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STATE OF VERMONT  
OFFICE OF THE ATTORNEY GENERAL  
109 STATE STREET  
MONTPELIER, VT  
05609-1001

September 18, 2023

Kat Rosenfield  
[REDACTED]  
Norwalk, CT 06855

*Via Email Only* – [REDACTED]

**Re: Your September 17, 2023 Public Records Request**

Dear Ms. Rosenfield:

On behalf of the Vermont Attorney General Office (AGO) Civil Rights Unit (CRU), I am writing to respond to your September 17, 2023 Public Records Request submitted on the AGO website, in which you requested “All records from year 2023 related to complaints of employment discrimination at Bennington college.”

Your request is governed by Vermont’s Public Records Act (PRA), 1 V.S.A. §§ 315-320.

For the reasons stated below, we are unable to produce any responsive documents at this time.

**I. Records Deemed Confidential by Law.**

The PRA states that certain categories of records are exempt from public inspection or copying. *See generally* 1 V.S.A. § 317(c) (listing exemptions). These categories include “(1) Records that by law are designated confidential or by a similar term [and] (2) Records that by law may only be disclosed to specifically designated persons.” *Id.*, § 317(c)(1)-(2).

The Vermont Fair Employment Practices Act (VFEPa) authorizes the AGO/CRU to investigate and enforce claims of employment discrimination in accordance with the same statutory procedures used to investigate unfair business practices. *See* 21 V.S.A. § 495b (VFEPa, incorporating by reference investigative procedures for consumer protection law, 9 V.S.A. § 2460). Pursuant to Section 2460, records and information obtained by the AGO/CRU in connection with any employment discrimination investigation shall remain confidential absent (1) a court order; or (2) consent of the party providing the information. *See* 9 V.S.A. §

2460(a)(4). At this time, you have not presented us with a court order, or the consent of any person furnishing information or records to the AGO/CRU relating to any investigations.

Because records relating to CRU employment discrimination investigations are designated confidential by law, the PRA exempts them from public disclosure.

**II. Internal AGO Correspondence and Notes.**

The PRA also exempts from public inspection and copying:

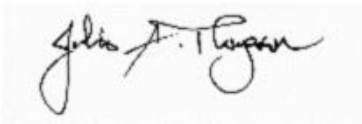
(3) Records that, if made public pursuant to this subchapter, would cause the custodian [of records] to violate duly adopted standards of ethics or conduct for any profession regulated by the State.

(4) Records that, if made public pursuant to this subchapter, would cause the custodian to violate any statutory or common law privilege other than the common law deliberative process privilege as it applies to the General Assembly and the Executive Branch agencies of the State of Vermont.” 1 V.S.A. § 317(c)(3)-(4).

These two PRA exemptions apply to any AGO/CRU notes, internal communications or documents regarding any claims of employment discrimination because such materials are confidential work product and subject to the attorney-client privilege. Accordingly, we are unable to produce any such materials as well.

To the extent you feel information has been withheld in error, you may appeal to the Deputy Attorney General, Robert McDougall.

Sincerely,

A handwritten signature in black ink, appearing to read "Julia A. Thayer". The signature is written in a cursive style and is contained within a light gray rectangular box.

Assistant Attorney General  
Director, Civil Rights Unit