

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS**



OFFICIAL COMMISSION MEETING

March 13, 2019
One Judiciary Square, 441 Fourth Street, NW, Room 1117S

ATTENDEES

Commissioners

Earl D. Fowlkes, Jr., Chairman
Ali Muhammad, Vice Chairman
Wynter Allen
Eleanor Collinson

Adam Maier
Karen Mulhauser
John Robinson
Timothy Thomas

Office of Human Rights Staff

Mónica Palacio, Director
Maya Vizvary, Street Harassment Prevention
Program Analyst

Commission on Human Rights Staff

Dianne S. Harris, ALJ
Toya Carmichael, ALJ
Laura Higbee, Law Clerk

Members of the Public

J.P. Howard, ALJ, Office of Administrative Hearings
Ronald Clarkson, Program Director, Housing Counseling Services

MEETING

I. CALL TO ORDER

Chairman Fowlkes called the Commission's Official Meeting to order at 6:33 pm.

II. ROLL CALL

Judge Harris conducted the roll call. A total of 7 commissioners were present, which did not constitute a quorum. However, one additional commissioner arrived, and quorum was met.

III. ADOPTION OF THE AGENDA

Once quorum was met, Commissioner Maier moved to adopt the proposed agenda, and Commissioner Thomas seconded the motion. The proposed agenda was adopted by 7-1.

IV. ADOPTION OF THE MINUTES

Commissioner Robinson moved to adopt the January 9, 2019 meeting minutes, and Commissioner Collinson seconded the motion. The minutes were adopted 7-1.

V. REPORT OF THE DIRECTOR OF OHR

OHR Director Mónica Palacio gave the report, highlighting the following:

- Maya Vizvary, OHR's new Street Harassment Prevention Program analyst, introduced herself. She came from American University, where she worked as its Sexual Assault Prevention Coordinator. Ms. Vizvary explained the new Street Harassment Prevention Act (SHPA), which is funded for two years. It is the first of its kind in the U.S. Five components comprise the Act: an advisory committee, a survey regarding instances of harassment, a public awareness campaign, research of model policies, and training public-facing District employees on those policies. The Act is preventative and approaches street harassment through a public health lens. It does not have an enforcement mechanism.
 - o One commissioner sought clarification regarding on-the-job harassment versus street harassment. SHPA covers only the latter and seeks to protect the broader public.
 - o Another commissioner asked how the effects of SHPA would be measured. Ms. Vizvary responded that it would be a long-term analysis because instituting behavioral change takes time. One metric will be the trajectory of complaints across the years SHPA is in effect.
 - o Another commissioner asked if OHR looks into street harassment statistics in other jurisdictions even though SHPA is for now a one of a kind bill. Ms. Vizvary responded yes, OHR examines other jurisdictions of similar size and their data on a variety of issues, including harassment.
- Current FY19 statistics: OHR currently has 604 cases pending. 84 have been resolved through mediation. Approximately 45 are in the investigation stage. Finally, 2 cases have been certified to the Commission.
- OHR is holding its next Listening Lab on Tuesday, March 26, from 6-8 pm at the Southeast Public Library in Eastern Market. This session will focus on trans women of color in response to community concerns about the increase in LGBT hate crimes; MPD reported a 300% increase in LGBTQ hate crimes in the past year. This Listening Lab will be different from the others in that it is designed to be a safe space for LGBTQ members, especially trans women of color. As such, there will be fewer government representatives, and MPD will not be present.
 - o One commissioner asked whether he and his colleagues should plan to attend.

- Director Palacio responded that they are welcome to attend.
 - A couple of other commissioners suggested places to advertise the Listening Lab if they had not been contacted already. These places included Casa Ruby, the Rainbow Response Coalition, SMYAL, and the Wanda Alston Foundation.
- OHR is holding a meet-and-greet with Street Harassment Advisory Committee members on Wednesday, March 27 from 10 am to noon at One Judiciary Square.
- April is OHR's Fair Housing Month. There will be an event relating to fair housing sometime during the week of April 8. Date and location TBD. Details will be in the monthly OHR newsletter.
- The next Human Rights Liaison Workshop will be Thursday, May 16. It is an all-day event for government employees, case workers, and community advocates to better understand discrimination and how to recognize it when working with clients.
 - Commissioner Collinson spoke on behalf of herself and Commissioners Aizawa and Allen, all of whom attended the previous Workshop. She said it was a good experience that gave her insight into the questions and concerns advocates have when working with OHR, something she would not have known otherwise.
- The 2018-19 Youth Bullying Prevention Report was released February 22, 2019. More than 98% of institutions covered have a bullying prevention program, and more than 70% of those schools provided bullying data to OHR.
- 2019 marks the 15th anniversary of the Language Access Act. OHR is hosting an awards ceremony to honor individuals and organizations that have implemented the Act successfully over the years. It will take place sometime the week of April 25; details to come.
- February 28 was OHR's Performance Oversight Hearing before the City Council. The Budget Oversight Hearing will be Friday, April 5.
- Several statutes relating to OHR are still pending or awaiting budget allocations. For example, the Tipped Wage Workers Fairness Act of 2018 became effective December 13, 2018, but it will need to be included in OHR's upcoming budget for mandatory training to apply.

