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**VERMONT HUMAN RIGHTS COMMISSION
MINUTES
January 26, 2017**

PRESENT: Commissioners: Mary Marzec-Gerrior, Chair, Donald Vickers (by telephone), Mary Brodsky, Nathan Besio (departing at 1:15 p.m.), Dawn Ellis (by telephone), Chuck Kletecka (arriving at 1:30 p.m.), 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 Marzec called the meeting to order at 9:10 a.m.

BUSINESS MEETING

MEETING AGENDA AMENDMENT: Marzec-Gerrior indicated two amendments to the meeting agenda to include discussion of an additional report on Legislative efforts (attachment mailed after the agenda went out); to shorten the lunch break from 12:00 – 1:30 to 12:00 – 12:30 with the business meeting to resume at 12:30.

MINUTES: Brodsky moved to accept the minutes of the October 27, 2016 meeting as written. The motion was seconded by Besio. Vote 5-0, motion passed.

MINUTES: Brodsky moved to accept the minutes of the November 28, 2016 special meeting as written. The motion was seconded by Ellis. Vote 5-0, motion passed.

EXECUTIVE DIRECTOR REPORT:

BUDGET: The HRC ended the FY17 with a \$53,647.46 carryforward. We submitted a plan to use these funds to back fill federal funds, cover our FY18 pay act, purchase some needed equipment, fund our restorative justice initiative and fund outreach in housing.

Our proposed FY18 budget GF target is \$490,527- total budget \$560,628. With the new administration now in office, we are waiting to see how the budget process progresses.

Performance measures were submitted on 12/1/16 for two areas- relief in enforcement cases and training and outreach. Budget documents were submitted on 12/16/16.

The Annual Report was submitted in early January. A copy was provided to the Commissioners.

ED Richards updated the Commissioners on the proposed budget specific to Maxon's salary being used for budgeting purposes. The budget was submitted before the new hire.

ED Richards will meet Monday, January 30, 2017 with new House Appropriations contact, Maureen Dakin to discuss the VHRC budget request.

STAFFING: Ellen Maxon retired on January 6, 2017 after ten years at the HRC. We will be having a celebratory potluck at the March meeting.

We are excited to welcome Ayn Lee Sing who started as our primary housing discrimination investigator on 1/9/17. Commissioners welcomed Ayn.

Rena Meisler, a senior at UVM is joining the HRC on 1/18 for an externship. She will be helping to move the community input portion of our project on restorative practices forward.

EXECUTIVE SESSION:

Besio made a motion to go into executive session to hear confidential cases at 9:53 a.m. The motion was seconded by Brodsky. Vote 5-0, motion passed.

Marzec-Gerrior brought the VHRC out of executive session at 10:28 a.m.

E16-0008

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

BUSINESS MEETING

LEGISLATIVE REPORT

BULLYING- The current Secretary of the Agency of Education (AOE) has tentatively agreed to AOE support for a bill that would allow for parents of students who have been bullied to have an independent review of the school district's decision. This remains an important issue that needs to be addressed. While this does not give any appeal rights to the parents, it would at least give the parents an additional resource and be an independent look at the school district's handling of the matter. And it would not require additional resources for HRC or the AOE. It would cost school districts some additional funds as they must pay of the IR but the AOE counsel estimated it would not be a large number of cases.

OFFENDERS WITH MENTAL HEALTH ISSUES- Our main issues continue to center around the issues currently being litigated---segregation of individuals with mental illness (MI) held by Department of Corrections (DOC) either while awaiting an inpatient evaluation or as detainees or offenders. The Attorney General has already testified in both Senate and House Judiciary regarding his concerns about the segregation of prisoners generally. There will be a bill or bills

introduced that would outlaw segregation. VHRC should support these to the extent consistent with our litigation goals.

IMMIGRATION- An introduced Joint House/Senate Resolution (J.R.H. 1) expresses strong opposition to any governmental registry based on religion, race, or ethnicity and to any mass deportation of undocumented residents. Other legislative efforts may follow. HRC should support these efforts.

The Attorney General is also creating an Immigration Task Force to explore the ways in which the state can protect the rights of immigrants, documented and undocumented in response to the executive orders issued by federal government and other yet to be determined actions that are anti-immigrant. We will be looking at a number of things including “sanctuary cities” as that status as no legal meaning and what is actually needed is the adoption of specific policies such as those contained in the model Fair & Impartial Policing (FIP) policy.

EXECUTIVE SESSION:

Brodsky made a motion to go into executive session to hear confidential cases at 11:00 a.m. The motion was seconded by Besio. Vote 5-0, motion passed

Marzec-Gerrior brought the VHRC out of executive session at 11:34 a.m.

E16-0002

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

Besio recommended that Respondents offer gender sensitivity and workplace training for all personnel.

BUSINESS MEETING

LEGISLATIVE REPORT Continued

Independent Schools and Students with Disabilities- This issue has become incredibly divisive. There are a number of bills being introduced that would strip the State Board of Education (SBE) of its current authority to propose rules. The two issues creating the most controversy are those that would require Independent Schools, with some exceptions, to meet public school standards and those requiring all Independent Schools that receive public funding to serve all categories of students with disabilities. Currently, some of the Independent Schools serve all and some serve only limited categories. The VHRC ED will continue to monitor the status of the discussions but will allow the current negotiations to play out before adopting a formal position.

RESTORATIVE APPROACH

ED Richards will continue to provide an update in a separate report each meeting. The current plan is to start to reach out to stakeholders and get feedback regarding the current process and the interest in addition of a restorative approach to our processes. A date of May 5, 2017 was set for an all-day staff/Commissioner off-site retreat.

EXECUTIVE SESSION:

Brodsky made a motion to go into executive session to hear confidential cases at 1:17 p.m. The motion was seconded by Vickers. Vote 5-0, motion passed.

Marzec-Gerrior brought the VHRC out of executive session at 3:44 p.m.

Merriam v. Vermont Department of Public Safety
VHRC Case No. PA16-0006


Brodsky moved to accept the recommendation of Reasonable Grounds. The motion was seconded by Kletecka. Vote 4-1, (for: Kletecka, Brodsky, Ellis, Vickers – against: Marzec-Gerrior), motion passed.

NEXT MEETING March 23, 2017.

The meeting was adjourned at 3:47 p.m.

Dated at Montpelier, Vermont this 26th day of January 2017.

Respectfully submitted:



Karen L. Richards
Executive Director