

REPORT OF THE EXECUTIVE DIRECTOR OF RACIAL EQUITY

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SUBMITTED TO THE GENERAL ASSEMBLY
Senate Committee on Government Operations
House Committee on Government Operations

INTRODUCTION

3 V.S.A. § 5003(f) requires that “[o]n or before January 15, 2020, and annually thereafter, the [Executive Director of Racial Equity] shall report to the House and Senate Committees on Government Operations demonstrating the State's progress in identifying and remediating systemic racial bias within State government.”

This report makes several references to intersectionality and the importance of pairing racial equity efforts with efforts to support various communities. There are differing opinions on whether and when to raise these concerns: Sometimes, racial justice is intentionally lumped with other equity work to make the “racial” part more palatable to those who are reluctant to acknowledge the degree to which race is used to influence social and legal policy and the resultant need to be “race-conscious” when examining and designing more just policy. Yet other times—as here—it is impossible to conduct meaningful analysis or dialogue *without* this acknowledgement and without summoning the multitudes of communities who will feel the effects of our decisions. After all, everyone has an age. Everyone has an immigration status. Everyone has some amount of “wealth,” whether that amount is a negative¹ or an unfathomably high number. And—as much as we know it is a construct invented and weaponized to pit communities against each other—everyone has a race. Therefore, the State of Vermont’s racial equity work is built on a foundation that aims to close racial gaps while simultaneously supporting the adjacent communities that will be impacted by the work.

HIGH-PROFILE TOPICS

Pandemic Response

The Director’s 2021 report discussed many of the disparities that were created or exacerbated with the arrival of COVID-19. With deep dissatisfaction, the Director reports that many of these disparities persist after another year. As noted in the 2021 report, “[r]egardless of one’s opinion on the medical and social facts that underlie COVID-19, it remains indisputable that communities of color have and continue to experience harm at greater rates than anyone else in the United States.”² The responsibility for this fact falls on more shoulders than this report can count, and there is no solitary source of ownership of these outcomes. For nearly two full years, state and local government in Vermont have worked tirelessly to avoid or ease the myriad harms faced by residents, visitors, small businesses, students, and everyone in between. It cannot be overstated how skillfully and thoughtfully this coordinated response has been carried out, particularly when compared to the response in other states. Acknowledging this, it also must not be ignored that at nearly every step of the process, there were shortcomings and controversies at the local, state, and federal levels that almost always harmed communities of color first and worst. Examples include

¹ Aladangady, Aditya, and Akila Forde. “Wealth Inequality and the Racial Wealth Gap.” *U.S. Federal Reserve*, 22 Oct. 2021, <https://www.federalreserve.gov/econres/notes/feds-notes/wealth-inequality-and-the-racial-wealth-gap-20211022.htm>.

² Davis, X. “Report of the Executive Director of Racial Equity.” *Vermont Racial Equity Advisory Panel*, State of Vermont, 15 Jan. 2021

- Widespread community support for prioritizing vulnerable communities in testing and vaccination, until that priority meant that the structural barriers faced by people of color (and therefore, their consequentially heightened level of vulnerability) would need to be acknowledged and addressed;
- Overlapping and sometimes conflicting technology systems that generally were successful in providing meaningful clinical access for communities of color, but which sometimes had the opposite effect. Namely, the rollout of vaccine clinics for people aged 5-9 experienced an early glitch that temporarily prevented registration by people who self-identified as being of color. In situations like this, even a rapid correction will impact the clinical access rate for weeks after the problem is corrected;

Another important facet of the pandemic is the impact it has had on people living with disabilities. COVID-19 is a mass-disabling event. The long-term ramifications of this fact are still unknown, but we can expect this to have a disparate racial impact, as many other accessibility issues typically do. This is an example of the importance of an intersectional approach to equity, because members of historically marginalized groups exist neither in vacuums nor in mutually exclusive communities—see discussions of the “curb cut effect.” For example, in the U.S., people tend to age into disability. This means a large proportion of the community of people living with disabilities tends to be of advanced age. However, events like COVID-19 will abruptly and unpredictably add to the community of people living with disabilities across nearly all age cohorts. Policymakers will need to strengthen our physical, social, and service infrastructures. More than that, we will need to re-examine how we understand “ability,” and how it intersects with race, ethnicity, age, sex, and gender identity. For example, eyeglasses are a disability aid, but their ubiquity makes it easy to forget that. If we did keep that in mind, what new links would it draw between groups who otherwise would have been thought to have little to nothing in common? Similarly, by re-examining the ways in which individual and public health shape the lens through which we make decisions, we can accomplish more supportive policy for more people.³

Community Safety

In 2021, a significant body of work was produced by all three branches of state government regarding community safety. As used here, “community safety” includes not just policing and post-conviction supervision, but also the community’s own feeling of safety, which means different things to different people. For example, in overpoliced communities, expanding the presence of law enforcement does not necessarily contribute to increased feelings of safety.

