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**VERMONT HUMAN RIGHTS COMMISSION
MINUTES
January 23, 2020**

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

Commissioner Christie called the meeting to order at 9:15 a.m.

BUSINESS MEETING:

Commissioner Christie thanked Executive Director Yang for providing the House devotional on Tuesday morning and reading excerpts of Dr. King's Letter from Birmingham Jail, noting it was very well received by legislators and radio listeners.

MINUTES: Commissioner Ellis proposed one correction to the December 5, 2019 meeting minutes, noting that in the fifth paragraph of page two, the sentence should be amended from "whether those numbers should decrease" to "whether those numbers could decrease."

Commissioner Nagy moved to accept the minutes of the December 5, 2020 meeting as corrected. The motion was seconded by Commissioner Besio. Vote 5-0.

EXECUTIVE SESSION:

Commissioner Besio made a motion to go into executive session to discuss and hear confidential cases at 9:21 a.m. The motion was seconded by Commissioner Ellis. Vote 5-0.

Commissioner Christie brought the VHRC out of executive session at 12:08 p.m.

HRC Case No: PA19-0011

Commissioner Besio moved to accept the recommendation of no reasonable grounds to believe discrimination occurred. The motion was seconded by Commissioner Nagy. Vote 4-1 (Commissioner Ellis opposed).

BUSINESS MEETING CONTINUED:

PRE-DETERMINATION CONCILIATION AGREEMENTS (by staff)

HRC Case No. PA18-0026

EXECUTIVE DIRECTOR REPORT:

The Budget: Executive Director Yang noted that the Department of Finance and Management has completed the HRC's FY2021 Budget Book, and the HRC is left with approximately \$45,000 carryforward funds from vacancy savings. A copy will be posted on the website and included in the next executive director report to Commissioners.

Outreach & Training: ED Yang described how the HRC has maintained a busy schedule of conducting education on fair housing, sexual harassment, implicit bias and more. In addition to providing these trainings to respondents as part of settlement agreements, many businesses, state departments and agencies, legislators and community members have directly reached out to the HRC for training.

She also pointed out that the HRC has started a series of Fair Housing Trainings, led by Staff Attorney Melissa Horwitz, on the second Mondays of each month. Staff Attorney Horwitz has developed a new and robust fair housing training that is more practical and useful for tenants and housing providers.

Recently, Supervising Attorney Nelson Campbell provided fair housing training to SD Ireland and is returning in February to conduct more training, at their request.

ED Yang described Director of Policy, Education & Outreach Garcés' positive impact on the overall development and execution of HRC trainings - particularly the Fair Housing training – because of her emphasis that trainings not only inform and benefit potential respondents but provide support and knowledge to potential complainants.

Commissioner Nagy brought up the news of the recent DMV settlement, the potential importance of providing implicit bias training to DMV employees, and whether the HRC could be involved. ED Yang noted that the HRC provided implicit bias training to many DMV employees following the original 2016 settlement agreement.

She continued by explaining that in addition to an introductory training on implicit bias, the HRC has developed secondary trainings that are specially tailored to the entity and incorporates practical tools, proposed policy changes and best practices. She described a number of organizations and groups that have received trainings or are confirmed for upcoming trainings.

Among the several groups and organizations that have received or are scheduled to receive those specialized trainings, the next event will occur on February 1, 2020 for the Town of Johnson, VT.

The HRC has also actively conducted outreach and workshops throughout Vermont, to educate Vermonters about the work of the HRC and to encourage and empower Vermonters to be advocates. The most recent events included a presentation by Amanda Garcés for the Browns River Middle School on January 17th, and another for the Montpelier-Roxbury School District on Martin Luther King Jr. Day.

Upcoming outreach events are scheduled at Middlebury College and Vermont Leadership Institute.

Meetings, Conferences and other Work:

ED Yang listed the variety of trainings and conferences in which HRC staff are scheduled to participate:

- All staff attorneys will be attending a three-day training in Albany on *Conducting Serious Incident Investigations*. Supervising Attorney Nelson Campbell described this in-depth training in more detail.
- Director of Policy, Education and Outreach Amanda Garcés will be conducting a training on *White Supremacy Culture* for staff.
- Amanda is also working with the Center for Achievement in Public Service (CAPS) to revamp their implicit bias training.
- Staff Attorney Melissa Horwitz will be attending a training in San Diego, California in February: “Fair Housing for Our Future – Laws and Litigation.”
- HRC staff will be meeting with the Vermont Crime Research Group on February 24, 2020 in Montpelier to discuss data analysis, statistics and the work of each organization.

The HRC has also been active in developing and maintaining partnerships and working on joint projects, and ED Yang described the following:

- The HRC, the Attorney General’s Office and the Commission on Women were tasked with developing a public education and outreach program regarding sexual harassment pursuant to Act 183 – an act relating to the prevention of sexual harassment. A lot of work went into reviewing the proposals and language of the website and materials. This project was recently completed and a new website launched: <https://workplacesforall.vermont.gov/>
- Supervising Attorney Nelson Campbell devoted significant time to drafting the sexual harassment section of the Commission on Women’s new publication,

“Addressing Sexual Harassment in the Workplace: A Guide for Vermont Workers and Employers.”

