



VERMONT

HUMAN RIGHTS COMMISSION

Annual Report
January 2025

FY24

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INTRODUCTION

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 places of **public accommodation**.

The Commission pursues its mission by:

Enforcing laws through investigations and litigation

Complaints alleging violations of anti-discrimination laws are investigated impartially and decided promptly by the Human Rights Commission.

Conciliating disputes during and after investigations

Complainants and Respondents are offered timely and meaningful access to mediation services or informal means of conciliation that promote mutually satisfactory resolutions to their disputes.

Educating the public and providing information and referrals

HRC staff offer information, referrals, educational programs, and educational training to those who request these services. Additionally, HRC staff requests relief in the form of training in all settlements. HRC staff engage with coalitions and in community activities that address the needs of members of underrepresented and historically marginalized groups.

Advancing effective public policies on human rights

The HRC provides leadership in public policy development concerning civil and human rights issues in Vermont and presents testimony to the Legislature on such issues.

RECOMMENDATIONS

Based on HRC staff's observations in FY24, HRC recommends policymakers do the following:

Increase HRC Capacity to Process Complaints

The demand for services from the HRC is at an all-time high. For decades, the HRC has operated with minimal staff, resulting in delays, backlogs, and a low number of case closures per year. Today, the HRC must routinely decline to investigate complaints due to caseloads. In FY24, there were significant periods where HRC staff were unable to answer the main line phone number or reply to general email inquiries promptly. Members of the public waited weeks and sometimes months for HRC to respond to their inquiries. Delays in complaint processing compromise the public's confidence in the HRC and jeopardize HRC's funding from the U.S. Department of Housing and Urban Development (HUD). To fully realize its mission and meet the public's needs at present, HRC requires an intake coordinator, three new investigator positions, a paralegal to assist with complex cases, a part-time mediator, and a part-time caseworker.

Expand legal protections for vulnerable groups

Vermonters are rightfully fearful of new and disastrous civil rights violations due to changes at the national level. To protect Vermont's most vulnerable community members, HRC encourages the legislature to move forward with the passage of the Equal Protection Clause in the Vermont Constitution. Also, we urge that the anti-discrimination protections in Vermont law be extended to protect immigration status as a new legally protected status.

Invest in Discrimination Prevention

HRC has seen an increase in complaints of school-based harassment based on race, color, national origin, and gender identity. A significant investment in HRC outreach and Agency of Education prevention training must be made to protect students from hostile educational environments.

OUR AGENCY

The Vermont Human Rights Commission is composed of seven full-time staff members who are exempt State employees. The Commission's five Commissioners are appointed by the Governor for staggered five-year terms.

Staff

Executive Director & General Counsel

Big Hartman, Esq., hired 09/13/21, appointed to current position 7/19/23

Senior Counsel (position created FY24)

Mitchell Rotbert, Esq., hired 10/23/23

Director of Policy, Education, & Outreach

Amanda Garcés, hired 12/2/19

Staff Attorney Investigators

Cassandra Burdyshaw, hired 11/26/18

Daniel Flynnjac, hired 6/27/22

Kelly Poupore, hired 9/11/23

Executive Staff Assistant

Maia Hanron, hired 1/8/23

Commissioners

Chair Kevin Coach Christie appointed 2018

Nathan Besio appointed 2007

Dawn Ellis appointed 2015

Joan Nagy appointed 2019

Bruce Wilson appointed 2022

HRC offices are located at:
12 Baldwin Street, Montpelier
Vermont 05633-6301
Phone: (802) 828 - 2480
[Website: hrc.vermont.gov](http://www.hrc.vermont.gov)



