

Vermont must create a culture in which racial, ethnic and other cultural disparities are openly acknowledged and addressed • The State of Vermont has demonstrated leadership in this regard through the creation of a Racial Equity Advisory Panel and the hiring of the Executive Director of Racial Equity • The State must and will continue to address the challenges of achieving racial, ethnic and cultural equity across the State • The COVID-19 pandemic has highlighted racial inequities across the United States, including in Vermont • COVID-19 and other emergencies demonstrate that disparities in

REPORT OF THE VERMONT RACIAL EQUITY TASK FORCE

**SUBMITTED TO THE GOVERNOR
SEPTEMBER 1, 2020**

work to reduce structural inequities to ensure that no community is more vulnerable than another based on immutable factors such as race or ethnicity • We must bring state leaders, agencies and interested parties together from across Vermont to examine existing law on hate crimes, evaluate systems of support and look to increase civic participation among racially diverse populations. Executive Order 02-20.

TASK FORCE MEMBERSHIP

XUSANA DAVIS • EXECUTIVE DIRECTOR OF RACIAL EQUITY; TASK FORCE CHAIR

BRITTNEY L. WILSON • SEC. OF CIVIL & MILITARY AFFAIRS

CLEOPHACE KYENDAMINA MUKEBA • COMMUNITY REPRESENTATIVE

WICHIE ARTU • COMMUNITY REPRESENTATIVE

MARIA MERCEDES AVILA • COMMUNITY REPRESENTATIVE

CHRIS BRICKELL • CRIMINAL JUSTICE TRAINING COUNCIL

TABITHA POHL-MOORE • NAACP RUTLAND

STEFFEN GILLOM • NAACP WINDHAM

CAROL MCGRANAGHAN • VERMONT COMMISSION ON NATIVE AMERICAN AFFAIRS

JAMES DUFF LYALL • VERMONT ACLU

MARONI MINTER • VERMONT ACLU

BOR YANG • VERMONT HUMAN RIGHTS COMMISSION

THE RACIAL EQUITY TASK FORCE EXPRESSES ITS GRATITUDE TO THOSE LISTED BELOW AND TO COUNTLESS OTHERS FOR THEIR ADVICE AND CONSULTATION DURING THE DEVELOPMENT OF THIS DOCUMENT

- Association of Africans Living in Vermont
- Brattleboro area Community Equity Collaborative
- LGBTQIA Center of Vermont
- Migrant Justice
- National Association for the Advancement of Colored People
- Northeast Organic Association of Vermont
- Racial Justice Alliance
- Rural Vermont
- The Root Social Justice Center
- U.S. Committee for Refugees and Immigrants-VT
- Vermont Agency of Transportation
- Vermont Department of Financial Regulation
- Vermont Department of Health
- Vermont Department of Housing and Community Development
- Vermont Department of Labor
- Vermont Department of Libraries
- Vermont Department of Public Safety
- Vermont Health Disparities and Cultural Competence Committee
- Vermont Human Rights Commission
- Vermont Partnership for Fairness and Diversity
- Vermont Public Service Department
- Voices for Vermont's Children
- VT Community of Practice for Cultural & Linguistic Competence in Developmental Disabilities
- VT New American Advisory Council

SCOPE OF DOCUMENT

The Task Force identified myriad sectors of life and governance in Vermont that can either perpetuate racial inequity or inadequately mitigate it. Those sectors include, but are not limited to

- Housing
- Land use, community design, and infrastructural resilience
- Healthcare delivery
- Public health
- Law enforcement
- Community safety
- Civic life
- Primary education
- Higher education
- Social cohesion and community
- Climate and environment
- Employment and the workplace
- Federal law and regulation
- Social and political movements
- Recreational and cultural opportunities
- Transportation
- State and local rulemaking norms

Understanding how these sectors are interconnected is key to understanding the systemic nature of racial inequity in Vermont and in the U.S. The Task Force researched and deliberated on the seemingly endless sub-topics within these sectors, concluding that it will take multiple rounds to develop thorough, sound analyses and recommendations. Therefore, the Task Force submits the enclosed recommendations with the express caveat that they do not directly address the following topics:

- Policing
- Public office
- Free speech and hate speech
- Discipline in schools
- Public accommodations
- Additional issues of great importance to examining racial equity

The Task Force notes that the topic of policing is especially critical to the survival of people of color in Vermont, and feels strongly that all of the dialogues about law enforcement and community safety that are happening statewide and nationally should be transparent, honest, thorough, and transformative. Lives depend on it. By postponing recommendations regarding policing, the Task Force seeks to deliberate thoughtfully and with broad input from stakeholders, particularly those who do not typically have easy access to or influence with policymakers. While there is great urgency to this work, it is important not only that we act, but that we arrive at a just conclusion, through a just process.

The Task Force may update this document in the future to amend/expand its recommendations as the work of the group evolves and emerging data continue to shape the state's understanding of racial equity in Vermont.

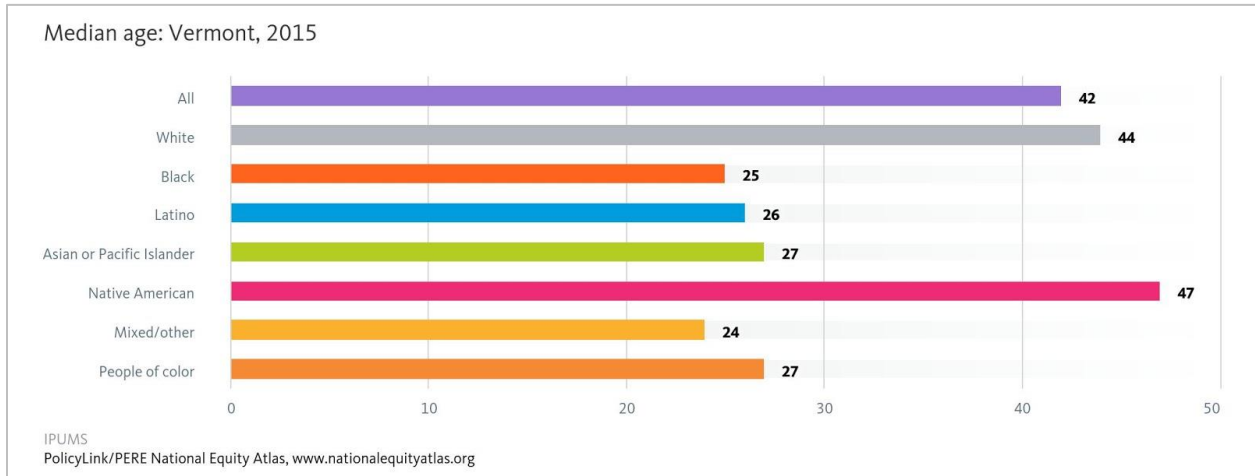
INTRODUCTION

The Racial Equity Task Force was established by Executive Order 02-20, and signed by the Governor on June 1, 2020. The Task Force was created to evaluate structures of support for racially diverse populations, particularly in light of the disparities in health outcomes highlighted by COVID-19; review current state and federal law on hate speech and freedom of speech; study and present options for encouraging Vermonters from diverse, marginalized, or underrepresented racial and ethnic groups to run and serve in public office at all levels. The composition of the Task Force was designed to include equity practitioners and service providers, advocates, state government, and members of the community. Community representatives were selected through a public application process, from a record 164 applications. Members met virtually 13 times between June 24 and September 1, and continue to meet twice weekly to fulfill their mandate. The Task Force is proud of its membership diversity—between its 12 members and alternates,

