



VERMONT HUMAN RIGHTS COMMISSION

2021


OUR MISSION

The mission of the Vermont Human Rights Commission is to promote full civil and human rights in Vermont. The Commission protects people from unlawful discrimination in housing, state government employment and public accommodations.





To Meet Our Mission

1. Enforce laws through investigations and litigation.
 2. Conciliate.
 3. Educate the public through outreach and training.
 4. Advance effective public policies on human and civil rights.
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HRC enforces:

The Vermont Fair Housing and Public Accommodations Act.

- The anti-harassment laws in education
- The States gender neutral bathroom laws

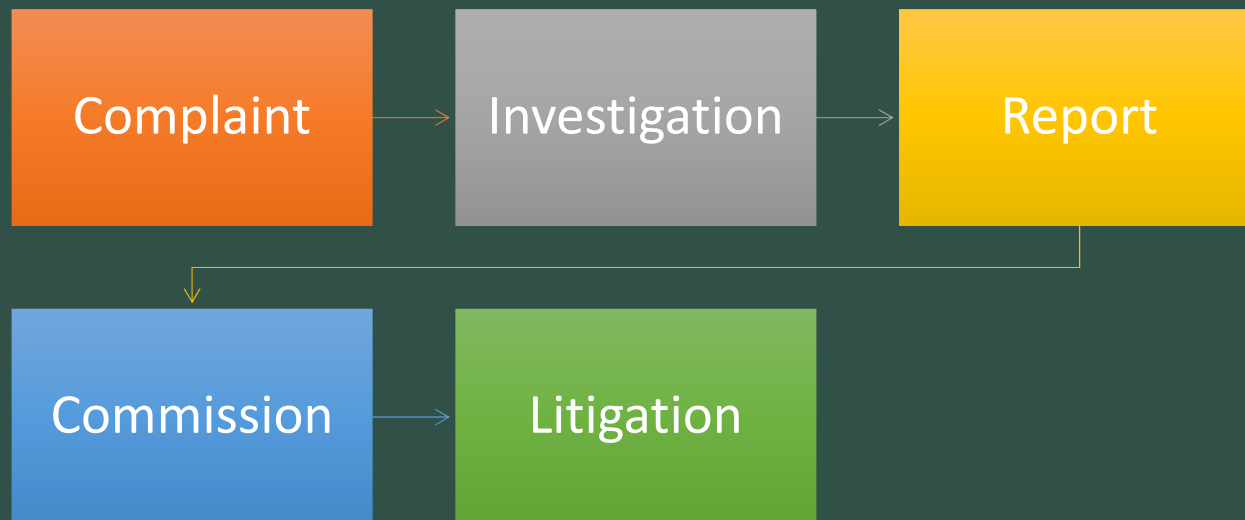
The Vermont Fair Employment Practices Act (FEPA) (for State government employees only); and

Retaliation provision of Worker's Compensation.

Retaliation provision of Parental Family Leave Act.

- Flexible Working Conditions

The Process



Types of Discrimination Cases

1. Disparate Impact: Facially neutral policies results in disparate impact on a group of people.
2. Disparate Treatment: Also known as intentional discrimination.
3. Harassment.
4. Failure to Accommodate
5. Retaliation.



How Do You Prove Intentional Discrimination?



| Protected Category | Housing | Public Accommodations | State Government Employment |
|---------------------------------------|---------|-----------------------|-----------------------------|
| Race | ✓ | ✓ | ✓ |
| Color | ✓ | ✓ | ✓ |
| National Origin | ✓ | ✓ | ✓ |
| Religion | ✓ | ✓ | ✓ |
| Sex | ✓ | ✓ | ✓ |
| Disability | ✓ | ✓ | ✓ |
| Sexual Orientation | ✓ | ✓ | ✓ |
| Gender Identity | ✓ | ✓ | ✓ |
| Marital Status | ✓ | ✓ | |
| Age | ✓ | | ✓ |
| Minor Children | ✓ | | |
| Public Assistance | ✓ | | |
| Breast Feeding | | ✓ | ✓ |
| HIV | | | ✓ |
| Workers' Compensation | | | ✓ |
| Ancestry | | | ✓ |
| Place of birth | | | ✓ |
| Credit history | | | ✓ |
| Pregnancy Accommodation | | | ✓ |
| Crime Victim | | | ✓ |
| Victims of Domestic & Sexual Violence | ✓ | | ✓ |



Explicit Discrimination in Housing

"Ideal for couple."

"No Section 8."

"Seeking Professionals."

"Ages 25 – 65."

"Perfect for empty nesters."

"English speaking only."

"Must be employed."

A photograph of a man and a woman shaking hands in an office setting. The man is on the left, wearing a blue button-down shirt, and the woman is in the center, wearing a patterned top. A third person's back is visible on the right. The background shows office equipment and a whiteboard.

DISCRIMINATION CAN BE SUBTLE

“This is not the safest neighborhood.” vs. “This house gets great light.”

“I’ve heard a few bad things about the school but I’m sure it’s just gossip.” vs. “The school has great teachers, small class sizes.”

“Someone saw the house this morning and I’m pretty sure they’re going to sign the lease. I’ll call you if anything changes.”

“You’re perfect for this place. Please just send me a copy of your W-2s, tax returns and contact information for your current employer.”

“Just curious, what do you do for a living?”

“I should warn you that your neighbors are a little noisy.”

“I’m happy to come to your place to review the lease.”

“I’m only willing to rent this place for three months. I thought I put that in the ad.”

Proving “because of:”

Direct Evidence:

You don't have to show animus or malice.

Comparator:

When a person outside the protected class receives a different treatment for the same actions.

Markedly Hostile:

The adverse action was so egregious and without a reasonable explanation.

Examples of Cases at the HRC

1. An individual who was deaf went to the hospital and was never provided an interpreter. She filed a claim against the hospital.
2. A state employee who was experiencing a hostile work environment because of her race, filed a complaint when her employer failed to address discrimination.
3. Patients and inmates with psychiatric disabilities in correctional facilities who were segregated for prolonged periods of time filed claims against the Department of Corrections.
4. A person who was African-American filed a claim against law enforcement when they unlawfully stopped and held her.
5. An undocumented person filed a claim against the Department of Motor Vehicles when he applied for a driver's privilege card and they contacted ICE.
6. A student who was transgender filed a complaint against her school when she was misgendered several times.



Questions?

