



# VERMONT HUMAN RIGHTS COMMISSION

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Budget FY2023







# OUR MISSION


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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 in places of public accommodations (schools, hospitals, all governmental entities, hotels, restaurants, stores, etc.).

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## To Advance the Mission, Staff...

1. Educate the public through outreach and training.
  2. Advance effective public policies on human and civil rights by testifying before the Legislature and serving on committees, advisory boards, taskforces and more.
  3. Enforce laws through investigations and litigation.
  4. Conciliate.
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# Jurisdiction

- **The Vermont Fair Housing Act.**
- **The Vermont 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**

# Who We Are

- Five Commissioners appointed by the Governor, confirmed by the Senate, who serve five-year staggered terms.
  - Commissioners hire the ED, set the policies of the Commission and determine the outcome of cases.
- Six Staff Members
  - Executive Director & Legal Counsel
  - Executive Staff Assistant
  - Director of Policy, Education and Outreach
  - **Three** Staff Attorney Investigators





# This Fiscal Year

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The Governor's moratorium, closures of schools, places of employment, and public accommodations all had an impact on the number of calls received at the HRC, reducing it significantly this fiscal year. While the Commission received fewer calls, it opened nearly the same number of formal complaints as it did in the previous year. The number of settlements continue to rise. More cases reached the final determination stage and Commissioners found reasonable grounds to believe discrimination had occurred in more cases than it had in previous years, which resulted in more litigation.

# Trainings and Outreach

Type	Number of events	Number trained
Fair housing trainings	14	290
Implicit bias & trainings in bystander intervention & microaggressions.	17	636
Other trainings (Know Your Rights, workplace harassment, confirmation bias)	9	566
HRC Civil Rights Conference, November 2020	3	616
Outreach Events	7	287
Total Training and Outreach Events	50	2395

# Advancing Policies

In addition to testifying before the Legislature on bills related to all protected classes of people during the legislative session, staff also serve on the following:

- The Governor's Racial Equity Task Force
- Vermont Justice Reinvestment on Domestic Violence Response Systems Executive Working Group
- The Language Access External Advisory Committee for the Vermont Judiciary
- Hazing, Harassment, Bullying Advisory Panel
- The Act 1 Ethnic and Social Standards Advisory Working Group
- Governor's Workforce Equity and Diversity Council
- Vermont Criminal Justice Council
- The Training Council's Fair and Impartial Policing Sub-Committee
- Vermont Multilingual Communication Task Force
- Refugee and Immigrant Service Providers Network
- Thriving Communities Steering Committee
- Affordable Housing Coalition
- The School Resource Officer Working Group
- Champlain Valley Office of Economic Opportunity Housing Research Project



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	✓		✓



# The Process

Complaint

Investigation

Report

Commission

Litigation





# Complaints Accepted in FY21

In FY21, the HRC was short staffed and declined to accept cases from June 2021 through September 2021.

The HRC accepted 47 formal complaints for processing and investigation. Formal cases remained approximately the same with a small decrease from 49 to 47 cases.

Disability and race/color remain the most frequent types of complaints filed at the Commission. Race/color discrimination cases often raise claims of disparate treatment and/or harassment. The majority of disability cases involve a denial of reasonable accommodation requests.

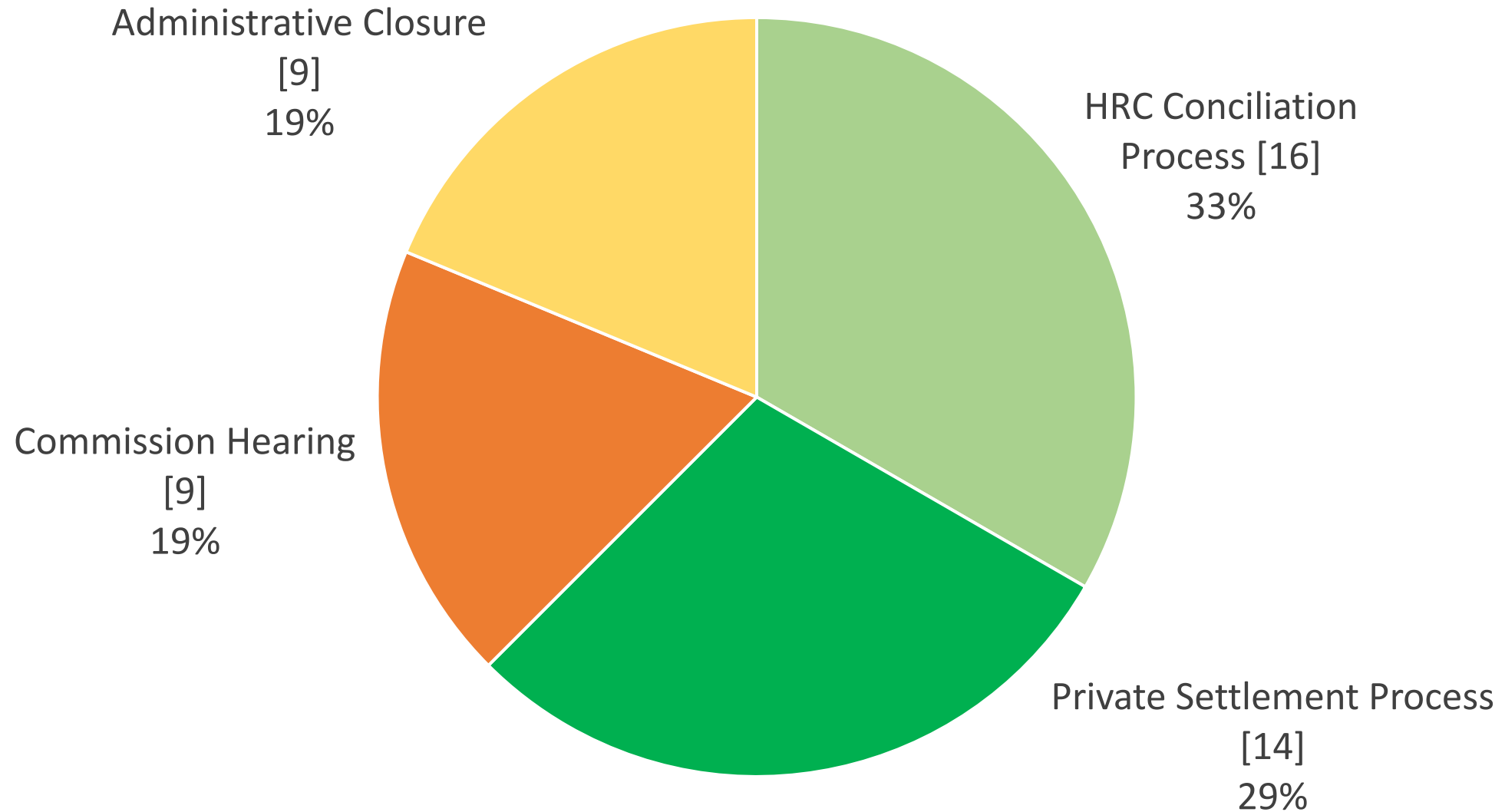
# The Numbers Do Not Tell The Whole Story

