



## **Vermont Truth and Reconciliation Commission**

### **Interim Report**

**January 2024**

To: Governor Scott and General Assembly

From: Vermont Truth and Reconciliation Commission (VTRC)

RE: VTRC Interim Report

Due Date: January 15, 2024

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Pursuant to VT LEG #363605 v.1 Act 128 § 908. *REPORTS (a)*, the Executive Director and Commissioners are submitting a report on behalf of the *Vermont Truth and Reconciliation Commission*.

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## I. Context of Progress

### *Methodology of Work*

The *Vermont Truth and Reconciliation Commission* (VTRC or Commission) is part and parcel of a larger commitment to and the ideals of community-justice, collective-healing, and our shared humanity. The Commission honors other Truth and Reconciliation processes through the methodological design – participatory action. The rest of this report will demonstrate the ways in which the Commission applies this methodology to Act 128’s objectives.

- Beyond the required monthly Public Meetings, the Commission is holding public reviews of emblematic cases (of possible/conjectured discrimination by the State of Vermont). During these sessions, the community participates in identifying themes, which will be used in subsequent research analysis, and providing additional information about the cases.
- Another example of participatory action is the internal team’s process for accomplishing work. In addition to VTRC Team Building Work Retreats, the Commission holds biweekly Operational meetings and monthly in-person meetings to share knowledge and skills, prepare for public meetings, and strategize imminent work while collaboratively making decisions about the infrastructure for both the project management system and delegating strategic plan tasks.
- As a community organizing and relationship-building approach, the Commissioners have regularly met with organizational leaders and communities to build relationship.

Planning work that is truly participatory takes time and intention. From envisioning to implementing, the Commission’s methodology of participatory action ensures that members of the team are given time to contribute to all facets of ACT 128’s objectives.

*Challenges: A barrier to participatory action: We work remotely, from varied locations in Vermont. Planning time in-person requires its own strategy.*

## II. Consequential Effects of Changed Timeline

The Commission is requesting additional time from the legislators through a legislative amendment. In the document, the Commission delineated factors that were influencing its timeline, including the flood in July 2023. The unanticipated resignation of a commissioner (early November) impacted the Commission’s timeline as well.

The continuation of an absent Commissioner has caused the Commission to pause and reassess its timeline, as the work of three Commissioners is now being completed by two. Additionally, there has been a gap in context relating to impacted communities as the expertise held by the third commissioner was vital to the process. In consequence, the

creation of the Strategic Plan, Project Management System, and Committees have been delayed and, in some ways, incomplete without the contribution and expertise from a third commissioner specifically relating communities with disabilities. As the proceeding section will address, the Commission is designing the Strategic Plan and identifying thematic goals for Committees.

*Challenges: There was no mechanism for replacement of a commissioner in the law, therefore the work is impeded until there is a change in the law to fulfill the third seat.*

*Furthermore, due to open meeting laws, working on a fulltime basis with only two (or three) commissioners almost necessitates a constant public meeting. It is inhibiting to the process.*

### III. Progress to Date

Over the course of nine months, objectives relative to infrastructural design and tasks of the strategic plan have been steadily attended to, some of which are complete, while others are in-progress. Below are highlights of the Commission's progress.

#### **April – July:**

- **General team development:** This includes shared knowledge, background skills and experiences, and expertise.
- **Professional Development:** The Commissioners expanded individual and Commissioner knowledge through multi-media research and meetings with State and international resources including but not limited to: State employees especially those who are working in equity spaces, such as the Office of Racial Equity, Canadian Truth and Reconciliation Commissioner, Maine Truth and Reconciliation Commissioner, Black Women's Blueprint, Memria, and International Center for Transitional Justice (ICTJ).
- **Relationship Building:** Began partnerships with ACT 128 communities and advocacy agencies.
- **Office Establishment:** created job descriptions and a selection process for hiring the VTRC Staff - Executive Director, Administrative Assistant, Lead Researcher, and General Legal Counsel at which point all staff was successfully hired. After hiring the team, the VTRC began the onboarding process and co-creation of procedures and team development.

