

2012



HIGHLIGHTS OF FISCAL YEAR 2012

DC OFFICE OF HUMAN RIGHTS

DISTRICT OF COLUMBIA



[Redacted]

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HIGHLIGHTS OF FISCAL YEAR 2012

OCTOBER 1, 2011 - SEPTEMBER 31, 2012

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Notes & Mission

“OHR is leading like never before in preventing discrimination against District residents and confronting it when it occurs.” - Mayor Vincent C. Gray



MAYOR VINCENT C. GRAY

“The Office of Human Rights had an unprecedented year of activity on behalf of the citizens of the District of Columbia. In addition to continuing its critical work of investigating complaints of discrimination, it led the Youth Bullying Prevention Task Force, launched provocative campaigns on discrimination in housing and gender identity awareness, and undertook a broad range of trainings to ensure limited and non-English proficient residents can access government services. I couldn’t be more proud of their work.”



DIRECTOR GUSTAVO VELASQUEZ

“This year we worked tirelessly to expand our outreach efforts in hopes of lessening incidents of discrimination faced by District residents and visitors, and by encouraging people to report alleged illegal behavior. Simultaneously, we’ve increased efficiency in processing cases within our Office, reducing the amount of time it takes to render decisions. Expect these trends to continue in 2013, as our Office continues to improve with a goal of ensuring all people can fully enjoy the inclusive protections DC offers.”

MISSION OF THE DC OFFICE OF HUMAN RIGHTS

The District of Columbia Office of Human Rights (OHR) was established to eradicate discrimination, increase equal opportunity and protect human rights for persons who live in, work in, or visit the District of Columbia. The agency enforces local and federal human rights laws, including the DC Human Rights Act, by providing a legal process to those who believe they have been discriminated against. OHR also proactively enforces human rights in the District through Director's Inquiries, which allow it to identify and investigate practices and policies that may be discriminatory.



WORK OF OUR OFFICE

OHR's primary function is enforcing DC's Human Rights Act, Family and Medical Leave Act, Parental Leave Act, Language Access Act, and other local and federal civil rights laws. Yet the work extends far beyond enforcement. OHR convenes the Mayor's Youth Bullying Prevention Task Force, launches awareness campaigns, and provides training on discrimination and language access. In 2012, OHR initiatives included fair housing, transgender rights and equal access for non-English speaking populations.

TRAITS WE PROTECT

Considered one of the strongest in the nation, the District's Human Rights Act bans discrimination in employment, housing, public accommodations and educational institutions for 19 traits: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, and place of residence or business.

COMPLAINT PROCESS

1

INTAKE PROCESS

After a questionnaire is submitted, an intake interview with the complainant is held if the complaint meets the qualifications for filing. The interview aims to obtain details about the alleged discriminatory incident.

2

MEDIATION

During the investigation phase, a simultaneous mandatory mediation is called in which both the complainant and respondent meet with an OHR mediator in hopes of settling the case with an agreement between the two parties. If a settlement is not agreed upon, the investigation will continue until completion.

3

INVESTIGATION

Once a complaint is filed and an intake interview held, OHR investigators begin looking deeper into the circumstances surrounding the complaint. This includes interviews with the complainant, respondent and witnesses, as well as affidavits, site visits and a review of policies and practices. Investigators will be in regular contact with both the complainant and respondent.

4

LEGAL REVIEW

After the investigation is complete – and if mediation has failed – a report with the details of the case is presented to the Office of the General Counsel for review. The General Counsel will write an opinion on whether probable cause of discrimination is evident, and provide the recommendation to the OHR Director.

5

DECISION

After reviewing the case and the General Counsel's recommendation, the OHR Director determines whether probable cause of discrimination exists. If it is found, the case is sent to the Commission on Human Rights.

6

ADJUDICATION

After receiving a case from OHR, the Commission on Human Rights makes a ruling based on an independent review conducted by one of the Commission's administrative law judges. Commissioners appointed by the Mayor then approve or reject the ruling.

INVESTIGATIONS



Photo: Investigations Manager Alese B. Parson leads an experienced team of investigators dedicated to seeking the truth behind complaints of discrimination filed with OHR.