JURISDICTION Housing Discrimination

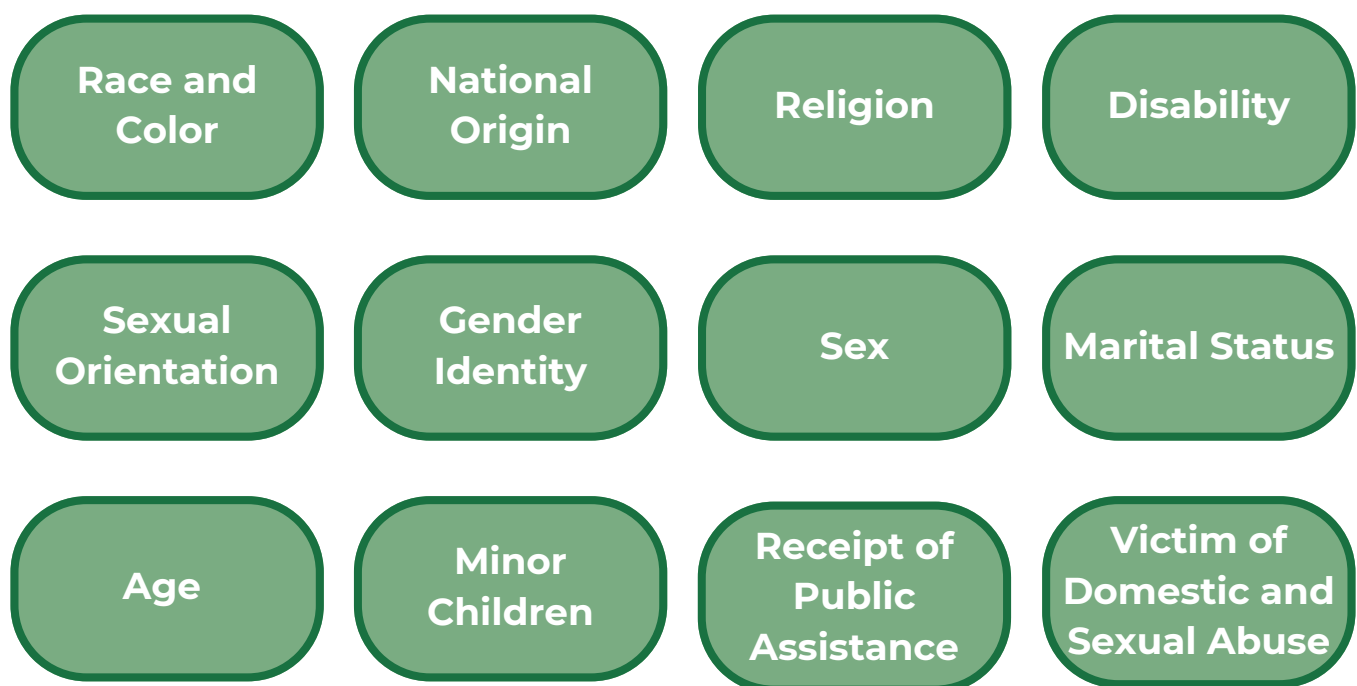
Fair Housing cases comprised the majority of HRC cases in FY24.

What are unfair housing practices?

Unfair housing practices occur when someone is treated differently or unfairly because of their membership in a legally protected category, including:

- refusing to rent, sell, or negotiate for housing
- imposing different terms or conditions for housing
- making discriminatory statements
- falsely representing availability or steering
- redlining, denial of lending, or unfavorable lending terms
- harassment or other discrimination
- refusal to make reasonable accommodations or allow reasonable modifications for individuals with disabilities
- retaliation against someone exercising their rights under fair housing laws

Legally protected categories in housing



JURISDICTION

Public Accommodations Discrimination

HRC has jurisdiction to enforce state anti-discrimination protections in places of public accommodations. Under the Vermont Fair Housing and Public Accommodations Act, it is illegal for someone to be treated differently because of their membership in a legally protected category.

This includes:

- refusing or withholding services or benefits
- offering less favorable services or benefits
- denying access to someone with a service animal
- refusing to make reasonable accommodations and modifications to individuals with disabilities
- failing to take practicable steps to ensure that people with disabilities have access to the services or benefits of the place of public accommodation
- engaging in harassment, or failing to take reasonable measures to prevent harassment

What is a place of public accommodation?