Following the passage of Act 166 of 2020, the newly-restructured Criminal Justice Council convened with more community members and stakeholders at the table. Further, in 2021 the state enacted police reforms on use of force, certification, training, and data collection in an effort to improve our ability to track justice outcomes and hold officers and agencies accountable in cases of misconduct.

³ For deeper exploration of this concept, see [PolicyLink](#).

Notably, the Justice Reinvestment process surfaced illuminating data and sound policy recommendations to narrow racial disparities in the justice system. Propelled by a federally-supported partnership with the Council on State Governments, the Justice Reinvestment working group evaluated the various points along the continuum of justice involvement where reforms could

- create more equitable and predictable sentencing outcomes,
- reduce the size of the supervised population,
- streamline the state’s community supervision pathways,
- reduce the number of technical violations driving recidivism rates, and
- create cost and bed savings to the state.

These updates and reforms generally represent positive steps forward. However, racial disparities remain. In Vermont,

- Black drivers are 3 times more likely than White drivers to be searched in traffic stops, despite being *less* likely to have contraband than White drivers.⁴
- Black people are 6 times more likely to be incarcerated than White people.
- Black people are more than 14 times more likely to be defendants in felony drug cases.
- Hispanic people represent 2.4% of Vermont’s population but 11% of Vermont’s incarcerated population and 7% of Vermont’s population of people under community supervision.⁵

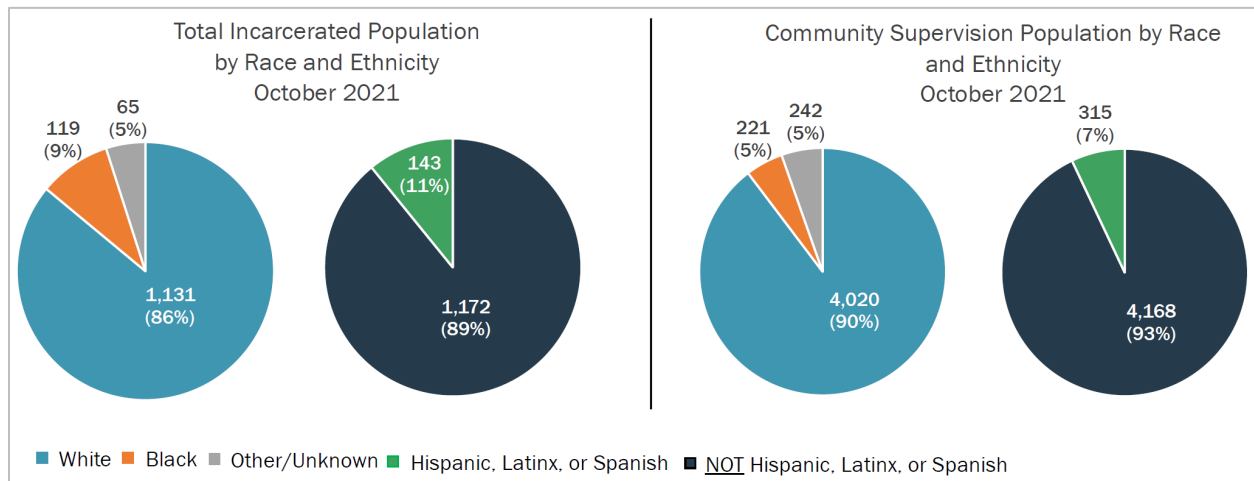


Figure 1 - Racial disparities in VT's incarcerated and supervised populations.
Source: Council of State Governments

As community safety work unfolds at the state level, local organizing is also taking root. For example, in Windham County, community coalitions worked with local leaders in 2021 to re-envision their community safety plan. In Lamoille County, a multi-town racial equity alliance conducted dialogue sessions with the Sheriff to explore ways that county-level policing can be

⁴ Seguino, Stephanie, et al. *Did COVID-Induced Reductions in Vermont Traffic Stops Lower Racial Disparities?* 3 Jan. 2022.

⁵ Bastomski, S., D'Amora, D., Dardeau, M., Gunter, A. and Sackey, L., 2022. *Justice Reinvestment Initiative in Vermont: Overview and Analyses of Justice Reinvestment Initiative Policy Implementation at End of CSG Justice Center Technical Assistance.*

more inclusive, more welcoming, and more transparent. Municipalities are immensely powerful when it comes to improving relations between law enforcement and communities. State-level work can help inform the regulatory framework, but day-to-day local interactions can make or break a community's sense of cohesion and trust. As described at a Fall 2021 public meeting on public safety in Vermont, "It is hard to be a person from historically marginalized groups and rely on the good will of people in power. We have learned it is unwise."⁶ One way to build trust with historically marginalized communities is to ensure that all impacted community members see themselves reflected in decision-making, planning, and budgeting. This means being judicious and honest about which gestures are meaningful and which ones are purely symbolic, and this balancing is applicable across *all* sectors and decisions.