341

341 discrimination cases were accepted in fiscal year 2012

15%

Employment cases based on disability increased by 15 percent in fiscal year 2012

11.4%

OHR found probable cause in 11.4 percent of cases that failed in mediation

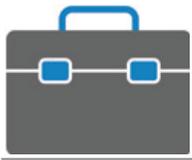
INVESTIGATIVE PROCESS & TRENDS

When a charge is submitted and jurisdiction is determined, OHR accepts and docketed the case for investigation. The case is assigned to an investigator who interviews the complainant, respondent and witnesses, and then reviews evidence related to the case. Investigations typically take less than six months to complete, which is faster than most comparable investigative bodies.

In Fiscal Year 2012, OHR accepted 341 cases, the vast majority of which were employment-related. This

compares with 392 cases in 2011 and 463 cases in 2010. Retaliation and disability are the most common employment-related complaints. The protected traits with the largest increase in docketed employment cases compared to 2011 are: matriculation, familial status, marital status, national origin and disability. The protected traits with the largest decrease are: family responsibilities, religion, age, sex and race. Public accommodations cases more than doubled in 2012, while both housing and educational cases remained near 2011 levels.

Employment Cases



279

81.8 percent of OHR's cases were related to employment, with the majority based on retaliation (129), disability (90), race (79), and sex (65).

Housing Cases



31

9.1 percent of OHR's cases were related to housing, with the majority based on disability (16), race (7), national origin (6), and retaliation (3).

Public Accommodations Cases



21

6.2 percent of OHR's cases were related to public accommodations, with the majority based on race (11), disability (4), color (3), and retaliation (3).

Educational Institutions Cases



3

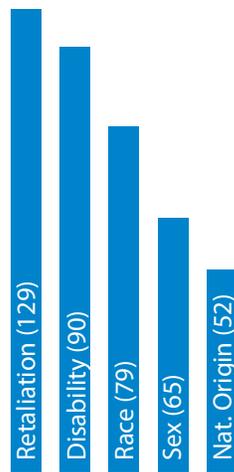
0.9 percent of OHR's cases were related to educational institutions, with the majority based on sex (2), and personal appearance (2).

7 cases were filed as language access complaints

Cases by Protected Trait & Area

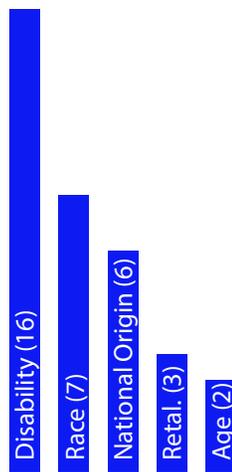
623 protected traits were listed on the 341 OHR cases

Complainants frequently report being discriminated against based on multiple traits, and therefore complaints filed may include one or more protected traits as the basis for discrimination. On average, approximately two protected traits are marked on each case docketed. This results in the bases outnumbering the total number of cases docketed.



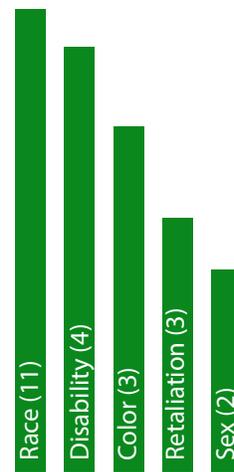
Employment

- Age (51)
- Personal Appearance (16)
- Sexual Orientation (15)
- Color (11)
- Matriculation (10)
- Family Responsibilities (9)
- Familial Status (9)
- Religion (5)
- Marital Status (4)
- Political Affiliation (2)
- Gender ID/Expression (0)
- Genetic Information (0)
- Place of Residence (0)
- Source of Income (0)
- Status as a Victim (0)



Housing

- Sex (2)
- Source of Income (2)
- Gender ID/Expression (1)
- Marital Status (1)
- Sexual Orientation (1)
- Color (0)
- Family Responsibilities (0)
- Familial Status (0)
- Genetic Information (0)
- Matriculation (0)
- Personal Appearance (0)
- Place of Residence (0)
- Political Affiliation (0)
- Religion (0)
- Status as a Victim (0)



Public Accommodations

- Personal Appearance (2)
- Age (1)
- Gender ID/Expression (1)
- Religion (1)
- Sexual Orientation (1)
- Family Responsibilities (0)
- Familial Status (0)
- Genetic Information (0)
- Marital Status (0)
- Matriculation (0)
- National Origin (0)
- Place of Residence (0)
- Political Affiliation (0)
- Source of Income (0)
- Status as a Victim (0)