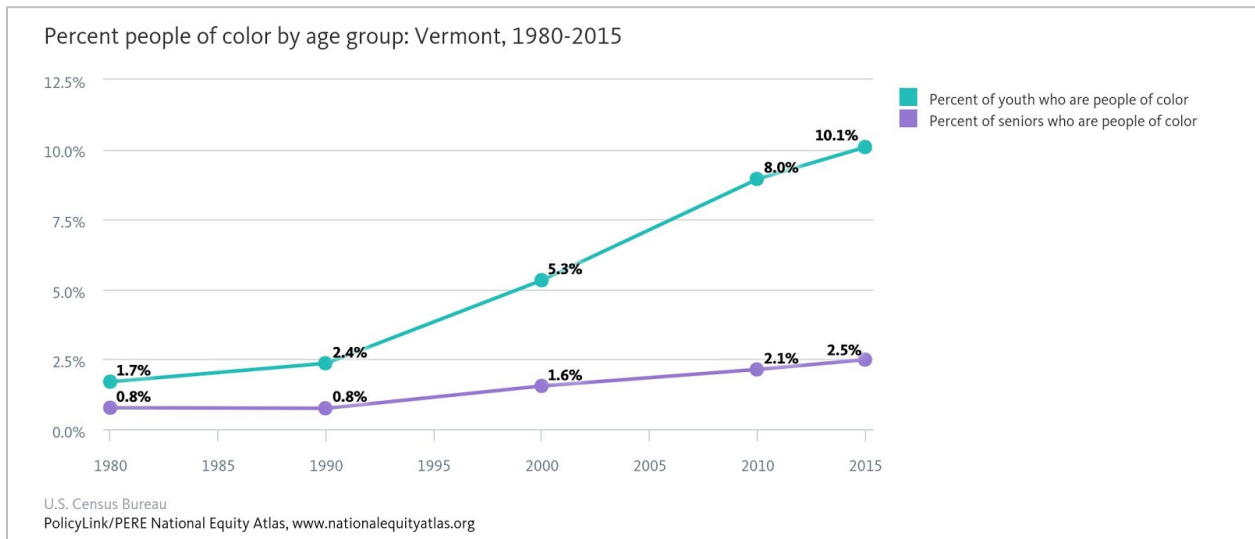
- 6 are woman-identified
- 5 are women of color
- 9 are people of color, including members of the Indigenous, Asian, Latinx, and Black communities
- At least 5 speak languages other than English, including members for whom English is a second language
- At least 3 were born outside the U.S., including members who arrived to the U.S. as refugees
- 3 generational cohorts are represented
- Members of the LGBTQIA+ community are represented
- Members of the community living with disabilities are represented
- At least 1 is a small business owner
- Members reside in 12 municipalities in 7 counties across all regions of the state
- Parents, grandparents, and non-parents are represented

The Task Force is equally proud to have prioritized process equity in its work. By engaging members of the public, advocates, and key partners in government, the Task Force hopes to include as many voices with technical expertise and lived experience as possible to shape its current and future recommendations to the Governor.

Compared to other states, Vermont has the second highest median age and the second lowest level of ethnic diversity. However, these metrics do not tell the whole story: while the median age for white Vermonters in 2015 was 45 years, and the median age for indigenous Vermonters was 47 years, the median ages of the remaining Vermonters of color was significantly lower, in the 20s.



Further, Vermont’s share of youth of color as a percentage of the total youth population in 2015 was nearly five times higher than the share of seniors of color as a percentage of the total senior population.



These data points are essential to our understanding of how to prepare for Vermont’s future. The Governor has acknowledged in numerous public comments that Vermont faces a “demographics crisis.” This Task Force wholeheartedly agrees, and urges

the state to invest in key initiatives and sectors to ensure that the most diverse cohort in Vermont—its youth and young adults—are equipped with the access to jobs, housing, higher education, community safety, and everything else they need in order to come to and stay in the state.

For reasons that date back centuries, many people of color bear a deep distrust of government services. Take, for example, the topic of health: initiatives such as the Tuskegee Study of Untreated Syphilis in the Negro Male, the sterilization of women of color in jails in the U.S., the eugenics program in Vermont that targeted Abenaki and other people of color, the clandestine experimentation done on exploited people of color like Henrietta Lacks, the glorification of figureheads who devised and perpetuated these practices such as J. Marion Sims, and other instances have shaped the public perception in communities of color that the government should not be trusted on matters of health. Couple all this with similar treatment in policing, civil and criminal jurisprudence, education, public accommodation, employment practices, foreign policy, and more, a sense of apprehension and compounded fear builds in the individual minds and the collective rhetoric of communities of color who have experienced and witnessed these various historical traumas. This was eloquently summarized by Tony Ten Fingers/Wanbli Nata'u, Oglala Lakota, who stated that “Historical Trauma is entirely different than consciously holding onto the past when it resides in your ancestral memory and DNA. It results in numerous defense mechanisms, developmental malfunctions, and behavioral issues. This is scientific and supported in studies.”

To reverse the trend of historical trauma and distrust of government, a long-term campaign of trust-building for current and prospective Vermonters of color is necessary to improve the efficacy of the state’s community outreach.

COVID-19 RESPONSE

LANGUAGE ACCESS

One of the primary challenges of the more than 9,000 Vermonters who are Limited English Proficient is timely access to updated information. During the earliest weeks of the COVID-19 pandemic, Vermont saw its Limited English Proficient communities struggle to keep up with the rapidly changing guidance issued by the state and municipalities. Community organizations with ties to the New American and undocumented communities came together to support those communities with translations of state guidance into Vermont’s 10 most commonly spoken non-English languages. Using a patchwork of limited and occasionally uncertain funding, these organizations provided weekly videos of translated guidance from the state, publicly accessible on platforms like YouTube. Eventually, with assistance from the Agencies of Administration and Human Services, these groups secured stable funding with CRF dollars allocated to the Vermont

Department of Health for outreach and education. While this funding for translations does not cover the full breadth of official communications that should have been translated in Vermont, it represented an important part of equity in resilience, and served as a sobering reminder of the importance of timely and linguistically accessible communication.

The New American community and the undocumented community are comprised of people from many countries and backgrounds. While they all have myriad stories, one common thread among them is that they are part of communities that have experienced great trauma. Newness to this country, newness to this state, and the psychological and socioeconomic impact of trauma are heavy burdens for these Vermonters. To be as supportive as we can, the state must be trauma informed in all its dealings with Limited English Proficient Vermonters.

Recommendations

- 1) Mandate that all communications related to COVID-19 response be translated into Vermont's most commonly spoken languages
- 2) At each testing site, provide COVID-19 educational material in the most appropriate languages for the region, and give out PPE
- 3) Ensure that COVID-19 related grants (whether awarded to or administered by the State) include line items for translation
- 4) Contract with or facilitate sub-contracting with refugee & immigrant service providers and/or translation service providers if the State or grantees lack cultural and/or linguistic expertise to provide core COVID-19 related services to people with refugee and immigrant backgrounds
- 5) VDOL should continue to consult with USCRI Vermont and AALV about how to ensure that people with refugee and immigrant backgrounds can access Unemployment Insurance and Pandemic Unemployment Assistance (or future versions of this benefit) in a timely manner and that there continues to be a process to efficiently troubleshoot claim problems
- 6) For COVID-19 tests administered to Limited English Proficient people, ensure that interpreters who call patients relay accurate info

ACCESS TO TESTING

Based on qualitative and quantitative data, the Task Force recommends targeted testing in areas with large populations of color. There has been a lack of access across the state for communities of color seeking COVID-19 testing. Used here, “access” includes sufficient slots available for all residents who wish to be tested at a given testing event, transportation to testing sites, lack of knowledge of how to or capability to register, and ADA-compliant facilities. For example, in Windham County, all pop-up sites were located in Brattleboro, yet there are large populations of Jamaican immigrant farmers in Newfane and Bellows Falls who have not been tested or outreached to.