Schools

Curriculum

The past year has also amplified the growing controversy around school curricula. The strategic deployment of disinformation around the country has led to a contrived yet highly contagious panic in many communities about what equity-related content is appropriate for school-age children to learn, with parents around the country convinced or afraid that a rigorous, graduate-level academic discipline known as "critical race theory" is suddenly being taught to K-12 students.

Critical Theory is an academic discipline that posits that inequity is embedded into our systems and institutions, and that injustice persists because of this. When this analysis is applied by studying racial and ethnic disparity specifically, we refer to it as *Critical Race Theory* (similar bodies of work exist in the gender equity and disability rights contexts, as well). Colloquially referred to as "CRT," it is a field of academic thought that dates back over half a century. Its origins can be found in the work of WEB DuBois, Fannie Lou Hamer, and Pauli Murray. However, it has quickly been turned into a blanket term to encompass any education whatsoever on equity, race, discrimination, and injustice. Thus, when the assertion that inequity is embedded in American legal and social systems is conflated with "the accurate teaching of American history," schools and statehouses across the country are being challenged to scrub their curricula of all unpleasant facts, which denies students the opportunity to learn and dissect the complicated and eternally relevant foundations from which present-day life in the U.S. stems.

Another common misunderstanding of the concept lies in the assertion that teaching children about historical or present-day inequity in their daily lives will lead them to think of others as bigots, when it does precisely the opposite: By teaching about inequity as systemic and institutional, we challenge learners of all ages to *cease* focusing on individual prejudice and instead focus on the ways in which society can construct and deconstruct systems that perpetuate inequity.

As an example, the historical practice of redlining gave rise to the present-day distribution of neighborhood amenities, including food resources. The targeted investment and divestment in different neighborhoods creates food deserts and food swamps, the presence of which tracks extremely closely with the prevalence of conditions such as asthma, diabetes, heart disease, and obesity. These conditions lead to worse academic and employment outcomes at the individual

⁶ Etan Nasreddin-Longo, Chair of the Racial Disparities in the Criminal and Juvenile Justice Systems Advisory Panel, October 25, 2021 Panel meeting. <https://www.orcamedia.net/show/act-65-working-group-10252021-rdap>

level, and when compounded, they create billions of dollars annually in job sector losses, which harms the economy at large and all its participants at every level. Using this example, the acknowledgement that government-sanction segregation promoted and fueled modern-day economic shortcomings through food injustice is neither a secret nor a matter of the past. This cycle continues today, and the shame of the historical practice should drive us to fix the problem, not just pretend it isn't happening.

There are certainly more aspects of this “debate” to address, but those are better left for another document. To put a final point on the matter here, it is an odd campaign to wage to insist that while students around the world will most certainly learn the full details of American institutions and their origins, students in the U.S. somehow should not. Rather, communities may consider directing their focus to correcting the very institutions that continue to perpetuate inequity—including, evidently, the education system.

Mascots

In Vermont, a great deal of community discussion has also been devoted to the topic of school mascots, particularly those that caricaturize or insensitively portray historically marginalized groups. In its January 2021 report, the Governor’s Racial Equity Task Force examined this issue and concluded that

“With mascots that represent cultural groups, the images, words, symbols, and behavior that accompany the mascots can cause great harm to people of color, especially Indigenous people. These representations almost always keep the cultures “frozen in time” by representing them as historical figures who no longer exist in the current society. Further, they rely on tropes and stereotypes that unfairly depict and often mock entire ethnic groups. This results in negative psychological, social, and cultural consequences for Indigenous people, especially Indigenous youth.”

The Task Force continues:

“[t]here are far more tangible and meaningful ways to “honor” a historically marginalized community that don’t involve donning cartoonish representations of their ethnic group, or images that bear shocking similarity to harmful or incendiary ideologies. The best way to learn how to honor a cultural group is to ask. More often than not, members of a marginalized group can name myriad ways to honor their history and culture, including greater inclusion in the arts and creative sector, participation in decision-making that would be impactful to the community, revision of harmful policies that have historically shut that group out of opportunity, restorative justice and truth-and-reconciliation processes, and more.”⁷

The Task Force and the Director commit to working with the Agency of Education and the legislature to craft and share model policies for communities who are prepared to modernize and strengthen their community identities with respectful and inclusive representation.

