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VERMONT HUMAN RIGHTS COMMISSION
MINUTES
May 23, 2019

PRESENT: Commissioners: Nathan Besio, Acting Chair; Donald Vickers; Dawn Ellis; Joan Nagy.
Staff: Bor Yang, Executive Director; Nelson Campbell, Melissa Horwitz, and Cassandra Burdyshaw, Staff Attorney Investigators; John McKelvie, Executive Staff Assistant (minutes).
Commissioner Besio called the meeting to order at 9:05 a.m.

BUSINESS MEETING:

MINUTES: Commissioner Vickers moved to accept the minutes of the April 18, 2019 meeting as written. The motion was seconded by Commissioner Besio. Commissioner Nagy abstains. Commissioner Ellis absent for vote. Vote 2-0.

EXECUTIVE DIRECTOR REPORT:

The Senate Appropriations committee granted the HRC's request to fund a Director of Policy, Education and Outreach position at \$85,000. The Conference Committee working on differences between each of their versions of H.542 met throughout the week. If approved, the next steps would involve sitting down with DHR to craft the position before hopefully advertising in July/August of this year. The Commission meeting on June 27th could be a useful opportunity to discuss the focus of the position, as well as potential strategic opportunities the position could create.

EXECUTIVE SESSION:

Commissioner Vickers made a motion to go into executive session to hear confidential cases at 9:10 a.m. The motion was seconded by Commissioner Besio. Vote 4-0.
Commissioner Besio brought the VHRC out of executive session at 9:38 a.m.

HRC Case No: HV19-0002

Commissioner Ellis moved to accept the recommendation of reasonable grounds that discrimination occurred based on intent to occupy a rental unit with minor children. The motion was seconded by Commissioner Nagy. Vote 4-0.

Commissioner Ellis moved to accept the recommendation of reasonable grounds that the Respondent made discriminatory statements against families with minor children. The motion was seconded by Commissioner Nagy. Vote 4-0.

Commissioner Ellis moved to accept the third recommendation of no reasonable grounds that discrimination occurred. The motion was seconded by Commissioner Nagy. Vote 4-0.

BUSINESS MEETING CONTINUED:

EXECUTIVE DIRECTOR REPORT CONTINUED:

ED Yang welcomed our newest Commissioner, Joan Nagy. Commissioner Nagy introduced herself and described her personal background and her professional experience with the Vermont Humanities Council, the Vermont Center for the Book, and the Town of Cambridge.

Staff Titles: The title of Administrative Law Examiners is confusing to many and staff would like to change their titles to Staff Attorney Investigators. Staff sought input from Commissioners on this change and decided to continue the discussion amongst themselves.

Outreach & Training: Staff continue to engage in outreach and training activities on implicit bias, fair housing and more.

Investigators Burdyslaw and Campbell applied for a HUD grant that would provide up to \$40,000 in funds enabling the HRC to reach out to Vermont's immigrant community. The grant application focused on the danger to vulnerable immigrant populations posed by sexual harassment in housing settings.

UPCOMING MEETINGS AND ACTIVITIES:

ED Yang recently met with AAG Emily Adams to discuss mediation contracts and potentially submitting a joint bid in the coming months. Currently, the HRC contributes \$500 toward each mediation effort, with both parties obligated to cover the remaining balance.

U.S. Commission on Civil Rights: On May 20th, ED Yang testified before the Vermont Advisory Committee to the U.S. Commission on Civil Rights on the civil rights impact of school disciplinary practices and associated disparities in the state.

ED Yang discussed bridging the gap between the HRC and Vermont schools by building stronger relationships with the AOE, and acknowledged that the HRC complaint process is a less-than-ideal means of proactively addressing social issues such as bullying/hazing/harassment, which may be

one of the advantages of the possible education and outreach position. Commissioners discussed means of building more caring and responsive institutions throughout the state in order to facilitate common ground between families, schools, and communities.

The Islamic Society of Vermont: ED Yang and several staff members will attend a community iftar dinner to celebrate Ramadan on Saturday, May 25th.

Planned Parenthood: ED Yang will be joining community partners in a roundtable discussion around public health with Planned Parenthood President Dr. Leana Wen on May 29th.

Advancing Women Group: Staff of the HRC will meet with the founders of: "Change the Story" Advancing Women Group, Tiffany Bluemle & staff on June 6th. The hope is to find ways to join forces and do more effective outreach around issues of sex, gender identity, women of color, etc.

League of Women Voters Spring Convention: ED Yang will be the keynote speaker at the League of Women Voters Spring Convention on June 8th.