There are very real **BARRIERS** faced by persons who have experienced discrimination:

1. Fear of retaliation – loss of job, housing, future reference, community, etc.
2. Commitment of time and resources – trauma, unrepresented, other priorities take precedence, i.e. Covid-19 has reduced number of calls and complaints.
3. Disillusionment and distrust – the standard is high. Data tells us plaintiffs lose more often.



# Resolution of Cases Closed in FY21



# Examples of Cases at the HRC

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1. An individual who was deaf went to the hospital with chest pains and was not provided an ASL interpreter for three days.
2. A state employee who went to work and heard the “n-word” on a daily basis filed a complaint against her employer when they failed to address the hostile work environment.
3. An aging man with dementia was held in a correctional facility after he spat at an officer. He was scheduled for an evaluation but because there was no room for him at the hospital, he was held at the correctional facility and segregated for a prolonged period of time which made his mental health worst.
4. A family of Mexican heritage experienced on-going harassment from their neighbors for their national origin.
5. A woman with a hearing disability was denied hearing aids that medical professionals deemed necessary for her.
6. A woman was subjected to sexual harassment by her landlord’s partner who walked into her apartment without permission and unannounced, made sexual comments about her body and more.



# How Long Does it Take?

Employment discrimination: 349 days;

Housing: 134 days;

Public accommodations cases (schools, hospitals, roads, prisons, etc.): 418 days.

But there are also outliers. Some HRC cases have taken more than 2-3 years to close.

So?

People lose their private right of action under the statutes of limitations. People lose hope and faith in the process. People drop out. Witnesses disappear.

# Cases heard by the Commissioners

In FY21, the Commission heard 16 cases, compared to 12 in FY20 and 13 in FY19.

Of the 16 cases heard by Commissioners, 24 separate findings were delivered. Commissioners found no reasonable grounds 12 times, and reasonable grounds 12 times.

Outcome	Employment	Housing	Public Acc	Totals
<b>Reasonable Grounds</b>	0	8	4	12
<b>No Reasonable Grounds</b>	3	5	4	12

# We need another Staff Attorney Investigator

The HRC has only three (3) staff attorney investigators charged with investigating claims of discrimination across all protected classes in housing, state government employment and places of public accommodations. Places of public accommodation cases are complex and difficult.

The Staff Attorneys must also participate on taskforces, committees, advisory panels and develop and deliver trainings in addition to their investigatory responsibilities.

The Staff Attorney IV also assists with leading litigation.



# The Budget Ask:

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What we really need:

The Commission continues to be in need of more staffing, specifically another Staff Attorney Investigator and full-time Litigator. Ideally, the Commission should separate the work of the Executive Staff Assistant into two positions: Office Manager and Intake Specialist. Similarly, the work of the Director of Policy, Education and Outreach should be divided between a Director of Policy and an Education and Outreach Coordinator.

At minimum:

To keep all of carryforward funds; and

**One FTE Staff Attorney Investigator at \$150,000 (salary plus benefits).**

# Legislative Support

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The Human Rights Commission was enacted by the Legislature 30 plus years ago. It was designed to be independent from any governmental entity.

Its mission, goals, objectives and statutory powers and laws come from the Legislature.

The support for its work must and should come from the Legislature.





Questions?

