

This report is intended to inform decision makers in Vermont on the creation of new advisory bodies or modification of existing advisory bodies to better align advisory body processes with the values of diversity, equity, inclusion, and justice. The report contains recommendations to ensure equitable compensation and the use of trauma-responsive practices to support advisory body members in their legislatively-mandated duties. The report details recommended improvements to current advisory body practices that aim to reduce barriers to participation in advisory bodies by members from communities of color and other groups that experience systemic oppression.

State of Vermont Office of Racial Equity

Recommendations for State Advisory Bodies

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Definitions

“State advisory bodies” is intended to be interpreted broadly to include boards, commissions, councils, workgroups, or committees that include members who are not State of Vermont employees. Advisory bodies make recommendations or otherwise guide State of Vermont government entities on policy, programs, or other matters relating to governance.

“Government entities” includes, but is not limited to, State of Vermont Executive Branch Agencies, Departments, Offices, and Divisions; Legislative Committees or Joint Committees; and Judiciary Programs and Dockets. Government entities may also include organizations enabled in statute by the Vermont General Assembly but independent of the Executive Branch, such as the Vermont Human Rights Commission and the Vermont Housing and Conservation Board.

Introduction

This report is intended to inform decision makers in Vermont on the creation of new advisory bodies or modification of existing advisory bodies to better align advisory body processes with the values of diversity, equity, inclusion, and justice. The report contains recommendations to ensure equitable compensation and the use of trauma-responsive practices to support advisory body members who share their experiences of discrimination or oppression as part of their legislatively mandated duties. The report details recommended improvements to current advisory body practices that aim to reduce barriers to participation in advisory bodies by members from communities of color and other groups that experience systemic oppression.

Summary of Recommendations

- To prevent the proliferation of unnecessary equity-related advisory bodies that duplicate existing advisory bodies, consider the following:
 - whether new advisory bodies are needed, or whether existing groups can take on the task if given appropriate compensation and time to complete the additional tasks assigned to them.
 - whether new advisory bodies should exist in perpetuity or as a “task-and-finish” group that will dissolve after delivering their statutorily required work products.
 - how the State will effectively use the work products of each advisory body to prevent unnecessary or wasteful expenditures if the State will not follow through on the work products of the advisory body.
 - whether the State is calling on the same group of community members who already sit on multiple equity-related advisory bodies.
- Consider providing alternate forms of compensation to support people who cannot or do not wish to share an IRS Form W9 with the State. For example, providing grocery or gas gift cards (if allowed), meals, and childcare resources will reduce barriers to participation and

increase equitable compensation for members attending State advisory body meetings who are not otherwise compensated by their employer.

- Consider the administrative capacity of the State entity designated to provide administrative support before assigning new State advisory bodies to it. Consider whether the State entity assigned to host the advisory body has the capacity to process per-diem payments quickly to ensure that participants receive timely payment for their services.
- The Vermont General Assembly, in conjunction with the Governor's Administration, should establish a set of guidelines for member compensation to ensure equitable compensation across all State advisory bodies. Members of several existing advisory bodies that the staff or Director of the Office of Racial Equity serve on have expressed concerns about the difficulty of ensuring members of marginalized groups are able to participate on advisory bodies due in part to inadequate per-diem compensation for the scope of their legislatively mandated duties.¹
- When asking participants in State advisory bodies to perform emotional labor by sharing their experiences of discrimination, use trauma-responsive practices.
- The Office of Racial Equity does not recommend that the enabling statute for a new State advisory body lay out a specific schedule or meeting format. Instead, let members of the advisory body decide the meeting cadence and format that suits their needs.
- The Office does not oppose setting a statutory limit on the maximum number of advisory body meetings per year. However, advisory bodies must be allowed an adequate number of meetings to address the scope of their Legislatively mandated duties.

State Advisory Body Per-Diem Reimbursement Process

Members of State advisory bodies must submit an Internal Revenue Service (IRS) Form W9 to receive per-diem payments.² Equity concerns related to the use of Form W9 include:

- Submitting a W9 creates a significant requirement for disclosure of personal information. People who are undocumented may not have a Social Security number or other information necessary to fill out a W9, which precludes compensation for their involvement in State advisory bodies.
- Members of marginalized groups may be hesitant to share personal information with the State out of concern for their privacy and safety.

