administrative law examiners/trainers.

Read our FY2016 Annual Report [here](#)

## Reasonable Grounds Cases in 2016

**D.C. v. Department of Corrections (DOC), Department of Mental Health (DMH) & Agency of Human Services (AHS) – PA15-0007** (disability) Complainant, an individual with a psychiatric disability was incarcerated for (40) days while awaiting a bed in a psychiatric hospital. Ten of those days were spent in a segregation unit. Complainant alleged that the incarceration was not required for his mental health needs or to address any criminogenic needs. Complainant further alleged that he was denied access to services in the most integrated setting appropriate to his needs by the collective failure of AHS, DOC and DMH to coordinate placement and provision of services to him thus causing him harm. Post-finding mediation failed to resolve the matter and it was filed in state court. Human Rights Commission v. AHS, DOC and DMH, Docket No. 629-10-16 Wncv (Superior Court Civil Div. Washington Unit.)

Read the full Investigative Report [here](#)

**C.S. v. Department of Corrections – PA15-0001** (disability) Complainant, an individual with a psychiatric disability is incarcerated within the Department of Corrections (DOC). During time spent at Southern State Correctional Facility (SSCF), Complainant alleged that the DOC held him in segregation for approximately 2.5 years due to the failure of the DOC to provide adequate staffing, mental health treatment and reasonable accommodations that would have prevented him from being held in segregation longer than necessary. Post-finding attempts at settlement were unsuccessful and this matter was filed in state court. Human Rights Commission v. DOC, Docket No. 743-12-16 Wncv (Superior Court Civil Div. Washington Unit).

Read the full Investigative Report [here](#)

Read VT Digger news report [here](#)

**Rababah v. Department of Motor Vehicles – PA15-0012** (race, color, religion and national origin) Complainant, a Jordanian citizen, filed a complaint with the VHRC alleging that the Department of Motor Vehicles (DMV) discriminated against him by making improper requests for information, not allowing him to take the driving test, accusing him of committing fraud, and contacting the U.S Immigration and Customs Enforcement (ICE) resulting in deportation proceedings being commenced against him. A settlement agreement was reached in which the DMV agreed to modify its Application for License/Permit specific to written and website directions regarding social security numbers in the Driver Privilege Card (DPC) instructions; to add language above question 5 for individuals to skip that question if applying for a DPC; and to have DPC applications available in Spanish. The DMV additionally agreed to: develop written policies and procedures that set forth step by step processing methods for DPC applications; adopt the essential elements of the model Fair and Impartial Policy (FIP) as adopted by the Vermont Criminal Justice Training Council; publish both the FIP and DPC Policies and Procedures on their website; collect and report to the VHRC on an annual basis for three calendar years on the racial, ethnic and national backgrounds of individuals referred for investigation; provide training for counter staff, managers and DMV law enforcement on implicit bias; and pay Complainant \$40,000, including attorney's fees.

Read the full investigative report [here](#)

Read VT Digger news report [here](#)

**Alcudia v. Grand Isle County Sheriff's Department – PA15-0021** (national origin and color) Complainant, a Mexican national was a passenger in a vehicle traveling South within Grand Isle County when the car he was traveling in was pulled over by the Grand Isle County Sheriff's Department (GICSD). The officer asked only a few questions of the driver before focusing on the Complainant, directing his questions as to whether Complainant was legally present in the United States. The officer contacted Border Control and the Complainant was held until their arrival an hour later at which time he was taken into custody. After his release, Complainant filed a Complaint with the VHRC alleging GICSD discriminated against him based on his national origin when it detained him for an inordinate period of time without sufficient reasonable suspicion of any crime. The parties agreed to mediate. Complainant received \$27,000, including attorney's fees. The VHRC received \$2,600 for attorney's fees and Respondents agreed to internal policy changes, training and reporting of traffic stop data to the VHRC on an annual basis for a specified period.

Read the full investigative report [here](#)

Read VT Digger news report [here](#)

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## Contact Us

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## Staff Announcement

We are excited to announce that Ayn Lee Sing will join the VHRC as an Administrative Law Examiner on January 9, 2017.

Ayn completed her B.A. from Wellesley College—Massachusetts, her J.D. from the University of Miami School of Law in 2010 and her LL.M in International Human Rights and Humanitarian Law from Europa-Universität Viadrina—Frankfurt, Germany in 2016.

After a legal internship in L. David Shear Children's Law Center and a judicial internship in U.S. District Court, Ayn practiced in the areas of family, constitutional, employment, housing, probate, and commercial and real property law in the Port of Spain, Trinidad and Tobago.

Ayn will be the primary investigator of housing discrimination complaints. She will also conduct investigation in public accommodations and employment cases as well as training.



Ayn Lee Sing, ALE



## Farewell Ellen

Ellen, Maxon known to many as Vermont's Fair Housing expert, is retiring from the Commission on January 6, 2017.

In her ten years at the VHRC, Ellen has worked tirelessly investigating housing discrimination and educating Vermont property owners, property management companies, housing authorities, attorneys, tenants, Commissioners and co-workers alike on Fair Housing laws. Ellen, has successfully conciliated countless cases because of her fairness and expertise.

Ellen's expertise does not end there! She is a valued resource to Vermonters on discrimination in places of public accommodation, including Vermont's statute and the Americans with Disabilities Act. Questions about barrier removal? What is readily achievable? Accessible parking? Service animals? Ellen has answered them all.

When not investigating complaints, Ellen provided countless hours of Fair Housing and ADA trainings, networking and brainstorming on how to further educate Vermonters about discrimination and advance the mission of the VHRC. If there was a need, Ellen filled it—contacting WCAX TV to request Public Service Announcements (PSAs), organizing regional and statewide trainings with Kathy Gips from the New England ADA Center and a comprehensive Fair Housing training with housing expert Professor Robert Schwemm. Ellen's energy and commitment to the VHRC mission will be sorely missed by all of us here at the VHRC and the many professionals who call on her for her valued expertise.

Happy retirement, Ellen. We wish you well.