



ANNUAL REPORT

Fiscal Year 2020

December 23, 2020

HRC Commissioners and their Terms of Appointment

All appointments are for five-year staggered terms and expire on the last day of February.

Kevin “Coach” Christie, Chair	2018-2023
Nathan Besio	2007-2022
Donald Vickers	2008-2021
Dawn Ellis	2015-2020 (waiting on reappointment)
Joan Nagy	2019-2024

HRC Staff

Name/Position	SOV Date of Hire
Bor Yang, Executive Director	11/30/2015, Appointed ED 11/13/2018
Nelson Campbell, Supervising Attorney	4/27/2010
Melissa Horwitz, Staff Attorney Investigator	10/22/2018
Cassandra Burdyshaw, Staff Attorney Investigator	11/26/2018
John McKelvie, Executive Staff Assistant	11/13/2018
Amanda Garcés, Director of Policy, Education and Outreach	12/2/2019

HRC Contact Information

Office hours:	7:45 a.m. - 4:30 p.m. Monday - Friday
Telephone number:	(800) 416-2010 (Toll Free Voice Line) (802) 828-2480 or (802) 828-1625 (Voice)
Fax number:	(802) 828-2481
Mailing address:	14-16 Baldwin Street, Montpelier, VT 05633-6301
E-mail address:	human.rights@vermont.gov
Website:	hrc.vermont.gov

Vermont Human Rights Commission

MISSION STATEMENT

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 public accommodations.

STRATEGIES TO ACHIEVE THE MISSION AND VISION

The Commission pursues its mission by:

- Enforcing laws through investigations and litigation

Complaints alleging violations of anti-discrimination laws are investigated impartially and decided by the Human Rights Commission.
- Conciliating disputes pre and post investigative reports

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 post-investigative settlements and when appropriate, in pre-investigative settlements. HRC staff engage in coalition and community activities that address the needs of members of protected categories.
- Advancing effective public policies on human rights

The HRC provides leadership in public policy development with respect to civil and human rights issues in Vermont and presents testimony to the Legislature on such issues as well as advice to the executive and judicial branches upon request.

EXECUTIVE SUMMARY

The global pandemic and the civil and human rights movement of this year have laid bare, without excuses or defenses, the social and economic injustices that some members of our community have experienced for generations, while others have believed these were long eradicated. We saw racial disparities in treatment and health outcomes; Black and Brown people dying at greater rates from COVID-19. Xenophobic acts of violence against Asians returned to the forefront. As schools closed, we worried about abuse, neglect, evictions, houselessness and hunger and also realized how many families had no access to the internet or computers. While some of us were privileged to work from home, some went to work in person every day, risking their lives in order to keep us safe and to keep our country moving.

While the truths are undeniable, they have also brought to light our strengths as a community. We've seen people rise up and speak out against hate and prejudice. Communities came together to feed each other and shop for one another. We're realizing that it was never a heavy lift to limit store hours to people who are aging or who have disabilities or compromised immune systems. It turns out our workplaces can be flexible and employees can perform the essential functions of their jobs from home. Had we recognized this earlier, we could have benefited more from the diverse perspectives of people with disabilities and parents of young children. This pandemic and civil rights movement has served as an opportunity for all of us to learn and unlearn, to be fearless in our examination of ourselves, our privileges, our policies and processes, to turn over opportunities to those who have traditionally been denied them and to give way to real change although it may cause pain and discomfort.

The work of the Human Rights Commission never stopped even though our physical office closed. We testified on legislative bills on houselessness, discrimination, police reform and COVID-19 relief and worked on multiple taskforces and committees dedicated to serving Vermont's most vulnerable. We held webinars and virtual conferences and reached more Vermonters than ever before. Our investigations continued over video and phone conferences. We settled cases at greater numbers than in previous years. And the HRC filed a lawsuit to protect the right of a person with a disability to receive effective communication.. But it was also an undeniably difficult year, at times demoralizing.

The burden of protecting Vermonters in so many protected categories across state government employment, places of public accommodations and housing with limited resources and insurmountable legal barriers was especially heavy in light of the pandemic and social unrest. We need more resources, we always have. We need more staff in order to close out cases faster and to bring every case that reaches a reasonable grounds determination to litigation when it cannot be settled. We need to engage Vermonters to participate in changing their communities for the better through dynamic and engaging educational and training programs. The work of a Policy Director should be separate from an Education and Outreach Coordinator. The work of our Executive Staff Assistant should be shared between an Office Manager and Intake Specialist.

The work of the Executive Director is too wide and varied to meaningfully focus on the type of systemic changes that are required to eradicate discrimination in Vermont. This pandemic and civil rights movement demand that we ask more and that we do more. Now is the time.

RECOMMENDATIONS TO THE GOVERNOR & LEGISLATURE

The Commission is in a unique position to observe the barriers to mitigating and eradicating discrimination in this State. Respectfully, it submits the following policy recommendations to the Governor and Legislature:

1. Support the work of the Commission by adding more staff and resources to the Commission. At a minimum, by passing a budget bill that would not adversely impact the HRC's ability to meet its statutory obligations.
2. Protect employees who bring forth claims of discrimination by prohibiting agreements that stop employees from reapplying for work with the same employer following the settlement of a discrimination claim. This negotiation practice has a detrimental impact on communities of color, persons with disabilities and other vulnerable populations in Vermont because economic opportunities are limited, skills and experiences are nuanced and the State is the largest employer. This is contrary to our anti-discrimination laws, policies, trainings, and efforts to eradicate discrimination in the workplace and inconsistent with Act 183 which protects employees in sexual harassment cases.
3. Eradicate the "severe or pervasive" standard of proof for hostile environment/harassment cases under the Fair Employment Practices Act and the Fair Housing and Public Accommodations Act, in lieu of a standard that requires a showing of behavior that rises above petty slights and trivial inconveniences.
4. Mandate that all state departments and agencies collect race and gender data, report outcomes, and charge each department with the task of developing strategies to address disparities retroactively and proactively, if and when they exist.
5. Remove all law enforcement from schools in Vermont, limit expulsions, eliminate out of school suspensions, mandate that superintendents develop and implement a plan to address the disparate use of discipline in their school districts and report outcomes on an annual basis.
6. Support the work of a taskforce and working group to study and reconcile our history of discrimination with today's disparities and move forward bravely to systemically address those existing injustices by dedicating resources.
7. Eliminate no cause evictions. Sometimes no-cause evictions serve as a pretext for discriminatory actions.
8. Proactively address discrimination by committing resources to the Act 1 Working Group.