*Challenges: Dissimilar hiring "best practices" led to conflict within the Commissioner team.*

#### **July-September:**

- **Continued Team Development and Onboarding:** Training: of equipment and software, website for all staff essential technological equipment; attended \*trainings on State of Vermont's purchasing, digital/technological, and Open Meeting laws. Began the process of creating a date management system, including researching software;

- **Event Participation:** As part of the continued relationship building, the commissioners attended events, community gatherings, and lectures in person and online for continued outreach and relationship building.
  - Commissioner Mackin Attended 14 Community Centered events and connections
  - Commissioner Schultz Attended 17 community centered events and connections
  - Commissioner Standen attended 1 community centered event
- **Budget:** built a budget to track expenses and approve purchases;

*Challenges: Navigating State systems with little assistance. There is sufficient bureaucracy in the establishment of an office including: office computers, cellphones, website development, budgeting and general administrative processes that require several levels of State agencies to maneuver. It was decided not to move forward with physical office space due the Montpelier flooding and office availability. Though we received trainings upon request and many agencies and offices were willing to repeatedly assist, the State's current onboarding tutorials presume prior knowledge and training about PCs, Microsoft 360, the State's organizational chart and administrative processes. This includes OneDrive and SharePoint sites and other digital technologies for operational objectives, such as building a VTRC email address and building a website.*

### **September-December:**

- **Strategic Plan (Operational Strategy):** Based on the guidance and examples given to the Commission about organizing this work, strategic plan development proceeded. The plan includes the following phases
  - *Phase 1: Pre-Establishment – Selection of Commissioners.* This is completed. It must be acknowledged as per the statute that the Commission Panel sufficiently went through a selection process to hire the three commissioners. A report from the panel was submitted to the Governor and General Assembly.
  - *Phase 2: Building and Planning:* The Commission is currently in this phase. The intended objectives in this phase include:
    - Commissioner Onboarding (100% complete)
      - Public meeting and press release to announce commissioners
      - Onboarding (including ordering and purchasing computers and phones)
      - Finance and billing tutorial
      - Budget reviews
    - Initial Operational and Preparatory Work (100% complete)
      - Organizational tool and planning document
      - Weekly operational meetings

- Working agreements to facilitate a collaborative working environment.
- Operational consultation with local and international experts
- Initial community outreach to educate communities
- Discourse of truth and reconciliation proficiency
- Invitational events to introduction VTRC to the public
- Staff Recruitment and Hiring (100% complete)
  - Hiring process
  - Job descriptions of staff (Executive Director, General Legal Counsel, Lead Researcher, and Administrative Assistant)
  - Virtual interviews and in-person 2<sup>nd</sup> interview for ED
  - Evaluation criteria
  - Hired staff
  - Values and role clarification
- Administration and Operational Framework – (62% complete)
  - Staff onboarding (including ordering computers, phones, and badges)
  - Finance and budgetary training by State agencies (ED and Administrative Assistant)
  - Ivanti and DocuSign training by State agencies (for Commissioners, ED, Administrative Assistant)
  - Public meeting process and protocol
  - Budget with monthly and yearly delineations
  - Amendment request to legislature
  - Process and software for digital and external communication
  - Disability research for future accessibility protocols
  - Inter-communication norms
  - Team development opportunities
  - Monthly in-person strategic plan sessions
  - Research database software (NVivo)
  - Legislative research
  - Templates for meetings and press release
- Strategic Plan Framework Development (50% complete)
  - Mission statement (with public input)
  - Research emblematic cases and host special public meetings
  - Data base and project management system
  - Strategic Plan retreat with ICTJ (for March 2024)
  - Preliminary list of terminology and definitions
- Communication Strategy (in progress)
  - Branding, advertisement, and marketing templates
  - Social media and digital identity (ex: website and Facebook)