⁷ Vermont Racial Equity Task Force, [“Report of the Vermont Racial Equity Task Force.”](#) January 15, 2021.

Policy and Action

Schools in Vermont have increased their awareness of and commitment to resolving inequity in their districts. As of December 2021, at least 20 of Vermont’s school districts are known to have an Equity Coordinator or equivalent role on staff. Further, the number of schools considering or enacting anti-discrimination policies has increased. With organizations such as the Vermont Principals Association, the Vermont Community Foundation, the Diversifying the Educator Workforce, the State Board of Education, and many others, school leaders throughout Vermont have more access to equity-based resources than ever before. Yet as with community safety, municipalities and local communities have the power to drive much more inclusive policy to create learning environments that are more likely to improve academic outcomes for all students and retain students in Vermont once they graduate.

Census

The 2020 U.S. Census was saddled with numerous challenges at the federal, state, and local levels. Several of these challenges are outlined in the Director’s 2021 report, and include

- difficulties recruiting enumerators due to apprehension about in-person and community-based outreach measures,
- changes to data collection and aggregation methods, namely the use of “differential privacy,” and
- conflicting messaging from the U.S. Census Bureau and the federal executive branch regarding the impact that enumeration would have on communities with insecure or no legal immigration status in the U.S.

Additionally, the U.S. Census Bureau delivered its tabulations to states later than expected, which impacted states’ ability to conduct redistricting processes according to their customary rulemaking protocols.

Acknowledging these shortcomings, we are still able to learn more about Vermont’s evolving demographic landscape. The state’s Center for Geographic Information has conducted mapping and analysis to help state and local leaders understand how the newest Census data would impact populations around the state.⁸ These updated census figures show that in Vermont, there was an increase in representation among nearly all racial and ethnic groups, except for those who identify as “White alone.” This means that since the 2010 census count, a greater percentage of the population identifies as one or more of the following: Asian-American or Pacific Islander, Hispanic and/or Latino, Black or African-American, American Indian or Alaska Native, mixed-race, or “other.” Since the 2010 Census count, a smaller percent of the state’s population identifies as “White alone.”⁹ These changes are represented in the following chart and graph.

⁸ Explore the Center’s 2021 work and its multi-disciplinary statewide impact at [MapVT](#).

⁹ U.S. Census Bureau, <https://www.census.gov/library/stories/state-by-state/vermont-population-change-between-census-decade.html>

RACE OR ETHNICITY	CHANGE SINCE 2010	
Asian American/Pacific Islander	+54.7%	increase of 5,719 people
Hispanic/Latino	+68.4%	increase of 6,296 people
Black/African-American	+54.4%	increase of 5,079 people
American Indian/Alaska Native	+129.0%	increase of 9,521 people
Other	+587.5%	increase of 17,179 people
White alone	-3.1%	decrease of 18,541 people

Figure 2 - U.S. Census Responses by Vermont Residents, 2020

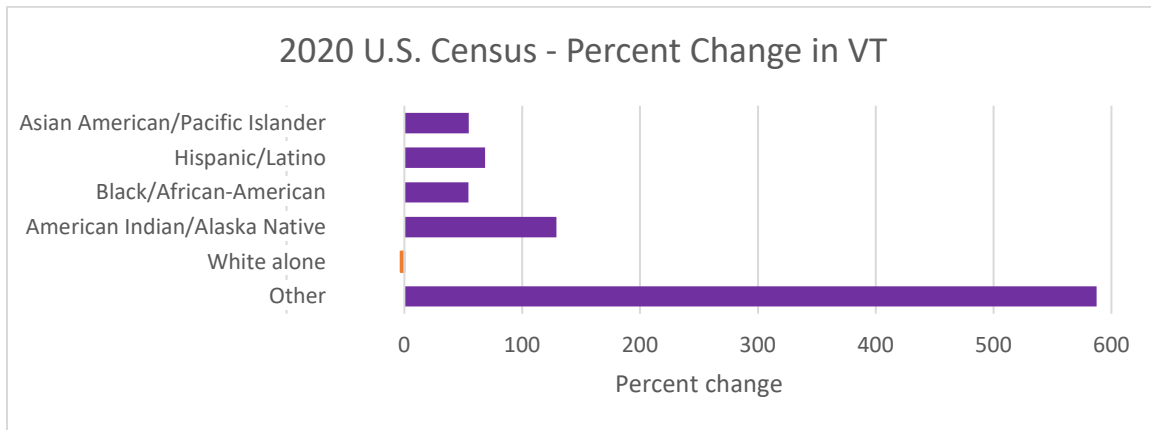


Figure 3 - U.S. Census Responses by Vermont Residents, 2020

It is tremendously easy to distort or misinterpret statistical data, so the above figures and visualizations should be contextualized with the following information:

- The summaries above group race and ethnicity for purposes of this report, but those terms and categories are not interchangeable. In other words, a person can be a member of more than one of these groups, and a person’s ethnic identity does not necessarily predict that person’s racial group.
- There is not consensus about whether these categorizations are accurate or fairly representative of the racial and ethnic diversity in the U.S., and these categories have changed over time.¹⁰
- The decrease in the number of people who identified as “White *alone*” does not necessarily mean there is a decrease in the number of people who identify as White *at all*. Rather, it most likely means the number of people who identify as White *plus another racial/ethnic group* has increased.
- In populations with skewed demographic proportions (like Vermont), percentages can seem dramatic: For example, a 3% change in Vermont’s self-identified “White only” population represents 18,541 people, while a 129% change in Vermont’s American Indian/Alaska Native population represents 9,521 people. Examine proportions carefully.

Additionally, the 2020 Census confirmed that younger populations are still the most racially and ethnically diverse in the country’s history. This is true nationally and in Vermont, and the

¹⁰ For further exploration of the history of the federal government’s practice of shuffling Census racial categories and the resultant social impacts, see [Pew Research Center](#).

continued demographic trend serves as a reminder that racial equity efforts must be accompanied with generational equity efforts. This is another opportunity to adopt an intersectional approach to policy and planning.

The overall state population grew by 2.8%, with increases and decreases varying at the local level. While the state’s population growth lagged behind the national average, the state has become more racially diverse overall (again, acknowledging that we do not have visibility into the population of people who identified as “Other” and that people who may have insecure immigration status are undercounted).

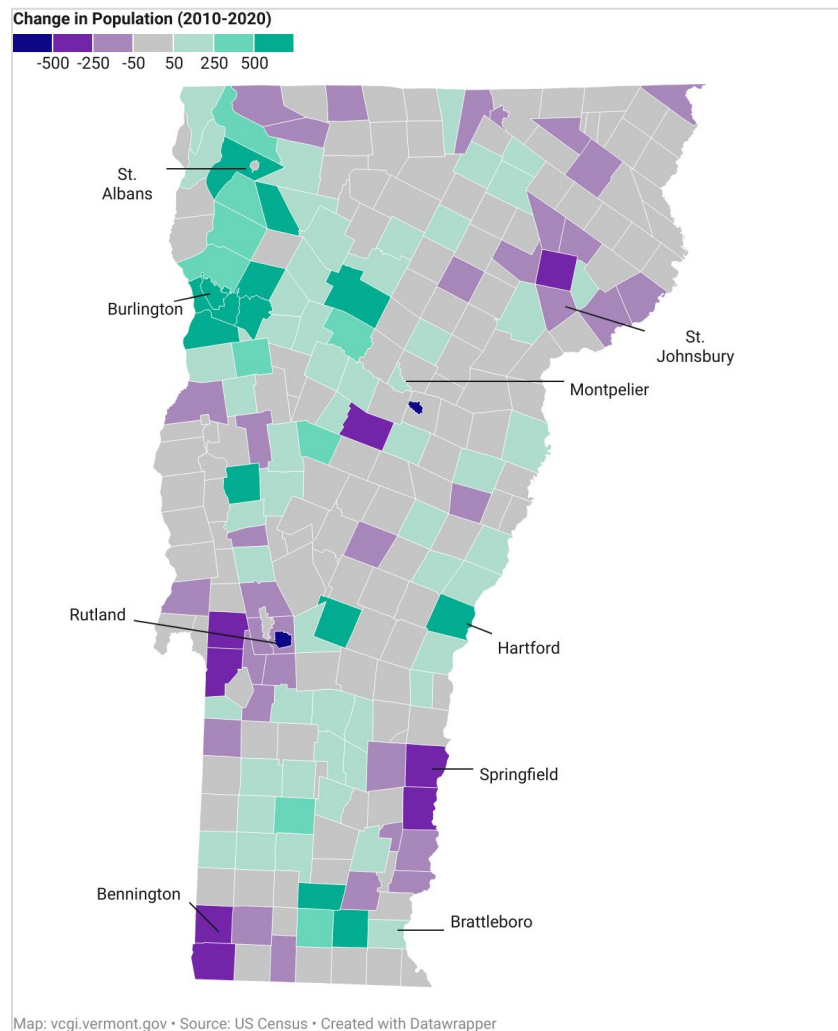


Figure 4 - Change in VT population by town, 2010-2020

ADMINISTRATIVE MATTERS

Equity Impact Assessments

Following the successful rollout of Equity Impact Assessments for executive agencies, the Director engaged with members of the General Assembly to implement a similar assessment tool for use in the legislative process. As part of the legislature's continued work to advance equity in the lawmaking process, the Director looks forward to completing this project so that it may be implemented for the 2023-2024 biennium.