Ronald Clarkson, Program Director for Housing Counseling Services, was a guest of the Director. He spoke about what HCS does and the types of concerns it has received.

- HCS is a nonprofit, HUD-approved entity that provides one-on-one counseling and group education regarding fair housing in the DC area.
- HCS has received seven complaints in the past 12 months. Most of them pertained to source-of-income discrimination in housing. A couple of them are sex discrimination cases, and one is a disability discrimination case. Mr. Clarkson emphasized the source-of-income discrimination cases because HCS has noticed that landlords have refused to provide documents necessary for tenants to use housing vouchers
- Another common concern HCS staff have received regards sexual harassment in housing. Clients have been hesitant to file complaints because they fear losing their housing if they do so or that there will be no consequences for the harasser.
- A final type of work Mr. Clarkson mentioned is providing housing education for currently incarcerated and reentering citizens. For example, the Fair Criminal Records Screening in Housing Act (FCRSHA) prohibits criminal background checks by

housing providers until they give the applicant a provisional offer.

VI. REPORT OF THE CHAIRMAN OF THE COMMISSION ON HUMAN RIGHTS

Chairman Earl Fowlkes, Jr. gave the Chairman's report:

- Chairman Fowlkes attempted to look into administrative law judge pay differences across various DC agencies. However, he was told that, because salary is a personnel issue, the Commission did not have the authority to inquire into how agencies decide on individual ALJ salaries. There are many reasons a particular ALJ could receive a raise; there is no set scale or pattern for awarding them.
- The Chairman acknowledged the sudden passing of former Commissioner Alberto Figueroa-Garcia and commemorated his vast contributions to the Commission and the greater District. He noted that Commissioner Figueroa-Garcia lived "a rich life" and was passionate about his work, especially in mental health.
 - o Commissioner Robinson spoke about how he had known Commissioner Figueroa-Garcia for nearly 30 years and had served with him on several committees around the DC area.
 - o Judge JP Howard, a former Commission ALJ and current ALJ at the Office of Administrative Hearings, spoke about Commissioner Figueroa-Garcia's willingness to participate in tribunals. He sat on most of Judge Howard's case tribunals.
 - o Commissioner Maier also commented on how involved Commissioner Figueroa-Garcia was and how he will be missed.
- Commissioner John D. Robinson, MD, was recently inducted into the DC Hall of Fame. Dr. Robinson is a professor *emeritus* at the Howard University College of Medicine and served in the executive administration of several colleges and universities, including Harvard, UT Austin, American, and UDC. Dr. Robinson also taught at the Georgetown University School of Medicine. The Commission congratulated Dr. Robinson on his many achievements.
 - o Chairman Fowlkes suggested highlighting a different commissioner at each meeting so that everyone could learn more about what brings the commissioners to serve.

VII. OLD BUSINESS

Review of COHR case inventory and commission case assignments

Director Palacio stated that she had planned to provide a fully updated COHR case inventory and commissioner assignments but that she was not able to locate reliable case status information for all cases at the COHR and will provide this information no later than the next Commission meeting.

Chairman Fowlkes encouraged his fellow commissioners to keep their focus on tribunals

and other core elements of the Commission's work.

VIII. NEW BUSINESS

Chairman Fowlkes entertained a motion to close a portion of the Commission meeting. Pursuant to the D.C. Open Meeting Act § 2-576, the Commission gave notice of its intent to close the New Business portion of the meeting. The reason for closure was to permit discussions under § 2-575(b)(10) of the Open Meeting Act.

Commissioner Muhammad stated he was not familiar with those portions of the Act and would have appreciated having the text of those sections available to review prior to the meeting.

Commissioner Collinson moved to close the meeting, and Commissioner Thomas seconded. By a vote of 7-1, the meeting was closed. ALJs Harris and Carmichael and Ms. Higbee were excused.

IX. ANNOUNCEMENTS

There were no announcements.

X. ADJOURNMENT

Commissioner Robinson moved to adjourn, and Commissioner Mulhauser seconded. The Commission's March 2019 public meeting adjourned at 7:30 pm.

REVIEWED AND TENTATIVELY APPROVED BY A MAJORITY OF THE COMMISSION ON HUMAN RIGHTS, PENDING FINAL ADOPTION AT THE NEXT OFFICIAL MEETING OF THE COMMISSION.