The Task Force acknowledges that the Vermont Department of Health (VDH) plans to scale back mass testing of asymptomatic people and focus on educating Vermonters on how to determine if they need testing. In line with this shift, this is not a recommendation to expand testing of asymptomatic people. Rather, it is a recommendation to ensure that people exhibiting symptoms or those who have been exposed to COVID-19 have accessible testing access even after the state moves away from mass-scale testing, and that this access is adequate for people of color in Vermont. One way to accomplish this is to conduct an assessment of which localities have been underserved by testing events. This assessment can include accessible surveys and identification of locations in which the state has not placed pop-up testing sites.

Notably, for unsheltered Vermonters, access to testing is further complicated due to factors including the population's

- higher likelihood of having inconsistent contact information,
- limited options to self-quarantine,
- lower likelihood of having a primary care physician to refer the patient for testing or the funds to pay for testing in cases where testing was not free, and
- lower likelihood of exposure to the media that are commonly used to advertise testing events and register residents to be tested.

Another barrier to COVID-19 testing experienced by Vermonters of color is transportation. While a large percentage of Vermonters of color live in the more densely populated areas of Chittenden County, many Vermonters of color live in rural regions throughout the state—including members of this Task Force. In both cases, transportation has proven to be a challenge for those without access to cars, for those who rely on public transit, and for those who may be restricted from travel due to quarantine requirements. Most of these challenges have occurred during the spring and summer months, but as winter weather approaches, Vermonters will soon face the added challenge of inclement weather as a barrier to transportation.

One of Vermont's most vulnerable populations is the incarcerated population. The state has made efforts to retrieve, treat, and protect those it has incarcerated, but it has been much more challenging to do so for those who are incarcerated outside the state.

Recommendations

- 1) Grant homeless individuals access to testing and support increased infrastructure for homeless Vermonters impacted by COVID-19.
- 2) Address testing accessibility issues by collaborating with community organizations that serve marginalized groups locally to design and coordinate walk-in testing sites. Assess which locations in Vermont have not had access to free testing without referrals needed. Using this assessment, prioritize test kits and human resources to allow for more

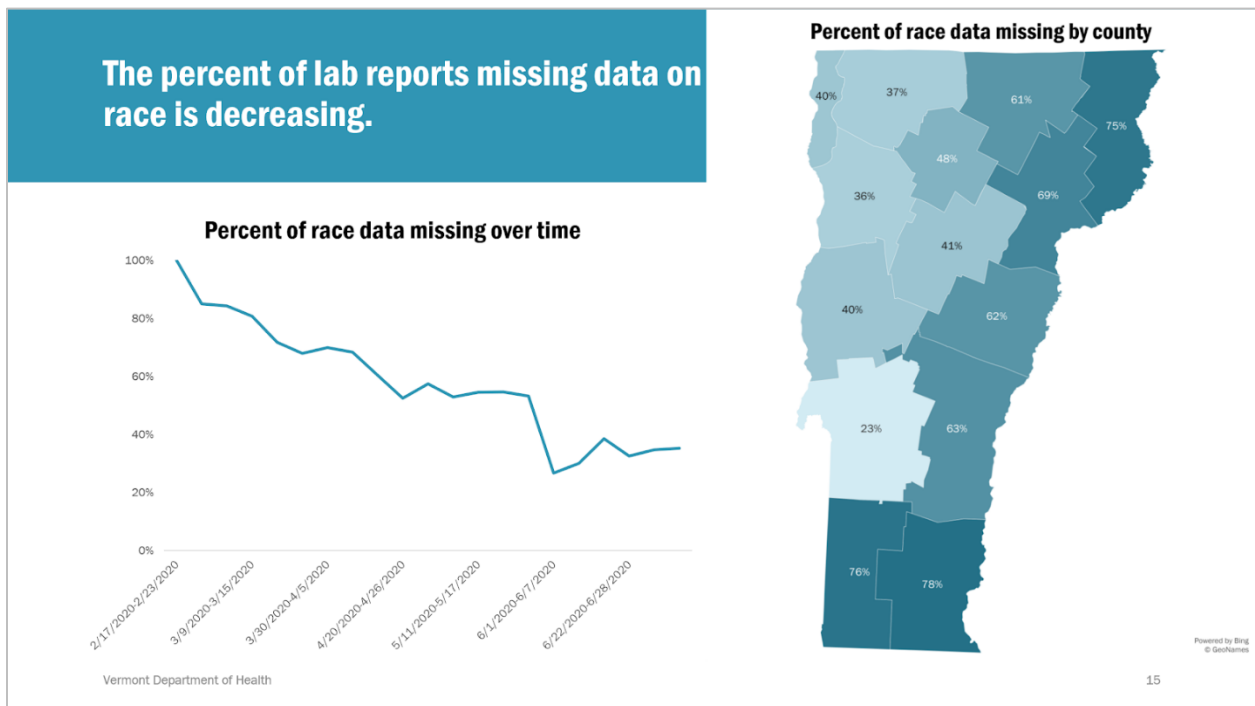
focused testing for vulnerable populations and those in outbreak areas who lack resources or transportation.

- 3) Conduct broader testing in prisons, in-state and out-of-state, where a disproportionately high number of people of color are testing positive at alarming rates.

DATA COLLECTION AND REPORTING

Data collection is a foundational tenet of assessing the impact of Vermont’s systems of support for people of color. While the Task Force has been successful in collecting qualitative data from community organizations around Vermont, quantitative data—especially data related to COVID-19—has been more difficult to ascertain.

One of the barriers in collecting data related to COVID-19 is not knowing if Vermont’s communities of color are being tested. As seen in the charts below, prepared by VDH, all of the counties in Vermont bordering New Hampshire, in addition to Bennington County, are missing between 60% and 90% of race/ethnicity data on COVID-19 tests.



Without race/ethnicity data, we cannot quantitatively assess access to testing or why communities of color are disproportionately more at risk to COVID-19. There are several reasons for the missing data, some stemming from how lab results are being received and processed. Two known issues in at least one hospital are as follows:

- ELR (Electronic Lab Reporting) may not be used by hospitals, most likely due to technical issues. In this case, the test results (with demographic information) may be sent by paper. VDH does not possess the resources to manually digitize all test information that comes in on paper.
- Race/Ethnicity fields are not included in ELR data definitions for COVID testing.

Since the Task Force’s initial deliberations, VDH has confirmed receipt of grant funds to improve reporting and the interface of electronic systems, which includes matching the federal race/ethnicity categories and including more detailed subcategories within race categories in the future (there are wide disparities between Asian Americans of Chinese descent, Indian descent, and Cambodian descent, for example. Using subcategories prevents demographic groups within broader racial categories from having relevant data artificially suppressed or inflated by data from racially-adjacent groups).

Of course, race data collection is not always easy. As discussed above, historical trauma leaves many people of color leery of self-identifying as members of historically oppressed racial or ethnic groups. The Task Force notes that this phenomenon was especially common in Vermont, where a robust eugenics program led Indigenous and French-Canadian people to hide their ethnic identities for many years. We believe this trend is slowly reversing, noting that the number of Vermonters who identify as indigenous has climbed significantly in the last decade. To improve Vermont’s collection of accurate race/ethnicity data in public health, provide uniform training and education to hospitals and health centers on how to collect race/ethnicity data from culturally diverse populations that promotes the following: awareness of U.S. and Vermont eugenics history; how to ask patients about race, ethnicity, language, and communication needs; awareness of why we ask for this information and how to relay that reason to patients; and, awareness of what rights the patient has to their demographic data.