Racial Equity Staffing

In 2021, the State approved two staff positions to support the Director in education, outreach, data analysis, and research. In recruiting for these roles, the State was very intentional about the development of job specifications and minimum qualifications. Equity practitioners have needed a high level of analytical skill, particularly when evaluating the merits of policies or initiatives. They have needed a deep well of knowledge of national history, international history, research and statistical data, historical and present-day vocabulary and its impact, social psychology, and teaching pedagogy so they can communicate all this to others (who themselves have varying levels of understanding and openness). Perhaps most importantly, they have needed to generate and nurture a tremendous amount of emotional and mental strength to filter through the skeptics, aggressors, and provocateurs in our midst. For all these reasons, this work is some of the most challenging and high-impact there could be.

However, in traditional hiring processes, organizations often get bogged down in corporate culture and pattern-matching that ultimately favors candidates who look and think and grow up like they do. This often results in exceptional candidates being shut out based on arbitrary or unnecessary factors. For these roles, the minimum requirements were carefully crafted to be more inclusive in defining what "qualified" means, to avoid falling into the common trap of equating prestige, power, or privilege with potential for success. The application period was longer than customary, to allow applicants more time to submit applications. In addition to the dozens of posting platforms the State usually uses, all HBCUs (Historically Black Colleges and Universities) were contacted, as well as professional associations and alumni networks in the Indigenous, Asian, Black, Latin@, LGBTQIA+, and communities along the ability spectrum around the country and in Vermont. One of the positions has been filled with an upcoming start date later this month, and the other is pending selection of a candidate.

Workforce Equity

State government has joined hundreds of employers across Vermont in adapting to the extended use of hybrid workplaces. Despite the continued uncertainty and logistical challenges to recruitment, the State appears to be incorporating equity into the hiring processes for positions across the enterprise more often. The Director sat on nearly a dozen hiring/interview panels for state government positions in 2021, and consulted with several others on ways to reduce bias in their recruitment processes. However, the State also lost senior-level staff of color in 2021. For example, until last year, Vermont was the only U.S. state whose State Librarian was a Black

American man.¹¹ Based on these mixed experiences, it is unclear what the FY22 Workforce Report will show (it will not be submitted until January 2023), but using data from the FY20 report, the State of Vermont

- Slightly increased the percentage of hires of color since FY19 (applicants of color were 14.1% of total applicants and 8.9% of total hires),
- Continued to pay staff of color less on average (\$57,996 for SOV staff of color, \$64,122 for white SOV staff), and
- Widened the gap in turnover since FY19 (19.7% turnover rate for SOV staff of color, 10.7% turnover rate for White SOV staff).¹²

Employees of color remained underrepresented in supervisory and managerial positions, in exempt positions, and in positions that are well-suited for teleworking.

	Num.	Percent	Average Salary	Average Age	Average LOS	Percent Female	Percent Male	Percent Minority
Manager	424	5.5%	\$97,010	50.9	16.4	53.1%	46.9%	0.9%
Supervisor	1104	14.4%	\$77,137	47.8	14.6	52.6%	47.4%	3.0%
Non-Management	6147	80.1%	\$58,584	44.5	9.7	50.9%	49.1%	4.8%
Total	7675	100.0%	\$63,375	45.3	10.8	51.2%	48.8%	4.3%

Source: The State's Human Resource Information System (VTHR). Data include only classified employees of the Executive Branch for Fiscal Year 2020. Average Salary is annual base salary of full-time employees and does not include benefits or overtime. Average LOS is average length (years) of service.

Note: A managerial employee is defined in 3 VSA § 902(18) and a supervisory employee in 3 VSA § 902(16). Per Personnel Policy 6.3 the criteria used to determine a managerial designation include: the extent to which a position has influence or makes decisions regarding policy, budget, and personnel; and the organizational structure of an agency or department into divisions or major sections. The criteria used to determine a supervisory unit designation include: the number of employees supervised; the degree and type of supervisory discretion exercised; and the extent to which supervision is a significant component of the individual's job duties.

from the State of Vermont FY20 Workforce Report

The Governor's Workforce Equity and Diversity Council submits an annual report containing deeper analysis of these data and their broader context. Drawing from the Council's findings and other successful examples, the State will update its recruitment and retention practices to narrow these gaps in its state workforce.

¹¹ This was quite a remarkable data point, considering that (a) the librarianship profession disproportionately overrepresents women-identified people, (b) the librarianship profession disproportionately overrepresents White people, and (c) Vermont was only approximately 2.5% Black or African American according to 2010 Census figures.

