



Human Rights Commission
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VERMONT HUMAN RIGHTS COMMISSION
MINUTES
Thursday, March 23, 2023

PRESENT: Commissioners: Nathan Besio, fill-in Chair, Jean Nagy, Bruce Wilson (10:58am-11:00am, 2:09pm-2:11pm), and Dawn Ellis. Staff: Bor Yang, Executive Director; Big Hartman, Cassie Burdyshaw, Daniel Flynnjac Staff Attorneys; Amanda Garcés, Director of Policy, Education, and Outreach; Maia Hanron, Executive Staff Assistant (minutes).

BUSINESS MEETING

Commissioner Besio informed the meeting that he will be the stand-in chair for today's meeting and called the meeting to order at 9:22 a.m.

ED Yang presented a training on the laws that the VHRC enforces and legal theories.

EXECUTIVE SESSION:

Commissioner Nagy made a motion to go into executive session to hear confidential cases at 10:51am. The motion was seconded by Commissioner Besio. Vote 3-0.

Commissioner Ellis recused herself from the hearing.

Commissioner Wilson joined the Executive Session at 10:58 am and informed Commissioners and Staff that he was unable to hear the matter today. He left at 11:01am.

Commissioners came out of Executive Session at 11:30.

BUSINESS MEETING

Business meeting resumed at 11:35am.

Commissioner Ellis rejoined the meeting at 11:35am.

Commissioner Ellis noted that she is still having issues on a regular basis accessing the Teams platform and wondered about alternatives.

Commissioner Besio stated that he thought Teams is the required platform by the State of Vermont.

Commissioner Besio noted that VHRC Case No: E21-0009 was tabled due to the Commission not having a quorum. Commissioner Besio asked if any Commissioners had conflicts in the next case.

Commissioners Ellis and Nagy both said no.

Commissioner Ellis noted that she has concerns that intake numbers are down as noted in annual report and that there was a decision to not accept some cases. She expressed concerns that people are not receiving access to HRC services.

Commissioner Besio said that we need to approve minutes from the 1.26.23 meeting as well as from the 2.23.23 meeting. Commissioner Besio asked if there were any changes.

Commissioner Ellis declined to move forward with 1.26.23 meeting minute changes when prompted, and stated that Commissioner Nagy's changes were already noted.

Commissioner Nagy made a motion to approve the 1.26.23 minutes to reflect the clarification she made in the February Commission Meeting. Commissioner Ellis seconded. Vote 3-0 to approve the meetings as amended.

Commissioner Ellis stated she had one revision for the 2.23.23 meeting minutes under the final Business Section. ESA Hanron made note of the change.

Commissioner Ellis made a motion to approve the 2.23.23 minutes to reflect the clarification she made in the February Commission Meeting. Commissioner Nagy seconded. Vote 3-0.

Executive Directors Report:

ED Yang noted that her Senate Appropriations Testimony has been rescheduled at the Senate's request.

ED Yang noted that the House will likely support a full-time Litigator with a \$150,000 budget to support that position. This was a priority for House Judiciary and House Appropriations. Furthermore, the Senate included the position in a Senate Bill.

ED Yang gave an update that the VHRC's HUD contract has also been re-approved.

Amanda Garcés, Director of Policy, Education, and Outreach, gave updates on new housing resources on our website. She is working with Communications on outreach materials, and with the Office of Racial Equity on an Outreach Tour.

Attorney Hartman shared an update on the new Fair Housing resources now available on our website.

ED Yang shared that she presented on the current worker rights bills to the Vermont Progressive Party Caucus on February 28, 2023. ED Yang stated that she continues to provide the monthly Fair Housing trainings and provided an in-person training to the Vermont Housing Authority on

March 13, 2023. Additionally, ED Yang appeared at the AGO and DOJ's Hate and Bias Incidents Community Forum in Bellows Falls, VT on March 14, 2023.

Staff Attorney Big Hartman will be presenting a training on public accommodations discrimination in the upcoming weeks.

Amanda Garcés, Director of Policy, Education, and Outreach shared that she recently conducted a "Train the Trainer" workshop with 15 attendees, for Let's Talk Race, on March 18, 2023. She also gave updates on her other committee work.

ED Yang gave the following policy updates: S.103 and H.359 have been introduced in each chamber. These bills address the HRC's legislative priorities, namely: prohibiting "Don't Darken My Door" clauses in settlement agreements; amending the "Severe or Pervasive" harassment standard in employment and places of public accommodations; and amending Vermont's Equal Pay laws to include the protected classes of race, national origin and disability. S.103 is moving fast and is likely to be voted on prior to cross-over (the mid-point of the session). However, the bill carves out an exception for schools whereas H.359 does not. The Committee on Senate Education will be revisiting "severe or pervasive" in the coming weeks.

ED Yang said there were no updates on cases.

Commissioner Besio asked if there were any questions for ED Yang.

Commissioner Ellis asked if there was anything the Commissioners can do to help support the Litigator Position. ED Yang replied not at this time.

Commissioner Besio noted that we have completed all of our agenda items.

Attorney Flynnjac requested to go over his PDCA for case HV21-0007, HUD Case 01-21-8133-8. Attorney Flynnjac shared the terms of the PDCA.

ED Yang asked for permission to approve terms of PDCA. Commissioners voted 3-0.

At 12:01pm, Commissioner Besio adjourned the meeting until 2pm.

BUSINESS MEETING

Commissioner Besio started the Business Meeting at 2:03pm.

Public member, Mike Maughan joined the meeting at 2:03pm.

ED Bor welcomed Mike and informed him of the public nature of the business meeting. She invited Mr. Maughan to speak to the Commission and requested he not speak about confidential matters, since this meeting is open to the public.

Mike Maughan said he is aware of confidentiality issues and voiced concerns that he is experiencing many challenges as a community advocate and wants to know what sort of forum

exists to advocate for the public vs advocating for an individual, with the State of Vermont's Agency of Human Services.

Commissioner Besio acknowledged his comments and replied he was not sure what could be offered through this Commission Meeting forum. Commissioner Besio encouraged Maughan to reach out to the HRC for follow-up.

ED Yang stated that she appreciated Maughan's comments and noted that as a neutral investigatory agency, we cannot give legal advice.

Mike Maughan left the Business Meeting at 2:09 pm.

EXECUTIVE SESSION:

Commissioner Nagy made a motion to go into Executive Session to hear confidential cases at 2:09 pm. The motion was seconded by Commissioner Ellis. Vote 3-0.

Commissioner Wilson rejoined the meeting at 2:09 a.m. and indicated that he would not be able to hear the last case as he could not guarantee he would be present for the entirety of the meeting. He left the meeting at 2:11 p.m.

The Commission came out of Executive Session at 3:58 pm.

BUSINESS MEETING

Business meeting started at 3:58 pm.

Commissioner Nagy made a motion that in HV21-0017, HUD Case No: 01-2109056-8, we find there are no reasonable grounds to believe that discrimination occurred in violation of the Vermont Fair Housing and Public Accommodations Act. Commissioner Besio seconded. Vote 2-1. Commissioner Ellis held the opposing vote.

Commissioner Besio adjourned the meeting at 4:02pm.

NEXT MEETING Thursday, April 27, 2023.

The meeting was adjourned at 4:02pm.

Dated at Montpelier, Vermont this 23rd day of March 2023.

Respectfully submitted:

/s/ Bor Yang

Bor Yang
Executive Director