HRC JURISDICTION

By its enabling statute, the Human Rights Commission enforces state anti-discrimination/civil rights laws: the Vermont Fair Housing and Public Accommodations Act (VFHPA), 9 V.S.A. §4500 *et seq.*, and the Vermont Fair Employment Practices Act (FEPA) and Conditions for Employment under 21 V.S.A. §309 (flexible working arrangements) for State government employees only.¹ Places of public accommodations include hospitals, prisons, roads, schools, businesses, and any office or establishment that provides goods or services to the general public. These statutes prohibit individuals or entities from taking adverse action (discriminating) against individuals in protected categories based on their membership in one or more of the protected categories.²

Protected Category	Housing	Public Accommodations	State Government Employment
Race	X	X	X
Color	X	X	X
National Origin	X	X	X
Religion	X	X	X
Sex	X	X	X
Disability	X	X	X
Sexual Orientation	X	X	X
Gender Identity	X	X	X
Marital Status	X	X	
Age	X		X
Minor Children	X		
Public Assistance	X		
Breast Feeding		X	X
HIV blood test			X
Ancestry			X
Place of birth			X
Credit history			X
Pregnancy Accommodation			X
Crime Victim			X
Victim of Domestic and Sexual Violence	X		X
Family/Parental Leave Act			X

¹ Individuals with discrimination complaints concerning private employment file their complaints with the Vermont Attorney General's Office, Civil Rights Division.

² The Human Rights Commission enforces state anti-discrimination/civil rights laws; it does not enforce federal laws. Vermont law is broader than federal law in terms of the categories of people who are protected from discrimination.

Retaliation			
Flexible Working Arrangements			X
Workers' Compensation			X

In 2018, the State of Vermont adopted the gender-neutral bathroom law for all single-stall restrooms in the state, 18 V.S.A. § 1792. The Legislature assigned responsibility for inspections of these facilities and related signage to the Department of Public Safety's Division of Fire Safety. However, gender identity is a protected class in accommodation law, so as a public accommodations issue the law falls under the enforcement authority of the Vermont Human Rights Commission.

HRC COMMISSIONERS AND STAFF

There are five Human Rights Commissioners appointed by the Governor, with the advice and consent of the Senate, for five-year terms. Commissioners may be re-appointed. The Commissioners are tasked with hiring and directing the Executive Director and setting the overall policy of the organization. The Commissioners also meet regularly, usually monthly, to discuss and decide the merits of individual discrimination complaints.

The HRC also has a staff of six state employees. The Executive Director is responsible for the administration of the office, management, and supervision of staff. The Executive Director oversees the development of civil rights training, develops the policy and legislative agenda at the direction of the Commissioners, serves as the legislative liaison and testifies before the Legislature, in addition to serving on task forces and committees. Additionally, the Executive Director is the legal counsel and reviews all complaints, investigative reports, provides legal advice to the Commissioners, and serves as the senior attorney on all litigation arising out of investigations at the HRC that proceed to a formal recommendation and Commission vote of "reasonable grounds."

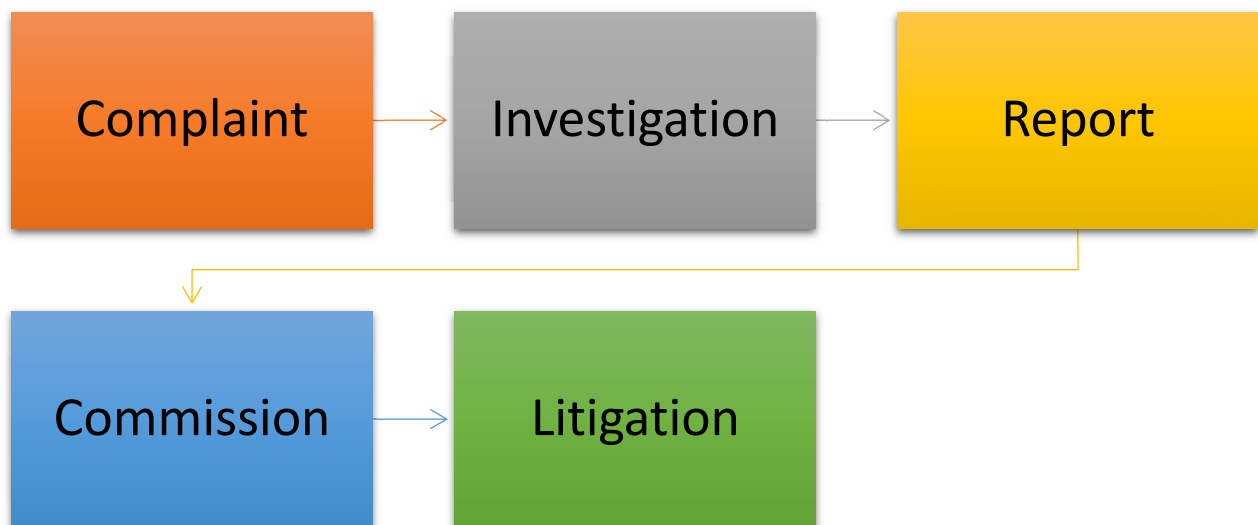
The Director of Policy, Education and Outreach serves as the other legislative liaison and testifies before the Legislature, in addition to the Executive Director. This position also develops trainings, organizes community events and forums, and maintains the agency's website and social media platforms. The Director of Policy, Education and Outreach, the Executive Director, and the Commissioners are charged with developing and implementing a strategic outreach and education plan.

