



**VT Human Rights Commission**  
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**VERMONT HUMAN RIGHTS COMMISSION**  
**AMENDED MINUTES**  
**January 25, 2018**

PRESENT: Commissioners: Nathan Besio, Substitute Chair, Donald Vickers, Mary Brodsky, Dawn Ellis (arriving at 9:22 a.m.), and Chuck Kletecka, Substitute Commissioner. Staff: Karen Richards, Executive Director, Nelson Campbell, Bor Yang, and Ayn Lee Sing, Administrative Law Examiners, Jocelyn Bolduc, Executive Staff Assistant (minutes).

Commissioner Besio called the meeting to order at 9:08 a.m.

**BUSINESS MEETING**

MINUTES: Vickers moved to accept the minutes of the December 7, 2017 meeting as written. The motion was seconded by Brodsky. Vote 3-0 (Ellis not yet present)

**EXECUTIVE SESSION:**

Brodsky made a motion to go into executive session to hear confidential cases at 9:09 a.m. The motion was seconded by Kletecka. Vote 4-0 (Ellis not yet present)

Besio brought the VHRC out of executive session at 12:04 p.m.

VHRC Case No.: HV17-0020

HUD Case No.: 01-17-6504-8

Brodsky moved to accept the recommendation of No Reasonable Grounds on the basis of charging a pet deposit. The motion was seconded by Kletecka. Vote 5-0

VHRC Case No.: HV17-0020

HUD Case No.: 01-17-6504-8

Brodsky moved to accept the recommendation of No Reasonable Grounds on the basis of failure to grant a reasonable accommodation. The motion was seconded by Kletecka. Vote 5-0

VHRC Case No.: PA17-0020

Vickers moved to accept the recommendation of No Reasonable Grounds. The motion was seconded by Ellis. Vote 5-0

VHRC Case No.: PA17-0003

Minor v. AIR Development, LLC, d/b/a Apple Island Resort

Kletecka moved to accept the recommendation of Reasonable Grounds. The motion was seconded by Brodsky. Vote 5-0

Brodsky made a motion to go into executive session to hear confidential cases at 12:41 p.m. The motion was seconded by Ellis. Vote 5-0

Besio brought the VHRC out of executive session at 2:56 p.m.

VHRC Case No.: E17-0002

Francois v. Vermont Department of Mental Health

Ellis moved to accept the recommendation of Reasonable Grounds. The motion was seconded by Brodsky. Vote 5-0

VHRC Case No.: E17-0002

Francois v. Vermont Department of Mental Health

Kletecka moved to reject Respondents request to redact State employee names from the Investigative Report. The motion was seconded by Brodsky. Vote 5-0

## **BUSINESS MEETING – Continued**

### OTHER BUSINESS:

State Email for Commissioners: ED Richards reported to Commissioners on the cost to HRC for providing each of them State email account. Discussion ensued about whether there is a legitimate need. Commissioners decided not to go in this direction. Any Commissioner who wishes to have a designated HRC account can set one up through gmail and staff can use that to communicate.

### EXECUTIVE DIRECTOR REPORT:

Budget: The FY2019 HRC Budget Summary was provided to Commissioners. ED Richards heard from the Appropriations Committees in the House and Senate. They do not need to hear from HRC this year.

FY17 Annual Report: Commissioner discussion on data. Commissioner Ellis proposed possibly changing terminology of how we label 'Informal' cases.

### UPDATES:

Law Student Extern: Laura Savall will be working with the HRC for the spring semester as part of an externship class at Vermont Law School.

Nathan Besio Reappointed: Governor Scott reappointed Commissioner Besio to the Commission.

Restorative Practices/Approach: HRC staff and the executive director and a mediator from the Northwest Territories Human Rights Commission will be meeting via Skype in February to learn more about how NWHRC has adjusted its mediation program to utilize restorative principles and practices.

HRC 30<sup>th</sup> Anniversary Celebration: Staff did some further brainstorming and came up with a proposal. ED Richards provided Commissioners with Memo. Commissioner Brodsky would like to use momentum of #MeToo Movement. Commissioner Ellis will have telephone discussion with ED Richards to discuss her ideas.

STATISTICS and OUTREACH: (July 1, 2016 – December 31, 2016 and July 1, 2017 – December 2017) A comparison of cases accepted through the end of the second quarter of the 2017 and 2018 fiscal years shows that the numbers of most case types are slightly up or down from the number of cases accepted during the same period in the last fiscal year.

### LEGISLATIVE UPDATE

H. 412- An act related to creating a homeless bill of rights- This bill would expand HRC jurisdiction to include “housing status” as a protected category. The Commission should take an official position on this bill. ED Richards provided Commissioners with an informational Memo. The Commissioners did not make a decision about whether to support the proposed legislation but asked the ED to monitor it and report back.

S. 275- An act related to equal pay. This bill would make it an unlawful employment practice to ask about or determine compensation for a position based on previous salary history. It also expands the equal pay provisions to apply to all of the protected categories making it illegal to pay differential wages based on protected status across all categories.

S. 281- An act relating to Systemic Racism Mitigation Oversight and Equity Review Board- This bill would repeal the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel as of July, 1 2019 and replace it with this Review Board which would be charged with providing education on systemic racism, mitigating systemic racism in all systems of state government and schools, and creating a centralized platform for race-based data collection, as well as overseeing its collection and dissemination. The HRC executive director or designee would be a member.

H. 333- An act relating to gender neutral single stall bathrooms- This bill passed the House last year, but it was too late in the session for the Senate to take it up. HRC supported the bill last year.

S. 203- An Act related to systemic improvements in the mental health system- This bill would require implementation and funding of the action plan submitted to the Legislature by the

Agency of Human Services as required by Act 82. It could also be a vehicle for the recommendations related to mental health services in correctional facilities.

Fair and Impartial Policing- The Senate Committee on Government Operations took testimony on January 24<sup>th</sup> from law enforcement and stakeholders about whether changes could be made to the policy prior to the March 1, 2018 date for adoption by all Vermont law enforcement agencies.

MEDIATED SETTLEMENT (formal mediation)

Mongeon v. Vermont Department of Labor VHRC Case No. E8-0002 and EEOC Case No. 16K-2017-00069C

OTHER BUSINESS

Marketing: ALE's Yang & Campbell met with Lilly Talbert at the Vermont Commission on Women to discuss their experience with social media. Update provided to Commissioners.

**NEXT MEETING March 15, 2018.**

The meeting was adjourned at 4:32 p.m.

Dated at Montpelier, Vermont this \_\_\_\_ day of January 2018.

Respectfully submitted:

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Karen L. Richards  
Executive Director

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Respectfully submitted:



Karen L. Richards  
Executive Director