



VT Human Rights Commission
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VERMONT HUMAN RIGHTS COMMISSION

MINUTES

December 2, 2021

PRESENT: Commissioners: Kevin Christie, Chair, Nathan Besio, Donald Vickers, and Joan Nagy. Staff: Bor Yang, Executive Director; Cassandra Burdyslaw, Abigail Hartman, and 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 9:13 a.m.

BUSINESS MEETING

MINUTES: Commissioner Vickers moved to accept the minutes of the October 28, 2021 meeting as written. The motion was seconded by Commissioner Nagy. Vote 3-0-1. (Commissioner Nagy abstained, Commissioner Ellis absent)

EXECUTIVE DIRECTOR REPORT:

Executive Director Yang provided her report to Commissioners, which included updates on the following topics:

NEW BUILDING FOR THE HRC:

As last reported, the HRC is slated to move to 12 Baldwin Street. Plans are being finalized with Buildings and General Services regarding the move and the HRC is preparing to pack up in the coming weeks.

COVID-19:

Staff is working in the office under the remote work plan. At least two or three staff members are in the physical office in Montpelier, Monday through Friday.

BUDGET:

The status of the budget remains unchanged since the last ED report, though there may be slightly more in carryforward funds than previously noted. ED Yang is currently waiting on the Department of Finance and Management and the Governor's budget to know exact numbers.

With more carryforward funds than anticipated, HRC staff have been looking at case management tools. Implementing a new case management system would provide considerable improvements to the current system, from data collection and analysis, time tracking for attorney's fees, managing public records requests, etc. Commissioners briefly discussed the benefits of such a purchase.

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. Two submissions were received and staff are currently reviewing those.

OUTREACH & TRAINING:

ED Yang continues to provide the monthly Fair Housing trainings.

ED Yang and Director of Policy, Education and Outreach Amanda Garcés continue to discuss and plan a Civil Rights Conference. Amanda is also working on a panel event entitled Language Justice in Vermont, which will take place on Wednesday, December 15th.

TASKFORCES AND COMMITTEES:

ED Yang provided a list of taskforces and committees on which HRC staff serve, and noted that she has taken over housing-related taskforce assignments. Staff Attorney Hartman recently joined the Governor's Workforce Equity and Diversity Council, though it has not met recently.

EXECUTIVE SESSION

Commissioner Nagy made a motion to go into executive session to hear a confidential case at 9:31 a.m. The motion was seconded by Commissioner Besio. Vote 4-0

Commissioner Christie brought the VHRC out of executive session at 10:35 a.m.

BUSINESS MEETING CONTINUED

HRC Case No: E21-0002

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

ED Yang noted that she recently reminded the Governor's office that an appointment is necessary to fill the vacancy left by Commissioner Vickers' decision to not seek re-appointment.

POLICY:

Director of Policy, Education and Outreach Amanda Garcés briefed Commissioners on her efforts to meet with stakeholders to discuss the upcoming legislative session, their policy agendas, and to discuss the bills on the HRC's radar.

Amanda recently met with VCIL, Disability Rights VT, LGBTQIA Alliance of Vermont, and will soon meet with Outright Vermont. She has also spoken with AALV and USCRI regarding incoming Afghan refugees and their need for housing and other services.

She listed several important bills that the HRC will be following this session, including:

- S.79 / H.256 – an act relating to improving rental housing health and safety.
- H.437 – an act relating to changes that affect the revenue of the state (tax credit for down payment program).
- S.101 – an act relating to promoting housing choice and opportunity in smart growth areas (first-time home-buyers financial support).
- S.65 – an act relating to paid family leave.

- S.147 – an act relating to language access plans.
- S.140 – an act relating to prohibiting civil arrests at courthouses.
- Proposition 2 – Declaration of rights; clarifying the prohibition on slavery and indentured servitude.
- Proposition 5 – Declaration of rights; right to personal reproductive liberty.
- Possible upcoming bills that will:
 - Address gender identification on birth certificates.
 - Prohibit medical intervention in the intersex community.
 - Prohibit child marriage.
 - Ensure wage equity.

ED Yang then discussed how the HRC is interested in H.320, an act relating to prohibiting agreements that prevent an employee from working for the employer following the settlement of a discrimination claim; and H.329, an act relating to amending the prohibitions against discrimination, pass this year.

MISCELLANEOUS:

Moving away from the policy discussion, ED Yang described a recent shift in how cases are settling at the HRC; specifically, how some parties are choosing to enter into private settlement agreements, rather than HRC-conciliated settlements, in order to maintain the confidentiality of the outcome. The potential issue is that this uptick in confidential settlements runs counter to the spirit of the HRC's statute and mission for public accountability around discrimination cases, but restricting this settlement method would slow conciliation efforts and lengthen the lifespan of cases. She noted that there is not a simple solution to this question, but felt that Commissioners should be aware of the trend.

Commissioners then discussed whether HRC Commission meetings should continue to take place on a virtual platform and agreed, based on a recommendation by ED Yang, that Commissioners remain virtual until the May 2022 meeting, at which point they could revisit the discussion over in-person meetings.

PRE-DETERMINATION CONCILIATION AGREEMENT:

Staff Attorney Hartman described a PDCA reached by parties in HRC Case No: HV22-0006, and sought approval of the Commissioners and permission to sign on their behalf. Commissioners approved.

NEXT MEETING January 27, 2022.

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

Dated at Montpelier, Vermont this 2nd day of December, 2021.

Respectfully submitted:

/s/ Bor Yang

Bor Yang
Executive Director