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VERMONT HUMAN RIGHTS COMMISSION

MINUTES

August 26, 2021

PRESENT: Commissioners: Kevin Christie, Chair, Nathan Besio, Don Vickers, Dawn Ellis, and Joan Nagy. Staff: Bor Yang, Executive Director; Melissa Horwitz and Cassandra Burdyslaw, Staff Attorneys; Amanda Garcés, Director of Policy, Education, and Outreach; John McKelvie, Executive Staff Assistant (minutes).

Commissioner Christie called the meeting to order at 9:18 a.m.

BUSINESS MEETING

MINUTES: Commissioner Nagy moved to accept the minutes of the June 24, 2021 meeting as written. The motion was seconded by Commissioner Besio. Vote 5-0.

EXECUTIVE SESSION

Commissioner Vickers made a motion to go into executive session to hear confidential cases at 9:20 a.m. The motion was seconded by Commissioner Nagy. Vote 5-0.

During the executive session, at 10:58 a.m., Commissioner Ellis recused herself from hearing HRC Case No: PA20-0012.

Commissioner Christie brought the VHRC out of executive session at 11:52 a.m.

HRC Case No: PA20-0012

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

Commissioners and staff took a break for lunch from 11:55 a.m. until 12:35 p.m.

HRC Case No: HV20-0014

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

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

At 12:39 p.m., Commissioner Vickers made a motion to go back into executive session to hear a confidential case. The motion was seconded by Commissioner Ellis. Vote 5-0.

Commissioner Christie brought the VHRC out of executive session at 1:57 p.m.

HRC Case No: PA21-0005

Commissioner Vickers moved to find that there are no reasonable grounds to believe that discrimination occurred and not to approve the preliminary recommendation of the investigator. The motion was seconded by Commissioner Nagy. Vote 3-2 (Commissioners Christie and Ellis opposed).

Commissioners engaged in a brief discussion on whether to submit a letter to the Respondent in this matter recommending follow-up steps or training/education.

BUSINESS MEETING CONTINUED

PRE- AND POST- DETERMINATION CONCILIATION AGREEMENTS

Staff members shared details of conciliation agreements reached by parties in the following cases:

HRC Case No. HV21-0012
HUD Case No. 01-21-8472-8

HRC Case No. HV22-0001
HUD Case No. 01-21-9200-8

HRC Case No. HV20-0025
HUD Case No. 01-20-5801-8

EXECUTIVE DIRECTOR REPORT:

Executive Director Yang provided her report to Commissioners.

As instructed by the Secretary of Administration (SOA), ED Yang developed a remote work plan with input from staff. The plan incorporates the results of an internal survey that HRC staff completed, and the SOA's guidelines and H.R.'s telework policy 11.9.

According to ED Yang, the plan is flexible based on ongoing Covid-19 developments and may be revisited in the coming months, and DHR will be roll out remote work trainings soon.

Commissioners Vickers, Besio, and Nagy weighed in and deferred to ED Yang regarding personnel decisions. Commissioner Ellis concurred and encouraged the remote work plan's exploration of new and alternative ways to reach the people in Vermont and include them and make the programs and services of HRC more accessible. She encouraged staff to look into different opportunities to build community within the HRC itself, especially if remote work continues, and to think about amplifying the good aspects of the existing community.

ED Yang asked for input on whether the tentative plan for staff to work remotely each Friday posed any concerns. Commissioner Besio replied that as long as the agency's contact information is available to visitors, the fully remote day seems fine. Commissioner Nagy remarked that if the primary gathering day for the full staff is Monday, that may be disrupted by frequent state or federal holidays. ED Yang noted that, holidays aside, Monday is the most convenient day to gather during the legislative session.

ED Yang noted that the HRC submitted a new proposal to HUD for the FY22 partnership grant in the amount of \$8000 in addition to its plan for training (\$8800) and administrative funds (\$12,500) from HUD. HUD declined several of the initial ideas presented by the HRC but staff will continue to brainstorm ways to connect these funds to housing discrimination on the basis of Covid-19 or anti-Asian-American sentiment.

ED Yang briefly described outreach and training efforts completed by staff members. Staff Attorney Burdyslaw elaborated about the work of the Vermont Criminal Justice Council, which has been disrupted by Covid-19 concerns. Staff Attorney Horwitz noted that interest in the HRC's fair housing trainings has increased recently.

ED Yang noted that, in the recent cases where Commissioners found reasonable grounds, the parties are either in negotiations or Commissioners will be updated on developments during executive session.

ED Yang informed Commissioners that HRC staff recently completed the hiring process for a new staff attorney investigator and selected Abigail Hartman, who will start on September 13th. ED Yang described Attorney Hartman's previous experience, including her work in labor and employment law and her extensive experience as an educator/trainer.

ED Yang noted that, unless the state alters Covid-19 policies, the next Commission meeting in September will be held fully in person.

Commissioner Vickers inquired about an informal letter recently sent by the HRC to the Vermont Department of Liquor and Lottery regarding general regulation 29, which imposes an English-language requirement on every licensee and licensee-employee involved in the sale or service of alcoholic beverages. ED Yang explained that the goal of the letter is to address a policy that excludes a whole group of people based on national origin and to find other ways to ensure that limited English proficiency speakers can understand the law. ED Yang recently received a response to the letter that indicated the Department's willingness to engage in a discussion.

EXECUTIVE SESSION

Commissioner Vickers made a motion at 2:49 p.m. to go into executive session to discuss pending or probable 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 Nagy. Vote 5-0.

Commissioner Ellis indicated she would recuse herself during executive session.

Commissioner Christie brought the VHRC out of executive session at 3:39 p.m.

NEXT MEETING September 23, 2021.

The meeting was adjourned at 3:39 p.m.

Dated at Montpelier, Vermont this 26th day of August, 2021.

Respectfully submitted:

/s/ Bor Yang

Bor Yang

Executive Director