Educational Institutions

- Age (0)
- Color (0)
- Family Responsibilities (0)
- Familial Status (0)
- Gender ID/Expression (0)
- Genetic Information (0)
- Marital Status (0)
- Matriculation (0)
- Place of Residence (0)
- Political Affiliation (0)
- Religion (0)
- Retaliation (0)
- Sexual Orientation (0)
- Source of Income (0)
- Status as a Victim (0)

MEDIATION

Mediation Process

OHR's mandatory mediation process requires both complainant and respondent to come together with a goal of resolving the complaint while the investigation takes place. If an acceptable resolution of the case is found between the two parties – which can include monetary or other agreements – the investigation ends and case closed. Settlement can reduce case processing time and save the parties litigation costs if an attorney is hired.

Fellowship Program

In an effort to build mutually beneficial relationships with local students working in conflict mediation and human rights, OHR launched its Mediation Fellowship Program. Interested college or university students can observe and learn from mediations, and receive additional training that aims to build a corps of future mediators passionate about human rights. Students can contact our Office for additional information.

\$2.7 million

348 cases were mediated in fiscal year 2012, with complainant benefits totaling over \$2.7 million as a result of the settlements

41%

mediations ending in settlement

ADJUDICATION

Commission on Human Rights

The Commission on Human Rights is a quasi-independent body whose primary function is to adjudicate private sector discrimination complaints brought under the DC Human Rights Act. It is comprised of 15 volunteer Commissioners appointed by the Mayor and confirmed by the City Council. Three administrative law judges assist the Commission in upholding its responsibilities. When probable cause of discrimination is found by OHR in a case,

an administrative law judge will conduct a formal hearing and issue a proposed decision setting forth findings of facts and conclusions of law. A proposed decision is then transmitted to a tribunal of three Commissioners, who review the record and issue a final decision and order. If discrimination is found, the Commission can order appropriate remedies including equitable and/or compensatory relief. Learn more at ohr.dc.gov/commission.

Commissioners

Nkechi Taifa, Chairperson
Michael E. Ward, Vice Chairperson
Edwin Powell, Secretary
Motoko Aizawa
Javier Araujo
Alexandra Beninda
Earline Budd

Rahim Jenkins
Mathew McCollough
Denise Reed
John D. Robinson
Gabriel Rojo
David R. Scruggs

Administrative Law Judges

Chief Judge David Simmons
Judge Eli Bruch
Judge Dianne Harris



23

cases adjudicated at the Commission

LANGUAGE ACCESS

The Language Access Program (LAP) exists to ensure District residents who are limited or non-English proficient are afforded equal access to information and services provided by the District. Residents who speak little English must be offered interpretation services and/or translated documents when obtaining government services, as required by the Language Access Act of 2004. LAP staff engage in extensive community outreach, provide training and technical support to District agencies working with limited or non-English proficient residents, and measure the effectiveness of agencies in serving such populations by examining resource allocation and service delivery. Through its enforcement authority, LAP works under the auspices

of OHR to investigate complaints claiming access to information or government services were denied.

LAP works in consultation with a number of community outreach government offices – including the Mayor’s Office on African Affairs, Mayor’s Office on Latino Affairs, and Mayor’s Office on Asian and Pacific Islander Affairs – and with the DC Language Access Coalition, an alliance of community organizations serving the needs of limited or non-English proficient residents. While LAP advocates for people no matter the language they speak, it focuses on the six most common non-English languages in DC: Amharic, Chinese, French, Korean, Spanish and Vietnamese.

KNOW YOUR RIGHTS CAMPAIGN: “I SPEAK”



Phase One:
WALLET-SIZED CARDS

Download the cards at:
ohr.dc.gov/ispeakcards

LAP launched redesigned “I Speak” cards in August, aimed at assisting limited and non-English proficient residents in accessing government services. In both English and the native language, the card explains to DC employees the language spoken by the card-holder and requests they contact an interpretation service for the individual. Cards were distributed throughout the District.