¹ "Marginalized groups" refers to people who have social identity factors that are different from current and historically dominant social identity groups in the United States. Examples of social identity factors where people may experience marginalization include race, ethnicity, religious affiliation, national origin, use of languages other than English, disability status, gender identity/gender expression, or sexual orientation.

² More information on Form W9 from the Internal Revenue Service: <https://www.irs.gov/forms-pubs/about-form-w-9>

Consider alternate forms of compensation that may help people for whom submitting a W9 constitutes a barrier to advisory body participation. For example, providing grocery or gas gift cards (if allowed), meals, and childcare resources will reduce barriers to participation and increase equitable compensation for attending advisory body meetings.

In addition, participants must submit a per-diem request form for each meeting they attend. Operational concerns related to the current per-diem system include:

- Processing the per-diem request forms of a State advisory body takes significant time and effort from administrative support staff at supporting State entities.
- Lack of operational capacity from supporting State entities can create delays in participants receiving their per-diem payments.

Consider the administrative capacity of the State entity designated to provide administrative support before assigning new State advisory bodies to it. Determine if the entity assigned to host the advisory body has the capacity to process per-diem payments to ensure that advisory body members receive timely payment for their services.

Recommendations for Equitably Structuring New State Advisory Bodies or Re-Structuring Existing State Advisory Bodies

Compensation

Current compensation levels vary widely between State advisory bodies. The document “2021 Sunset Advisory Commission Boards and Commissions Compensation Table, 2021,” created by the Office of Legislative Counsel, contains examples of the compensation levels of members of the extant State advisory bodies at the time.³ The following list includes an example of the widely variable per-diem compensation levels for different State advisory bodies:

- The State Labor Relations Board members received a per-diem payment of \$125 per meeting per member.
- The Vermont Community Broadband Board received \$250 per meeting per member.

³ Full link:

<https://legislature.vermont.gov/Documents/2022/WorkGroups/Sunset%20Advisory%20Commission/Legal%20Counsel%20Documents/W~Amerin%20Aborjaily~Sunset%20Advisory%20Commission%20Spreadsheet%202021~11-15-2021.pdf>

- The standard minimum compensation level for all other bodies mentioned in [32 V.S.A. §1010](#) is \$50 per member per day, which remains true in calendar year 2023.

The members of some advisory bodies appear to be compensated for their time and labor at a much higher rate compared to others. The Office of Racial Equity is not aware of any standard Legislative rules or Executive policy documents that provide guidelines for determining the compensation levels for State advisory bodies.

The Vermont General Assembly, in conjunction with the Governor's Administration, should establish a set of guidelines for per-diem compensation to ensure equitable compensation across all State advisory bodies and update advisory body per-diem compensation levels accordingly.

Recommended considerations for determining compensation levels:

- Frequency of meetings: the higher the frequency, the higher the compensation per meeting to account for the added burden of scheduling and attending more frequent meetings.
- Duration of meetings: longer meetings should be compensated at a higher rate than short meetings if the duration of meetings is set by the enabling statute or if Legislators can reasonably foresee the advisory body holding long meetings to conduct their work.
- Scope of work: advisory body members are often expected to conduct research, draft reports for the Legislature, and guide policy decisions. The greater the scope of work expected of the advisory body, the higher their compensation should be.
- Emotional labor: consider whether participants are being asked to share their lived experiences of trauma, oppression, or discrimination in their advisory duties. Emotional labor must be adequately compensated.⁴

Trauma-responsive advisory bodies

The enabling legislation for equity-related advisory bodies must be trauma responsive to support members who are asked to draw on their experience of discrimination or prejudice in their legislatively mandated duties. People who hold marginalized identities and/or work for diversity, equity, inclusion, and justice constantly confront historical and present-day oppression. There are known health impacts of exposure to racism and other forms of discrimination.^{5,6} A history of discrimination- or prejudice-related trauma can impact a person's executive functioning, the mental processes involved in focusing attention and staying on-task.⁷