¹² Fastiggi, Beth et al. "State of Vermont Workforce Report Fiscal Year 2020". Jan 15 2021.

WORKGROUPS

The list of equity-related working groups created or led by the state has grown in the last year. The Director continues to rely on the work product and the expertise of these working groups and their members, and encourages the legislative and executive branches to continue supporting their important work.

GROUP ¹³	FORMAL TITLE ¹⁴
Act 186	Act 186 Population-Level Outcomes Working Group [L]
BTF	Buprenorphine Task Force [M]
CCB	Cannabis Control Board [L]
CJC	Vermont Criminal Justice Council [M]
DEW	Diversifying the Educator Workforce (Vermont delegates to NESSC) [M]
ESESAWG	Ethnic and Social Equity Standards Advisory Working Group [M]
FIP	Fair and Impartial Policing Committee
GWEDC	Governor's Workforce Equity and Diversity Council [L]
HEAC	Health Equity Advisory Commission
HHB	Harassment, Hazing and Bullying Advisory Council
HRC	Vermont Human Rights Commission [L]
ICAR	Interagency Committee on Administrative Rules
JRII	Justice Reinvestment [M]
JRII-DV	Justice Reinvestment - Domestic Violence Response Systems [M]
RDAP	Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel [M]
REAP	Racial Equity Advisory Panel
RETF	Racial Equity Task Force [M]
SEC	Social Equity Legislative Caucus
SHCSTF	State House Curatorial Special Task Force [M]
VCNAA	Vermont Commission on Native American Affairs
JDEC	Vermont National Guard Joint Diversity Executive Council [M]
WZS	Work Zone Highway Safety Automated Traffic Law Enforcement Study [M]

In addition to this non-exhaustive list, Vermont is also home to numerous community-based organizations performing important and impactful equity work across the state. It is equally important that the state actively engage with and support these organizations, given their deep contacts in communities and their contributions to the state's advancements in equity.

Racial Equity Advisory Panel

The Racial Equity Advisory Panel has submitted a companion report pursuant to 3 V.S.A. Sec. 5002(c)(3).

¹³ This list does not include the many coalitions and workgroups performing equity work in Vermont's communities. It includes state-created or state-led groups, which have the distinct characteristic of being legally mandated to serve their specified function and meet defined expectations.

¹⁴ [M]—Director is a member of this workgroup. [L]—Director serves as liaison or consultant to this workgroup.

Racial Equity Task Force

The Racial Equity Task Force completed a high volume of work in a short timeframe. Between July 2020 and January 2021, the Task Force developed two reports to the Governor on the following three topics, as instructed through Executive Order 02-20:

- Structures of support for racially diverse populations, particularly in light of the disparities in health outcomes highlighted by COVID-19;
- Current state and federal law on hate speech and freedom of speech; and
- Options for encouraging Vermonters from diverse, marginalized, or underrepresented racial and ethnic groups to run and serve in public office at all levels.

In total, the Task Force issued 70 recommendations^{15,16} covering the experiences of Vermont's residents and visitors of all ages and in nearly all sectors. The recommendations dealt with employment law, school equity policy, language access, local governance, homeownership rates, pandemic recovery, and more. Several of the recommendations were included in various pieces of legislation, most notably H.401, which is currently under consideration in the legislature.

Racial Disparities in the Criminal and Juvenile Justice Systems Advisory Panel

Act 65 of 2021 expanded the membership of the Panel to include the Director and 2 additional seats for the Director to appoint community members “drawn from diverse backgrounds to represent the interests of communities of color throughout the State, who have had experience working in information technology or data collection systems.” The Director is pleased to have completed this task by identifying two deeply insightful and passionate data experts who are from different regions of the state and are outside the typical circle of people of color who tend to get called upon to participate in statewide work. Act 65 also directed the Panel to develop recommendations for the creation of a division of Racial Justice Statistics, which the Panel has completed. The resultant legislation is currently under consideration in the legislature (H.546).

Cannabis Control Board

One of the most impactful drivers of racial disparities in the American criminal justice system has been the war on drugs. When we consider the context of

- post-conviction revelations by Nixon advisors¹⁷;
- the racialized history of the term *marijuana*¹⁸; and
- the similarities and differences between racial groups in possession, use, and criminalization of drugs¹⁹;

then it is abundantly clear that drug enforcement in the U.S. has fueled social stereotypes and a prison industry that will carry multi-generational consequences for decades to come.

¹⁵ Vermont Racial Equity Task Force, “[Report of the Vermont Racial Equity Task Force](#).” September 01 2020.

¹⁶ Vermont Racial Equity Task Force, “[Report of the Vermont Racial Equity Task Force](#).” January 15, 2021.