Phase Two:
TELEVISION PSAs

Watch the videos at:
ohr.dc.gov/ispeakpsa

LAP released television public service announcements in six languages to inform DC residents of the “I Speak” cards and their right to an interpreter when accessing government services. The PSAs speak to the difficulty of being limited or non-English proficient, but explain that District law helps make accessing government services easier. The PSAs ran on several television stations in DC.



Phase Three:
PRINT ADS

View the ads at:
ohr.dc.gov/languageaccess

Finally, the LAP team created print advertisements in six languages featuring individuals and families talking about accessing government services. The ads promote the use of “I Speak” cards by limited and non-English proficient residents and provide details on where cards can be found. The ads appeared in newspapers throughout the District and were promoted through social media platforms.

“We work each day to fulfill the audacious but realistic promise made by the signers of the DC Language Access Act back in 2004: that all people should receive access to important government services no matter the language they speak.”

-Language Access Program Director Mónica Palacio

TRAININGS

LAP staff trained over 1000 District personnel in Language Access services and cultural competence through intensive instructor-led training sessions throughout Fiscal Year 2012. Effective and engaging training is essential to ensuring District agency personnel have the information and skills necessary to assist limited and non-English proficient customers.

To make this happen, LAP launched a new training model that includes in-depth information about compliance with the Language Access Act of 2004. The new training model challenges District agency personnel to expand their understanding of the experiences and challenges someone who is an immigrant and a non-English speaker might face. Beyond language as a barrier, traditions and views regarding religion, gender and in some cases a history of civil war in an immigrant’s country of origin can make communication extremely difficult when she or he walks into an agency seeking to ask a question or is in urgent need of services. Increasing understanding of the circumstances limited and non-English speakers often face has led to more effective engagement with these customers by agency representatives.

In Fiscal Year 2013, LAP plans to implement a sophisticated evaluation program intended to further enhance the ability of trainings to fulfill the mission of the Language Access Act.



IMPROVED ASSESSMENT

For Fiscal Year 2012, LAP revamped its methodology for assessing an agency’s compliance with the Language Access Act, and will release its annual report in early 2013. After an exhaustive review of the existing methodology, LAP moved to implement a qualitative and narrative-based assessment that will provide District residents, non-governmental organizations (NGOs) and agencies with a more thorough assessment of the strengths and weaknesses of various agencies’ actions around language access. This assessment – because of its prescriptive nature – will provide the framework for LAP, NGOs and agencies to work in partnership to ensure all District residents have full access to the government services our District provides.

INITIATIVES

DIRECTOR'S INQUIRIES

OHR remains at the forefront of proactive human rights enforcement in part through the use of Director's Inquiries, which allow the Office to investigate situations or practices that may amount to discriminatory actions within the District. Fourteen Director's Inquiries were completed in Fiscal Year 2012, with subjects of the inquiries varying widely. The investigations resulting from Director's Inquiries often include interviews with relevant parties,

extensive data analysis, and a review of business or government policies in an effort to determine whether patterns of discrimination exist. From claims of disparate treatment in hospitals and businesses, to possible discrimination in theatres and hotels, OHR is working to eradicate injustices in the District. District residents or visitors can recommend our Office launch a Director's Inquiry on a particular subject by visiting our website at ohr.dc.gov/directorsinquiries.

"This year's outreach efforts have resulted in unprecedented national attention for OHR, but we are most proud of what's been achieved here in the District: a better awareness of the values and laws we stand for."

-Deputy Director Jennifer Stoff

YOUTH BULLYING PREVENTION TASK FORCE

OHR leads the Mayor's Youth Bullying Prevention Task Force, which is working to develop a District-wide model bullying prevention policy that will guide government agencies in implementing their own anti-bullying policies. The District-wide approach is unique in its look beyond the schools, to include other public spaces such as parks, community centers, libraries and the transportation system. The Task Force, created by the Youth Bullying Prevention Act of 2012, includes representatives from agencies, community advocates, direct service providers, school administrators, teachers, mental health professionals, parents and youth. The model bullying prevention policy is expected to be approved by the Task Force in early 2013.

The work on the model policy is part of a larger OHR effort to raise awareness about bullying. OHR has met with U.S. Congressional and other government officials to share its expertise, and participated in a Twitter Town Hall to answer questions during National Safe Schools Day.