Additionally, an easy action that can be taken immediately is allow VDH permanent access to VITL data at the Vermont Health Information Exchange to monitor racial disparities.

Recommendations:

- 1) Increase VDH resources in COVID-19 test result data entry, specifically for efforts in collecting race/ethnicity data from COVID-19 test results:
 - a) Retroactively include all race/ethnicity data, including manually entering race/ethnicity data from paper COVID-19 test results
 - b) Assess and ensure that moving forward, hospitals are able to digitally transfer uniform data reporting on race/ethnicity data with their COVID-19 test results.

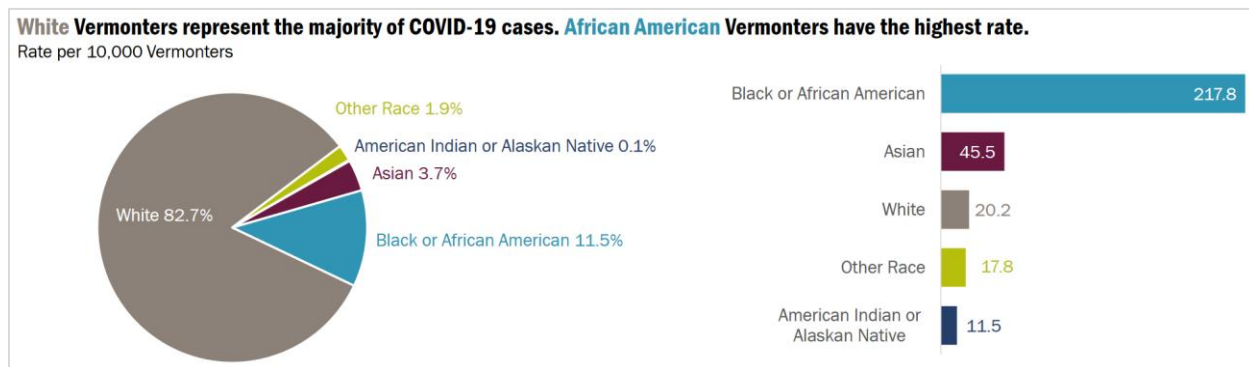
- 2) Collaborate with community and health organizations to provide training and education on cultural humility and best healthcare form intake practices to health service providers that administer COVID-19 tests. The providers should know
 - a) History of U.S. and Vermont eugenics and its impact on trust between communities of color and healthcare services
 - b) Guidelines on how to ask patients about race, ethnicity, language, and communication needs, why they are asking for this information, and how to relay the reason(s) to patients
 - c) Rights the patient has to their demographic data
- 3) Have VDH work with the Executive Director of Racial Equity, the Task Force, and other stakeholders to create a better system to collect, track, and report race data regarding health disparities from the Vermont Health Information Exchange to monitor and analyze racial disparities in healthcare on an ongoing basis.

ECONOMIC FALLOUT

Not only did COVID-19 wreak havoc on the U.S. from a health perspective, but it had devastating economic effects in jurisdictions across the country. Vermonters, like other Americans, experienced tremendous job loss and job interruption due to COVID-19. This has had a devastating impact on several business sectors in the state, including hospitality, construction, agriculture, and ecotourism. Not only does this negatively impact employees, but it also harms employers, and consequently, the communities around them. It is unclear how many of these interrupted or suspended jobs will be recovered. This will surely cause many people around the state to reconsider their chosen professions, and to evaluate whether Vermont has enough industry to allow them to change professions and still remain in the state. As the state considers its future as a leader in agriculture and grapples with the losses of several major employers over the last decade or so, we are faced with a great opportunity to attract entrepreneurs and other job creators to the state, particularly those from historically marginalized groups. While Vermont's COVID-19 infection and death rates remained comparatively low, the state's residents, visitors, students, entrepreneurs, and others suffered major economic setbacks as a result of slowdowns and shutdowns, interruptions in the supply chain, reductions in movement and tourism, etc.

For these reasons, many Vermonters find themselves in great need of recovery funds. Through a patchwork of federal, state, and philanthropic funds, many Vermonters have been able to recover some of their economic losses caused by the pandemic. However, access to these funds remains highly disparate, and qualitative and quantitative data reveal that Vermonters of color are being left behind through these funding mechanisms. There have been some notable exceptions to this: the state specifically allocated \$5M for Minority- and Women-owned Business Enterprises (MWBEs) in an earlier economic recovery package. Divided evenly, this

totaled \$2.5M for minority-owned small businesses in Vermont. Generally speaking, recovery funds should be distributed not just in accordance with demographic trends or population numbers, but in accordance with where there is greater need. For example, communities of color in Vermont are often overrepresented by rate in poor life outcomes, but this information tends to be masked by low raw numbers.



COVID-19 funds have not just been for the business sector. In March, the federal government passed the CARES Act, which provided direct economic stimulus payments to a large majority of taxpayers, but are not universally granted to every tax-paying individual or every vulnerable person in need of emergency assistance. The CARES Act was explicitly designed to exclude undocumented persons from receiving any stimulus payments. This is despite the fact, according to the Institute on Taxation and Economic Policy, that undocumented persons have been known to pay as much as \$11.6B in taxes in a year. Furthermore, they contribute immensely to the American economy in sectors like agriculture, food service, health care, cleaning and sanitation, and more. These exclusions also ensnare immigrants who are legally present and U.S. citizens who are living with or related to undocumented immigrants. As a result, over 16 million people—8.2 million of them being U.S. citizens—will be forced to fend for themselves without the assistance they desperately need. In Vermont, it is estimated that 5,000 people would qualify for such funds (up to 4,000 adults and up to 1,000 children).

This is important to Vermont, because of the state’s dependence on its migrant labor force, specifically in the agricultural sector. In essence, the *least* protected segment of the state’s *most* important industry has been deliberately passed over by the federal government. To help this vulnerable population stay afloat, the Task Force recommends the creation of a state-level relief fund to serve the same purpose as the stimulus payment provision of the CARES Act by providing economic impact payments to those who are excluded from receiving federal impact payments due to their or someone else’s immigration status. A fund of this nature has been successfully established in California, which also relies heavily on the invaluable labor of undocumented agricultural workers to maintain its farm economy. In Vermont, the legislature began with intentions to include this sort of fund in its economic relief package, but the measure

ultimately failed. Since its initial deliberations, the Task Force has learned that the state continues to pursue this measure, and expresses its strong support for these efforts.

Recommendations:

- 1) **In Progress** Establish a state-level relief fund for Vermonters who were barred from receiving federal stimulus payments due to their or someone else's immigration status.
- 2) Order an in-depth assessment on people of color who have suffered income losses that, at minimum, answers the questions below. This should include, but not be limited to, job losses and closures of minority-owned businesses:
 - a) How many?
 - b) What events lead to these income losses?
 - c) How has Vermont's emergency response prevented, exacerbated, or allowed income losses in communities of color?

SCHOOLS

There are many barriers to communities of color in Vermont's educational system. The Task Force will specifically discuss the following categories: access to language services, oppressive disciplinary tactics, and access to technology.

In the last three decades, the State of Vermont has seen an increase in the population of refugees (or "New Americans"). Members of this population have immigrated from different parts of the world seeking safety. This growth in the refugee population is more visible in Chittenden county than in any other county in the state. New Americans, and the immigrant population as a whole, have increased Vermont's diversity, greatly contributing to correcting the state's demographics crisis. This shift is seen most in our schools, hospitals, agricultural, and hospitality industries.

