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VERMONT HUMAN RIGHTS COMMISSION
MINUTES – Staff/Commissioner Retreat
August 23, 2019

PRESENT: Commissioners: Kevin Christie, Chair, Nathan Besio, Donald Vickers, Dawn Ellis, and Joan Nagy. Staff: Bor Yang, Executive Director; Nelson Campbell, Melissa Horwitz, and Cassandra Burdyslaw, Staff Attorneys; John McKelvie, Executive Staff Assistant (minutes).

Commissioner Christie called the meeting to order at 10:10 a.m.

BUSINESS MEETING:

MINUTES: Commissioner Vickers moved to accept the minutes of the June 27th meeting as written. The motion was seconded by Commissioner Ellis. Vote 5-0.

EXECUTIVE DIRECTOR REPORT:

Budget: ED Yang noted that the FY2021 Budget Bill is due in October, so that will be one of her priorities throughout September. The HRC had carry-forward funds of approximately \$30,764. ED Yang submitted a carry-forward budget plan to the Department of Finance and Management, and the full amount was approved to remain in the HRC's general budget. The funds will cover training costs, hiring costs, scheduled raises in staff salaries, and any discrepancy between the funds designated for the new Director of Policy, Education, & Outreach and the final compensation package determined for that position.

New Positions at the HRC: ED Yang informed Commissioners that the HRC received \$25,000 in partnership funds from HUD to conduct outreach to immigrant communities, and that staff is working on a draft RFP for publication later this fall. ED Yang noted that certain strict aspects of the RFP requirements could hinder responses from otherwise qualified candidates, and she discussed with Commissioners various ways to mitigate those requirements or to complete the outreach work with in-house staff.

ED Yang reported that in order to avoid any potential confusion, the RFP will not be submitted until the hiring process for the new Director of Policy, Education, & Outreach position is complete. HRC staff began advertising for that position on Thursday, August 22nd, and the application deadline runs through Sunday, September 15th.

Outreach & Training: ED Yang stated that staff members continue to conduct outreach and training events in a variety of formats, including a number of community forums held at Vermont high schools throughout this summer and fall.

ED Yang's schedule includes at least five upcoming implicit bias trainings to private and public organizations, while other staff members continue to provide fair housing trainings throughout Vermont, primarily to landlords and rental property managers. In response to a question from Commissioner Besio, staff noted that, in their experience, the majority of organizations do invite their entire staff to undergo the HRC trainings. Staff Attorney Horwitz reported that HRC staff is noticing increased demand for fair housing trainings that focus on specific topics, such as mental health, disabilities, reasonable accommodations, and tenant-on-tenant harassment.

Staff Attorneys Burdyslaw and Horwitz recounted several important takeaways from recent seminars attended in Santa Fe and Denver, respectively. Staff members will seek out additional trainings/learning sessions in order to continuously improve and expand their expertise in various areas of the law, according to ED Yang. She described the importance of staying up to date in a number of categories – evictions, for example – so that each staff attorney's investigative reports include current citations and relevant language. The wide breadth of the HRC's jurisdiction poses a challenge and underscores the value of regular trainings.

Commissioner Vickers pointed out a seeming lack of cases addressing harassment in schools. ED Yang described the nature of harassment vs. bullying, and the relation to establishing a prima facie case. She noted some fluctuations in case numbers could relate to various factors that cannot be easily quantified, such as outreach and networking.

POST-CASE UPDATES & LITIGATION:

Francois v. DMH: The most recent update from DMH's General Counsel was that it selected a bidder who then conducted an assessment of the hospital and determined that the RFP had to be updated and reissued. DMH reissued the RFP with a ten-day deadline, which expires this week.

Hay v. UVMC: The status remains unchanged. The compliance period under the settlement agreement was extended until June 2021, by agreement between HRC, DOJ, and UVMC.

Congress v. DOC: The matter went to mediation at the end of June and failed to settle. ED Yang requested an extension of the statute of limitations in an effort to craft a joint agreement between various entities, but that request is not yet granted.

"Oak" v. Town of Waterbury: This case is pending in Superior Court with competing motions. ED Yang and Staff Attorney Horwitz are working together on this litigation.

HRC v. Stevens: This matter is now settled and closed in Superior Court.

PRE-DETERMINATION CONCILIATION AGREEMENTS (by staff)

HRC Case No. HV19-0016
HUD Case No. 01-19-2839-8

HRC Case No. HV19-0017
HUD Case No. 01-19-2441-8

HRC Case No. PA18-0006

HRC Case No. PA18-0012

EXECUTIVE SESSION:

Commissioner Vickers made a motion to go into executive session at 11:18 a.m., where premature general public knowledge of pending litigation would clearly place the HRC at substantial disadvantage.

The motion was seconded by Commissioner Nagy. Vote 5-0.

Commissioner Christie brought the VHRC out of executive session at 12:15 p.m.

STAFF/COMMISSIONER RETREAT:


Commissioners and staff spent the afternoon discussing the Commission's priorities for the next twelve months. The primary topics consisted of the HRC's approach to community outreach, the HRC's strategy towards legislative engagement during the upcoming session, how to measure the impact and efficacy of HRC trainings, and ensuring inclusiveness throughout the complaint and investigation processes, particularly for complainants experiencing traumatic life events such as an eviction, job termination, or pervasive harassment.

Additionally, Commissioners and staff discussed shifts/trends in the complaints accepted by the HRC in the past several years, and whether those types of complaints reflect anecdotal reports of increased harassment on the basis of race and national origin.

NEXT MEETING September 26, 2019.

The meeting was adjourned at 3:30 p.m.
Dated at Stowe, Vermont this 23rd day of August 2019.

Respectfully submitted:



Bor Yang
Executive Director