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S.23

Introduced by Senators Hardy, Gulick, Perchlik, Ram Hinsdale, Vyhovsky,  
Watson and White

Referred to Committee on

Date:

Subject: Labor; commerce and trade; education; fair employment practices;  
public accommodations; housing; discrimination; harassment; hair;  
weight

Statement of purpose of bill as introduced: This bill proposes to prohibit  
discrimination and harassment based on hair types and styles associated with a  
particular race and on the basis of weight.

An act relating to prohibiting certain forms of discrimination

It is hereby enacted by the General Assembly of the State of Vermont:

\* \* \* Fair Housing and Public Accommodations \* \* \*

Sec. 1. 9 V.S.A. § 4501 is amended to read:

§ 4501. DEFINITIONS

As used in this chapter:

\* \* \*



1 minor children, or because a person is a recipient of public assistance, or  
2 because a person is a victim of abuse, sexual assault, or stalking.

3 (2) To discriminate against, or to harass, any person in the terms,  
4 conditions, privileges, and protections of the sale or rental of a dwelling or  
5 other real estate, or in the provision of services or facilities in connection with  
6 a dwelling or other real estate, because of the race, sex, sexual orientation,  
7 gender identity, age, marital status, religious creed, color, national origin,  
8 weight, or disability of a person, or because a person intends to occupy a  
9 dwelling with one or more minor children, or because a person is a recipient of  
10 public assistance, or because a person is a victim of abuse, sexual assault, or  
11 stalking.

12 (3) To make, print, or publish, or cause to be made, printed, or published  
13 any notice, statement, or advertisement, with respect to the sale or rental of a  
14 dwelling or other real estate that indicates any preference, limitation, or  
15 discrimination based on race, sex, sexual orientation, gender identity, age,  
16 marital status, religious creed, color, national origin, weight, or disability of a  
17 person, or because a person intends to occupy a dwelling with one or more  
18 minor children, or because a person is a recipient of public assistance, or  
19 because a person is a victim of abuse, sexual assault, or stalking.

20 (4) To represent to any person because of the race, sex, sexual  
21 orientation, gender identity, age, marital status, religious creed, color, national

1 origin, weight, or disability of a person, or because a person intends to occupy  
2 a dwelling with one or more minor children, or because a person is a recipient  
3 of public assistance, or because a person is a victim of abuse, sexual assault, or  
4 stalking, that any dwelling or other real estate is not available for inspection,  
5 sale, or rental when the dwelling or real estate is in fact so available.

6 \* \* \*

7 (6) To discriminate against any person in the making or purchasing of  
8 loans or providing other financial assistance for real-estate-related transactions  
9 or in the selling, brokering, or appraising of residential real property, because  
10 of the race, sex, sexual orientation, gender identity, age, marital status,  
11 religious creed, color, national origin, weight, or disability of a person, or  
12 because a person intends to occupy a dwelling with one or more minor  
13 children, or because a person is a recipient of public assistance, or because a  
14 person is a victim of abuse, sexual assault, or stalking.

15 (7) To engage in blockbusting practices, for profit, which may include  
16 inducing or attempting to induce a person to sell or rent a dwelling by  
17 representations regarding the entry into the neighborhood of a person or  
18 persons of a particular race, sex, sexual orientation, gender identity, age,  
19 marital status, religious creed, color, national origin, weight, or disability of a  
20 person, or because a person intends to occupy a dwelling with one or more

1 minor children, or because a person is a recipient of public assistance, or  
2 because a person is a victim of abuse, sexual assault, or stalking.

3 (8) To deny any person access to or membership or participation in any  
4 multiple listing service, real estate brokers' organization, or other service,  
5 organization, or facility relating to the business of selling or renting dwellings,  
6 or to discriminate against any person in the terms or conditions of such access,  
7 membership, or participation, on account of race, sex, sexual orientation,  
8 gender identity, age, marital status, religious creed, color, national origin,  
9 weight, or disability of a person, or because a person is a recipient of public  
10 assistance, or because a person is a victim of abuse, sexual assault, or stalking.

11 \* \* \*

12 (12) To discriminate in land use decisions or in the permitting of  
13 housing because of race, sex, sexual orientation, gender identity, age, marital  
14 status, religious creed, color, national origin, weight, disability, the presence of  
15 one or more minor children, income, or because of the receipt of public  
16 assistance, or because a person is a victim of abuse, sexual assault, or stalking,  
17 except as otherwise provided by law.

18 \* \* \*

19 (d)(1) As used in this section, "harass" means to engage in unwelcome  
20 conduct that detracts from, undermines, or interferes with the person's terms,  
21 conditions, privileges, or protections in the sale or rental of a dwelling or other

1 real estate, or in the provision of services or facilities in connection with a  
2 dwelling or other real estate, because of the person's race, sex, sexual  
3 orientation, gender identity, age, marital status, religious creed, color, national  
4 origin, weight, or disability, or because the person intends to occupy a dwelling  
5 with one or more minor children, or because the person is a recipient of public  
6 assistance, or because the person is a victim of abuse, sexual assault, or  
7 stalking.

