



VT Human Rights Commission
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**VERMONT HUMAN RIGHTS COMMISSION
MINUTES
May 26, 2016**

PRESENT: Commissioners: Mary Marzec-Gerrior, Chair, Donald Vickers, Mary Brodsky, Nathan Besio, Dawn Ellis, Commissioners. Chuck Kletecka Substitute Commissioner (for morning executive session only). Staff: Karen Richards, Executive Director, Nelson Campbell, Bor Yang, and Ellen Maxon, Administrative Law Examiners, Jocelyn Bolduc, Executive Staff Assistant (minutes), Amy Carst, Law Clerk and Ruth Roberts, Legal Intern.

Chair Marzec-Gerrior called the meeting to order at 9:00 a.m.

BUSINESS MEETING

MINUTES: Vickers moved to accept the minutes of the March 24, 2016 meeting. The motion was seconded by Brodsky. Vote 4-0 (Besio absent)

Vickers moved to accept the minutes of the April 28, 2016 retreat/meeting as written. The motion was seconded by Ellis. Vote 4-0 (Besio absent)

EXECUTIVE DIRECTOR REPORT:

Budget:

The 2017 Budget Bill, H.875 provided the full amount of the HRC's budget request as recommended by the Governor. A total appropriation of \$455,632 in general funds combined with the estimate of \$75,757 in expected federal revenue from the HUD grant provides a total appropriation of \$531,399.

ED Richards reports that the 2016 budget is in good shape. We continue to have a budget surplus mostly due to federal and state carryforward from the previous year.

Updates:

Confidentiality Agreement for State of Vermont cases- On 4/11/16, ED Richards and SAAG Duane met and resolved the outstanding issues. Duane is creating a final version.

LEGISLATIVE REPORT

H. 743 no Act # yet - An act related to fair and impartial policing. This bill was ultimately folded into H.571, an act related to driving under the influence, by the Senate Judiciary Committee. The law requires all police officers to receive a minimum of four hours of training in fair and impartial policing (FIP) and a refresher course every two years. Police agencies are also required to report their stop data annually to an entity identified by the Vermont Criminal Justice Training Council. A public repository will be created for the data so that it can be analyzed by anyone at any time thus contributing to transparency and accountability of law enforcement to the issue of FIP.

S.132 An act relating to conversion therapy – This law acknowledges that being lesbian, gay, bisexual or transgender is part of the natural spectrum of human identity and is not a disease, disorder, illness, deficiency or shortcoming that requires or is subjective to “cure.” The law prohibits qualified mental health providers from using conversion therapy with a client under the age of 18.

JRS 35- A joint resolution from the Senate, urges Vermont to participate in Stepping Up an initiative to reduce the number of incarcerated Vermonters with mental illness. ED Richards offered general testimony to the House Committee on Corrections and Institutions concerning inmates with mental illness.

STATISTICS and OUTREACH

A comparison of cases accepted through the end of the third quarter of the 2015 and 2016 fiscal year shows that the numbers of most cases are slightly up or down from the number of cases accepted during the same period in the last fiscal year and the total has increased by 3.

For the first nine months of the 2016 fiscal year, HRC staff conducted twenty-eight (28) training events. Entities trained included employees and managers of the State, housing providers, individual landlords, and service providers.

EXECUTIVE SESSION:

Vickers moved and Brodsky seconded a motion to go into executive session to hear confidential case. Vote 4-0 (Ellis recused, Kletecka substituted)

The Commission continued in executive session to hear arguments from Respondent’s counsel on Motion to Quash a VHRC subpoena in an ongoing, current investigation. (Kletecka recused, Ellis attended)

Marzec-Gerrion brought the VHRC out of executive session.

Vickers moved and Brodsky seconded a motion to accept the recommendation of no reasonable grounds with regard to two of the three allegations in PA15-0036. Vote 4-0. Motion passed. (Ellis recused, Kletecka substituted)

Kletecka moved and Brodsky seconded a motion to accept the recommendation of reasonable grounds to believe that Camels Hump Middle School and Chittenden East Supervisory Union discriminated against the Complainant on the basis of disability in violation of Vermont's Fair Housing and Public Accommodations Act in PA15-0036 with regard to the failure to provide effective communication in some classes. Vote 4-0. Motion passed (Ellis recused, Kletecka substituted)

Vickers moved and Brodsky seconded a motion to go into executive session to further deliberate arguments on Motion to Quash VHRC subpoena. Vote 4-0. (Ellis returns)

Marzec-Gerrior brought the VHRC out of executive session.

Brodsky moved and Ellis seconded a motion to deny the Respondent's request to quash a VHRC subpoena in an ongoing, current investigation. Vote 4-0. Motion passed.

PRE-DETERMINATION CONCILIATION AGREEMENTS (by staff)

Individual v. Postsecondary Education Establishment
VHRC Case No. PA16-0002

POST-DETERMINATION CONCILIATION AGREEMENTS

On 4/19/16, ED Richards filed the matter of Vermont Human Rights Commission v. Grand Isle Sheriff's Department, Docket No. 225-4-16 in Superior Court, Civil Division, Washington Unit. On 4/20/16, the parties resolved the matter in mediation.

BUSINESS MEETING CONTINUED:

The matter of Rababah v. Department of Motor Vehicles, HRC Case No. PA15-0012 is scheduled for mediation on 5/31/16. Complainant is represented by the ACLU.

Rate of payment to mediators

ED Richards informed the Commissioners that the VHRC is currently paying our mediators \$375 for a full day of mediation, which is far lower than what other agencies are paying. ED Richards proposed we raise the rate of payment to at least the rate paid by the civil rights division of the Attorney General's Office which is \$425 per day for a full day of mediation.

Brodsky moved and Vickers seconded a motion to raise the VHRC rate of payment for mediation services from \$375 per day to \$500 per day. Vote 4-0. Motion passed.

Restorative Justice

ED Richards informed Commissioners of where we are in the VHRC "Exploratory Plan." Commissioners would like to be part of process and will send ED questions. Commissioners would like to hear from local agencies that have used or are currently using the Restorative Justice practices.

Gender Pricing Press Conference

The AG's Office is proposing a press conference to take place at same time as the June 2016 VHRC Commission meeting. If we move forward with this plan, the June meeting could take place at the Statehouse. Commissioners left the decision of participating in the press conference up to ED Richards.

Executive Director Evaluation

Vickers moved and Ellis seconded a motion to approve a cola increase consistent with that being given under the collective bargaining agreement for ED Richards. Vote: 4-0. Motion passed.

Vickers moved and Ellis seconded a motion to go into executive session for the Commissioners to further discuss the evaluation of the executive director. Vote 4-0.

Marzec-Gerrior brought the Commission out of executive session.

The meeting was adjourned at 3:30. Dated at Montpelier, Vermont this 26th day of May 2016.

NEXT MEETING June 23, 2016. Place to be announced.

Respectfully submitted:



Karen L. Richards
Executive Director