ACCESS TO LANGUAGE SERVICES

To meet the language needs of the children of New Americans and immigrants, Vermont's schools should hire multilingual liaisons. Multilingual liaison services in schools bring stability and cultural inclusion to students' lives, meaning teachers can then more deeply focus on teaching. When much of our entire educational system shifted from in-person to remote learning, many educators in Vermont realized that classes simply could not be conducted without a multilingual liaison present.

While the title "Multilingual Liaison" is widely accepted and currently used in school districts like Burlington, the term may not fully capture the importance and workload of the role. The job of a multilingual liaison is not limited to interpreting and translating. Multilingual

liaisons keep regular or even constant communication with families, even when schools are not in session. In fact, during the pandemic, multilingual liaison have had the same shifts as teachers, while also receiving calls from parents at early and late hours of the day (especially parents who perform shiftwork). They also serve as community navigators for the families of students, helping families access services and acclimate to life in Vermont. Given their contributions both to schools and to communities, multilingual liaisons should be fairly compensated, and these often-unwritten duties should be formally acknowledged/encompassed in their job description. Multilingual liaisons should be able to survive on their compensation without needing to take additional jobs.

Recommendations

- 1) Set schools up for success in language access by
 - a) Deploying a school-level needs assessment to determine need for multilingual liaisons in schools
 - b) Developing model policies/guidance on
 - i) Training of multilingual liaisons
 - ii) Recruitment of multilingual liaisons
 - iii) Retention of multilingual liaisons
 - iv) Community engagement with multilingual liaisons
 - c) Providing a forum through which multilingual liaisons can share learned experiences and support each other in their common work.

OPPRESSIVE DISCIPLINARY TACTICS

Punishment and disciplinary tactics including expulsions, suspensions, and referrals to law enforcement for student behavioral issues are counterproductive to countering systemic oppression in our school systems. These tactics force students to miss academic lessons, often making it impossible for the student to catch up. They also don't address the root cause for the student's behavior and squander the opportunity for students' growth in their emotional intelligence. The Task Force believes the state should prohibit expulsions, reduce suspensions, and stop referrals to law enforcement for student behavior, and instead adopt in-school and out-of-school services that address the root causes of student misbehavior and directly support their needs.

Furthermore, the impact of schools' current standard to identify and address bullying and harassment fall short of its intentions. The Task Force recognizes that the legal distinction between bullying and harassment is vague, ambiguous, and does not reflect the experiences of students of color, students with disabilities, and students who identify as LGBTQIA+. These are students who report being subjected to actions by their peers that are intended to ridicule, humiliate, or intimidate them on a repeated basis, and that have substantially interfered with their

right to access education. The Task Force also recognizes that both students and adults engage in behavior that could constitute harassment, but because it is masked or implicit, the evidence of racial slurs or epithets are not present. Lastly, the Task Force recognizes that the bar to prove harassment is too high and that schools may prematurely or unnecessarily fail to fully investigate harassment claims, or fail to make final determinations that harassment occurred under existing standards. Students and their families need a grievance procedure extending beyond their schools and supervisory unions that will address bullying.

Recommendations

- 1) Adopt/enhance in-school services and support to replace all suspensions and most expulsions for a narrow, clearly-defined list of behaviors after considering all other alternatives. Reduce law enforcement contacts for students facing discipline.
- 2) Change (through executive order and/or by supporting legislative action) the “severe or pervasive” standard for harassment claims under the Fair Housing and Public Accommodations Act, 9 V.S.A. §4500 et seq. to reflect the following:
 - a) A hostile environment case under the Fair Housing and Public Accommodations Act shall be actionable if a plaintiff is subjected to inferior terms, conditions or privileges because of his or her protected characteristic(s), regardless of whether it is severe or pervasive.
 - b) The Defendant(s) shall bear the burden of showing that conduct was not more than petty slights or trivial inconveniences and did not undermine equal opportunity for the Plaintiff.
 - c) Eliminate the affirmative defense that an individual did not first make a complaint and/or grieve the harassment to the school.
- 3) Provide for independent reviews of final bullying determinations under the Agency of Education’s model procedures on bullying, harassment and hazing, adopted under 16 V.S.A. § 570a.(b)(1) so that a complainant may request an independent review of the school’s final determination if the complainant is dissatisfied with the final determination or believes the school’s response was inadequate to correct the problem.

ACCESS TO TECHNOLOGY

The Vermont New Americans Advisory Council, the Association of Africans Living in Vermont, the Racial Justice Alliance, the NAACP, and The Root Social Justice Center have all noted the lack of technology access for students. Experiences consistently included not having access to the internet, access to computers, or understanding how to effectively remotely learn (including knowing what tools were available to students). While this issue heavily impacts communities of color in Chittenden and Windham Counties, Vermont’s overall reputation for having an underdeveloped technological infrastructure suggests these are widespread issues. For example, Northeast Kingdom school officials publicly announced in Spring 2020 that an

estimated 25-30% of students don't have internet access. Vermont should continue identifying and targeting regions that lack internet access, support schools in providing take-home computers, and make remote-learning academic support services available. Vermont should work to especially provide these resources to communities of color as they are more likely to have language access needs, live in underserved areas, and be punished for unmet expectations rather than supported.

Recommendation

- 1) Mandate schools to examine and address inequitable student access to internet, computers, and remote-learning support. This can include, but is not limited to, increasing public internet hotspots, providing laptops or similar devices to students, and adding more resources and services for academic/remote-learning support.

HOUSING

ACCESS TO HOUSING

Access to safe and stable housing is the basis for all other rights and privileges. Where Vermonters live determines their sense of safety and security, belonging, and community engagement. Housing is connected to work, transportation, school and school choice, property value, and accessibility to healthcare. In a state that is primarily rural, where many find themselves living far apart and in isolation, having a community is essential to Vermonters' physical and mental health. Furthermore, Vermont suffers from a lack of affordable housing resulting in homelessness for many and putting families at risk. A significant number of homeowners and renters experience "housing cost burden." Specifically, "there are an estimated 89,840 Vermont households (36%) that are paying more than 30% of household income for housing costs and of these cost burdened households 39,150 (16%) are paying 50% or more of household income." These numbers are especially alarming for renters, as wages remain flat and aging housing stock fails to meet health and energy efficiency standards. While these factors affect everyone in Vermont, they are exacerbated for Vermonters of color due to prevalent housing discrimination.

COVID-19's impact on the job sector will have a cascading effect on the housing market. As jobs are lost and modified, employees will likely face changes in income that may force them to change their housing arrangements. Before the pandemic, Vermont already had a shortage of housing. Renters and home buyers alike struggled to find more modernized, affordable, appropriate housing that is located in areas suited to their employment and education needs. Many retirees in Vermont who seek to downsize from large single-family houses competition against young adults and new families seeking "starter homes." With widespread pandemic-induced job losses, the state may see an increase in renters. It is important to note that the state is

also likely to be a receiver state for "climate migration," as residents of other regions of the U.S. look to New England as a haven from fires and floods. Furthermore, we have seen a surge of home buying in Vermont—as much as double the rate in July 2020, with as many as 80% of buyers (in Wilmington) being from out-of-state. This flight to Vermont has also affected rental costs. For example, a 1-bedroom 1-bath unit in Brattleboro pre-COVID-19 rented for approximately \$1,000; as of this writing, units fitting these criteria are listed for \$1,800. For these reasons, Vermont's current and prospective residents may find themselves facing even more significant challenges finding housing and being discriminated against in the process. As demand continues to outpace supply, this may drive home prices up, which will almost certainly disproportionately exclude or disadvantage home buyers and renters of color.

