



Human Rights Commission
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VERMONT HUMAN RIGHTS COMMISSION
MINUTES
February 22, 2024

PRESENT: Commissioners: Kevin **CHRISTIE**, Chair; Joan **NAGY**; Nathan **BESIO**; and Bruce **WILSON**. Staff: Big Hartman, Executive Director & General Counsel (“ED”); Mitch Rotbert, Senior Counsel (minutes).

ABSENT: Commissioner Dawn **ELLIS**.

Commissioner **CHRISTIE** called the meeting to order at 9:23 a.m.

BUSINESS MEETING

EXECUTIVE DIRECTOR REPORT:

At 9:23 a.m., ED began a discussion on the Commission’s budget and efforts by the ED in the State House to secure increased funding for the Commission. ED explained the positions for which the Commission seeks funding, and that the Commission’s budget request is relatively modest. Staff salaries are budgeted at 2023 levels, despite the Governor’s stated increase of exempt employees by 6.9%.

At 9:33 a.m., ED began a discussion on staff’s continuing effort on community outreach, including discussion of process to revamp trainings, departing more from individualized training and into a series training program, with each session devoted to different aspects of the law and protected classes within the Commission’s jurisdiction. ED explained that they are in the process of training House leadership on bystander intervention, the initial installment of which was well-received; second part to be given in the near future. **CHRISTIE** explained that the House Speaker told **CHRISTIE** that, in initial presentation to House leadership, ED “knocked it out of the park.”

ED invited the Commissioners to join staff in attending a speaking and book-signing event on community anti-segregation efforts hosted in partnership with the Champlain Valley Office of Economic Opportunity (“CVOEO”) and Main Street Landing. ED will send out more information and link to RSVP online to the Commissioners, and encouraged them to attend the event, which will be held in the evening on Monday April 1.

ED discussed examining the processes used by sister state human rights agencies, to which **BESIO** claimed an interest, for the purpose of making the Commission’s work more effective and efficient. ED suggested that the Commission take up the discussion at a retreat.

At 9:45 a.m., ED began discussion on bills that the Commission is working on in the legislative session, including: (a) H. 843 seeks to expand Commission jurisdiction to include unlawful discrimination claims involving legislative and elected officials; (b) Equal Protection Amendment to the Vermont Constitution; (c) staff has spoken to House Education Committee working group on “severe and pervasive” standard and (d) adding “housing status” as a protected status to all statutes that HRC enforces.

At 10:00 a.m., ED began a discussion on staff’s current and foreseeable caseload, as the Commission is taking on more cases than the Commission has in the past, and how the ED is adjusting protocol to allow staff to manage the volume. ED explained their reach-out to sister human rights agencies on handling cases. ED explained the need to change the way in which staff write reports for Commission review. **NAGY** asked ED to explain use for the voluminous reports; ED explained that these reports are principally for the parties, and that sister agencies are using more succinct reports across the board. ED is advising staff to change the investigative reports, shifting to more succinct reports; that the new reports will attach certain key documents. ED does not propose changing the file that will be available to the parties, which is invaluable to them. ED explained that future IRs will likely be more brief, in the range of 5-10 pages, focusing on the issues on which the parties disagree and not reciting all facts discovered in the course of the investigation. **CHRISTIE** commented that it is time for the Commission to review how the Commission can perform more efficiently and effectively.

EXECUTIVE SESSION

At 10:30 a.m., **NAGY** moved to go into executive session to discuss a disciplinary or dismissal action against a public officer or employee pursuant to 1 V.S.A. § 313(a)(4); **BESIO** seconded. Unanimous vote in favor.

At 10:50 a.m., **CHRISTIE** took the Commission out of Executive Session under 1 V.S.A. § 313(a)(4).

At 10:52 a.m. **NAGY** made a motion to go into executive session to hear confidential cases. **BESIO** seconded. Unanimous vote in favor.

At 11:39 a.m., **CHRISTIE** took the Commission out of Executive Session on hearing confidential cases.

BUSINESS MEETING

In HRC Case No. HV23-0017 (HUD Case No. 01-23-3875-8), BESIO moved the Commission to determine that there are no reasonable grounds to believe that Respondents discriminated against the Complainants. WILSON seconded. Unanimous vote in favor of the motion (4-0).