- Director of Policy, Education and Outreach, Amanda Garcés, has begun work on the partnership grant by meeting with multiple stakeholders and developing an effecting outreach program for immigrants and New American communities in Vermont.

Taskforces and Committees:

ED Yang mentioned the many taskforces and committees on which HRC staff serve, including:

- Campus Sexual Violence Legislative Taskforce – Burdyslaw
 - Cassie noted that the Taskforce was meeting later in the day, and its goal is to finalize policy recommendations by March. They’ve been addressing transcript notations, data collection, and standardizing what should be collected when on-campus incidents are reported. She continued by explaining that potential recommendations could include an extension of the Taskforce’s timeframe, as well as a pilot program focused on restorative practices, and the development of alternative approaches to campus adjudication processes.
- Hazing, Harassment, Bullying Advisory Panel – Horwitz
- Ethnic and Social Standards Advisory Working Group – Garcés (Chair)
- Governor’s Workforce Equity and Diversity Council – Yang
 - ED Yang stated that the Council is in need of more community members and suggested that Commissioners reach out if they know of any interested parties. The Council advises and provides recommendations to the DHR Commissioner, who then advises the Governor.
- Refugee and Immigrant Service Providers Network – Yang and Garcés
- Thriving Communities Steering Committee – Horwitz and Garcés
- Affordable Housing Coalition – Horwitz
- Montpelier-Roxbury School District, Equity Committee – Garcés

ED Yang also described an internal shift regarding the assignment of cases; specifically, that Staff Attorney Horwitz will now be assigned the majority of housing cases. The approach to assigning cases has shifted throughout the years and those decisions often depend on the skills and desires of various investigators. In this instance, the combination of HUD-enforced timelines, the necessity for specialized knowledge, and Melissa’s involvement on various housing committees makes this a straightforward decision. The shift is not a permanent adjustment and may be revisited in the next year.

POST-CASE UPDATES:

Francois v. Department of Mental Health (DMH): DMH is rolling out a new training program in the new year that will satisfy the terms of the agreement.

Commissioner Vickers expressed concern about the amount of time in between the Commissioners' approval of the settlement agreement and the Respondent's eventual compliance. ED Yang shared those concerns but noted that the only other recourse for a post-settlement case would require litigation. She noted that, in future settlement discussions involving state government agencies, it may be wise to push for a clearer timeline within the agreement.

Commissioner Christie encouraged ED Yang to use her obligation to update Commissioners as leverage to hasten replies, and Commissioner Ellis proposed the inclusion of monetary penalties based on specific deadlines within the agreements.

Hay v. University of Vermont Medical Center: The status remains unchanged since the last Commission Meeting.

Congress v. Department of Corrections (DOC): The Commissioners voted to pursue litigation at the last meeting. However, the parties extended the statute of limitations through March 31, 2020.

McGurl v. Agency of Transportation: The status remains unchanged since the last Commission meeting. ED Yang met with DHR General Counsel to discuss a Memorandum of Understanding around the sharing of data and information pertaining to discrimination claims at DHR and the Hire-Into-Range policy. Commissioner Ellis suggested that the MOU should specify how that data will be analyzed or presented by the AOT in order to ensure that the data is accessible and useful.

EXECUTIVE SESSION:

Commissioner Nagy made a motion to go into executive session to discuss confidential cases at 1:04 p.m. The motion was seconded by Commissioner Besio. Vote 5-0.

Commissioner Christie brought the VHRC out of executive session at 2:16 p.m.

Commissioner Ellis made a motion to grant ED Yang the authority to initiate a lawsuit in HRC Case No. HV19-0018, Weygant v. Deery. Seconded by Commissioner Nagy. Vote 5-0.

Commissioner Nagy made a motion to grant ED Yang the authority to initiate a lawsuit in HRC Case No. E18-0009, Quiñones v. DOC & DHR. Seconded by Commissioner Ellis. Vote 5-0.

Commissioner Nagy made a motion to grant ED Yang the authority to initiate a lawsuit in HRC Case No. HV19-0021, Warrington v. GH Housing, LLC. Seconded by Commissioner Besio. Vote 5-0.

BUSINESS MEETING CONTINUED:

LEGISLATIVE REPORT

Executive Director Yang pointed out that Director Garcés will provide Commissioners with legislative updates in future meetings, but she was unable to attend today due to previously scheduled testimony at the Statehouse. ED Yang briefly noted two bills that the HRC is following: H.464 - An act relating to law enforcement training on appropriate use of force, de-escalation tactics, and cross-cultural awareness, and H.312 - An act relating to open movie captioning in movie theaters.

NEXT MEETING March 26, 2020.

The meeting was adjourned at 2:28 p.m.

Dated at Barre, Vermont this 23rd day of January 2020.

Respectfully submitted:



Bor Yang
Executive Director