- Appraising public (software for external emails)
  - Commission email address (for constant contact, public feedback, and transparency) and distribution List
  - Listservs with audience-specific messaging
  - Forming translation and interpretation strategy
  - Designing outreach plan
  - Education planning for commission's knowledge development
  - Recursive process for reviewing mandate and strategic plan
  - Methodology Development (in progress)
    - Strategizing plan for:
      - Public hearings
      - Truth telling
      - Victim/Survivor support
      - Reconciliation
  - Fundraising Strategy (in progress)
    - Detailing expenditures
    - Build purchasing list for Reconciliation Partners
    - Creating overall strategy
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- *Phase 3: Implementation:* This phase will not begin until Phase 2 is completed.
    - Committee Establishment
    - Public Hearings
    - Truth Seeking
    - Reconciliation
    - Victim Support
    - Final Report Prep
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- **Public Meetings:** The VTRC held its first public meeting on September 5, 2023 and established regular meetings to be held the first Tuesday of every month at 5 pm. The public meetings are virtual.
    - The following has been voted on and approved during the public meetings:
      - Establishment for Rules of Order: Marthas Rules
      - Mission Statement:

We exist in a pursuit of community-centered, justice and holistic healing centered on impacted [ACT 128](#) communities, which include per §902 (b)

- ★ Individuals who identify as Native American or Indigenous;
- ★ Individuals with physical, psychiatric, or mental conditions or disability, and the families of individuals with the physical, psychiatric or mental health condition or disability;

- ★ Black individuals and other individuals of color;
- ★ Individuals with French Canadian, French- Indian or other mixed ethnic or racial heritage;
- ★ Other populations and communities at the discretion of the Commissioners.

We seek collective liberation from violence and discrimination systemically perpetrated by the State of Vermont. We do this by uplifting community voices through storytelling, researching, and community relationships, and make legislative recommendations.

- The following has been reviewed for the purpose of education on our work and transparency during public meetings:
    - Review of Act 128
    - Review Public Meeting Laws
    - Research Methodology
    - Expenditures to the budget
  - VTRC sought and received input from the public and offered opportunities to reach out and engage further.
- **VTRC held Two special Meetings to review Emblematic Cases:** This to help shape the thematic foundations that will steer the work outlined in Act 128. By "emblematic," VTRC means cases that symbolize and embody the Act 128 mandate, but also resonate with the mission of the Vermont Truth and Reconciliation Commission. During the process VTRC centers the Act 128 communities. Meetings were held virtually and extended approximately three hours. Public input was vital to the process.
  - **Team Development:** Over the course of four months, the Commission met in-person for consecutive days and one-offs to learn about team members, explore skills and shared values, draft a mission statement, build internal mechanisms of communication, and begin cultural humility trainings. During one of those team development sessions, the Commission invited an external consultant who specializes in communication to guide a team exercise on murmuration, which would later serve as the Commission's philosophy for building and expressing synergy and cohesion.
  - **Research:** General legal counsel and lead researcher visit Vermont State Archives VSARA twice weekly to conduct research. Commissioners join them periodically and debrief on findings. This is essential to understand the history of laws and policies that have had an impact on Act 128 communities.

*Challenges: The resignation of the commissioner impeded progress during Building and Planning. Third phase of Strategic Plan (Implementation) cannot begin until appointment of third commissioner.*

#### IV. Committees and Projected Scope and Objectives of Work

*Challenges: As explained under “Consequential Effects of Changed Timeline”, due to unforeseeable events, which adversely affected out timeline, the Commission anticipates starting the foundational work on Committees in February or March.*

#### V. Emerging Themes and Issues

As noted in the “Progress to Date” section, the Commission held Special Public Meetings to review Emblematic cases. The main themes which have emerged are consistent ableism and mistreatment of people with disabilities and how the racial inequities and injustices that began in colonial America persist today. While these seem unconnected, both intersect in the eugenics movement in Vermont and show how society has been designed to benefit a specific group of people to the detriment of others. Understanding racial injustice requires examining Vermont’s history to understand how it informs the present. This will help Vermonters to understand the connection between contemporary manifestations of racism and the past. Likewise, understanding ableism involves understanding the history of how the State has treated people with disabilities in laws and policies. This began with Elizabethan Poor Laws that informed the State Constitution and continued into the eugenics movement. Analyzing these historic structures will help shed light on why disabled people face the obstacles that they do today and identify pathways for healing.

Categories of each meeting so far include issues around education, criminal justice, the eugenics movement in Vermont, housing, healthcare, and public safety and free speech. Our meeting on January 25<sup>th</sup> will discuss cases related to public accommodations for people with disabilities, how key events like slavery are remembered in Vermont, and sentencing and race.