EXECUTIVE SESSION

At 11:42 a.m., **NAGY** moved to go into executive session to discuss a disciplinary or dismissal action against a public officer or employee pursuant to 1 V.S.A. § 313(a)4); **BESIO** seconded. Unanimous vote in favor.

At 12:15 p.m., **CHRISTIE** took the Commission out of Executive Session under 1 V.S.A. § 313(a)4) for lunch break.

At 12:57 p.m., **CHRISTIE** took the Commission out of lunch break.

BUSINESS MEETING

The Commission established a set of mutual agreements and expectations, as follows:

1. Attendance at all meetings is mandatory. If a Commissioner is not able to attend a meeting, they will notify the Executive Director within two weeks of the meeting (absent emergency).
2. Virtual attendance at meetings is permitted with good cause shown.
3. Commissioners will be courteous and professional in interactions with each other, staff, and parties.
4. Commissioners will respect the time and agenda of the meeting and allow the Chair to run the meeting with efficiency.
5. When a Commissioner has a question about a possible conflict of interest or appearance of a conflict of interest, they will discuss the question with the Executive Director within the time limits imposed by the Executive Director. A recusal and the reasons for it will be publicly transparent.
6. A Commissioner is expected to vote yay or nay after hearing a case, and if an abstention is contemplated, the reasons for it will be discussed in executive session prior to voting.
7. A Commissioner will respond to requests from the Chair or the Executive Director promptly.
8. A Commissioner who is not able to meet these agreements and expectations will so advise the Commissioners in public session.

NAGY moved to adopt the above mutual agreements and expectations set forth above. **BESIO** seconded. Unanimous vote in favor. The Chair directed the ED, prior to the next Commission meeting, to distribute a written copy of the mutual agreements and expectations to all Commissioners (and alternates) for their written endorsement.

EXECUTIVE SESSION

At 1:20 p.m., **NAGY** made a motion to go into executive session to hear confidential cases. **BESIO** seconded. Unanimous vote in favor. Staff Attorney/Investigator, Kelly Poupore, joined (via Teams).

At 3:23 p.m., **CHRISTIE** took the Commission out of Executive Session on hearing confidential cases.

BUSINESS MEETING

In HRC Case No.: HV23-0003 (HUD Case No.: 01-22-1923-8), NAGY moved the Commission to determine that there are no reasonable grounds to believe that Respondents discriminated against the Complainants based on sexual orientation or disability under the Vermont Fair Housing and Public Accommodations Act. WILSON seconded. Unanimous vote in favor of the motion (4-0).

In HRC Case No.: HV23-0008 (HUD Case No.: 01-23-3789-8), NAGY moved the Commission to determine that there no reasonable grounds to believe that Respondent discriminated against the Complainant based on race, color, or national origin under the Vermont Fair Housing and Public Accommodations Act. BESIO seconded. Unanimous vote in favor of the motion (4-0).

MINUTES:

BESIO moved to accept as written the minutes of the Commission meeting held January 25, 2024. **WILSON** seconded. Unanimous vote on the motion (3-0); **NAGY** abstained (as having been absent from January 25, 2024, meeting of the Commission).

RESOLUTION ON INTERNATIONAL HUMAN RIGHTS COMMISSION:

At 3:33 p.m., Staff Attorney/Investigator, Cassandra Burdyslaw joined via Teams. Discussion on international human rights commission. Website for consideration: [Campaign for an NHRI in the USA - National Human Rights Institution, Human Rights United States, Campaign for Human Rights, National Human Rights Institution \(nhriforusa.org\)](#). Draft resolution for consideration by General Assembly: [DRAFT NHRI RESOLUTION \(11.30.23\).pdf \(wsimg.com\)](#)

CHRISTIE advised he would share the resolution with the appropriate legislator who handles resolutions of the General Assembly.

EXECUTIVE SESSION

At 3:42 p.m., **CHRISTIE** moved to go into executive session to discuss a matter about which premature general public knowledge would clearly place the HRC at substantial disadvantage. **NAGY** seconded. Unanimous vote in favor of the motion (4-0).

At 4:02 p.m., **CHRISTIE** took the Commission out of Executive Session.

NEXT MEETING Thursday, March 26, 2024 at the Community National Bank meeting space in Barre, Vermont.

The meeting was adjourned at 4:02 p.m.

Dated at Montpelier, Vermont this day 23rd day February 2024.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Big Hartman". The signature is fluid and cursive, with a prominent initial "B" and a long, sweeping tail.

Big Hartman
Executive Director