Any business that serves the public



Any type of public or private school



Any local or state government entity

Legally protected categories in places of public accommodation

Race and
Color

National
Origin

Religion

Disability

Sexual
Orientation

Gender
Identity

Sex

Breast-
feeding

JURISDICTION

State Employment Discrimination

The HRC is responsible for enforcing Vermont's Fair Employment Practices Act as it applies to state employees. The Attorney General's Office Civil Rights Unit addresses FEPA complaints involving private employers.

Employment discrimination claims in Vermont can include:

- different treatment in hiring or terms and conditions of employment
- discriminatory discipline or termination
- harassment based on legally protected categories
- unequal pay
- refusing to make reasonable accommodations for individuals with disabilities
- retaliation against someone for making a complaint of discrimination

Legally protected categories in employment

- Race & Color
- National Origin
- Ancestry & Place of Birth
- Religion
- Disability
- Age
- Family/Parental Leave
- Retaliation
- Flexible Work Arrangements
- Sexual Orientation
- Gender Identity
- Sex
- Pregnancy Accommodation
- Credit History
- Crime Victim
- Victim of Domestic or Sexual Abuse
- Worker's Compensation

OUR PROCESS

Human Rights Commission complaint processing has four stages.

01 Intake Processing



HRC staff respond daily to Vermonters reporting discrimination. Many of these individuals suffer from trauma and are in crisis. Our staff take time to hear their stories, provide information and referrals, and explore the facts. The HRC may accept complaints for investigation if they state a “prima facie case” of discrimination. HRC staff will draft the complaint if it is accepted. Intake processes can take several weeks or months depending on staff workload and cooperation with the complainant. In most cases, HRC complaints are not able to redress urgent problems.

02 Complaint Investigation



HRC’s Staff Attorney Investigators conduct neutral, thorough investigations of complaints. The investigation process includes gathering documents, interviewing witnesses, and performing legal research. Investigators may do site visits and seek third-party information. They also work to help parties resolve the matter if at all possible. Investigators draft detailed reports analyzing each. High caseloads mean complex investigations can take over two years. The investigative file is available to the parties but is otherwise confidential by law.

03 Commission Meetings



The HRC Commissioners meet monthly, hearing complaints in executive sessions where they listen to the parties involved and deliberate. They then decide publicly whether there are reasonable grounds for discrimination. If reasonable grounds are found, the names of the parties and the determination become public; if not, all case information remains confidential. The Commissioner’s determinations do not impact any person’s ability to file a discrimination lawsuit under Vermont law.

04 Settlement & Litigation



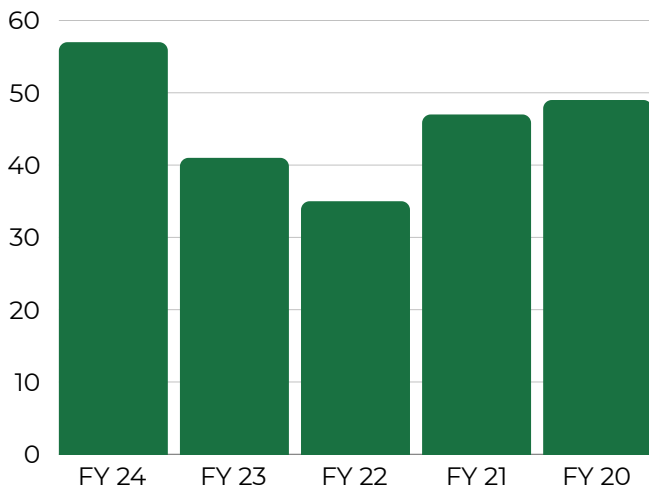
Following a reasonable grounds determination, the HRC statute allows six months for HRC staff to attempt to find a resolution through settlement. Settlement can include both individual and public interest relief. If the parties do not settle the case, the HRC may file an enforcement action in court. HRC does not represent the complainant. HRC can ask the court for an order to stop the discriminatory practice, compensating the complainant for harm, and penalties and legal costs to be paid by the defendant.

