



Human Rights Commission
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VERMONT HUMAN RIGHTS COMMISSION AMENDED MINUTES

August 25, 2022

PRESENT: Commissioners: Kevin Christie, Chair, Nathan Besio, Joan Nagy, and Dawn Ellis (present from 11:34am to 12:35pm, and from 2:15pm to 3:15pm)

Staff: Bor Yang, Executive Director; Cassandra Burdyshaw, Big Hartman, and Daniel Flynn, Staff Attorneys; Amanda Garcés, Director of Policy, Education, and Outreach; John McKelvie, Executive Assistant (minutes).

ABSENT: Commissioners: Bruce Wilson

Commissioner Christie called the meeting to order at 9:10am.

BUSINESS MEETING

Commission Chair Christie began the meeting with remarks about ensuring the Commission is mindful of time in each meeting, particularly for the sake of charging and responding parties. He explained that he has edited the statement that the chair reads at the beginning of each confidential hearing, and created an overall outline for the ideal schedule of meetings. He will share the template with ESA McKelvie to send around to staff and Commissioners.

Commissioner Besio commented that the two trainings scheduled for today should not occur without all Commissioners present and that perhaps a separate meeting should be scheduled. Commissioner Christie agreed and said that the business meeting should proceed. Commissioner Nagy asked how far in advance staff can predict the number of cases heard each month for the purposes of scheduling trainings. Executive Director Yang explained that the number of cases is always in flux, depending on requests to postpone, mediation, etc., and trying to delay cases to make room in the schedule for trainings is difficult considering the rule that requires scheduling of cases as soon as they're ready. She also said the Commissioners' number one duty is to hear the cases when they're ready. Commissioners agreed. She agreed that the trainings should not occur this day without all of the Commissioners present and we will reschedule them for another meeting.

MEETING MINUTES

Commissioners discussed whether quorum exists to approve meeting minutes if Commissioner Nagy abstains, based on her absence from June meeting. Staff Attorney Hartman confirmed that, based on their thorough understanding of the rules of order, Commissioners did have quorum.

Commissioner Nagy made a motion to accept the May 26, 2022, minutes as presented.

Commissioner Besio seconded. Vote 3-0.

Commissioner Besio made a motion to accept the June 23, 2022, minutes as presented. Commissioner Christie seconded. Vote 2-0-1 (Commissioner Nagy abstained).

EXECUTIVE DIRECTOR'S REPORT

Executive Director Yang gave a report to Commissioners as follows:

HRC staff will be working remotely from August 22-October 14 due to construction on the building at 12 Baldwin Street. A physical office will be made available to the public for Commission meetings.

The HRC's budget remains the same as last reported. The HRC goes into this next fiscal year with \$66,680.97 in carryforward funds. ED Yang submitted a carryforward plan to the Department of Finance and Management to use the funds for a case management system.

HRC staff have participated in several outreach and training events recently, including the AGO and DOJ's Community Forum on Hate Crimes and Bias Incidents in Rutland. Upcoming events in which ED Yang will present include "Achieving Collective Cultural Equity by Promoting Trust and Respect," hosted by the U.S. Department of Agriculture at the Rutland Fairgrounds on September 1, 2022, and "Creating Age Positive Workplaces," hosted virtually by the Vermont Association of Area Agencies on Aging on September 16, 2022. ED Yang and Director of Policy, Education and Outreach Garcés recently attended the 2022 International Association of Official Human Rights Agencies Annual Conference in Los Angeles.

ED Yang noted that staff participation in taskforces and committees remains the same, and Director of Policy, Education and Outreach Garcés updated Commissioners on her work with the Training Council's Fair and Impartial Policy Committee and the Act 1 Ethnic and Social Standards Advisory Working Group. The Act 1 Working Group submitted Educational Quality Standards to the State Board of Education in April and currently there are many back-and-forth conversations about potential changes. She reported that some members of the Hazing, Harassment, Bullying Advisory Panel is advocating for a full-time employee.

In terms of policy work, ED Yang recently met with the Vermont Network to revisit the work of last year and to plan ahead. Director of Policy, Education and Outreach Garcés will soon host a meeting of other stakeholders to discuss potential priorities for the upcoming session. One option could include changing equal pay laws to include race, color, and national origin. Commissioner Besio added that disability should be included in that conversation too. Commissioner Christie described the significant re-organizing of committees in the Legislature, given that sixty new lawmakers are coming in this year. He suggested looking at language for potential bills now.

ED Yang stated that there are several cases in litigation or nearing litigation that should be discussed in a later executive session.

EXECUTIVE SESSION

Commissioner Nagy made a motion to go into executive session to discuss pending or probable litigation and to hear a confidential case at 9:44am. The motion was seconded by Commissioner Besio. Vote 3-0.

Commissioners and staff took a break from 10:20am-11:25am. Director of Policy, Education and Outreach Garcés left the meeting with the intention of rejoining around 1:00pm.

Commissioner Ellis joined the executive session at 11:34am

Commissioner Christie brought the VHRC out of executive session at 12:27pm

HRC Case No: PA21-0018

Commissioner Nagy moved to find no reasonable grounds to believe that discrimination occurred. The motion was seconded by Commissioner Besio. Vote 4-0.

BUSINESS MEETING CONTINUED

PRE-DETERMINATION CONCILIATION AGREEMENT

Commissioners reviewed and approved of a conciliation agreement in the following case:

HRC Case No: PA22-0005

Executive Director Yang and Commissioner Ellis left the meeting at 12:35pm. Staff and Commissioners took a break from 12:35pm to 1:10pm. Director of Policy, Education and Outreach Garcés rejoined the meeting at 1:10pm.

EXECUTIVE SESSION

Commissioner Nagy made a motion to go into executive session to discuss personnel matters at 1:15pm. The motion was seconded by Commissioner Besio. Vote 3-0.

Staff members left the meeting at 2:12pm while Commissioners continued to discuss personnel matters.

Commissioner Ellis rejoined the session at approximately 2:15pm. Commissioner Ellis left the meeting at approximately 3:15pm.

The meeting was adjourned at 3:25pm.

NEXT MEETING September 22, 2022

Dated at Montpelier, Vermont this 25th day of August 2022.

Respectfully submitted:

/s/ Bor Yang

Bor Yang
Executive Director