Recommendations

- 1) Target and commit additional grants and low interest loans for home improvements for low-income homeowners and buyers
- 2) Direct more funding for housing vouchers, rental assistance, **In Progress** post-COVID utility/rent accrual, and homeownership programs with tailored outreach.
- 3) Update the housing laws/guide on the Agency of Commerce and Community Development site to require landlords to allow alternate documentation & medical/educational debt exceptions. Issue guidance to lenders doing business in the state to allow the same.

HOUSING DISCRIMINATION

In its 2014 rental discrimination report, Vermont Legal Aid found that “housing providers generally disfavor African American renters, renters of foreign origin, renters with children, and renters with disabilities.” Furthermore, “in 44 percent of the tests, housing providers demonstrate either preferential treatment toward the control testers in comparison to the subject testers, or the housing providers evince unambiguous discrimination against the subject testers.” National origin discrimination occurred most frequently, 48% of the time. In the national origin and race tests, the discrimination was subtle, with housing providers displaying polite and courteous demeanor. Subject testers very rarely suspected discrimination. For example, housing providers shared information with the White tester of U.S. origin about other available units within the tester’s price range if the unit was no longer available. In contrast, housing providers failed to share any information or shared only information about units outside the tester’s price range to subject testers. Housing providers were more likely to follow up with control testers than subject testers even when subject testers called to share that they were still interested in the units. Many of the subject testers believed the units had been rented and no discrimination had occurred when in fact the units were still available and offered to control testers. Similarly, African American subject testers were less likely to be told about other

available units and were asked questions about household composition and their employment more often compared to their White control testers.

When Vermonters of color are able to access housing, they often face harassment from neighbors, landlords, and rental managers. They also experience disparate treatment in the terms and conditions of their leases. Similar to workplaces and schools, housing is another area in which Vermonters of color must meet a high standard to prove a hostile housing case. The “severe or pervasive” standard for harassment claims in housing is vague, inconsistently applied, and unduly burdensome on victims of harassment who seek redress, relief, and to maintain their housing.

The issues above create the following considerations

1. Vermont sees an opportunity increase in ethnic and racial diversity.
2. The state will need to create and retain jobs that accommodate a larger population.

Since the Task Force’s initial deliberations, The Department of Housing and Community Development has confirmed approval of funds to assist Vermonters who have experienced accrual of late rent or utility payments.

Recommendations

- 1) Change (through executive order and/or by supporting legislative action) the “severe or pervasive” standard for harassment claims under the Fair Housing and Public Accommodations Act, 9 V.S.A. §4500 et seq. to reflect the following:
 - a) A hostile environment case under the Fair Housing and Public Accommodations Act shall be actionable if a plaintiff is subjected to inferior terms, conditions or privileges because of his or her protected characteristic(s), regardless of whether it is severe or pervasive.
 - b) The Defendant(s) shall bear the burden of showing that conduct was not more than petty slights or trivial inconveniences and did not undermine equal opportunity for the Plaintiff.
- 2) Study and make recommendations on reparations in the area of housing (i.e. reviewing the ramifications of slavery, housing segregation laws, implicit bias [as described above], and the ongoing impact of these factors on disparities in housing today)

WORKPLACES

Working is an integral part of Vermonters’ health and well-being, and it is deeply connected to one’s sense of self and belonging in the community. Having an equal opportunity to work and to demonstrate one’s skills and experiences for promotions and positions of leadership is essential to self-actualization and fulfillment as much as it is to community

cohesion, economic development, and civic participation. The majority of working people in the U.S. spend at least 30% of their day at work, and Vermonters are no different. With so much time spent at work, our jobsites play a huge role in our social interactions, and vice-versa. Worker performance and productivity declines in uncivil workplaces: Across organizations, more than two-thirds of people report that they withhold effort at work after experiencing incivility. Further, uncivil workplaces caused a 5% reduction in attention, a 17% reduction in memory and information processing, and slower time and increased errors in problem solving and decision making.¹ Needless to say, when workplaces are respectful, equitable and fair, the economy thrives.

The State of Vermont is the largest employer in the State. According to the state’s most recent Workforce Report, in Fiscal Year 2019 there were a total of 8,300 people employed by the State, but only 4% of the State’s employees are people of color. The State hired 954 new employees in FY19. In every other respect, the profile of those hired by the State closely matched the applicant pool, except for representation of people of color. Specifically, people of color made up 12.3% of the applicants, but only 5.6% of hires.

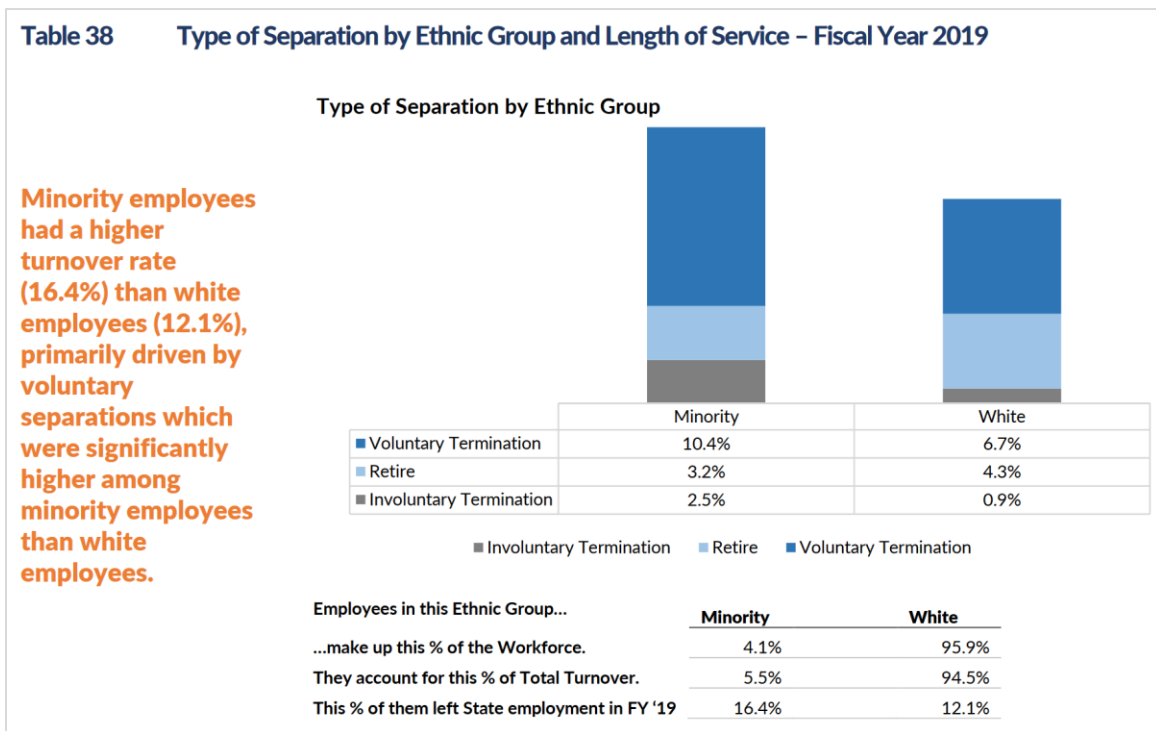


Only 40% of job openings have 10 or fewer applicants, which could be attributed to Vermont’s drop in unemployment rate over the past fiscal years or other factors. These statistics represent a need to examine closely the minimum qualifications and criteria around hiring, and the possibility for mentorship and skill development as part of any position. Mentorship and skill development have also been shown to increase equitable representation in leadership and decision-making roles—in Vermont, state employees of color are underrepresented in these roles.