FY24 DATA Intake & Inquiries

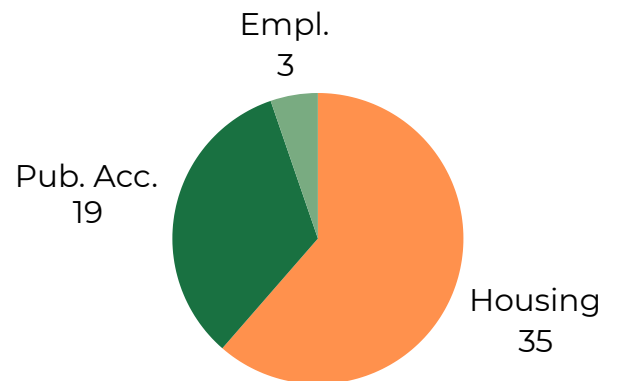
Every day, members of the public who have questions about discrimination or who are interested in filing a complaint contact the HRC. People contact the HRC by phone, email, regular mail, through the website, and in person. The HRC’s Executive Staff Assistant (“ESA”) has historically been the primary point of contact for members of the public, but over the fiscal year 2024, the Executive Director and other team members became more involved in responding to requests from the public due to the overwhelming number of inquiries.

In FY24, HRC staff responded to an average of 105 new inquiries per month. The vast majority of these inquiries took place by phone and email, but a small portion were by mail and in-person. Many inquiries HRC receives present issues that are outside of HRC’s jurisdiction, and staff provide referrals frequently. For inquiries that could become a complaint, the ESA followed up with the individual for additional information needed via phone or email. In many instances, the ESA would conduct an intake meeting. Whenever feasible, HRC accepts complaints for investigation if a complainant alleges a “prima facie case” of discrimination. HRC staff then assist the complainant in drafting a complaint for filing.

In FY24, HRC accepted 59 complaints for investigation. This is an increase of nearly 40% of the number of complaints accepted in FY23. Two of the 59 accepted complaints in FY24 were “informal complaints” which were closed without the need for investigation. There were at least 10 complaints that were accepted for investigation, but the complainant never returned a signed and notarized complaint and therefore the matter was never investigated.



