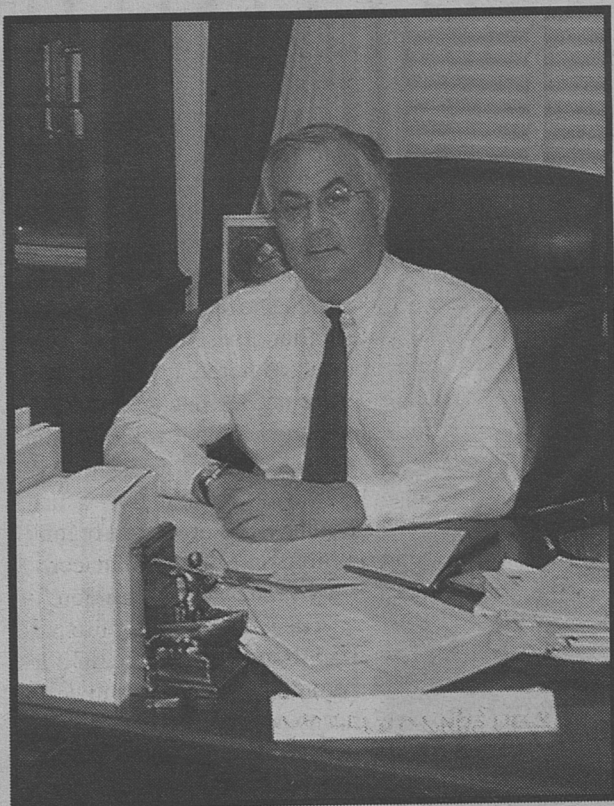


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Meet Rep. Barney Frank Friday, Oct. 21, 6-8 pm

Join Congressman Barney Frank (D-Mass.), Democratic Party leaders, and members of Vermont's lesbian, gay, bisexual, and transgender communities at a fundraiser for the Vermont Democratic House Campaign. We will gather at the wonderful new Lake & College building, overlooking the Burlington waterfront. Suggested donation is \$40 per person.

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— Rep. Jason P. Lorber (D-Burlington)

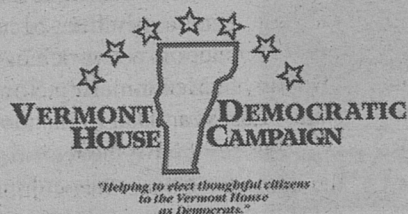
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UVM Recognizes Canadian Marriage

BURLINGTON — In what could be a first for a state-connected entity, the University of Vermont has reversed itself and granted spousal benefits to an employee who married his husband in Canada.

John Mejia, a staff member at the ALANA Student Center, married Junior's Restaurant pastry chef Jesse Lauer in a civil ceremony in Ottawa, Ontario, Canada, on Friday, August 13, 2004. In September he applied for health and life insurance coverage for his spouse. The Human Resources Department at the University rejected his request, based on a restrictive interpretation of Vermont marriage laws.

"My reaction to their initial denial was astonishment because they had originally granted me benefits for

about a few weeks to two months," Mejia wrote in an email response to questions. "Then for some reason I got a call from Human Resources telling me that they were refunding me my contributions and denying my spouse coverage because we did not have a civil union."

Mejia wrote that he "pursued it from day one."

According to university General Counsel Fran Bazluke, the matter was then "in abeyance." On April 8, 2005, "the University received a request for reconsideration, which we took under advisement," Bazluke explained. On May 23, she said, the University agreed that it would provide spousal benefits.

Some of the delay was research, some was just life happening, some

was waiting for the Register General of Ontario to provide a certificate for the marriage, according to Mejia. During the delay, Mejia wrote, "I was called a couple of times with a suggestion that I get a civil union or ask for an administrative exemption from the policy. That is, they would grant me an exemption without addressing the policy issue. We declined because Jesse and I were committed to having our legal marriage recognized."

For that determination, Mejia credited the influence of his family's culture: "As a Latino those messages of the centrality of marriage in the larger social context really influenced my view of marriage and were part of the reason I wanted to be legally married. I

don't think that unmarried partners have lesser relationships, but for me personally a legal marriage was very important."

Bazluke characterized the change in outcome as resulting from "further reflection" on applicable Vermont laws regarding civil unions and marriages performed in other jurisdictions. She also said the process was "respectful."

Mejia's attorney, Beth Robinson of Langrock Sperry & Wool, credited the University's counsel Tom Mercurio with reviewing and accepting a detailed legal analysis that she provided.

The decision is that the University of Vermont will accept as valid and provide spousal benefits for same-sex marriages from other jurisdictions where they are legal. Bazluke offers one exception: "We reserve the right to require proof of validity" for both straight and same-sex marriages.

"I appreciate the thoroughness of the counsel's office and that given the circumstances they were great to work with," wrote Mejia.

At various times since he contested the case of the *Baker* plaintiffs on behalf of the state, Vermont Attorney General William Sorrell has said publicly that Vermont would not recognize same-sex marriages from other jurisdictions. He cited the civil union law's repeated declaration that "marriage is between one man and one woman."

Robinson, referring to opposite conclusions from attorneys general in the northeast, including Rhode Island and New York, declared, "Our attorney general has positioned himself outside the mainstream."

Because the university's action embodies a policy change based on a legal interpretation, there is apparently no single document that an employee can point to in making a request. Both Bazluke and Robinson said that the university has pledged to review all of its forms and materials that mention a "spouse," including those online, to "make this policy transparent," said Bazluke. She expected that the review and revision would be complete by the end of October. ▼