¹ Porath, C.L., Pearson, C.M.. "The Price of Incivility." Harvard Business Review, Jan/F (2013)

	Num.	Percent	Average Salary	Average Age	Average LOS	Percent Female	Percent Male	Percent Minority
Manager	423	5.5%	\$95,139	50.8	16.0	53.0%	47.0%	0.9%
Supervisor	1,059	13.8%	\$75,771	48.0	14.7	52.6%	47.4%	3.0%
Non-Management	6,173	80.6%	\$57,871	44.7	9.9	50.8%	49.2%	4.5%
Total	7,655	100.0%	\$62,440	45.5	10.9	51.2%	48.8%	4.1%

The State experienced a turn-over rate of 12.4% representing 1,036 individuals leaving state employment. This is the highest rate seen since 1998. Employees of color had a higher turnover rate (16.4%) than white employees (12.1%), primarily driven by voluntary separations. Additionally, employees of color faced involuntary termination at a higher rate (2.5%) than white employees (0.9%). Departments that consistently see a high turnover rate are Corrections, Mental Health, and Education.



The Vermont Human Rights Commission, which is charged with enforcing the Fair Employment Practices Act for state employees and the Fair Housing and Public Accommodations Act for all Vermonters, saw an increase in race and skin color discrimination complaints in both FY18 and FY19. But as the VHRC reports, the rate of complaints does not accurately reflect the state of discrimination in Vermont for several reasons: many people who have experienced legitimate discrimination never file complaints; an investigation requires an investment of time and resources that complainants who have experienced the trauma and stress

of discrimination, homelessness, and/or unemployment may lack; individuals who have experienced discrimination are disillusioned by a system that reliably fails to hold perpetrators accountable under existing policies and legal standards of liability. As we know from statistical analysis across the country and the Equal Employment Opportunity Commission, employment discrimination plaintiffs lose at a greater rate than any other civil plaintiff, at every stage of litigation and appellate process. This includes the pre-trial stage where a case is dismissed by a Judge before a plaintiff has had the opportunity to present evidence to a jury of their peers.

The analyses above are possible because of accurate and consistent collection of race data. In order to continue thoroughly evaluating the state of racial equity in state employment and services, it is imperative that agencies across all three branches of government engage in robust collection and reporting of race/ethnicity data. For example, the Department of Human Resources and the Civil Rights Unit of the Attorney General's Office collect and report the number of complaints made on the basis of race, skin color and national origin and outcomes.

Recommendations:

- 1) Every State agency and department should collect, report, and release race and ethnicity data regarding its services and benefits on an annual basis, in addition to including this information in their quarterly reports to the Executive Director of Racial Equity as directed in 3 V.S.A. Ch. 68.
- 2) The Executive Director of Racial Equity should continue working with the Department of Human Resources to develop model policies on hiring, retention, and promotional path, and on the discipline and termination of employees. This guidance should include review of job qualifications, advertising jobs in forums with diverse readership, informal hiring and promotional practices, training on equity & inclusion for search committee members, measurement for reviewing applicants, reconsidering the Hire-into-Range Policy, mentorship programs, independent reviews of terminations, addressing discrimination and harassment claims, and exit interviews.
- 3) Prohibit (through executive order and/or by supporting legislative action) employers operating in the State of Vermont from preventing an employee from working for the employer following the settlement of a discrimination claim.
- 4) Amend the Fair Employment Practices Act, 21 V.S.A. §495 et seq. to reflect the following:
 - a) A hostile environment case under the Fair Employment Practices Act shall be actionable if a plaintiff is subjected to inferior terms, conditions or privileges of employment because of his or her protected characteristic(s), regardless of whether it is severe or pervasive.
 - b) The Defendant(s) shall bear the burden of showing that conduct was not more than petty slights or trivial inconveniences and did not undermine equal opportunity for the Plaintiff.

- c) Eliminate the affirmative defense that an individual did not first make a complaint and/or grieve the harassment to the employer.

TECHNOLOGY INFRASTRUCTURE

The way we have been disseminating information is not working for all Vermonters. An "overload" of information concerning national and local directives concerning COVID-19 between February and August has left many Vermonters feeling overwhelmed. Yet, ironically, qualitative evidence suggests that Vermont failed to provide Vermonters with accurate and timely information. Qualitative data from the Vermont New American community tell us that while the state reported reductions in the COVID-19 infection rate, people in more racially diverse areas like Winooski experienced outbreaks. This left those community members feeling erased by the seemingly positive reports concerning Vermont's handling of COVID-19, and uncertain about whether to remain concerned due to the local outbreak or less fearful due to the statewide reduction in cases.

While Vermont is working hard to develop its broadband expansion, access to technology is still a barrier for many residents in rural areas. This makes it difficult for students to learn remotely, for employees to telecommute, and for Vermonters to seek up-to-date information or to be connected to the outside world.

Besides language barriers and technological infrastructure, we must also consider the media that we use to share information and to invite public comment: Vermont still has a thriving radio ecosystem, which can be leveraged to help ensure widespread information dissemination. For instance, the state Department of Libraries has recording space at its Barre main offices where public service announcements or excerpts from other publications can be recorded for public dissemination. There are also a few statewide newspapers, and several local papers have shuttered or reduced staff due to the pandemic's strain.

Recommendations

- 1) **In Progress** Direct funds for emergency broadband access to low-income households
- 2) **In Progress** Allow equitable access to technology and internet, especially for students and people living in rural areas

LANGUAGE ACCESS

As the state seeks to diversify its population and provide meaningful access to all Vermonters, one area of great need is language access. Vermont, like all other states and nations, is adapting to the rapidly-changing technological landscape. Never has it been easier to provide

prompt, thorough access to government services for limited English proficient people, yet the state lacks a cohesive language access goal and the dedicated resources to implementing one. As discussed above, emergencies like COVID-19 remind us of how high the stakes are for those who cannot access timely, up-to-date information on topics like public health, natural disasters, school closings and lockdowns, etc. Outside of an emergency context, having adequate language access communicates to the world that Vermont is “open for business” to all, and that whether you live, work, learn, or play in Vermont, you can depend on consistent access to common and necessary information.

The state has declared that it seeks to recognize and support Vermont’s ethnic diversity. It should do so by providing culturally and linguistically appropriate services in its community outreach. This includes, but is not limited to, translating government information to the most common Vermont languages and/or providing alternative accessible mediums (e.g. infographics), meeting community technological needs (e.g. educational, availability), and providing meaningful legal aides.

Recommendations

- 1) Disseminate written & audio information about programs & eligibility criteria in VT’s most common languages.
- 2) Information and documentation requests should be clear and concise, with photographic/visual depictions of official documents when possible, and should allow adequate time for an English Language Learner to get help in compiling information and documents and for communicating with healthcare and social service providers, schools, employers, landlords, mortgage companies, etc.
- 3) Communicate to awardees of federal funding that, per Title VI the Civil Rights Act of 1964 and Executive Order 13166 of 2000, recipients of federally sourced funding are required to provide meaningful access for their Limited English Proficiency applicants and beneficiaries.

GOVERNMENT OPERATIONS

The recruitment and retention of people of color in Vermont is vital for a Vermont future that is inclusive and thriving. Qualitative and quantitative data from community organizations have surfaced several practices that were not only supportive during the pandemic, but that should be retained as general practices moving forward.

“Anti-racism is the active process of identifying and eliminating racism by changing systems, organizational structures, policies and practices and attitudes, so that power is redistributed and shared equitably.” (National Action Committee on the Status of Women). Addressing Vermont’s racial/ethnic disparities must be a collective effort. For example,

Pandemic Disaster Recovery plans should always include lenses on how marginalized groups will be affected. Providing training on anti-racism, anti-oppressive practices, and cultural humility empowers our government officials and staff with a systemic lens at repairing racism.