¹⁷ <https://www.vera.org/reimagining-prison-webumentary/the-past-is-never-dead/drug-war-confessional>

¹⁸ Solomon R. (2020). Racism and Its Effect on Cannabis Research. *Cannabis and cannabinoid research*, 5(1), 2–5. <https://doi.org/10.1089/can.2019.0063>

¹⁹ Edwards E et al., “A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform.” American Civil Liberties Union. 20 April 2020.

Through its newly-created Cannabis Control Board, the State of Vermont committed to stand up a newly-legalized market that is socially equitable. This will require an enormous level of work and a tremendous balancing of interests in communities, small business, tourism, agriculture, and federal legal practice. The Director worked with the Board and its consultant partners in 2021 to develop the structure for a Social Equity program that would account for the range of demographic, regional, and socioeconomic factors that could arise during the market rollout. A separate report detailing this process has been submitted to the General Assembly by the Cannabis Control Board, and the Director will continue to collaborate with the Board as the work progresses.

Health Equity Advisory Commission

Act 33 of 2021 established the Health Equity Advisory Commission, a 29-member team of state staff, advocacy organizations, and community members focused on expanding equity in public health and healthcare delivery. The Commission's purpose is to

- “Promote health equity and eradicate health disparities among Vermonters, including particularly those who are Black, Indigenous, and Persons of Color; individuals who are LGBTQ; and individuals with disabilities;”
- “Amplify the voices of impacted communities regarding decisions made by the State that impact health equity, whether in the provision of health care services or as the result of social determinants of health;” and
- “Provide strategic guidance on the development of the Office of Health Equity, including recommendations on the structure, responsibilities, and jurisdiction of such an office.”

The Commission is presently co-chaired by the Director and the President of the Windham County NAACP. The Commission will submit at least 2 reports to the General Assembly in 2022.

ONGOING AREAS OF INTEREST

Municipal Action to Advance Equity

- The Director commits to increasing support for municipalities seeking to advance equity at the local level.

Language Justice

- Disparities persist in language justice across the country and in Vermont. Continuing to expand language access in state services remains a top priority. One widespread example is that globally, the rise in virtual meetings made it easier to include translators for attendees who required translation. However, this has led to a translator shortage because the profession was under-resourced to begin with. In a December 2021 panel discussion on language justice hosted by the Vermont Human Rights Commission, Limited English Proficient panelists shared that participating in community affairs has actually become *more* difficult with the rise of virtual meetings.
- Considerations of how language impacts our daily lives are being examined more closely: Consider the recent research detailing the shocking disparities in court testimony for

speakers of AAVE or AAE.²⁰ In this study, court reporters' transcription errors changed the content of what the speaker was saying, erroneously altering details about who was involved, what was happening, when it happened, and/or where it happened. "In some cases, the errors were not harmful, because they were uninterpretable. In others, they changed participants, actions, and order of events. [These errors] could make or break an alibi," noted a study author.²¹ This research took place in a more urban area with a greater population of Black Americans, and the Director is curious to learn how similar exercises would occur in a jurisdiction as homogenous as Vermont.

Community Engagement in Policymaking

- "BIPOC Business Development": Act 74 of 2021 set forth a process through which business owners of color and relevant stakeholders would convene to inform future state policy that would be designed to support businesses owned by people of color.
- Environmental Justice: To continue and expand upon the work of the state's Climate Council, the Director urges policymakers to engage impacted communities in all stages of deliberation and decision-making—especially early stages—to ensure that policy and other recommendations are community informed and represent meaningful investments that will address historical harms such as residential segregation and

Concluding Note

While it is tempting to list new strategy recommendations in each report, it is important to pursue those that we have not yet completed before moving on to new and exciting measures. Therefore, the list of recommendations originally included in the Director's 2021 report will be repeated below. These recommendations are intentionally generalized because these strategies can—and should—take many forms and be repeated.

To continue the state's forward momentum on equity and justice, the Director recommends

- more engagement at the local level on systemic, upstream issues giving rise to inequity;
- more inclusive policy-shaping processes that permit and encourage broader participation from underrepresented and directly impacted people;
- tangible, meaningful investment in initiatives and sectors that reduce outcome gaps;
- awareness that it is not the job of oppressed people to prove or *improve* the circumstances of their oppression;
- regular reviews of existing protocols and policies, specifically using an equity lens, to identify disparities and opportunities to reduce them; and
- implementation of the recommendations of the workgroups named on page 10 of this report.

²⁰ AAVE - African-American Vernacular English. AAE - African American English.

²¹ Jones, Taylor and Jessica Rose Kalbfeld. "LANGUAGE AND PUBLIC POLICY Testifying while black: An experimental study of court reporter accuracy in transcription of African American English." (2019).