



VT Human Rights Commission
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VERMONT HUMAN RIGHTS COMMISSION

MINUTES

October 28, 2021

PRESENT: Commissioners: Kevin Christie, Chair, Nathan Besio, and Don Vickers. Alternate Commissioners: Charles Kletecka and Mary Brodsky. Staff: Bor Yang, Executive Director; Cassandra Burdyshaw, Abigail Hartman, Eli Kriv, Staff Attorneys; Amanda Garcés, Director of Policy, Education, and Outreach; John McKelvie, Executive Staff Assistant (minutes).

Commissioner Christie called the meeting to order at 9:09 a.m.

BUSINESS MEETING

MINUTES: Commissioner Vickers moved to accept the minutes of the September 23, 2021 meeting as written. The motion was seconded by Commissioner Besio. Vote 3-0 (Commissioners Kletecka and Brodsky absent).

EXECUTIVE DIRECTOR REPORT:

Executive Director Yang introduced the newest staff members at the Human Rights Commission, Staff Attorney Investigators Abigail 'Big' Hartman and Eli Kriv. Big and Eli described their respective work history and their excitement in joining the HRC.

BUDGET:

ED Yang continued with her report and noted that there are no updates from BGS about the HRC's planned move to 12 Baldwin Street.

She shared that the FY2023 budget cycle is underway. The Department of Finance and Management (DFM) instructed all state agencies to present a budget of no more than a 3% increase. A 3% increase to the HRC's budget is approximately \$28,459. With increases in salaries and benefits over the last two years, the HRC's budget has not increased to cover these changes. The HRC's budget request for FY2023 seeks an additional \$47,555, which is \$19,096 more than the allowable 3%. In the past there have usually been vacancy savings to cover any budget shortcomings, but this is not the case this year.

HUD GRANT:

The HRC received a partnership grant from HUD for \$8,000 to commission a mural in the City of Burlington that promotes fair housing. An RFP has been posted on the HRC's website with a submission deadline of November 19, 2021.

OUTREACH & TRAINING:

ED Yang described recent trainings conducted by HRC staff and noted that she would take over month Fair Housing trainings from outgoing Staff Attorney Melissa Horwitz. ED Yang noted that she and Director of Policy, Education, and Outreach Amanda Garcés continue to discuss and

plan the 2022 Civil Rights Conference. Policy Director Garcés shared that, due to the burden on educators right now, the shape of the 2022 conference may have to be more flexible than the HRC's 2020 conference. Rather than three solid days of workshops and sessions, the conference may be spread out over the course of a week or more.

TASKFORCES AND COMMITTEES:

ED Yang gave an overview of the taskforces and committees on which HRC staff serve, and indicated that she would take over Staff Attorney Horwitz's placement on the Affordable Housing Coalition and Thriving Communities Steering Committee, while Policy Director Garcés would take over the Hazing, Harassment, Bullying Advisory Panel.

Staff and Commissioners briefly discussed recent news reports concerning harassment of student athletes during sporting events, as well as the approaches that schools, local and state organizations, and the state government should take to prevent and enforce these offenses.

POST-CASE UPDATES:

ED Yang provided a brief description of cases in which Commissioners previously found reasonable grounds:

- Hay v. University of Vermont Medical Center
Commission Meeting Determination: May 25, 2017
Settlement Agreement Date: December 7, 2017

This case involved a deaf woman who was hospitalized at UVMC for three days without an interpreter. The settlement agreement required UVMC to provide accurate and complete information about patients and interpreters in several reports to the HRC and Department of Justice (DOJ). The hospital submitted its final report for review this October 2021.

The following cases remain open for monitoring-only:

- Larivee v. Anderson
Commission Meeting Determination: April 23, 2020
Settlement Agreement Date: November 28, 2020
- Sall v. Chittenden State's Attorney's Office (State of VT)
Commission Meeting Determination: June 25, 2020
Settlement Agreement Date: December 18, 2020
- Cabral-Hume o/b/o A.H. v. Michaud Properties, LLC and Burke Vacation Rentals
Commission Meeting Determination: March 25, 2021
- Jacobs v. Town of Chester
Commission Meeting Determination: May 27, 2021

The following cases are in post-determination negotiations:

- Clemmons v. State of Vermont (Vermont State Police)
Commission Meeting Determination: March 25, 2021
- Poplar v. Milton Middle School and Milton Town School District
Commission Meeting Determination: September 23, 2021

ED Yang and Commissioners briefly discussed the HRC's contract with Langrock Sperry & Wool, LLP in litigating several ongoing matters, and ED Yang promised an update on pending litigation during an executive session.

Commissioner Kletecka joined the meeting at 9:42 a.m.

EXECUTIVE SESSION

Commissioner Besio made a motion to go into executive session to hear a confidential case at 9:47 a.m. The motion was seconded by Commissioner Vickers. Vote 4-0 (Commissioner Brodsky absent).

Commissioner Brodsky joined the executive session at 10:04 p.m.

Commissioner Christie brought the VHRC out of executive session at 11:45 a.m.

HRC Case No: PA21-0009

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

Commissioners Kletecka and Brodsky left the meeting at 11:47 a.m.

Commissioner Vickers made a motion at 11:48 a.m. to go into executive session to discuss pending civil litigation, to which the public body is or may be a party, per 1 V.S.A. § 313(a)(1)(E). The motion was seconded by Commissioner Besio. Vote 3-0.

Commissioner Christie brought the VHRC out of executive session at 12:15 p.m.

NEXT MEETING December 2, 2021.

The meeting was adjourned at 12:16 p.m.

Dated at Montpelier, Vermont this 28th day of October, 2021.

Respectfully submitted:

/s/ Bor Yang

Bor Yang
Executive Director