Graph 1. Number of Formal Complaints by Fiscal Year



Graph 2. Breakdown of FY24 New Complaints

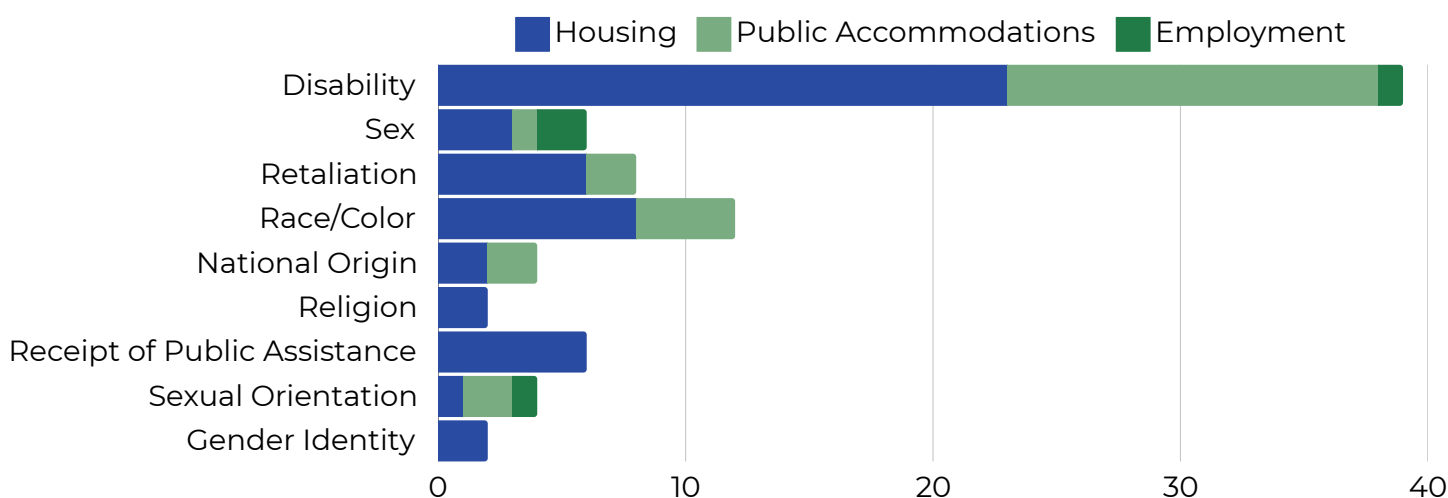
FY24 DATA Complaints

Below is a summary of complaint and determination data from FY24. **HRC staff accepted a record number of new complaints and closed a record number of complaint investigations this year.** We attribute this largely to the staff's dedication and willingness to embrace innovation and the efficiency of processes. We see the decrease in case settlements as a bit of an anomaly and expect to see a corresponding increase in settlements in FY25.

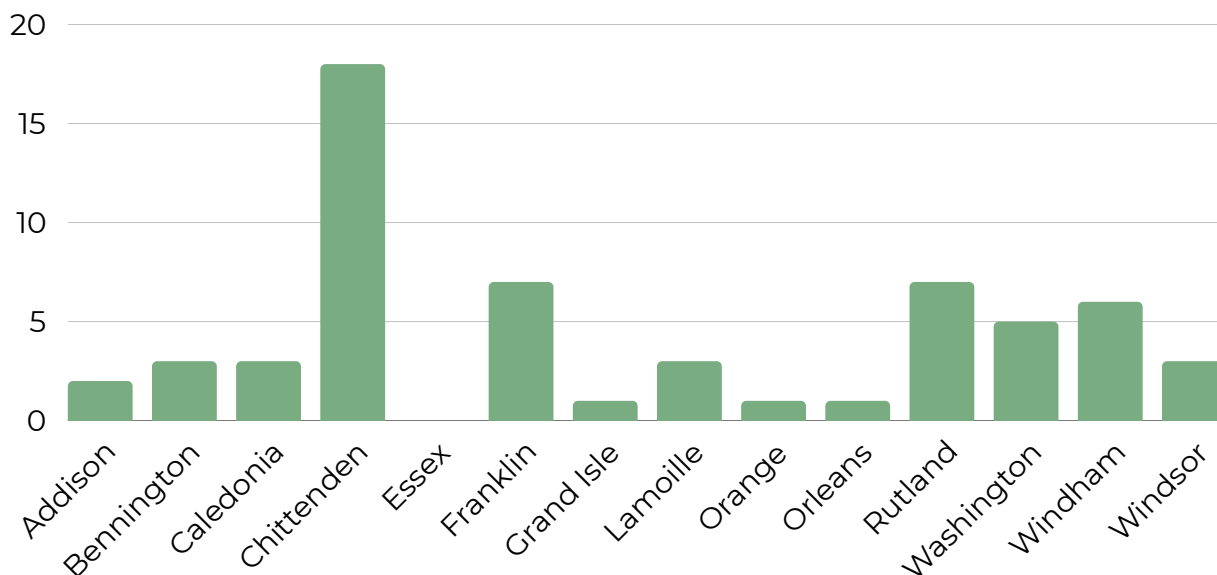
Standard	FY24 Data	Additional Info
New Formal Complaints Opened	57 Complaints (39% increase from FY23)	<ul style="list-style-type: none"> • 35 Housing • 19 Public Accommodations • 3 Employment
Complaints Resolved through Conciliation	10 Total Settlements (38% decrease from FY23)	<ul style="list-style-type: none"> • 6 pre-determination • 4 post-determination
Determinations by the Commission	33 Determinations (74% increase from FY23)	<ul style="list-style-type: none"> • 22 Reasonable Grounds • 11 No Reasonable Grounds
Reasonable Grounds Determinations	7 Fair Housing 12 Public Accommodations 3 Employment	<ul style="list-style-type: none"> • 7 cases based on disability • 6 cases based on sex • 5 cases based on race • 4 cases based on other legally protected categories

FY24 DATA Case Demographics

As shown in the chart below, **a majority of new cases alleged discrimination based on disability, and the next highest number of cases involved allegations of race and color-based discrimination.** More than 10% of cases also alleged retaliation based on a person engaging in legally protected activity, such as complaining about discrimination or requesting an accommodation. It is important to note that one complaint can allege several different bases for discrimination, and often those intersect. The case demographics for FY24 are fairly consistent with historical data.