Mayor Vincent C. Gray signs the Youth Bullying Prevention Act

OUTREACH & AWARENESS CAMPAIGNS

GREAT RENTAL NEAR HISTORIC BROOKLAND. EXCELLENT LOCATION AND AMENITIES. **NO WHEELCHAIR USERS PLEASE!**

Housing discrimination against people with disabilities is illegal in the District of Columbia. Fair Housing is your right.

If you think you've been the target of discrimination, visit www.ohr.dc.gov or call (202) 727-4559.

See our other Fair Housing ads on Facebook at facebook.com/DCOHR.

Fair Housing DC OFFICE OF HUMAN RIGHTS

THE DISTRICT OF COLUMBIA OFFICE OF HUMAN RIGHTS

THE DISTRICT OF COLUMBIA OFFICE OF HUMAN RIGHTS

QR code

Fair Housing Is Your Right Campaign

I love wandering through Smithsonian museums, eating on H Street with friends, and going to shows at Howard Theatre.

I'm a **transgender woman** and I'm part of DC.

Please treat me the way any woman would want to be treated: with courtesy and respect.

Discrimination based on gender identity and expression is illegal in the District of Columbia. If you think you've been the target of discrimination, visit www.ohr.dc.gov or call (202) 727-4559.

Office of Human Rights DISTRICT OF COLUMBIA

OFFICE OF GLBT AFFAIRS

Transgender and Gender Identity Respect Campaign

The **Fair Housing Is Your Right** and **Transgender and Gender Identity Respect** campaigns were groundbreaking, and both received national attention. The Fair Housing Is Your Right campaign appeared in newspapers across the District and brought special attention to housing discrimination based on disabilities, national origin, sexual orientation and source of income. The Transgender and Gender Identity Respect campaign appeared on bus shelters throughout the District, and received both local and national press attention for being the first government-sponsored campaign aimed at the betterment of transgender and gender non-conforming people. Mayor Gray was joined by transgender advocates and community members for a well-attended campaign unveiling and launch event. See all our campaigns at ohr.dc.gov/campaigns.

DIGITAL OUTREACH INITIATIVE

Facebook: Weekly Total Reach	Facebook: Number of New Followers	Twitter: Number of Tweets
16,341	1308	201

OHR's Facebook presence reached an average of 16,341 people per week since the Digital Outreach Initiative began in June 2012. OHR had a weekly reach of 50 during the four months before launch.

OHR's Facebook page received 1308 new "likes" since the Digital Outreach Initiative began in June 2012. This increased the number of OHR "likes" nearly tenfold.

OHR sent 201 tweets between the July launch of its Twitter handle and the end of September in an effort to improve constituents' understanding of the work of the Office.

MOVING DC FORWARD



COMMISSION ON HUMAN RIGHTS: SWEARING-IN CEREMONY
Mayor Gray, Director Velasquez & Commissioners

“We have become more proactive than ever: reaching out to communities and working to prevent discrimination before it happens. But we continue to focus on our most important duty, which is to investigate complaints to ensure those discriminated against receive justice.”

-Director Gustavo Velasquez



Photos (left to right): (1) Bullying Prevention Task Force meeting; (2) Staff volunteering at AIDS Quilt setup; (3) Revealed ads at launch event for Transgender & Gender Identity Respect Campaign; (4) OHR at Capital Pride; (5) Reviewing investigation case file; (6) OHR at DC Africa Festival; (7) Outreach at mental health center; (8) Training on sexual harassment; (9) Staff of OHR and the Commission.

The DC Office of Human Rights is proud of an innovative and successful year advancing our mission to eradicate discrimination so all people can fully enjoy what this great District has to offer. But, OHR is always looking forward – knowing that discrimination in housing, employment, public accommodations and educational institutions still occurs, and that OHR and its partners have a vital role to play.

In Fiscal Year 2013, OHR plans to implement an extensive data collection and analysis process to ensure customers receive efficient and quality processing of their cases, and to revamp training efforts to make

them as effective as possible. OHR will continue expanding its in-person and digital outreach, so those who are discriminated against know their rights and how to file a complaint. And the Commission on Human Rights will continue to work with its new Commissioners to build a robust entity for adjudicating cases of discrimination.

The dedicated staff of OHR is committed to building on the successes of 2012, and thanks the people of the District for its help in enforcing one of the most progressive non-discrimination laws in the nation. We are proud to play our part in moving DC forward.



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