The Supervising Attorney is charged with performing the duties of the Executive Director in her absence, if disabled, or if a vacancy in the office occurs. The Supervising Attorney also handles an equal share of investigations with the other two Staff Attorney Investigators. All Staff Attorney Investigators independently investigate complaints of discrimination under all statutes

within the HRC’s jurisdiction, write investigative reports, and make recommendations. Their duties and responsibilities are discussed in greater detail below, under Investigations.

The primary responsibility of the Executive Staff Assistant (ESA) is to receive, analyze and respond to inquiries regarding potential complaints of discrimination, in addition to serving as the administrative assistant to Commissioners, Executive Director, and Staff Attorney Investigators. These duties include drafting complaints, resolving “informal” investigations, preparing and performing all administrative tasks associated with Commission Meetings, monitoring legislative bills, serving as vendor and records liaison, maintaining the case management system, performing data entry and analysis, and assisting with managing the federal grant to ensure compliance.

THE ENFORCEMENT PROCESS



Informal and Formal Complaints

The HRC receives inquiries regarding potential complaints of discrimination through phone calls, email correspondence, and walk-ins. Through consultation with the Executive Director, the ESA analyzes and responds to all inquiries. Where inquiries and complaints relate to laws not within the HRC’s jurisdiction, the ESA will refer the individual to the relevant agencies or organizations. Some inquiries are opened as an “informal” investigation because they raise narrow, limited, or new legal issues that do not merit a full investigation. Informals are opened by means of an agency letter sent to the Respondent, outlining the allegation that a violation of the State’s anti-discrimination laws has occurred. The Executive Director and/or ESA attempts to resolve these matters confidentially. Informals that do not resolve may be opened as a full

investigation by means of a complaint. Types of complaints processed in an informal manner range from a business's failure to adequately display accessible parking signage, to the failure of gas stations to post legally required accessible stickers on pumps, to violations of the state's gender-neutral bathroom law.

Most inquiries to the HRC that fall within the HRC's jurisdiction are opened as formal investigations and commence with a "complaint." Typically, a complaint is made to the HRC from an individual or their representative. All complaints must be signed under oath. For an allegation of discrimination to become a formal investigation, a complainant must allege the *prima facie*³ elements of a violation of Vermont's discrimination laws in one of HRC's areas of jurisdiction: housing, public accommodations, or State government employment.

Statutorily, the HRC may bring a complaint and open an investigation without a complainant. However, this is rare. The HRC typically does not have sufficient information from anecdotal evidence or the media to support a complaint alleging a violation of any of the aforementioned anti-discrimination laws. In the past, the HRC has opened agency-initiated investigations only when the violation was clear. For example, when an identifiable respondent states in an advertisement that they are unwilling to accept Section 8 or minor children in a rental property.

Investigations, Conciliation & The Investigative Report

After a case is opened and assigned to one of the three Staff Attorney Investigators, they independently investigate formal complaints of discrimination by developing an investigation plan and examination strategy; interview witnesses; request and review voluminous records and other evidence; and research relevant state and federal statutes and case law on all issues.

Staff Attorney Investigators are statutorily responsible for making efforts to conciliate in all matters. While Staff Attorney Investigators are impartial investigators during the course of an investigation, they represent the HRC and the public interest at all stages of both the investigation and any subsequent litigation. Thus, Staff Attorney Investigators may provide input on the strengths and weaknesses of cases to assist the parties in settling.

When matters do not result in a settlement either through conciliatory efforts or mediation, Staff Attorney Investigators write Investigative Reports that are reviewed and approved by the Executive Director. Investigative Reports are lengthy, involving exhaustive factual findings and conclusions of law, and include a recommendation of "reasonable grounds" or "no reasonable grounds" to believe discrimination occurred. In many instances, a Staff Attorney Investigator may recommend a "split" finding – that there are reasonable grounds to believe discrimination occurred with respect to one protected category (or respondent or set of facts) but not another.

³ A *prima facie* case lists the facts that if proven to be true would be a violation of the specific law. (e.g., in a housing discrimination case the complainant must allege that she is a member of a protected class, that she experienced an adverse housing action and that the adverse action was due to her membership in the protected class.)

For example, the Staff Attorney Investigator may recommend that the Commissioners find reasonable grounds to believe an employer discriminated against an employee on the basis of race but not sex. Also, the Staff Attorney Investigator may find that one department of the state government violated the public accommodations act but that the other named state department did not. Investigative Reports are distributed to the parties who then have an opportunity to provide a written response and appear before the Commissioners at the next scheduled Commission Meeting.

Commission Meetings

Commissioners review and consider the reports and responses prior to the Commission Meeting. The parties to the complaint and their representatives are invited to attend the meeting, present the reasons why they agree or disagree with the staff recommendation, and answer questions from the Commissioners about the circumstances surrounding the allegations. The hearings are non-evidentiary. The information considered is the evidence presented in the investigative report from the Staff Attorney Investigator. Commissioners discuss the individual cases and make a determination in executive session. Commissioners vote on the record.

