



VT Human Rights Commission
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VERMONT HUMAN RIGHTS COMMISSION

MINUTES

January 28, 2021

PRESENT: Commissioners: Kevin Christie, Chair; Nathan Besio, Donald Vickers, Dawn Ellis, and Joan Nagy. Staff: Bor Yang, Executive Director; Nelson Campbell, Supervising Attorney; Melissa Horwitz and Cassie Burdyslaw, Staff Attorney Investigators; Amanda Garcés, Director of Policy, Education & Outreach; John McKelvie, Executive Staff Assistant (minutes).

Commissioner Christie called the meeting to order at 8:40 am.

EXECUTIVE SESSION

Commissioner Besio made a motion to go into executive session to hear confidential cases at 8:41 am. The motion was seconded by Commissioner Nagy. Vote 5-0.

Commissioner Christie brought the VHRC out of executive session at 3:02 pm.

HRC Case No: HV20-0020

Commissioner Ellis moved to accept the recommendation of reasonable grounds that discrimination occurred on the basis of race, color, and national origin. The motion was seconded by Commissioner Vickers. Vote 5-0.

HRC Case No: HV20-0007

Commissioner Vickers moved to accept the recommendation of no reasonable grounds that discrimination occurred. The motion was seconded by Commissioner Nagy. Vote 5-0.

HRC Case No: E19-0002

Commissioner Besio moved to accept the recommendation of no reasonable grounds that discrimination or retaliation occurred. The motion was seconded by Commissioner Nagy. Vote 5-0.

HRC Case No: HV20-0023

Commissioner Besio moved to accept the recommendation of reasonable grounds that discrimination occurred on the basis of a disability-related reasonable accommodation request. The motion was seconded by Commissioner Nagy. Vote 4-1 (Commissioner Vickers opposed).

Commissioner Nagy moved to accept the recommendation of reasonable grounds that retaliation occurred basis of a disability-related reasonable accommodation request. The motion was seconded by Commissioner Ellis. Vote 4-1 (Commissioner Vickers opposed).

Commissioner Ellis moved to accept the recommendation of reasonable grounds that discrimination occurred on the basis of sex. The motion was seconded by Commissioner Besio. Vote 5-0.

BUSINESS MEETING

POST-DETERMINATION CONCILIATION AGREEMENTS:

HRC Case No. E17-0007

EXECUTIVE DIRECTOR REPORT:

Following the long morning and afternoon of hearing confidential cases, Executive Director Yang moved quickly through her report. She first noted that HRC staff would engage in an internal discussion about the pros and cons of remote work and discuss the short-and long-term implications of a remote work schedule on the agency.

She described her conversation about the HRC budget with Commissioner Greshin, of the Department of Finance & Management. The HRC will be roughly \$30,000 over budget and the discussion focused on using carry-forward funds as a short-term solution for that deficit.

ED Yang noted that the Governor's Racial Equity Task Force made a recommendation that two positions be added to the HRC. Instead, the Governor's budget allocated a one-time appropriation for \$200,000 to be shared by the HRC and the Racial Equity Director for education and training opportunities.

ED Yang described how the HRC is undergoing a Program Assessment Review by HUD, which occurs every two years. The report is due on February 15th, and HUD will then issue a decision on whether to reapprove the HRC as a recipient of HUD funds.

Next, ED Yang laid out recent outreach and training efforts by HRC staff. There continues to be significant demand for implicit bias training, and HRC staff are conducting those trainings with more attention paid to following-up and considering the long-term impact. ED Yang and Racial Equity Director Xusana Davis recently completed a training for legislators, and Director of Policy Garcés completed one for the state board of education.

Lastly, ED Yang discussed the wide range of task forces on which HRC staff serve and the fact that staff will convene next week to strategize on combining or restructuring our efforts and delivering a consistent message.

POST-CASE UPDATES:

Francois v. Department of Mental Health (DMH)

Commission Meeting Determination: January 25, 2018

Settlement Agreement Date: July 17, 2018

Latest: DMH has scheduled its last trainings for 1/22, 1/26, and 2/4, after which the HRC can close this case.

Hay v. University of Vermont Medical Center

Commission Meeting Determination: May 25, 2017

Settlement Agreement Date: December 7, 2017

Latest: As previously reported, the HRC, DOJ and UVMC entered into a new, clean settlement agreement to streamline the reporting process and incorporate fines for missed deadlines. HRC reviewed the most recent UVMC report and submitted questions and provided feedback to UVMC.

McGurl v. Agency of Transportation

Commission Meeting Determination: January 24, 2019

Settlement Agreement Date: May 17, 2019

Latest: HRC and DHR signed a memorandum of understanding. This case is going to be closed.

Larivee v. Anderson

Commission Meeting Determination: April 23, 2020

Settlement Agreement Date: November 28, 2020

Latest: The matter has been settled. It remains open only for monitoring. Respondents have more than a year to provide payment to Complainant.

Bradford v. Quality Inn

Commission Meeting Determination: September 24, 2020.

Settlement Agreement Date: November 5, 2020

Latest: The matter settled and is open only for monitoring.

Sall v. Chittenden State's Attorney's Office (State of VT)

Commission Meeting Determination: June 25, 2020

Settlement Agreement Date: December 18, 2020

Latest: The matter has been settled between HRC and CCSAO. The PDCA will be presented to Commissioners for review.

LITIGATION:

Congress v. Department of Corrections (DOC)

Commission Meeting Determination: April 18, 2019

Statute of Limitations Expires: December 31, 2019

Settlement Agreement Date: TBD

Latest: The HRC served its response to Defendants' First Set of Interrogatories and disclosed its experts. The HRC will be working on its first set of Interrogatories.

2021 LEGISLATIVE SESSION:

ED Yang provided a report and testified before the Sunset Advisory Commission on 12/10/2021. The Sunset Advisory Commission recommended a continuation of the HRC.

Director of Policy Amanda Garcés gave a presentation on bills that the HRC is following throughout the 2021 legislative session. For the first time, she noted, the HRC is building a proactive agenda rather than reacting to the bills that come out. HRC staff will be more mindful about which bills the HRC supports and testifies on.

Current bills that Director of Policy Garcés is focusing on include:

S.16 – An act relating to the creation of the School Discipline Advisory Council

S.27 – An act relating to facilitating cultural liaisons

H.93 – An act relating to establishing a homeless bill of rights and prohibiting discrimination against people without homes

H.96 – An act relating to creating the Truth and Reconciliation Commission Development Task Force

MINUTES: Commissioner Ellis left the meeting shortly before the minutes were approved, around 3:50 pm. Commissioner Vickers moved to accept the minutes of the December 3, 2020 Commission meeting as written. The motion was seconded by Commissioner Nagy. Vote 4-0.

NEXT MEETING March 25, 2021.

The meeting was adjourned at 4:01p.m.

Dated at Brookfield, Vermont this 28th day of January 2021.

Respectfully submitted:

/s/ Bor Yang

Bor Yang

Executive Director