⁴ Resnick, A., & Seide, M. (2021, September 20). *What Is Emotional Labor?* Very Well Mind. <https://www.verywellmind.com/what-is-emotional-labor-5193184>

⁵ Paradies, Y. (2006). A systematic review of empirical research on self-reported racism and health. *International Epidemiological Association International Journal of Epidemiology*, 35, 888–901. <https://doi.org/10.1093/ije/dyl056>

⁶ Denato, M. P. (2012, April). *The minority stress perspective*. Psychology and AIDS Exchange Newsletter. <https://www.apa.org/pi/aids/resources/exchange/2012/04/minority-stress>

⁷ Herndon, J., & Kubala, K. (2022, February 3). *Understanding Executive Dysfunction and How It Shows Up*. Healthline. <https://www.healthline.com/health/executive-dysfunction>

When asking participants in State advisory bodies to perform emotional labor by drawing on their experiences of discrimination or prejudice, use trauma-responsive practices.

Examples of considerations for trauma-responsive State advisory bodies:

- Consider having dedicated facilitators to support an advisory body whose participants may have experienced trauma related to discrimination or prejudice.
 - Consider including a requirement for dedicated facilitators with experience in mental health counseling to support the participants' mental well-being.
 - Providing a dedicated facilitation team would require adequate appropriations from the Legislature or other sources to pay for facilitation services.
- Completing paperwork is a demanding task for people with trauma-related executive function deficiencies.
 - A dedicated facilitation team could help participants fill out the per-diem paperwork.
 - If deemed appropriate by the Legislature, the facilitation team could perform additional tasks to support the members of the advisory body. Additional tasks could include helping participants navigate mental health services if such support is needed to enable their participation in the advisory body.
 - Determine if the State entity supporting the advisory body has the administrative capacity to support the advisory body. Adding a new administrative support position within the advisory body's supporting State entity may be necessary to adequately support a new or existing advisory body.

*The Office of Racial Equity does not recommend that the enabling statute for a State advisory body lay out a specific meeting schedule or meeting format. Instead, let advisory group members decide what best suits their needs. The Office does not oppose setting a statutory limit on the maximum number of advisory body meetings per year. **However, advisory bodies must be allowed an adequate number of meetings to address the scope of their Legislatively mandated duties.***

Additional practical and equity-related considerations:

- Scheduling: the members of an advisory body may have other needs that interfere with their ability to attend regularly scheduled meetings, like balancing work and childcare obligations.
 - Flexibility in scheduling and choice between in person, video remote, or hybrid meetings will help support members' participation in meetings.
 - In a task-and-finish advisory body, consider if the number of meetings allowed and the due date(s) for any deliverables are adequate for the statutorily mandated scope of work.

- Work products:
 - Legislators should consider how many work products are required and what the formatting of the work products should be for the advisory body to accomplish their tasks. For example, consider whether an annual report serves a purpose for the Legislature or if annual reporting will require time and energy that might be better used for other deliverables.
 - Legislators should review the existing reporting requirements of an advisory body if they are considering adding additional reports or other deliverables. Consider whether the advisory body members should receive additional compensation and extended deadlines for other deliverables in light of the additional workload.
 - Legislators should consider the likelihood that the Legislature will use the work products of State advisory bodies in future Legislative sessions if advising the Legislature is the statutory purpose of an advisory body’s reports or other deliverables. The Office of Racial Equity has participated in several advisory bodies whose recommendations have yet to be acted upon by the Legislature.

Legislators should review the existing reporting requirements of an advisory body if they are considering adding additional reports or other deliverables. Consider whether the advisory body members should receive additional compensation and extended deadlines on other deliverables in light of the additional workload.

Excerpt, “2023 Office of Racial Equity Director’s Report to the Legislature”: Workgroups⁸

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.