If the Commissioners determine there are no reasonable grounds to believe that discrimination occurred, the case is closed and remains confidential. Additionally, the complaining party may decide to pursue legal or other administrative action, but the HRC is not a party to those actions. If the Commissioners determine that the evidence is sufficient (using a preponderance of the evidence standard) to show discrimination, they reach a finding of reasonable grounds. The Investigative Report becomes a public record only when there is a majority vote by the Commissioners of reasonable grounds. As stated earlier, an Investigative Report may contain several recommendations. If Commissioners vote reasonable grounds on some issues but not on others, the HRC redacts the report so that only the reasonable grounds case is available to the public.

Post-Investigation Settlement & Litigation

If the Commissioners issue a reasonable grounds finding, the Executive Director actively pursues settlement negotiations for a period of up to six months, either directly or through a professional mediator. Past settlements have included the adoption or modification of policies, protocols, and/or best practices, the modification of inaccessible premises, anti-discrimination education, letters of apology, compensation, attorneys' fees and modest civil penalties, or reimbursement of costs to the HRC.

The HRC has legal authority to bring an action in court for injunctive relief, declaratory judgment, and damages. If illegal discrimination is proven to a judge or jury, the court may impose fines, monetary damages, costs, and attorneys' fees against the Respondent/Defendant as well as require other remedial measures to avoid further violations of law.

LIMITATIONS OF STATISTICS

For a number of reasons, the frequency, nature, and state of discrimination in Vermont is not reflected in the number of calls, complaints, investigations opened or closed at the Human Rights Commission or the number of cases that reach a reasonable grounds determination or litigation.

First, many people who have experienced discrimination never file complaints. In general, individuals fear that by coming forward they risk retaliation and potentially losing their housing, job, or future positive or neutral references. These circumstances are exacerbated in a small state like Vermont where economic and housing opportunities are scarce, and an individual's identity and reputation are more public.

Second, following through with a complaint and 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. For example, an individual wrongfully denied housing due to a protected status is not likely to file a complaint for housing discrimination at the same time she is frantically seeking shelter for herself and her family.

Third, individuals who have experienced discrimination are disillusioned by a system that reliably fails to hold perpetrators accountable. Employers, landlords, and rental managers may have unclear or nonexistent policies and procedures for reporting concerns. Pursuing a claim may subject the complainant to scrutiny of their allegations and their character. Furthermore, court interpretation of federal and state laws has made it extremely difficult for a plaintiff to prevail in their discrimination lawsuit.

For the minority of individuals who have already lost their housing, their positions, their future employment references, or their economic opportunities, and/or are courageous enough to risk those losses and have the time and resources to pursue a claim, there may be several forums available to them outside the HRC. These include filing a complaint at the Office of Civil Rights or Agency of Education. Complainants may pursue a private cause of action through private attorneys or the American Civil Liberties Union or Vermont Legal Aid. Some complainants also grieve their discrimination claims before their employer, landlord, property managers, school boards, the Labor Relations Board, etc.

FY2020 HRC STATISTICS

Phone Contacts

In FY20 (July 1, 2019- June 30, 2020), the HRC received 656 calls for assistance from the general public, in comparison to FY19 when the agency logged 807 calls.

July – Sept. 2018	183	July – Sept. 2019	196
Oct. – Dec. 2018	178	Oct. – Dec. 2019	153
Jan. – March 2019	228	Jan. – March 2020	184
Apr. – June 2019	218	Apr. – June 2020	123
FY19 Total	807	FY20 Total	656

The HRC received significantly fewer calls in the latter half of the fiscal year, most likely due to the COVID-19 pandemic. As Vermonters struggled to maintain their health and safety, housing, and employment while balancing school obligations and more, filing a complaint of discrimination was a lower priority. Additionally, the Governor’s memorandum on evictions and stay of statutes of limitations provided a protection to prospective complainants at the HRC.

The vast majority of phone calls do not result in formal complaints. Many of the calls are individuals seeking assistance for issues beyond the HRC’s jurisdiction. Those are referred to other appropriate organizations. Other calls require HRC staff to answer basic questions regarding Vermont’s various anti-discrimination laws. The HRC does not provide legal counsel or advice. Some of the calls result in informal cases and others in formal complaints.

Callers attempting to file private employment discrimination complaints are referred to the Civil Rights Unit in the Attorney General’s Office. Individuals with landlord/tenant concerns not related to fair housing are referred to Vermont Legal Aid and, if located in or near Chittenden County, the Vermont Tenants program at the Champlain Valley Office of Economic Opportunity. Those seeking general legal advice receive referrals to Vermont Legal Aid, the American Civil Liberties Union and/or the Vermont Bar Association’s Lawyer Referral Service.