Recommendations

- 1) Mandate training for orgs & agencies receiving federal/state funding on:
 - a) Culturally and linguistically appropriate services
 - b) Federal laws on language access
 - c) Anti-racist & anti-oppressive practices
 - d) Effective communication
 - e) Recruitment, retention & promotion
 - f) Emergency response
- 2) Adopt a different approach for allocating grants statewide. Grantmaking on a first-come, first-serve basis leaves behind the people and communities with barriers to information.
- 3) Ensure that equity becomes a key lens through which all emergency responses are viewed by, including racial/social equity in all emergency plans and emergency response protocols. The lens should consist of at least data disaggregation and analysis, and early outreach and resource distribution to vulnerable communities.

GLOSSARY

AALV	Association of Africans Living in Vermont
ACLU	American Civil Liberties Union
CARES Act	the Coronavirus Aid, Relief, and Economic Security Act
LGBTQIA+	Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex, Asexual/Ally
MWBE	Businesses that are at least 51% owned and substantially managed by people of color and/or people identifying as women
VDH	Vermont Department of Health
VDOL	Vermont Department of Labor
VITL	Vermont Information Technology Leaders
VHRC	Vermont Human Rights Commission
USCRI	U.S. Committee for Refugees and Immigrants
Equity	The condition that would be achieved when a person’s race or other demographic group membership is no longer predictive of that person’s life outcomes
Historically marginalized population	Communities or groups that have historically experienced systemic barriers to access, resources, and infrastructure investments. May include communities of color, women, individuals who identify along the gender spectrum, immigrants and refugees, people with disabilities, and others who have received limited access to benefits, services, investments, and resources from public/private institutions, including the State of Vermont.
People of color	Includes individuals who identify as Indigenous, Black, Asian, Latinx, or mixed-race/ethnicity.
Structural racism	The normalization and legitimization of an array of dynamics – historical, cultural, institutional and interpersonal –that routinely advantage Whites while producing cumulative and chronic adverse outcomes for people of color.

SUMMARY OF RECOMMENDATIONS

COVID-19 Response	
1	Mandate that all communications related to COVID-19 be translated into VT's most commonly spoken languages.
2	At each testing site, provide COVID-19 educational material in the most appropriate languages for the region, and give out PPE.
3	Ensure that COVID-19 related grants (whether awarded to or administered by the State) include line items for translation.
4	Contract with or facilitate sub-contracting with refugee & immigrant service providers and/or translation service providers if the State or grantees lack cultural and/or linguistic expertise to provide core COVID-19 related services to people with refugee & immigrant backgrounds.
5	Continue to consult with USCRI-VT & AALV to ensure people with refugee & immigrant backgrounds can access Unemployment Insurance & Pandemic Unemployment Assistance (or future versions of this benefit) in a timely manner with efficient troubleshooting.
6	For COVID-19 tests administered to Limited English Proficient people, ensure that interpreters who call patients relay accurate info.
7	Grant homeless individuals access to testing and support increased infrastructure for homeless Vermonters impacted by COVID-19.
8	Address testing accessibility issues by collaborating with community organizations that serve marginalized groups locally to design and coordinate walk-in testing sites.
9	Assess which locations in Vermont have not had access to free testing without referrals needed. Using this assessment, prioritize test kits and human resources to allow for more focused testing for vulnerable populations and those in outbreak areas who lack resources or transportation.
10	Conduct broader testing in prisons, in-state and out-of-state.
11	Increase VDH resources in COVID-19 test result data entry, specifically for efforts in collecting race/ethnicity data from COVID-19 test results: Retroactively include all race/ethnicity data, including manually entering race/ethnicity data from paper COVID-19 test results; Assess and ensure that moving forward, hospitals are able to digitally transfer uniform data reporting on race/ethnicity data with their COVID-19 test results.
12	Collaborate with community and health organizations to provide training on cultural humility and best healthcare form intake practices to providers that administer COVID-19 tests.
13	Have VDH work with the Executive Director of Racial Equity, the Task Force, and other stakeholders to create a better system to collect, track, and report race data regarding health disparities from the Vermont Health Information Exchange to monitor and analyze racial disparities in healthcare on an ongoing basis.
14	In Progress Establish a state-level relief fund for Vermonters who were barred from receiving federal stimulus payments due to their or someone else's immigration status.
15	Order an in-depth assessment on people of color who have suffered income losses. This should include, but not be limited to, job losses and closures of minority-owned businesses.
Schools	
16	Deploy a school-level needs assessment to determine need for multilingual liaisons in schools; Develop model policies/guidance to train and support multilingual liaisons
17	Adopt/enhance in-school services and support to replace <u>all</u> suspensions and <u>most</u> expulsions for a narrow, clearly-defined list of behaviors after considering all other alternatives. Reduce law enforcement contacts for students facing discipline.
18	Change (through executive order and/or by supporting legislative action) the "severe or pervasive" standard for harassment claims under the Fair Housing and Public Accommodations Act, 9 V.S.A. §4500 et seq.

19	Provide for independent reviews of final bullying determinations under the Agency of Education's model procedures on bullying, harassment and hazing
20	Mandate schools to examine and address inequitable student access to internet, computers, and remote-learning support.
Housing	
21	Target and commit additional grants and low interest loans for home improvements for low-income homeowners and buyers
22	Direct more funding for housing vouchers, rental assistance, In Progress post-COVID utility/rent accrual, and homeownership programs with tailored outreach.
23	Update the housing laws/guide on the Agency of Commerce and Community Development site to require landlords to allow alternate documentation & medical/educational debt exceptions. Issue guidance to lenders doing business in the state to allow the same.
24	Change (through executive order and/or by supporting legislative action) the "severe or pervasive" standard for harassment claims under the Fair Housing and Public Accommodations Act, 9 V.S.A. §4500 et seq.
25	Study and make recommendations on reparations in the area of housing.
Workplaces	
26	Develop model policies on hiring, retention, and promotional path, and on the discipline and termination of employees
27	Prohibit (through executive order and/or by supporting legislative action) employers operating in the State of Vermont from preventing an employee from working for the employer following the settlement of a discrimination claim.
28	Amend the Fair Employment Practices Act, 21 V.S.A. §495 et seq. expand access to redress in workplace harassment cases
Tech Infrastructure	
29	In Progress Direct funds for emergency broadband access to low-income households
30	In Progress Allow equitable access to technology and internet, especially for students and people living in rural areas
Language Access	
31	Disseminate written & audio information about programs & eligibility criteria in VT's most common languages.
32	Information and documentation requests should be clear and concise, with photographic/visual depictions of official documents when possible, and should allow adequate time for an English Language Learner to get help in compiling information and documents and for communicating with healthcare and social service providers, schools, employers, landlords, mortgage companies, etc.
33	Communicate to awardees of federal funding that, per Title VI the Civil Rights Act of 1964 and Executive Order 13166 of 2000, recipients of federally sourced funding are required to provide meaningful access for their Limited English Proficiency applicants and beneficiaries.
Government Operations	
34	Mandate training for orgs & agencies receiving federal/state funding on Culturally & linguistically appropriate services, Federal laws on language access, Anti-racist practices, Effective communication, Recruitment, retention & promotion, Emergency response
35	All state agencies & departments collect, report, and release race/ethnicity data regarding services and benefits annually
36	Adopt a different approach for allocating grants statewide. Grantmaking on a first-come, first-serve basis leaves behind the people and communities with barriers to information.
37	Ensure that equity becomes a key lens through which all emergency responses are viewed by, including racial/social equity in all emergency plans and emergency response protocols. The lens should consist of at least data disaggregation and analysis, and early outreach and resource distribution to vulnerable communities.