Other topics and issues have emerged during the VTRC’s work that are not represented in the thematic groupings. Some of those themes include:

- Abuse of power and lack of accountability.
- Lack of protective policies for various groups, particularly children.
- Harsh treatment of children of color and children with disabilities in education and criminal justice.
- “Social quarantine” during the eugenics movement.
- The tension between “free speech” and dangerous “hate speech.”
- Racism and ableism in healthcare and housing.

Key questions that guide the VTRC’s research include:



- How do people remember history and what is the significance of how they remember it?
- Whose version of events do people remember? How have structures of power maintained a specific view of those events?
- How do historical events like slavery and eugenics persist and manifest in the present? How do people in Vermont feel the legacies of such events in the present?
- How does trauma persist over time and what forms does that trauma take?
- What events, policies, and practices have diminished people's ability to live with dignity? How can we ensure that people can live with dignity in the present and future?

## VI. Preliminary Findings

### *Emblematic Cases*

The Emblematic Cases reflect persistent issues faced by marginalized groups in Vermont. They reveal the acute consequences of resource limitations, insufficient accountability measures, and/or unprincipled custodians of human rights. These findings will guide subsequent research work and continued community outreach.

### *Misinformation and Biases*

The pace at which the VTRC was introduced and commenced provided minimal time for residents, community-partners, and advocacy groups to understand the Commission's purview. This has led to unwarranted criticism and push-back related to confusion of purpose, which Commissioners Mackin and Schultz have exclusively shouldered. Safety concerns and real threats have coincided.

As many justice-oriented communities and efforts understand, trust building is essential to building relationships of respect, authenticity, and understanding. Communities of color, including refugees and descendants of State-sanctioned discrimination, have real and justified skepticism of State organized efforts. As the Commission represents the State of Vermont, it is evident that trust building is unequivocally necessary in community-outreach. It is also foundational to the Commission's principle of interdependence.

External and historically situated experiences of pain and trauma overlay the Commission's work, lest we forget that the Commission is comprised of humans too. For this reason, the VTRC has proposed proactive provisions to Open Meetings, including the use of digital alternatives for in-person meetings and shifting to a Closed Meeting where a material threat to the Commissions, staff, or patrons' safety exists. The Legislative Proposal also proposes to empower the Commission with the ability to create confidential Affinity Groups among people who have experienced trauma due to discrimination that they have faced.

## *Measure of Progress*

The Commission models a relation to self, to others, and to ACT 128's objectives that honors the variety and complexity of humanity, values of cultural pluralism, and relationships. While there are tasks and tangible operational duties, most of the work of the Commission is human-centered and the tracking of progress is difficult to measure in a conventional manner.

### VII. Recommendations

#### *Pre-Established Executive Assistant*

As an assurance measure, before hiring the Commissioners, hire an executive assistant to oversee administrative details is critical to State compliancy, protocols, and procedures, such as accessibility provisions, ordering equipment, and hiring consultants.

#### *Prep-Time for Team Development*

The Commission also recommends designating 3-4 months for teams to build common language, common ground, and shared vision before creating the Strategic Plan and involving the public. This might require exceptions to Open Meeting laws or month-long Executive Sessions. The importance of instituting team building from the start is two-fold, 1) to create a sense of trust and belonging within the team and 2) to build the primary guideposts for processing and creating protocols for interpersonal conflict or disruptions.

#### *Comprehensive HR Training*

The Commission recommends that Human Resources design a comprehensive hiring protocol training, including an EEO Anti-Bias Hiring Training and equity metrics to evaluate candidates. Prior to hiring staff, Commissions and Committees would be required to complete these trainings through Knowledge Wave. The training should underscore the reason for standardizing criteria in a hiring process and include the State's Code of Ethics. Consequences for violating EEO and other discriminatory policies should be one of the training's primary learning outcomes.

#### *Evaluatory Measures*

The Commission recommends adherence to evaluatory measures for State exempt employees. The *Personnel Policy and Procedure Manuel* outlines processes for performance reviews of State employees. By extending Vermont law 3 V.S.A. §322 to Commissioners and other exempt employees, the Commission can adhere to Human Resource's "performance management" recommendation, track performance challenges, offer personalized plans for improvement, and exercise coherency regarding conditions of termination.