Community Forums:

The Attorney General's Office will be hosting a series of community forums focused on hate crimes and bias incidents. HRC will be serving on the panel at these forums. Forums will be from 5:30-7:30 p.m. at the following locations:

- Winooski High School – May 23th
- Hartland High School – June 13th
- Rutland High School – July 25th
- Brattleboro Union High School – August 8th

Commissioners discussed the potential to use these forums as a listening tour to determine what needs and concerns exist in each community. In addition, Commissioner Vickers noted that no forums are scheduled to occur in the far northwest or northeast sections of the state, so perhaps those regions could be prioritized if additional forums were to be scheduled.

Upcoming Implicit Bias Training:

ED Yang summarized the list of upcoming trainings conducted by HRC staff, which include:

- The Refugee and Immigrant Service Providers Network (RISP-NET)
June 12, 2019 @ 1:30, Pickering Room, Fletcher Free Library, Burlington. ED Yang.
- States Attorneys and Sheriffs
June 13, 2019 @ 1 p.m., Woodstock Inn, Woodstock. ED Yang.
- U.S. Citizenship & Immigration Services, Department of Homeland Security.
August 28, 2019 in St. Albans (this will be the first of several series).
- The Judicial Nominating Board: Implicit Bias & Practices and Patterns

Summer 2019 (date not finalized).

- Vermont Bar Association: A Deeper Dive into Implicit Bias. Fall 2019 & Spring 2020. ED Yang.

EXECUTIVE SESSION CONTINUED:

Commissioner Besio made a motion to go into executive session to hear confidential cases at 10:34 a.m. The motion was seconded by Commissioner Ellis. Vote 4-0.

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

HRC Case No: PA19-0008

Commissioner Vickers moved to accept the recommendation of no reasonable grounds. The motion was seconded by Commissioner Nagy. Vote 4-0.

PRE-DETERMINATION CONCILIATION AGREEMENTS

HRC Case No. HV19-0009

HUD Case No. 01-19-1558-8

HRC Case No. HV19-0010

HUD Case No. 01-19-1557-8

HRC Case No. PA18-0009

BUSINESS MEETING CONTINUED:

ED Yang summarized the trainings that staff members plan to attend:

- ESA John McKelvie will be attending: *Counseling the Homeless and Those at Risk of Becoming Homeless, by NeighborWorks* – August 21, New Orleans.
- Cassandra Burdyslaw will be attending the *Fair Housing Law and Practice 2019* – May 22, online.
- Cassandra Burdyslaw and Melissa Horwitz will be attending *Current Developments in Employment Law 2019* – July 25-27, Santa Fe.

POST-CASE UPDATES AND LITIGATION:

Francois v. DMH: HRC continues to monitor for compliance and is waiting on DMH to find a qualified trainer. The most recent update from DMH's General Counsel was that they could not find cost-effective training available and had to re-issue the RFP as of April 4, 2019. The due date for the RFP is the end of May. If there are no new bidders, the HRC will reach out to DMH to address compliance and next steps.

Hay v. UVMC: The status remains unchanged since the last Commission Meeting. The compliance period under the settlement agreement has been extended until June 2021, by agreement between HRC, DOJ and UVMC.

McGurl v. AOT: The matter was resolved at a May 10, 2019 mediation session. AOT agreed to provide monetary relief in the amount of \$25,000 to the complainant, and public interest relief that includes the development of an HRC-reviewed training on retaliation.

Congress v. DOC: This matter is scheduled for mediation on June 25, 2019.

"Oak" v. Town of Waterbury: As indicated at the last Commission meeting, the Select Board of the Town of Waterbury voted against the agreement entered into between the HRC and Municipal Manager. ED Yang filed a lawsuit in Washington Superior Court on April 26th.

HRC v. Stevens: Docket No. 485-8-18 Wncv- ED Yang continues to work on discovery responses and possible alternatives to litigation.

LEGISLATIVE UPDATE:

ED Yang updated Commissioners on the range of bills that HRC staff followed throughout the legislative session, and reviewed which bills passed or are expected to pass before adjournment.

EXECUTIVE SESSION CONTINUED:

Commissioner Vickers made a motion to go into executive session at 12:23 p.m. where premature general public knowledge would clearly place the HRC at substantial disadvantage. The motion was seconded by Commissioner Ellis. Vote 4-0.

Commissioner Besio brought the VHRC out of executive session at 1:32 p.m.

NEXT MEETING June 27, 2019.

The meeting was adjourned at 1:33 p.m.
Dated at Montpelier, Vermont this 23rd day of May 2019.

Respectfully submitted:


Bor Yang
Executive Director