Website Analytics

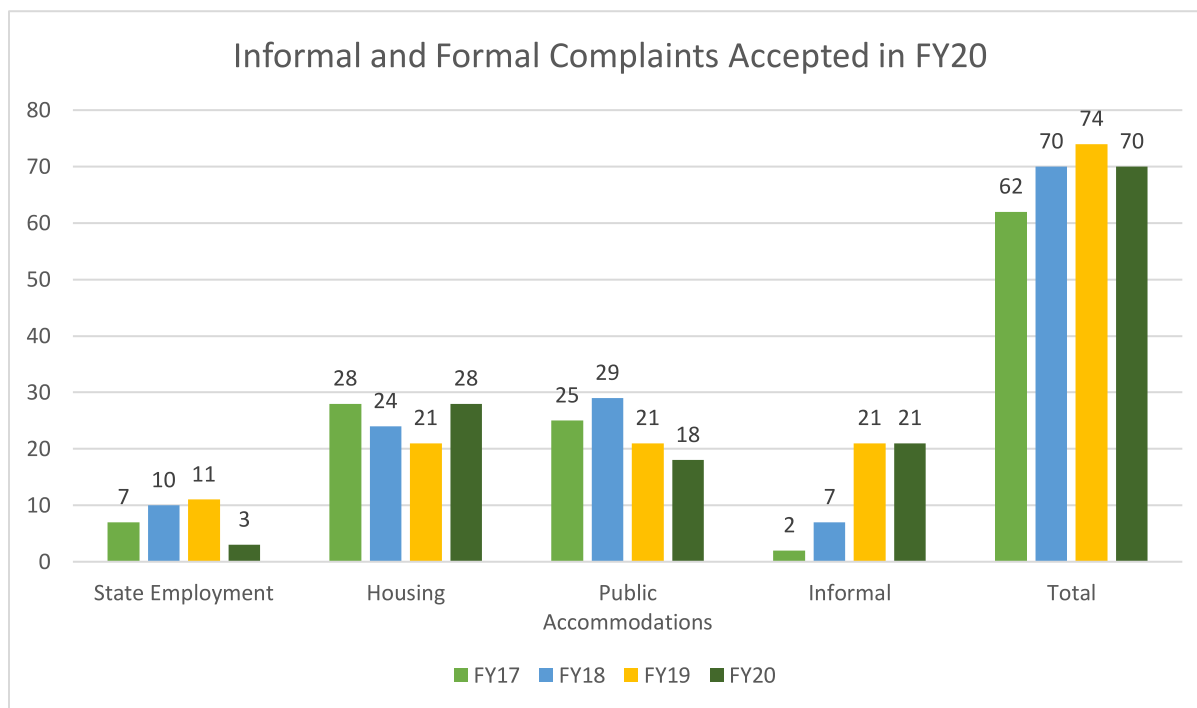
The volume of traffic on the HRC’s website during FY20 was very similar to the prior year:

	FY19	FY20
Total Pageviews	26,554	25,870
Total Users	7,771	7,903
Total Sessions	11,014	11,094
Pages per Session	2.41	2.33
New Visitors (% of traffic)	85.6%	86.7%

Of all users, 27% accessed the website from a mobile device. Most visitors, 94%, were from within the United States, while other visitors came from India, Canada, the Philippines, and France.

Complaints Accepted

In FY20, there were 21 informal cases and 49 formal complaints accepted for processing and investigation. Between fiscal years 2019 and 2020, the overall number of cases decreased from 74 to 70. Formal cases decreased from 53 to 49 cases while informal cases held steady at 21. As indicated below, this slight decrease is not significant compared to former years.



Interestingly, the HRC saw a decrease in employment discrimination complaints this year. This could be attributed to COVID-19 related changes in the workplace. Not only might remote work be effective in reducing the frequency of harmful behavior in the workplace but it can also be more inclusive of parents and custodial grandparents and people with disabilities requiring flexibility in their schedules.

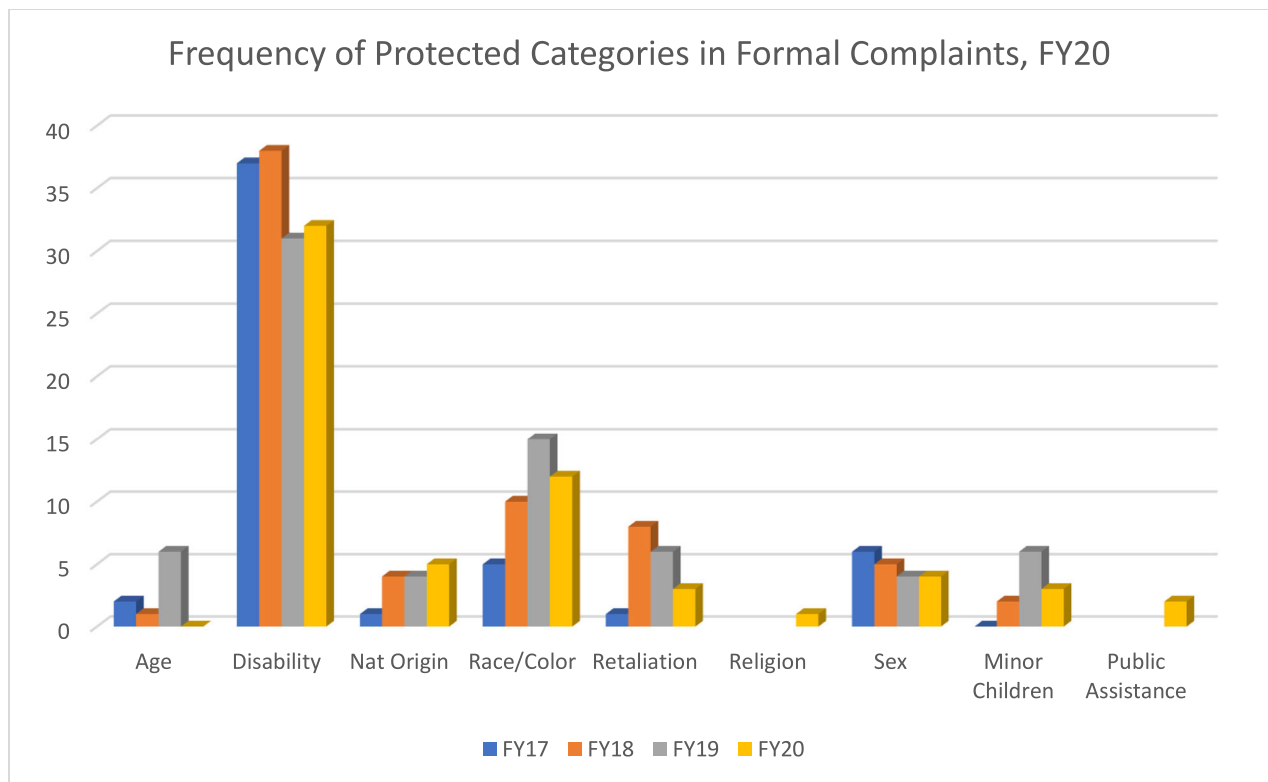
Of the 21 *informal* cases accepted by the HRC, 20 were made on the basis of gender identity owing to the HRC's enforcement of Act 127, an act relating to identification of gender-free restrooms in public buildings and places of public accommodation. Throughout FY20, the HRC opened all complaints related to Act 127 as informal investigations. The HRC notifies establishments with an FAQ document and a letter requesting prompt changes to bathroom signage within 30 days. Generally, this has been successful in ensuring compliance. The one informal case that did not relate to Act 127 was made on the basis of a disability. The HRC saw a variety of protected categories in its formal investigations as indicated below:

Protected Categories by Type of Formal Case – FY20⁴

Protected Category	Housing	PA	Employment	Total
Disability	20	11	1	32
Race/Color	5	6	1	12
Nat Origin	2	2	1	5
Sex	2	1	1	4
Retaliation	0	1	2	3
Minor Children	3	n/a	n/a	3
Public Assistance	2	n/a	n/a	2
Religion	1	0	0	1

The chart below provides an overview of the most commonly-cited protected categories in formal discrimination complaints over the past four fiscal years. Since complainants may claim more than one protected category per complaint, these numbers do not necessarily reflect the exact number of complaints accepted per year.

⁴ The HRC did not see formal complaints of discrimination in all areas, including pregnancy accommodations, breastfeeding, gender identity, crime victims, victims of domestic violence, pregnancy accommodation, credit history, place of birth, ancestry, workers' compensation, age, sexual orientation, etc.

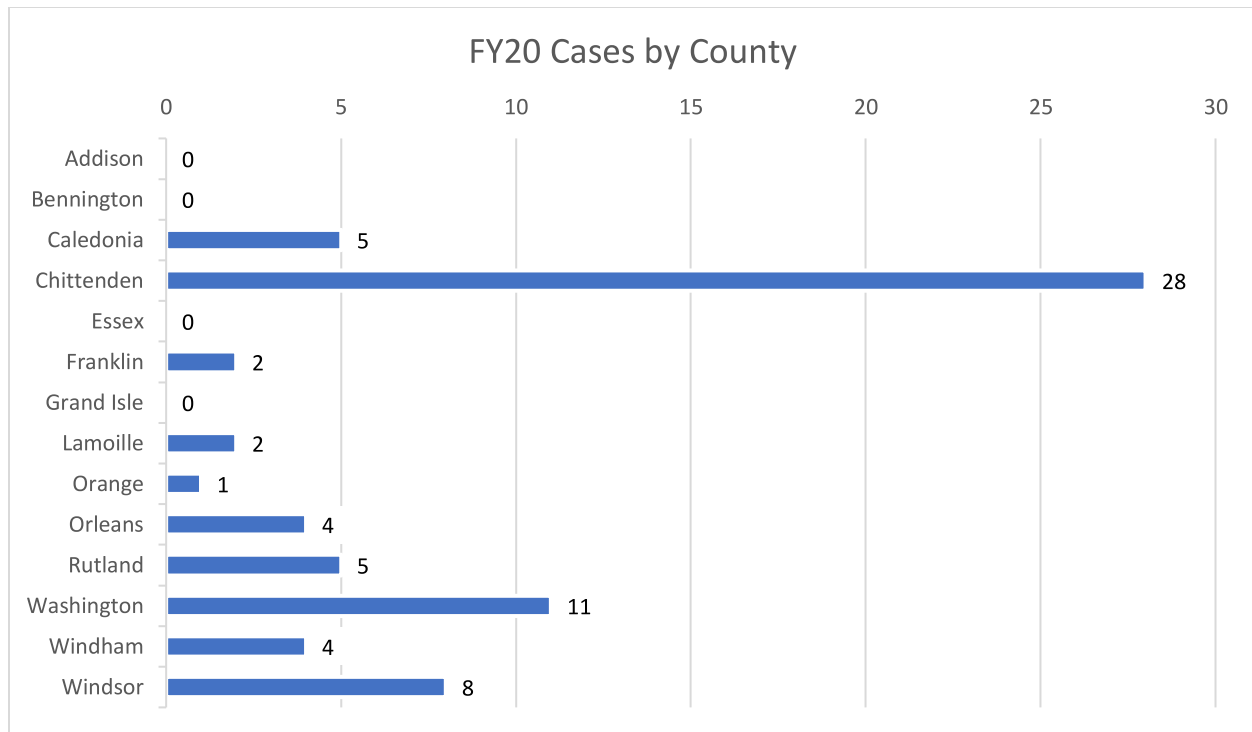


Disability discrimination remained the most frequently cited protected category among formal complaints accepted in FY20. For at least the fourth year in a row, the HRC received more than twice as many disability-related complaints as any other protected category.

For the first time in four years, the HRC did not receive a complaint on the basis of age, which is a protected category under Vermont’s Fair Housing and Public Accommodations Act. However, complaints made on the basis of national origin, religion, or receipt of public assistance saw a slight increase over past years.

