



VT Human Rights Commission
14-16 Baldwin Street
Montpelier, VT 05633-6301
<http://hrc.vermont.gov>

[phone] 802-828-2480
[fax] 802-828-2481
[tdd] 877-294-9200
[toll free] 1-800-416-2010

**VERMONT HUMAN RIGHTS COMMISSION
MINUTES
May 25, 2017**

PRESENT: Commissioners: Mary Marzec-Gerrior, Chair, Donald Vickers, Mary Brodsky, Nathan Besio and Dawn Ellis. Staff: Karen Richards, Executive Director, Nelson Campbell, Bor Yang, and Ayn Lee Sing, Administrative Law Examiners, Alexis Agredo, Law Clerk, Jocelyn Bolduc, Executive Staff Assistant (minutes).

Commissioner Marzec-Gerrior called the meeting to order at 8:42 a.m.

BUSINESS MEETING:

Chair Marzec-Gerrior made an amendment to meeting agenda to add discussion about whether the HRC should sign onto an ACLU letter to U.S. Attorney General Jeff Sessions regarding arrests of immigrants at courthouses.

Additional amendment to include an executive session for Commissioners to discuss employee relations.

EXECUTIVE SESSION:

Brodsky made a motion to go into executive session to hear confidential cases at 8:44 a.m. The motion was seconded by Ellis. Vote 5-0

Marzec-Gerrior brought the VHRC out of executive session at 11:43 a.m.

Sharon Fortin v. Hayes Hospitality Holdings, LP d/b/a Grey Fox Inn
VHRC Case No. PA17-0010

Ellis 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 11:45 a.m. The motion was seconded by Vickers. Vote 5-0

Marzec-Gerrior brought the VHRC out of executive session at 12:00 noon.

VHRC Case No. PA16-0016

Brodsky moved to accept the recommendation of No Reasonable Grounds. The motion was seconded by Vickers. Vote 3-2 (against, Ellis and Marzec-Gerrior)

Vickers made a motion to go into executive session to hear confidential cases at 12:05 p.m. The motion was seconded by Ellis. Vote 5-0

Marzec-Gerrior brought the VHRC out of executive session at 12:28 p.m.

Julie Hay v. University of Vermont Medical Center
VHRC Case No. PA16-0016

Vickers moved to accept the recommendation Reasonable Grounds. The motion was seconded by Besio. Vote 5-0

BUSINESS MEETING – Continued:

PRE-DETERMINATION CONCILIATION AGREEMENTS (by staff)

VHRC Case No. HV17-0009
HUD Case No. 01-17-5612-8
Tenant Applicant v. Private Landlord

EXECUTIVE SESSION

Vickers made a motion to go into executive session at 1:11 p.m. for Commissioners to discuss employee relations. The motion was seconded by Ellis. Vote 5-0. The Chair brought the Commission out of executive session at 3:07 p.m.

BUSINESS MEETING – Continued:

Commissioners discussed the ACLU letter to Attorney General Sessions. It was suggested that schools be added as well. Vickers moved to have the HRC sign onto the letter and Brodsky seconded the motion. Vote: 5-0.

LEGISLATIVE REPORT

H. 136- An Act relating to pregnancy accommodations- This bill requires employers to provide accommodations to pregnant employees unless the accommodation would impose an undue financial and administrative hardship on the employer. The VHRC will enforce these provisions for state employees. The VHRC testified in favor of the bill. It was signed into law as P.A. 61.

S. 79- An Act relating to security, public safety and privacy- This bill, also known as the “Governor’s Bill” promotes public safety by protecting Vermont residents from compulsory collection of personally identifiable information or dissemination of that information for purposes of establishing a mandatory federal registry. The bill also provides that only the

Governor, in consultation with the Attorney General, may enter agreements with the federal government to enforce federal immigration law. VHRC did not testify on this bill but worked with the AGO, the Defender General and the Governor's Office on language changes. The bill was signed into law as P.A. 5.

S. 61- An act relating to Corrections and Mental Health- This bill was introduced to address some of the recommendations of the Commission on Offenders with Mental Illness. It amends the definitions of segregation in the statute to exclude confinement to an infirmary or residential treatment center for purposes of evaluation or treatment; it requires DOC and DMH to provide a plan to the Joint Justice Oversight Committee as to how to create or provide access to a forensic unit within DOC by January 1, 2018 and to establish or otherwise provide access by July 1, 2019. In the meantime, the two Departments are required to enter into a memorandum of understanding as to how they will work together to determine how to augment services to an inmate's existing treatment plan until such services are no longer necessary and/or the forensic unit is in place. This bill has not yet been signed by the Governor.

H. 492/ S. 116 (ultimately H. 308) An act relating to fair and impartial policing (FIP); Racial Justice Oversight Board- This bill establishes an Advisory Panel to examine racial disparities in the criminal and juvenile justice systems. The panel will be organized within the Attorney General's Office and consists of 13 members. It is required to consult with the VHRC and other entities. It is charged with providing recommendations with regard to data collection, model trainings and policies, social science research and best practices, and monitoring the recommendations in the AGO report from last fall's FIP Commission among other tasks. The AGO and VHRC are also charged, in conjunction with interested stakeholders, with developing a strategy to address racial disparities in systems of education, labor, and employment as well as access to housing, healthcare and economic development. AGO and VHRC are to jointly report on this strategy to the Justice Oversight Committee by November 1, 2017. This bill has not yet been signed by the Governor.

S. 16/ H. 207- an act relating to therapeutic use of cannabis. These bills make changes related to how one qualifies for medical marijuana, as well as addressing dispensaries, growing, etc. For purposes of the VHRC's interest, the bill adds PTSD as a specific qualifying debilitating mental condition along with Crohn's and Parkinson's disease. VHRC monitored but did not testify. This bill has not been signed by the Governor.

H. 333- an act relating to gender neutral bathrooms- This bill proposes to require that any single use bathroom in a public building or place of public accommodation be identified as gender-free. The bill passed the House with only slight controversy as to whether churches should be exempt. VHRC took the position that churches should not be exempt. It passed the

House without this limitation. The Senate did not get to the bill this year but will likely take it up during the second half of the biennium. Commissioner Besio asked whether it was a conflict for him testify next session regarding H. 333 and the fact that single stall bathrooms that are gender neutral also assist people with disabilities who may have caretakers. The executive director confirmed that this was not an issue as the Commission as a whole supports the bill.

STATISTICS and OUTREACH

Commissioners were pleased that housing case numbers are up significantly. A comparison of cases accepted through the end of the third quarter of the 2016 and 2017 fiscal years shows that the numbers of housing and public accommodation case types are up with employment case types being slightly down and informal case types significantly down from the number of cases accepted during the same period in the last fiscal year. The total number of cases accepted has decreased by only 6.

For the first nine months of the 2017 fiscal year, HRC staff conducted thirty (30) training events. Entities trained included employees and managers of the State, law enforcement, Commissioners, community members, ACLU members, criminal justice reform advocates, private employees, housing providers, individual landlords, members of the Tajikistan Parliament, and service providers. This number has already exceeded the total number of people trained during the entire 2016 fiscal year.

RESTORATIVE PRACTICES

Commissioners and Staff participated in a second facilitated retreat on restorative practices to continue conversation about incorporating the restorative process in the work currently done at the HRC. There was discussion surrounding next steps focusing on use of restorative practices within the HRC before taking the concept further.

NEXT MEETING June 22, 2017.

The meeting was adjourned at 3:20.

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

Respectfully submitted:



Karen L. Richards
Executive Director