

# Testimony in Support of H.130

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**HUMAN RIGHTS COMMISSION**

# Presentation

- HRC Overview
- Historical Context
- Statutory Framework
- Current Reality
- Support for H.130

# HRC Overview

## **Mission**

The Mission of the HRC is to promote full civil and human rights. The HRC seeks to protect people from discrimination by investigating complaints, helping to resolve complaints, filing lawsuits, and educating the public.

## **Jurisdiction**

The HRC investigates complaints of discrimination in housing, in State employment, and in places of public accommodation. Under 9 V.S.A. § 4501(a), a “place of public accommodation” is defined to include “any school.” The HRC investigates school-based discrimination and harassment pursuant to Title 9. The HRC is listed in the Model HHB Procedures as the State agency to receive harassment complaints.

## **Complaint Process**

HRC Staff Attorney Investigators conduct comprehensive investigations, resulting in investigative reports. If the HRC finds “reasonable grounds” to believe that discrimination or harassment occurred, then the HRC may file an enforcement action in court.

# History of HHB Work in Vermont

- **1994:** Vermont's first state law addressing harassment in schools was passed, recognizing unlawful harassment as a form of discrimination, requiring a harassment prevention policy for all schools and a procedure for "designated employees" to receive complaints.
- **1999:** VT Advisory Committee to the U.S. Commission on Civil Rights found that racial harassment was both frequent and common across all grade levels and that school personnel were "ill equipped" and "poorly trained" to respond appropriately to incidents.
- **2000:** Additional hazing and harassment requirements and protections were added to Title 16.
- **2003:** A Supplemental Report on Racial Harassment in Vermont Schools by the VT Advisory Committee to the U.S. Commission on Civil Rights found that a coordinated, statewide plan to address the problem was still needed, and identified fiscal constraints limiting the ability of the then-VDOE and the HRC to develop statewide prevention programs or intervene on behalf of victims and help schools resolve recurring problems.
- **2009:** Study Committee on Harassment, Bullying, and Cyberbullying of Students in Vermont Schools Report was presented to the Legislature with significant findings and recommendations including coordinated comprehensive training programs for students, staff, and administrators.

# HHB Prevention Advisory Council

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- First created by statute in 2012
- Function: to review and coordinate school and statewide activities relating to the prevention of and response to harassment, hazing, and bullying
- Membership has consisted of 6 organizational representatives and others selected by the agency head
- Required to make annual reports to the legislature

## **The last Council's annual report was made in 2016.**

- In 2015, the HHB Advisory Council reviewed the model HHB policy that was being updated and made suggestions about language and implementation.

# Statutory Provisions

- State policy is summarized in 16 V.S.A. § 570
- § 11(a) Legal Definitions of HHB
- § 570 Requires HHB Prevention Policies/Procedures
- § 570a Harassment
- § 570b Hazing
- § 570c Bullying
- § 570f School's duty to act and respond to harassment
- § 570f Harassment claims against schools
- 9 V.S.A. § 4502 Discrimination in Places of Public Accommodations

# School Harassment in Vermont Today

- School harassment complaints at the HRC are **increasing in frequency and severity**
- Most harassment complaints involve **race and color**, but some involve disability, national origin, sexual orientation, gender identity, and sex
- Many cases involve some harassment by **electronic means**, coupled with in-person school based conduct
- In the past 2 years, HRC has completed **9 investigations** involving school-based harassment, with mixed findings and some resulting in settlement (ranging from \$10,000 to \$175,000 plus public interest relief)
- HRC currently has **two lawsuits** against Vermont schools alleging harassment
- There are 12 **HRC harassment complaints** actively being investigated, and 6 other complaints are accepted for investigation. The federal Dept of Education can no longer be relied upon to conduct investigations into discrimination and harassment.
- HRC has led 3 **Harassment Prevention Trainings** for educators and administrators this school year. These were well-received, and clearly much needed. **Educators express a genuine interest in more support, guidance, and tools for prevention.**



# H.130 is a step forward

- Re-establishing the Council with a broader membership will bring fresh energy and new momentum to this important work
- Expanding the membership to include individuals with direct experience tackling these complex issues in schools will lead to more meaningful discussions about solutions and strategies
- Including voices of individuals directly impacted by HHB, and their advocates, is crucial to moving this work forward with an equity lens and an inclusive framework
- Solutions that are only based on input from schools and administrators will not protect all of the individuals impacted by HHB
- Bi-annual review of the prevention policies will allow for ongoing evaluation and continuous improvement
- Useful resources on prevention strategies are lacking, and the pooled knowledge of this larger council could fill much needed gaps in information for schools
- An annual, joint legislative hearing conveys the importance of the issue and continuous discussions about improvements to our current strategies to address HHB