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**VERMONT HUMAN RIGHTS COMMISSION
MINUTES
March 28, 2019**

PRESENT: Commissioners: Nathan Besio, Acting Chair; Dawn Ellis; and Donald Vickers (by phone). Staff: Bor Yang, Executive Director; Nelson Campbell, Melissa Horwitz, and Cassandra Burdyslaw, Administrative Law Examiners; John McKelvie, Executive Staff Assistant (minutes).

Commissioner Besio called the meeting to order at 9:07 a.m.

BUSINESS MEETING

MINUTES: Commissioner Vickers moved to accept the minutes of the January 24, 2019 meeting as written. The motion was seconded by Commissioner Ellis. Vote 3-0.

EXECUTIVE DIRECTOR REPORT:

Staff: Based on an increase in the budget that was supported by the Governor, the existing staff investigators were moved to the staff attorney pay plan effective March 2019.

Budget: ED Yang testified before House and Senate Appropriations committees and met with Senate President Pro Tem Tim Ashe to review the HRC's budget and to provide information in support of a request for an additional position at the HRC: Director of Policy, Education and Outreach. As of 3/28 the appropriations for that position were not included in the House's 2019 budget adjustment.

30th Anniversary Discussion: The celebration is scheduled for Thursday, April 18, 2019 from 4:00-6:00 p.m. at the State House cafeteria. A request was made to Governor Scott and Senator Bernie Sanders to attend and speak at the event but no confirmation yet. ESA McKelvie briefed Commissioners on the tentative agenda for the event, as well as preparations taken to create a video detailing the history and impact of the Commission over the last three decades.

HUD Performance Evaluation: HUD has completed its two-year performance evaluation of the HRC and has recommended the HRC for recertification.

Meeting: HRC staff met with the staff of Outright Vermont on March 11th to discuss possible joint initiatives to make Vermont schools more inclusive for LGBTQIA students. ED Yang also met with Jessica Hyman, Education and Outreach coordinator at CVOEO, during a joint interview with Channel 17 on March 21st.

Outreach: ED Yang engaged in an outreach activity organized by the NAACP in Rutland, VT entitled Know Your Rights. It was an all-day event on Saturday, March 9th and drew many community members of all ages.

Training: ED Yang provided implicit bias training to the House of Representatives on February 19th and to new employees, teachers, and instructors contracted by the Agency of Education on March 1st. ALEs Nelson, Cassandra and Melissa have also been busy providing Fair Housing training in Burlington, Stowe and Rutland over the last two months.

Upcoming Meetings and Activities:

ALE Burdyslaw will be attending Vermont Law School's Diversity Brunch on April 6th as a representative of the HRC.

The entire HRC staff and Commissioner Ellis will attend the 2019 Fair Housing and Civil Rights Conference in Springfield, MA, on April 12th.

The 30th Anniversary Celebration will occur on April 18th in the State House cafeteria.

ED Yang will conduct implicit bias training for employees of U.S. Citizenship and Immigration Services (USCIS) throughout the summer of 2019.

Staff and Commissioners also discussed strategies to follow-up six or twelve months after trainings are conducted in order to assess their efficacy and determine whether certain trainings should be scheduled on an annual or biannual basis.

Case Updates: ED Yang updated Commissioners on the status of the following cases:

"Oak" v. Town of Waterbury: The Town of Waterbury agreed to extend the statute of limitations until mid-April.

Francois v. DMH: The most recent update from DMH's General Counsel was that they had found a potential trainer. HRC will request verification once training has been completed.

Hay v. UVMC: The compliance period under the settlement agreement has been extended until June 2021, by agreement between HRC, DOJ and UVMC.

McGurl v. AOT: The Commissioners previously voted to support a recommendation of reasonable grounds that "retaliation" occurred. The matter is scheduled for mediation on May 10, 2019.

Litigation:

Alexander v. Churchill Realty: HV18-0003; HUD 01-17-7525-08 - After many attempts to settle the case before and after litigation was filed, without success, the HRC has entered into an agreement with Churchill Realty to resolve the public interest piece without prejudice to Mr. Alexander and to withdraw from the lawsuit.

HRC v. Stevens; Docket No. 485-8-18 Wncv - ED Yang served discovery on Respondents and is working on the response to their discovery requests.

Legislative Agenda:

ED Yang detailed how the staff of the HRC has been very busy this legislative session closely following a wide variety of bills and providing testimony to several committees. These include:

1. H.518: An act relating to Fair and Impartial Policy.
2. H.492: An act relating to establishing a homeless bill of rights and prohibiting discrimination against people without homes.
3. H.476: An act relating to prohibiting the DMV from sharing information regarding immigration status.
4. H.431 & S.83: Prohibiting agreements that prevent an employee from working for the employer following the settlement of a discrimination claim.
5. H.305: An act relating to requiring implicit bias training for state employees.
6. H.333: An act relating to prohibiting discrimination based on an individual's criminal history.
7. H.284: An act relating to data collection in the criminal justice system.
8. H.224: An act relating to expediting evictions for owner-occupied rental properties.
9. H.223: An act related to residential rental agreements for substance abuse recovery homes
10. S.92 and H.132: An act relating to adopting protections against housing discrimination for victims of domestic/sexual violence.
11. S.88 and H.107: An act relating to paid family medical leave.
12. H.183 and S.5: An act relating to prohibiting the involuntary sterilization of individuals with an intellectual disability.
13. H.182: An act relating to the creation of the Corrections and Mental Health Study Committee.
14. H.185: An act relating to transgender and gender non-conforming student access to gender-segregated school programs.
15. S.82: An act relating to equal pay (data collection related to disparity in pay in the State).
16. S.79: An act relating to miscellaneous housing issues (expediting eviction process in farm housing evictions).
17. H.57: An act relating to preserving the right to abortion / PR5: constitutional amendment recognizing reproductive liberty
18. H.3. Ethnic Studies Bill - An act relating to the adoption of ethnic studies standards into statewide educational standards and a policy on ethnic and social equity in schools by public schools and approved independent schools. Passed in both House and Senate 2/28.

EXECUTIVE SESSION

Commissioner Vickers made a motion to go into executive session at 10:02 am where premature general public knowledge would clearly place the HRC at a substantial disadvantage. The motion was seconded by Commissioner Ellis. Vote 3-0.

Commissioner Besio brought the VHRC out of executive session at 11:04 am.

BUSINESS MEETING

PRE-DETERMINATION CONCILIATION AGREEMENTS

HRC Case No. PA18-0002

HRC Case No. HV19-0008
HUD Case No. 01-19-1411-8

NEXT MEETING April 18, 2019.

The meeting was adjourned at 11:10 am.
Dated at Montpelier, Vermont this 28th day of March 2019.

Respectfully submitted:



Bor Yang, Executive Director