However, the Director notes that the ever-expanding list of workgroups that focus on equity issues is growing at a pace that is not commensurate with the actual need for more workgroups. For example, at least 8 of the workgroups listed below are focused specifically on criminal justice matters. At least 4 are focused specifically on education and early childhood development (with another dozen community coalitions and organizations also prominently involved in this topic area at the state level). It is the Director’s recommendation that all branches of State government reassess the landscape of equity-focused workgroups to determine

- whether new workgroups are needed for a particular task/topic,

⁸ Full report available at: <https://racialequity.vermont.gov/document/2023-edre-report-legislature>

- whether existing workgroups can take on any new duties needed,
- whether any new workgroups need to exist in perpetuity or can serve as “task-and-finish” groups that will dissolve after a certain milestone is met,
- whether new workgroups will call upon the same set of community members who already sit on multiple workgroups,
- whether the compensation for the work is appropriate given the amount of work required by the members of the prospective new workgroup, and
- what work product or deliverable is expected of a new workgroup and how it will be effectively utilized or advanced by the State.

This recommendation does not suggest that the Office of Racial Equity should not be present in all of these discussions—while the staff of 3 stretches itself thin by trying to manage involvement in these 30+ workgroups, it is of paramount importance that equity, inclusion, belonging, and diversity be a foundational part of the work of every State-created or State-supported workgroup, because equity is everyone’s job and inequities reveal themselves in nearly all aspects of life and governance.⁹ Notwithstanding, embedding equity into all government activities does not require new entities or the tokenistic inclusion of certain predictable ones. Rather, building equitable and inclusive practices into government work requires that existing entities carry out their duties in inclusive ways. Further, the siloing of work through creation of duplicative or parallel workgroups requires thoughtful planning about the practical ways in which these various groups are intersecting or collaborating, and the adequacy of the per diem compensation structure that is offered to some of the members of these workgroups.

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.

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.

⁹ As of December 13, 2023, the Office of Racial Equity and Division of Racial Justice Statistics has 5 full-time staff and expects to hire an additional full-time data analyst for the Division of Racial Justice Statistics in the near future.

Office of Racial Equity Recommendations for State Advisory Bodies, December 2023

[M]—Director is a member of this workgroup. [L]—Director serves as liaison or advisor to this workgroup. [C]/[VC]—Director is a chairperson or vice chairperson of this group.¹⁰

<u>Group</u>	<u>Formal Title</u>	<u>Relevant Notes/Documents</u>
Act 186	Act 186 Population-Level Outcomes Working Group [L]	Enabling statute: Act 186 Population Level Working Group
AIAC	Artificial Intelligence Advisory Council [VC]	Enabling statute: 3 V.S.A. §5023
BTF	Buprenorphine Task Force [M]	Enabling order: Executive Order 05-21
CCB	Cannabis Control Board [L]	Enabling statute: 7 V.S.A. Ch. 31 Sub Ch. 2 Board website
CJC	Vermont Criminal Justice Council [VC]	Enabling statute: 20 V.S.A. § 2351 Council website
CYFAAC	Child Youth Family Advocate Advisory Council [M]	Enabling statute: 33 V.S.A. §3211
DEW/NESSC	Diversifying the Educator Workforce (Vermont delegates to NESSC) [M]	State Profile on NESSC
EJAC	Environmental Justice Advisory Council [M]	Enabling statute: 3 V.S.A. §6006
EJIAC	Environmental Justice Inter-Agency Committee [M]	Enabling statute: 3 V.S.A. §6006
ELs	Equity Liaisons [C]	Created by Executive Director of Racial Equity to provide point of contact between ORE and other Executive Branch entities
ESESAWG	Ethnic and Social Equity Standards Advisory Working Group [M]	Enabling statute: Act 1 of 2019 General Information & meeting materials
FIP	Fair and Impartial Policing Committee [L]	Fair & Impartial Policing policy
GDSC	Giglio Database Study Committee [M]	Report submitted, group sunset as of Dec 1, 2022; Legislature has yet to pass a bill enacting the recommendations of the report
GWEDC	Governor's Workforce Equity and Diversity Council [L]	Enabling Order: 3 App. V.S.A. ch. 3, § 59 General Information
HEAC	Health Equity Advisory Commission [M]	Enabling statute: 18 V.S.A. § 252 Commission website
HHB	Harassment, Hazing and Bullying Advisory Council [M]	Enabling statute: 16 V.S.A. § 570 General Information

¹⁰ The column “Relevant Notes/Documents” has been added for the reader’s ease of reference and was not included in the original 2023 Office of Racial Equity Director’s Report to the Legislature. A letter in brackets indicating the Director or Office of Racial Equity staff person’s involvement in each workgroup have been added to some rows in the column called “Formal Title”.

