



VT Human Rights Commission
14-16 Baldwin Street
Montpelier, VT 05633-6301
<http://hrc.vermont.gov>

[phone] 802-828-2480
[fax] 802-828-2481
[tdd] 877-294-9200
[toll free] 1-800-416-2010

VERMONT HUMAN RIGHTS COMMISSION
AMENDED MINUTES
June 4, 2015

PRESENT: Commissioners: Mary Marzec-Gerrior, Chair, Donald Vickers, Mary Brodsky, Nathan Besio, Dawn Ellis. Staff: Karen Richards, Executive Director, Nelson Campbell, Katherine Spence, and Ellen Maxon, Administrative Law Examiners, Jocelyn Bolduc, Executive Staff Assistant (minutes).

Commissioner Marzec called the meeting to order at 9:04 a.m.

BUSINESS MEETING

MINUTES: Commissioner Vickers moved to accept the minutes of the April 30, 2015 meeting as written. The motion was seconded by Commissioner Brodsky. Vote 4-0 (Commissioner Ellis recused)

EXECUTIVE DIRECTOR REPORT:

Budget: FY15 budget is in good shape. We continue to be significantly under budget. Some of the carry forward will be used to fund next year's pay act but this still leaves the VHRC with a decent cushion.

The Senate concurred with the House's recommended budget for the VHRC, which was at the Governor's recommended amount of \$516,872. This should be sufficient to fund our existing programs for FY16.

We are still waiting for information from HUD about how the funding changes for FFY14 will affect the total amount of federal funds we will receive for the next SFY.

Commissioner Appointment: On May 15, 2015, Governor Peter Shumlin appointed Dawn Ellis to replace Mercedes Mack on the Commission.

DHR Anti-Discrimination Policies: ED Richards and staff completed a review of the anti-discrimination policies used by the Department of Human Resources. Numerous suggestions for updating and improving the policies were made. DHR General Counsel, Michelle Anderson, has asked to set up a meeting to discuss how we might better coordinate efforts to cases where both DHR and VHRC have open investigations into allegations of discrimination.

Harassment, Hazing & Bullying Advisory Council: On May 18, 2015, Kate Spence attended the council's meeting. The group agreed on the basics of a work plan for council, with details to be hashed out at a future meeting. The group also agreed that it was important to maintain its main focus on bullying and harassment. General Counsel for the Agency of Education (AOE) also sent revised versions of the new model policy and procedure, where they incorporated many of the suggestions that Spence and Richards made. On June 2, 2015, Spence attended another meeting of the Council to hear about AOE's survey of students, teachers, administrators and parents about bullying and harassment. The survey was sent to pilot schools before a statewide rollout. Commissioner Brodsky indicated that Essex was one of the communities where it was piloted and that parents had some concerns about not being informed about it before it was given to their children.

EXECUTIVE SESSION

Commissioner Besio moved to go into Executive Session to hear confidential cases at 10:00. The motion was seconded by Commissioner Vickers. Vote 5-0

Commissioner Marzec brought the VHRC out of Executive Session at 10:48. Commissioner Besio moved to accept the recommendation of no reasonable grounds in E15-0005 on the basis of failure to grant a reasonable accommodation. The motion was seconded by Commissioner Vickers. Vote 5-0

Commissioner Vickers moved to accept the recommendation of no reasonable grounds in E15-0005 on the basis of age. The motion was seconded by Commissioner Brodsky. Vote 5-0

Commissioner Brodsky moved to accept the recommendation of no reasonable grounds in E15-0005 on the basis of disability. The motion was seconded by Commissioner Besio. Vote 5-0

BUSINESS MEETING RESUMED

EXECUTIVE DIRECTOR REPORT (continued):

Vermont's Human Rights- Based Agenda: On May 1, 2015 ED Richards received a letter from the U.S. Department of State addressed to Governor Shumlin. The letter describes human rights initiatives and treaties that the U.S. is party to and broader issues it wants to promote "at home" including protection of civil and political rights, combatting racial discrimination, and protecting children from harms such as trafficking and prostitution. The Commissioners had a discussion about a number of potential human rights initiatives that the VHRC might undertake. It was agreed that a separate off-site meeting would provide a good opportunity to discuss the ideas in more detail. It was suggested that speakers could then be invited in to educate the Commissioners and staff about the various topics.

Vermont Dignity in Schools Coalition Meeting: On May 21st, ED Richards attended a meeting of the coalition. Vermont Legal Aid has a grant to work on issues related to the disparities with

regard to race and disability in school discipline that were outlined in their report, *Kicked Out*. ED Richards plans to continue to work with this group which will be developing legislation to present during the next half of the 2014/2015 session.

Vermont Justice Coalition: ED Richards sent a letter to the Secretary of Vermont Agency of Human Services, Hal Cohen concerning the lack of coordination between DOC and DMH around issues related to individuals with mental health issues who are incarcerated and awaiting placement in the community. At the time of this meeting there has been no response.

Gas Station Compliance with the ADA: A meeting has been scheduled on June 9, 2015 with representatives from the Vermont Grocer's Association, the Vermont Petroleum Association, the state departments of Agriculture, Motor Vehicles and Natural Resources, Disability Rights Vermont and the State ADA coordinator to discuss how we might work together to get information out to gas stations.

Implicit Bias: ED Richards is scheduled to provide the last series of trainings for Vermont Department of Labor (DoL) Resource Centers (in St. Johnsbury) on June 12th. She will also be training central office staff and going back to the Montpelier Call Center for a follow up session. On June 5, she is scheduled to meet with the director of the new DHR training center to discuss integration of this topic into the 2d tier of management training at the Center.

ED Richards is scheduled to provide a training on implicit bias and civil rights obligations to the Center for Crime Victim Services (CCVS) on June 15th.

Commissioner Ellis suggested that staff consider including individuals affected by discriminatory practices in their trainings to provide an authentic voice to the material and the discussions.

Fair Housing Month Governor Proclamation: The original Proclamation was received by the VHRC. It was suggested by Commissioner Ellis that the VHRC take advantage of commemorative months/days, like Fair Housing Month (April) to promote the agency's work. ED Richards explained that VHRC works with other partners to do this and that we are already initiating planning for 2018 which will be the 50th Anniversary of the federal Fair Housing Act.

Pre-Determination Conciliation Agreements (by staff)

Bergevin v. The Fucci Company, Inc.

HRC Case No. HV15-0013

HUD Case No. 01-15-0211-8

Post-Determination Settlements

Nolen v. City of Montpelier and Capitol Plaza Corp.

HRC Case No. PA14-0023

EXECUTIVE SESSION:

Commissioner Marzec made a motion to go into executive session at 12:50 to begin evaluation of ED Richards. The motion was seconded by Commissioner Brodsky. Vote 5-0

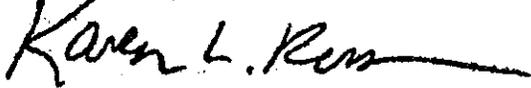
The Chair brought the Commission out of executive session at 2:30.

Motion to adjourn at 2:53 p.m.

NEXT MEETING: AUGUST 27, 2015

Dated at Montpelier, Vermont this 4th day of June 2015.

Respectfully submitted:

A handwritten signature in black ink that reads "Karen L. Richards". The signature is written in a cursive style with a long horizontal flourish at the end.

Karen L. Richards
Executive Director