8 \* \* \*

9 \* \* \* Education \* \* \*

10 Sec. 4. 16 V.S.A. § 11 is amended to read:

11 § 11. CLASSIFICATIONS AND DEFINITIONS

12 (a) As used in this title, unless the context otherwise clearly requires:

13 \* \* \*

14 (26)(A) "Harassment" means an incident or incidents of verbal, written,  
15 visual, or physical conduct, including any incident conducted by electronic  
16 means, based on or motivated by a student's or a student's family member's  
17 actual or perceived race, creed, color, national origin, marital status, sex,  
18 sexual orientation, gender identity, weight, or disability that has the purpose or  
19 effect of objectively and substantially undermining and detracting from or  
20 interfering with a student's educational performance or access to school

1 resources or creating an objectively intimidating, hostile, or offensive  
2 environment.

3 (B) “Harassment” includes conduct that violates subdivision (A) of  
4 this subdivision (26) and constitutes one or more of the following:

5 \* \* \*

6 (ii) Racial harassment, which means conduct directed at the  
7 characteristics of a student’s or a student’s family member’s actual or  
8 perceived race or color, and includes the use of epithets, stereotypes, racial  
9 slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display,  
10 or circulation of written or visual material, and taunts on manner of speech and  
11 negative references to racial customs. Racial harassment includes harassment  
12 based on traits associated with or perceived to be associated with a student’s or  
13 a student’s family member’s actual or perceived race or color, including hair  
14 type, hair texture, and hair styles, including afros, braids, locks, and twists.

15 \* \* \*

16 Sec. 5. 16 V.S.A. § 563 is amended to read:

17 § 563. POWERS OF SCHOOL BOARDS; FORM OF VOTE

18 The school board of a school district, in addition to other duties and  
19 authority specifically assigned by law:

20 (1)(A) Shall determine the educational policies of the school district.

21 Board policies shall be of general application to the district and shall be in

1 writing, codified, and made available to the public. Board policies shall be  
2 adopted at regular or special school board meetings. A school board shall give  
3 public notice of its intent to adopt a board policy, stating the substance of the  
4 proposed policy, at least ten days prior to its adoption. A school board may  
5 also approve or disapprove rules and regulations proposed by the principal or  
6 superintendent for the conduct and management of public schools in the  
7 district.

8 (B) A school board shall not adopt or approve any policy, rule, or  
9 regulation that discriminates against any student based on the student's or the  
10 student's family member's actual or perceived race, creed, color, national  
11 origin, marital status, sex, sexual orientation, gender identity, weight, or  
12 disability. As used in this subdivision (B), "race" includes traits associated  
13 with or perceived to be associated with a student's or a student's family  
14 member's actual or perceived race or color, including hair type, hair texture,  
15 and hair styles, including afros, braids, locks, and twists.

16 \* \* \*

17 \* \* \* Fair Employment Practices \* \* \*

18 Sec. 6. 21 V.S.A § 495 is amended to read:

19 § 495. UNLAWFUL EMPLOYMENT PRACTICE

20 (a) It shall be an unlawful employment practice, except where a bona fide  
21 occupational qualification requires persons of a particular race, color, religion,



1 national origin, sex, sexual orientation, gender identity, ancestry, place of birth,  
2 age, crime victim status, weight, or physical or mental condition:

3 (1) For any employer, employment agency, or labor organization to  
4 discriminate against any individual because of race, color, religion, ancestry,  
5 national origin, sex, sexual orientation, gender identity, place of birth, crime  
6 victim status, weight, or age or against a qualified individual with a disability;

7 (2) For any person seeking employees or for any employment agency or  
8 labor organization to cause to be printed, published, or circulated any notice or  
9 advertisement relating to employment or membership indicating any  
10 preference, limitation, specification, or discrimination based upon race, color,  
11 religion, ancestry, national origin, sex, sexual orientation, gender identity,  
12 place of birth, crime victim status, age, weight, or disability;

13 (3) For any employment agency to fail or refuse to classify properly or  
14 refer for employment or to otherwise discriminate against any individual  
15 because of race, color, religion, ancestry, national origin, sex, sexual  
16 orientation, gender identity, place of birth, crime victim status, weight, or age  
17 or against a qualified individual with a disability;

18 (4) For any labor organization; to limit, segregate, or qualify its  
19 membership with respect to any individual because of race, color, religion,  
20 ancestry, national origin, sex, sexual orientation, gender identity, place of birth,  
21 crime victim status, or weight, age ~~to discriminate against any individual or~~

1 ~~against a qualified individual with a disability or to limit, segregate, or qualify~~  
2 ~~its membership, or disability.~~

3 \* \* \*

4 Sec. 7. 21 V.S.A. § 495d is amended to read:

5 § 495d. DEFINITIONS

6 As used in this subchapter:

7 \* \* \*

8 (16) “Race” includes traits associated with or perceived to be associated  
9 with race, including hair type, hair texture, and hair styles, including afros,  
10 braids, locks, and twists.

11 (17) “Disability” means:

12 (A) a physical or mental impairment that substantially limits one or  
13 more major life activities;

14 (B) a history or record of having such an impairment; or

15 (C) a perception of having such an impairment.

16 \* \* \* Effective Date \* \* \*

17 Sec. 8. EFFECTIVE DATE

18 This act shall take effect on July 1, 2023.