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Kristin L. Clouser, Secretary

From:

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To:

Representative Tom Stevens
Chair of House Committee on General, Housing and Military Affairs
12 Winooski St., Waterbury, VT 05676

March 11, 2022

Dear Chair Stevens,

The intent of this letter is to comment on H.329, An Act Relating to Amending the Prohibitions Against Discrimination. Testimony presented by VSBIT, VSBA, VSA and VPA regarding H.329 informed the decision of the Committee on General, Housing and Military Affairs to strike the provisions applying to public accommodations from H.329. Because schools are public accommodations, striking the public accommodations provisions removes the enhanced protections against harassment for students. Racial inequities impair the ability of marginalized people to participate equitably in all areas of public accommodations, including schools. Therefore, the way to address racial inequities is through a comprehensive bill that includes public accommodations provisions. The Office of Racial Equity urges the Committee to vote on the original bill as introduced to the Committee and not to advance the amended bill to the Senate. Advancing the original bill as introduced would give the Senate time to hear testimony on the original bill from students and other stakeholders who have not had the chance to participate.

The Office of Racial Equity acknowledges that there is room for improvement in the original text of the bill. The VSBIT, VSBA, VSA, and VPA raise legitimate concerns over the resource-intensive nature of investigating the claims of harassment that could arise from the text of H.329 as written. However, their request to strike the protections of students from harassment because of potential liability impacts go too far. The State of Vermont currently does not have adequate infrastructure to report on the harassment experienced by marginalized students, but absence of evidence is not evidence of absence. It would be a grave injustice not to allow students to give testimony on the harassment they have experienced before making a decision on the public accommodations provisions. The amended bill leaves students completely without the enhanced protections that have been previously recommended by Executive Director of Racial Equity Xusana Davis and the Vermont Racial Equity Task Force. The amended bill supports the racially inequitable status quo.

The Office of Racial Equity recommends passing H.329 through the House and into the Senate in its original form. The Senate may then amend the bill to address the concerns of the VSBIT, VSBA, VSA and VPA in committee.

Sincerely,

Jay Greene, MPH (they/them)
Policy & Research Analyst
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