

**VERMONT HUMAN RIGHTS COMMISSION
MINUTES
October 30, 2014**

PRESENT: **Commissioners:** Mary Marzec-Gerrior, Chair, Nathan Besio, Mercedes Mack, Donald Vickers, Mary Brodsky. **Staff:** Karen Richards, Executive Director, Nelson Campbell and Ellen Maxon, Administrative Law Examiners, Paul Erlbaum, Executive Staff Assistant (Minutes).

The meeting was called to order at 9:11 a.m. by the Chair, Marzec-Gerrior.

BUSINESS MEETING

MINUTES: Motion to approve the minutes of September 25, 2014 was made by Vickers. The motion was seconded by Brodsky. Vote: 5-0

Executive Director's Report:

Schools - Discussion regarding school bullying and harassment. Thoughts expressed included:

- > Currently there is no governmental entity empowered to address bullying. Vickers suggested proposing legislation that would give VHRC authority to both investigate bullying and impose upon schools, at minimum, a training requirement.
- > School harassment complaints to VHRC have nearly ceased since Tracey Tsugawa's departure.
- > Concern was expressed regarding whether the new provider of bullying and harassment training to schools, (i.e., an attorney who defends schools accused of mishandling bullying and harassment complaints), has a conflict of interest.

> A wish for expanded bullying, hazing and harassment outreach and training that would reach beyond school personnel to parents, low income constituents, and other school stakeholders.

Budget- The only way to meet the Governor's directive for a 5% across-the-board cut in spending for FY2016 would be to eliminate an HRC staff position. ED Richards believes that because we are such a small agency this is not likely to happen. ED Richards is hopeful that HRC will be level-funded in FY16 at the FY15 level.

MOU with DHR/AG's Office – The MOU has been finalized.

Race & Sentencing Study- ED Richards provided an executive summary of the study which concluded that there is no racial bias in sentencing. The report, however, indicated that if there is bias at other points in the criminal justice system (who is arrested; what they are charged with by the prosecutor, etc.) this would affect who appears before a judge to be sentenced so the report cannot dismiss the possibility that bias is a cause of the over-incarceration rate of people of color in Vermont.

Women's Incarceration Initiative- Concern was expressed about the cost of incarcerating a woman in Vermont (\$86,000 per year) when most women are incarcerated for non-violent crimes related to substance abuse. The commissioners were also dismayed by the statistic that seven of ten children (mostly boys) of incarcerated parents will also end up being incarcerated.

EXECUTIVE SESSION

Vickers moved to go into executive session to hear confidential cases. The motion was seconded by Brodsky. Vote 5-0.

The Commission came out of executive session to vote. Besio made a motion to accept the Administrative Law Examiner's recommendation of no reasonable grounds in HRC Case No. PA14-0018. The motion was seconded by Mack. Vote 5-0. Upon learning that the complainant and his guardian in HRC Case No. PA14-0018 had wished to participate in the meeting and were unable to do so through no fault of their own, Vickers moved to vacate the

no reasonable grounds determination. The motion was seconded by Besio. Vote 5-0.

Brodsky made a motion to accept the Administrative Law Examiner's recommendation of no reasonable grounds in HRC Case No. PA14-0013. The motion was seconded by Besio. Vote 4-1.

BUSINESS MEETING RESUMED

Pre-Determination Conciliation Agreement

Name of Case: Koch-Rein v. FAHC

Case Number: PA15-0003

Approved by the Commissioners 5-0

Pre-Determination Conciliation Agreement

Name of Case: Poquette v. DOC

Case Numbers: HRC Case No.: HV14-0005; HUD Case No.: 01-14-0026-8

Approved by the Commissioners 5-0

Post-determination Conciliation Agreement

Name of Case: Willard v. Volodina

Case Number(s): HRC Case No: HV14-0014; HUD Case No: 01-14-0069-8

Approved by the Commissioners 5-0

Executive Session

Vickers moved to go into executive session to discuss litigation, where premature general public knowledge would clearly place the VHRC at a substantial disadvantage. The motion was seconded by Brodsky. Vote 5-0.

At 1:30 p.m. the Commission reconvened the hearing in confidential case, PA14-0018 with the complainant's guardian and the respondent's counsel appearing via teleconference.

The chair brought the Commission out of executive session. Brodsky made a motion to accept the Administrative Law Examiner's recommendation of no reasonable grounds in HRC Case No. PA14-0018. The motion was seconded by Besio. Vote 5-0.

Brodsky moved to accept the executive director's recommendation that the VHRC file an appeal of the judgment in the equal pay case, *Silloway et al. v. Department of Corrections and Department of Human Resources*, Docket No. 778-11-12Wncv. The motion was seconded by Mack. Vote 5-0.

Vickers moved to authorize the executive director to bring Commission complaints against two Woodstock businesses, Sudi's Clothing and Vermont Flannel, if settlement cannot be reached. The motion was seconded by Besio. Vote 5-0.

Outreach: ED Richards reported that during the month of October VHRC staff conducted six training events, providing training to 201 individuals.

Statistics: ED Richards suggested to the Commissioners that the statistical reporting be changed to provide quarterly rather than monthly reports and that the report be laid out to show quarter by quarter comparisons with the previous quarters and year so that trends can be spotted more easily. In addition, she will provide information being collected through VHRC performance measures as to numbers of events and people reached through training and outreach and information on settlements, including monetary amounts and public interest relief to better demonstrate the full impact of the agency's work. This will result in a collapsing of the outreach and statistical reports into one report with the statistics attached.

VHR Policy Manual- The Commissioners reviewed final changes suggested by Commissioner Brodsky. Vickers made a motion to approve the Policies and Procedures Manual dated October 30, 2014. The motion was seconded by Besio. Vote: 5-0. ED Richards indicated that the approved policies will be submitted to the Department of Human Resources for approval.

Update on Hiring: ED Richards indicated that staff will be interviewing ten candidates for the Administrative Law Examiner position on Monday, November 3 and Tuesday, November 4th. Second interviews will take place the week of November 17th.

Next Year's Meeting Dates: The Commission set next year's tentative meeting dates. (See attached).

The meeting was adjourned at 3:37 p.m.

Dated at Montpelier, Vermont this day of October 2014.

Respectfully submitted:

Paul Erlbaum
Executive Staff Assistant

Karen L. Richards
Executive Director