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HRC	Vermont Human Rights Commission [L]	Enabling statute: 9 V.S.A. § 4551 Commission website
ICAR	Interagency Committee on Administrative Rules [L]	Committee website
JDEC	Vermont National Guard Joint Diversity Executive Council [M]	
JRII-DV	Justice Reinvestment - Domestic Violence Response Systems [M]	
LAOB	Land Access and Opportunity Board [M]	Board website
LEDC	Law Enforcement Data Collection [M]	Enabling statute: Act 161 of 2022 , Section 1a Report submitted as of November 2, 2023
NCJRP	National Criminal Justice Reporting Project [M]	ORE involvement concluded as of Oct 2022
RDAP	Racial Disparities in the Criminal & Juvenile Justice System Advisory Panel [M]	Enabling statute: 3 V.S.A. § 168 General Information
REAP	Racial Equity Advisory Panel [L]	Enabling statute: 3 V.S.A. § 5002 Panel website
RJSAC	Racial Justice Statistics Advisory Council [L]	Enabling Act: Act 142 of 2022
SEC	Social Equity Legislative Caucus [M]	SEC website
SHCSTF	State House Curatorial Special Task Force [M]	
TSR	Traffic Stop Regulation [M]	Enabling statute: Act 106 of 2022
TRC	Truth & Reconciliation Commission [L]	Enabling statute: Act 128 of 2022
VCNAA	Vermont Commission on Native American Affairs [L]	Enabling statute: 1 V.S.A. § 852 General Information

End of excerpt, “2023 Office of Racial Equity Director’s Report to the Legislature”

Additional Office of Racial Equity Advisory Bodies in Calendar Year 2023

The Executive Director of the Office of Racial Equity or a designated Office of Racial Equity staff person has been assigned to the following 8 additional advisory bodies since January 2023:

Group	Formal Title	Relevant Notes/Documents
CJRAC	Coordinated Justice Reform Advisory Council [M]	Enabling statute: Act 40 of 2023 Report: Act 40 (2023) Sec. 2 (annual reporting requirement in perpetuity)
Act 27 Working Group	Working Group on Policies Pertaining to Individuals with Intellectual Disability Who Are Criminal-Justice Involved [M]	Enabling statute: Act 27 of 2023 Report: Act 27 (2023), Sec. 6 (task-and-finish, working group sunset July 1, 2024)
RRCC	Rural Recovery Coordination Council [M]	Enabling statute: Act 47 of 2023

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		Report due December 15, 2023. Task-and-finish, working group sunset March 31, 2024.
Act 29 Working Group	Working Group on Student Protections from Harassment and Discrimination in Schools [M]	Enabling statute: Act 29 of 2023 Report not yet available Task-and-finish, working group sunset February 1, 2024
ESESAWG TAG	Act 1 Technical Advisory Group [M]	Enabling statute: Act 66 of 2023 Task-and-finish; advisory group sunset January 31, 2024
Sec.E.316 Sec.E.504	Stakeholder Working Group; Facility Planning for Justice-Involved Youth [M] Adult Basic Education and Literacy Access Study [M]	Enabling statute: Act 78 “Big Bill” of 2023 Sec.E.313 – report due January 15, 2024. Task-and-finish group to sunset June 30, 2025 Sec.E.504 – report due January 15, 2024. Task-and-finish; limited to not more than 5 meetings
SDRAG	State Designation Program Reform Advisory Group [M]	Enabling statute: Act 182 of 2022, Sec. 40 Report to be submitted
Act 250 Study	Natural Resources Board Act 250 Necessary Updates Study Steering Committee [M]	Enabling statute: Act 182 of 2022, Sec. 41 (amended under Act 47 of 2023, Sec 19)

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Additional Resources

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