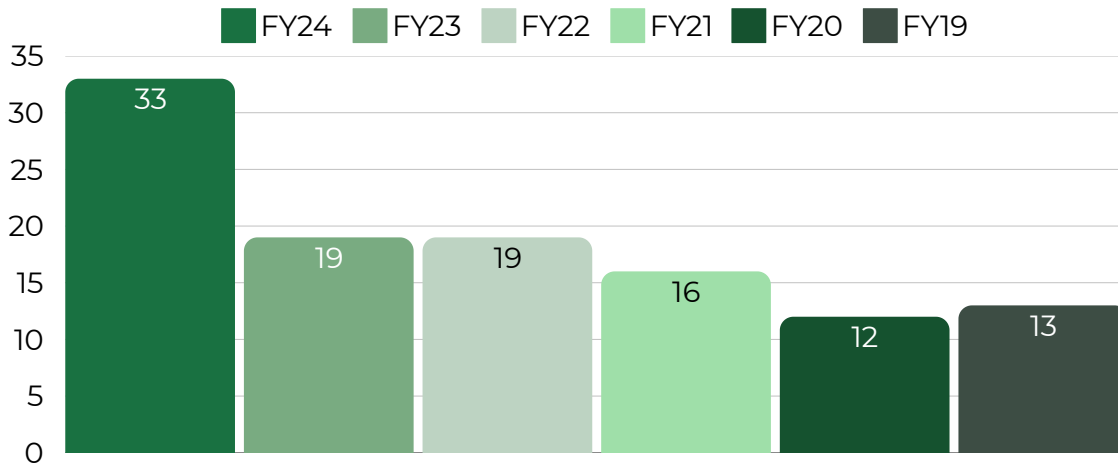
Graph 3. New cases by type and protected class



Graph 4. New cases by county

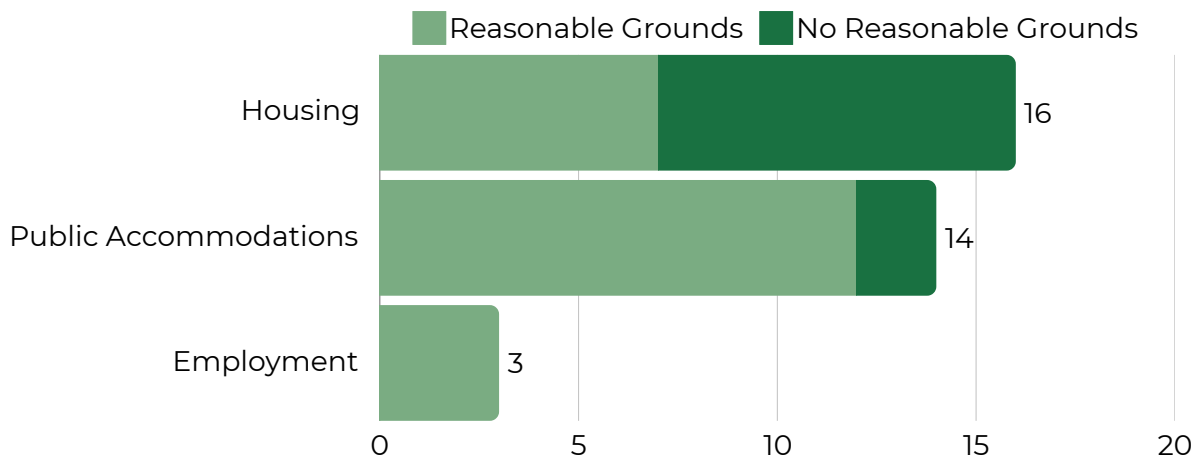
FY24 DATA Case Determinations

As shown in the chart below, the HRC made a record number of determinations in FY 24.



Graph 5. Total Determinations by Fiscal Year

We attribute the rise in total determinations to several factors. Notably, part way through the year, investigators shifted to writing more succinct investigative reports (without changing the quality of investigations). Also, we did not experience any long-term staff vacancies as compared to prior years.