Areas of the State Served

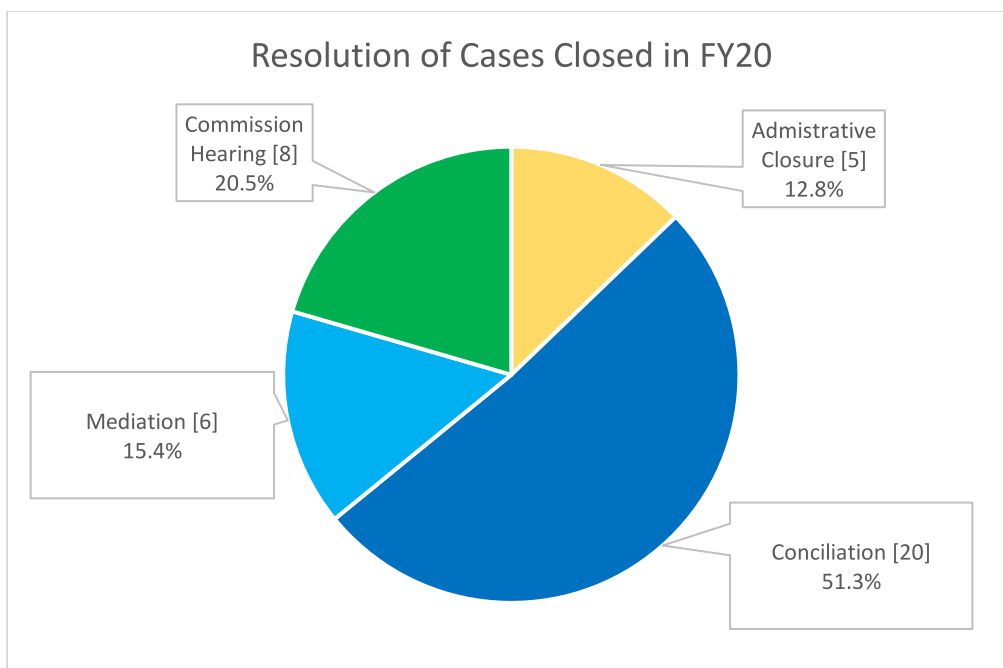
In FY20, the HRC accepted formal and informal complaints from 10 of Vermont’s 14 counties; the exceptions being Addison, Bennington, Essex, and Grand Isle counties. Chittenden County, which makes up 25% of Vermont’s population, was the source for 40% of the accepted complaints. The disproportionate numbers from Chittenden County may stem from the steady stream of referrals provided by Burlington-area social service organizations with whom the HRC coordinates on a frequent basis, such as Vermont Legal Aid, the Champlain Valley Office of Economic Opportunity, and others.



Disposition of Closed Cases

Cases are disposed of by hearing, conciliation/mediation, or administrative closure. Out of the 49 formal cases opened in FY20, 15 were resolved by the end of the fiscal year. In total, 39 formal cases were resolved in FY20, including the 15 opened in FY20, 15 opened in FY19, and 9 opened in FY18.

Of the cases closed in FY20, two-thirds (66.7%) were resolved by a settlement between parties, either within the Human Rights Commission conciliation framework or through a withdrawal of the case with a mediated or otherwise private settlement. The remaining one-third (33.3%) were resolved either through a Commission hearing (20.5%) or through an administrative closure of the case without a settlement (12.8%).



Conciliation/Mediation: Settlements present an opportunity to achieve outcomes that may not be available through a lengthy investigation or litigation such as policy changes, employment opportunities, maintenance of housing or benefits and services, etc. Parties can reach a settlement through a conciliation agreement at the HRC, which may occur either before or after a determination at a Commission hearing, or through a privately mediated agreement. While private agreements technically require a withdrawal of the complaint and a dismissal, they are considered a successful outcome of the HRC's process because when the parties resolve privately, it is typically at a mediation session paid for in part by the HRC. Furthermore, private settlements often occur in the middle or end of an investigation because preliminary findings come to light during the investigation. Lastly, staff attorney investigators work diligently to encourage and support settlement.

The resolution of cases by conciliation and mediation improved measurably between FY19 and FY20. While FY19 saw 17 cases settle (14 through conciliation and 3 through mediation), that number rose to 26 settlements in FY20 (20 through conciliation and 6 through mediation), representing a 53% increase. This had an impact on the number of cases that reached the Commissioners for a final determination.

Administrative Dismissals: A dismissal may occur for several reasons. Occasionally, after participating in the intake process and receiving an assigned case number, the complainant fails to return a signed and notarized complaint. Sometimes, the complainant fails to cooperate with the investigation (i.e. unwilling to be interviewed or to provide information). Other times, a respondent files a Motion to Dismiss and provides compelling facts or case law that merit a dismissal. An initial interview with witnesses may reveal facts not previously disclosed by the complainant that places the allegations outside the jurisdiction of the Commission.

From time to time, complainants withdraw their complaints without settlement because they have moved out of state or filed an action in a different forum. Other times, parties enter into an informal agreement not requiring a formal memorialization (i.e. the parties agreed the tenant could remain in their home, or a change in office-space, etc.). Complainants may also withdraw their complaints because they are satisfied with their current circumstances (the complainant received a different and better job, different housing, etc.).

Between FY19 and FY20, the number of cases closed by administrative dismissal fell from 10 to 5. This may be attributed to HRC staff members making a concerted effort to maintain communication with complainants during the initial intake stage in order to reduce the number of complainants who fail to return a signed and notarized complaint. Additionally, the HRC changed its practice of opening a file and assigning a case number before a signed complaint was returned. This prevented the unnecessary administrative dismissal of cases.

Complaints Brought Before the Commission for Hearing

In FY20, the Commission heard 12 cases, in comparison to 13 cases in FY19 and 17 cases in FY18. The decline in cases brought before the Commissioners is due to the fact that many more cases settled prior to a final determination.

