



VT Human Rights Commission
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**VERMONT HUMAN RIGHTS COMMISSION
MINUTES
October 24, 2019**

PRESENT: Commissioners: Kevin Christie, Chair, Donald Vickers, Dawn Ellis, Joan Nagy, and Charles Kletecka (after 10:45 a.m.). Staff: Bor Yang, Executive Director; Nelson Campbell, Supervising Attorney; Melissa Horwitz and Cassandra Burdyslaw, Investigating Attorneys; Christopher Long, Vermont Law School Intern; John McKelvie, Executive Staff Assistant (minutes).

Commissioner Nate Besio absent.

The meeting was called to order at 9:04 a.m.

BUSINESS MEETING

PRESENTATION: Larry Novins, Esq., Executive Director of the Vermont Ethics Commission, detailed the history of the Commission as well as the process by which the Commission receives, accepts, reviews, and refers confidential complaints.

Mr. Novins discussed a three-phase approach to the future of the Commission, beginning with efforts to seek legislative approval to develop an Ethics Code that could eventually be adopted by statute, and attempting to adjust the filing of financial disclosure statements from biennial to annual deadlines. Mr. Novins described how later phases would focus on the actual creation of the Ethics Code while taking into consideration many complicated variables such as how the code will be enforced and by whom, and how much of the investigation and resolution processes would remain confidential.

Lastly, Mr. Novins provided a definition of a conflict of interest, and discussed how mitigating conflicts of interest becomes more complex in a small population state such as Vermont, but actions such as disclosure and recusal can and should be used minimize or eliminate conflicts.

MINUTES: At 10:20am, Commissioner Vickers moved to accept the minutes of the September 26th meeting as written. The motion was seconded by Commissioner Nagy. Vote 3-0. Commissioner Ellis recused herself due to her absence from the 9/26 meeting.

EXECUTIVE DIRECTOR REPORT:

The Budget:

The FY2021 Budget Bill meeting is scheduled for November 7, 2019. The HRC is currently under budget by approximately \$135,000 but due to the addition of a new staff member in the coming months, Executive Director Yang expects that the actual surplus will be much closer to the approximately \$31,000 in carryforward funds.

New Position at the HRC:

Executive Director Yang announced the completion of the hiring process for the Director of Policy, Education and Outreach position. ED Yang is waiting to receive approval from the Agency of Administration before presenting a final offer to the candidate and making an official announcement.

Outreach & Training:

- Community Forums: ED Yang continues to work with the AG's office to do outreach as part of a series of community forums. The most recent forum occurred on October 17th in Brattleboro. The final forum will take place in Bennington.
- ED Yang provided a training on implicit gender bias at the Vermont Bar Association's Annual Meeting.
- ED Yang provided an implicit bias training at the Attorney General Office's Annual Retreat.
- Attorney Melissa Horwitz developed a training on Mental Health Issues in Housing and delivered it to the Montpelier Housing Authority.
- ED Yang and ESA John McKelvie are developing a joint training on implicit bias and bystander intervention.
- On October 21-22, Attorney Cassie Burdyshaw attended a training on Restorative Justice Circles. She described the restorative circles process and its possible applicability to the HRC process, and Commissioners Christie and Ellis described their respective experiences with Restorative Justice.
- HRC Staff attended a training on October 9th conducted by Attorney Angela Zaikowski, of the Vermont Apartment Owners Association.

POST-CASE UPDATES:

Francois v. DMH: The Department of Mental Health's General Counsel informed ED Yang that they finalized the terms of the contract and will begin trainings in the new year. ED Yang will follow up requesting documentation.

Hay v. UVMCC: The status remains unchanged since the last Commission meeting.

Congress v. DOC: The status remains unchanged since the last Commission meeting.

Weygant v. Deery: ED Yang is in the process of negotiating a post-determination settlement and the parties will likely need to go to mediation.

Quiñones v. DOC: ED Yang is in the process of negotiating a post-determination settlement.

EXECUTIVE SESSION

Commissioner Ellis recused herself due to a conflict of interest and former Commissioner Chuck Kletecka participated as a substitute.

Commissioner Nagy made a motion to go into executive session at 10:43 a.m. to hear confidential cases and to discuss litigation where premature general public knowledge would clearly place the HRC at substantial disadvantage. The motion was seconded by Commissioner Vickers. Vote 4-0.

Commissioner Christie brought the VHRC out of executive session at 12:31pm.

HRC Case No: PA18-0022

Commissioner Vickers moved to accept the recommendation of no reasonable grounds to believe discrimination occurred on the basis of sex. The motion was seconded by Commissioner Kletecka. Vote 4-0.

Commissioner Nagy moved to accept the recommendation of no reasonable grounds to believe discrimination occurred on the basis of disability. The motion was seconded by Commissioner Vickers. Vote 4-0.

BUSINESS MEETING CONTINUED

PRE-DETERMINATION CONCILIATION AGREEMENTS (settled by staff)

HRC Case No. HV19-0019

HUD Case No. 01-19-2746-8

HRC Case No. HV19-0021

HUD Case No. 01-19-2940-8

PRE-DETERMINATION CONCILIATION AGREEMENTS (settled by external mediator)

HRC Case No. PA19-0003

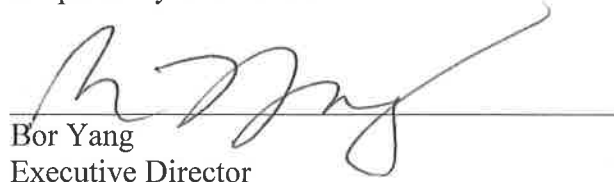
2020 Commission Meeting Dates: Over lunch, the staff and commissioners reviewed tentative meeting dates for the ten 2020 Commission meetings and two strategic retreat sessions. The approved dates and locations will be added to the HRC website.

The meeting was adjourned at 1:56.

NEXT MEETING December 5, 2019.

Dated at Montpelier, Vermont this 24th day of October 2019.

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "Bor Yang", is written over a horizontal line. The signature is fluid and extends to the right of the line.

Bor Yang
Executive Director