Graph 6. FY 24 Determinations by case type and determination type

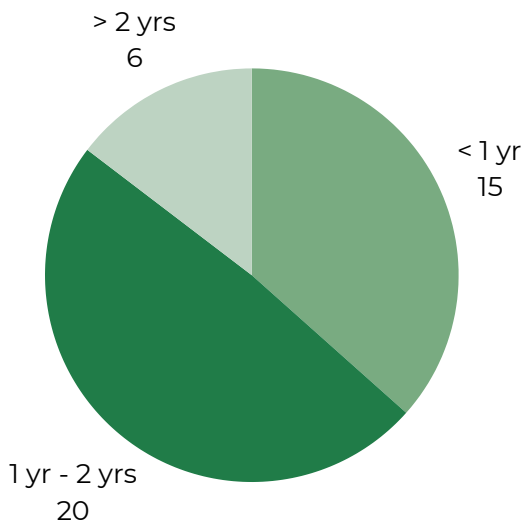
Two-thirds of the cases were determined to have reasonable grounds in FY24 (22 out of 33). This is a substantial increase compared to FY23 in which just over half of the determinations (10 out of 19) were reasonable grounds. In total, the number of reasonable grounds determinations more than doubled in FY24.

FY24 DATA INVESTIGATIONS

Thorough discrimination complaint investigations require a significant commitment of time. With only three investigators conducting this work statewide, and a backlog of cases accumulating, the process often takes years.

HRC’s rules state that we will endeavor to complete all investigations within six months. HUD asks that our fair housing investigations be completed in 100 days. Unfortunately, due to a variety of factors, in the vast majority of cases, these goals are unattainable. We do believe that if investigators had smaller caseloads, they would be able to complete more investigations within these time frames.

In FY24, HRC completed a total of 41 investigations. 5 of these closed with a pre-determination settlement, 3 were administratively dismissed, and 33 had determinations by the Commission. **The average length of time it took to complete an investigation in FY24 was 474 days.** This is a significant improvement from FY23 in which the average case age at closure was 649 days. In FY23, we were able to meet our six-month goal in only one case, but in FY24, 6 cases closed in less than six months. However, we did not close a single housing case within the 100-day mark set by HUD. The charts below break down the age of our investigations in more detail.



Graph 7. Number of cases grouped by length of investigations



Graph 8. Average length of investigations by type

With only 3 full time investigators, HRC is not able to meet its goals in timely completing investigations. HRC needs to add new investigator positions to process more discrimination complaints more promptly.

FY24 DATA SETTLEMENTS

HRC staff are required by law to assist the parties resolve their complaints whenever possible through a process called “conciliation.”

This year, a total of 10 complaints were resolved by settlement.

- 4 settlements occurred after the Commission determined that there were reasonable grounds to believe that discrimination occurred.
- 6 Pre-Determination Conciliation Agreements were reached, which concluded the investigation before a determination.
- Only one of these settlements utilized a professional third-party mediator. In all of the settlements, HRC staff were instrumental in assisting the parties in finding a resolution.



90% of settlements required that Respondents attend training to prevent future complaints

50% of settlements included creation of new policies or procedures to prevent future complaints

Public settlement amounts totaled \$198,147 in relief for individuals
up from \$125,000 in FY23

FY24 DATA LITIGATION

Historically, HRC’s ability to enforce anti-discrimination laws through litigation has been minimal because the Executive Director served as lead counsel.

For FY 24, the legislature approved a new litigator position. In October 2023, the HRC hired an extremely accomplished litigation attorney, Mitch Rotbert, as Senior Counsel. In FY 24, following “reasonable grounds” determinations, the HRC filed a total of 7 enforcement actions in Superior Court, listed below:

- **HRC v State of Vermont Agency of Education:** This case alleges that the Agency of Education discriminated against an educator based on his race and color during a licensing investigation.
- **HRC v Campion:** In this fair housing case, the HRC alleges that a landlord engaged in sexual harassment and unlawful retaliation against his tenant.
- **HRC v Leland & Grey Middle High School and Windham Central Supervisory Union:** HRC alleges race- and color-based discrimination and harassment against a student.
- **HRC v Leland & Grey Middle High School and Windham Central Supervisory Union:** HRC alleges discrimination and harassment against a middle school student based on the student’s sexual orientation.
- **HRC v Bissonette Properties, LLC:** HRC alleges that a property manager discriminated against its tenants based on disability and unlawfully retaliated against them.
- **HRC v Vermont Department of Human Resources:** HRC alleges that the State of Vermont’s sick leave incentive program has a discriminatory impact on state employees based on sex and age.
- **HRC v Cheney:** HRC alleges that a landlord discriminatorily refused to rent to a prospective tenant based on her receipt of public assistance.

The number of new enforcement actions the HRC filed in FY24 more than doubled as compared to FY23. In addition, HRC Senior Counsel also handled four other enforcement actions that were filed in Superior Court before FY24, which had been overseen by private counsel under contract.

FY 24 DATA OUTREACH

HRC continues to grow our reach by engaging with stakeholders such as State government managers and employees, legislators, community groups, non-profit organizations, victims’ advocates, housing providers, attorneys, service providers, students, and families.

We focused our outreach on educational presentations, training, and community events throughout the year. In FY24, HRC staff offered trainings and presentations related to the Fair Housing Act, the Americans with Disabilities Act, harassment prevention, bystander intervention, the HRC process, and other topics.

Fair Housing Trainings

15 live training events
195 attendees



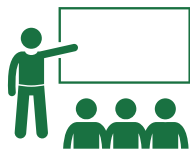
Harassment Prevention Trainings

8 live training events
405 attendees



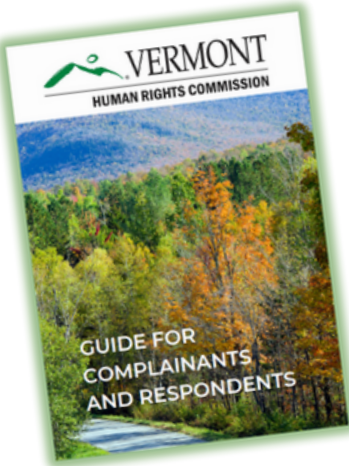
Community Speaking Events

8 events
340 attendees



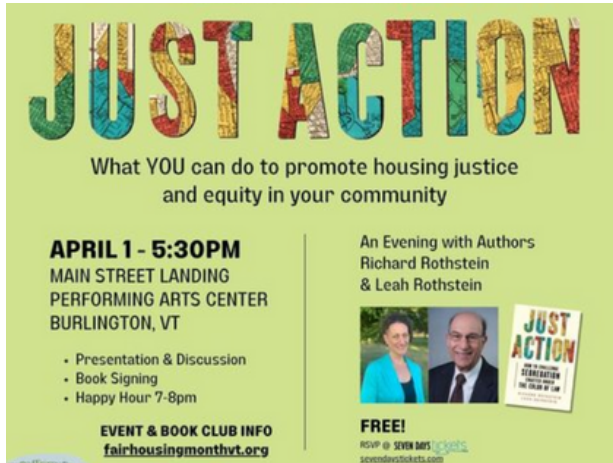
Other Outreach Events

8 events
~650 people reached

HRC created and published its new “Guide for Complainants & Respondents” - a 16-page plain language booklet to help parties under the HRC process

In partnership with the Champlain Valley Office of Economic Opportunity, HRC hosted a Fair Housing Month event with the authors of “Just Action”



JUST ACTION
What YOU can do to promote housing justice and equity in your community

APRIL 1 - 5:30PM
MAIN STREET LANDING
PERFORMING ARTS CENTER
BURLINGTON, VT

- Presentation & Discussion
- Book Signing
- Happy Hour 7-8pm

EVENT & BOOK CLUB INFO
fairhousingmonthvt.org

An Evening with Authors
Richard Rothstein
& Leah Rothstein

FREE!
RSVP @ SEVEN MTS [tickets](https://www.sevendmtickets.com)
[sevendmtickets.com](https://www.sevendmtickets.com)