Several cases contained multiple parties and/or alleged discrimination on the basis of multiple protected categories; within the 12 cases heard by Commissioners, 18 separate findings were delivered. Commissioners voted no reasonable grounds 13 times. Commissioners voted reasonable grounds 5 times. The breakdown by case type is as follows:

Outcome	Employment	Housing	Public Acc	Totals
Reasonable Grounds	2	2	1	5
No Reasonable Grounds	2	6	5	13

RELIEF OBTAINED IN CASES CLOSED IN FY20

Type of Case	\$ Relief for CP	Non-\$ for CP	Public Interest
Employment	\$0		Employer puts into place new sexual harassment, discrimination, and anti-bullying policies
Housing	\$35,040	Reasonable accommodation requests (RAR) granted: - Complainant placed on 2-bedroom waitlist - Complainant permitted to construct desired fence	Respondent undergoes Fair Housing training conducted by HRC (11) Allow HRC to review existing policies and procedures (8)

		<ul style="list-style-type: none"> - Complainant's spouse is permitted to reside in residence - Complainant permitted to keep emotional support animal - Respondent relocates Complainant to new apartment with parking spot that won't be plowed in by town <p>Other non-RAR relief:</p> <ul style="list-style-type: none"> - Complainant is moved to a larger apartment - Complainant allowed to remain in apartment, rent increases capped at 3% annually - Respondent agrees to pack, move, and unpack Complainant at Respondent's expense. Rent and utility fees remain the same - Respondent agrees to allow Complainant's children to visit apartment 	<p>Respondent adopts and/or updates existing policies, including policies on:</p> <ul style="list-style-type: none"> - Fair housing practices (3) - Reasonable accommodation requests (2) - Emotional support animals - Termination of tenancy - Documenting noise complaints
Public Accommodation	\$82,500	<p>Respondent agrees to cost-sharing plan for shared living provider</p> <p>Respondent writes Complainant a letter of apology</p> <p>Respondent offers Complainant opportunity to evaluate changes to store's accessibility</p>	<p>Respondent adopts reasonable accommodation policy, trains staff on policy, distributes sample policy to 50 local medical offices, undergoes online training re: welcoming customers with disabilities</p> <p>Respondent undergoes training, develops policy to provide clients with accurate information for requesting accommodations</p> <p>Respondent (store) will replace a door threshold, install a swing door opener</p> <p>Respondent undergoes human rights training</p> <p>Respondent creates advisory committee on racial equity, conducts annual de-escalation training for specific employees, provides annual implicit bias training to all staff.</p>

Relief obtained refers specifically to cases closed in the fiscal year that resulted in monetary and/or non-monetary outcomes. Some cases reached a reasonable grounds determination in the fiscal year but did not settle until after July 1, 2020. These cases were not counted here.

OUTREACH AND TRAINING

The HRC endeavors to reach all Vermonters and therefore met with employees and managers of the State government, Legislators, community members, victims' advocates, housing providers such as landlords and rental managers, tenants, tenant associations, private and non-profit attorneys, and a variety of service providers.

During FY20, the HRC trained a total of 840 people in 29 separate events and participated in and/or conducted 17 outreach events that reached approximately 1824 people. In FY19, by comparison, the HRC trained a total of 934 people in 26 separate events and conducted 14 outreach events that reached 550 people.

Type	Number of events	Number trained
Fair Housing Trainings (fair housing laws, reasonable accommodation requests, and/or mental illness and housing)	15	109
Implicit Bias & Civil Rights and trainings in bystander intervention & microaggressions.	13	661
COVID-19 Townhall: Xenophobia & Racism	1	70
Outreach Events	17	1824
Total Training and Outreach Events	46	2664

While the number of training events increased slightly in FY20, the overall number of trainees fell by 10%. However, the HRC's outreach efforts saw a threefold rise in the number of individuals reached, which can in large part be attributed to the newly created position: Director of Policy, Education, and Outreach.

Once the pandemic restricted group gatherings in March 2020, the HRC was able to reach Vermonters through web-based events.

SUMMARY OF REASONABLE GROUNDS CASES

Below is a summary of each case brought before the Commission in FY20 wherein the Commission found reasonable grounds to believe that discrimination occurred. The status of the case is as of the date of this report, not the status at the end of the fiscal year.

Employment

Sall v. Office of Chittenden County State's Attorney – Commissioners found reasonable grounds to believe discrimination occurred when Complainant was terminated on the basis of race and color. At the time of this report, the matter was still in negotiations.

Quiñones v. Vermont Department of Corrections & Department of Human Resources – Commissioners found reasonable grounds to believe that the State interfered with Complainant’s right to use leave for a family medical emergency, in violation of the Parental Family Leave Act. Commissioners declined to pursue litigation.

Housing

Weygant v. Deery – Commissioners found reasonable grounds to believe that Respondent landlord denied housing to Complainant because she was a recipient of public assistance, in violation of the Vermont Public Accommodations and Fair Housing Act. The matter settled for monetary and non-monetary value.

Larivee v. Andersson – Commissioners found reasonable grounds to believe Respondent landlord denied housing to Complainant because of her disability when Respondent refused to deal with Complainant upon learning of her assistance animal. The matter settled for monetary and non-monetary value.

Public Accommodations

Bradford v Travelodge – Commissioners found reasonable grounds to believe Respondent, a place of public accommodations, denied to Complainant the services and benefits it offers to the general public because of Complainant’s service animal. The matter settled for both monetary and non-monetary value.

LITIGATION

The Commission filed a lawsuit against the State of Vermont (Department of Corrections) and its medical provider at the time of the factual allegations, Centurion of Vermont, LLC, following the HRC’s investigation in *Congress v. Department of Corrections and Centurion*. Complainant was an inmate at the Chittenden Regional Correctional Facility when she was diagnosed with sensorineural hearing loss and was prescribed two hearing aids. Respondent denied her the benefits and services of the correctional facility and compromised her safety when it failed to provide her two hearing aids for approximately 18 months.