

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



OFFICIAL COMMISSION MEETING

May 8, 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

Mark Herzog
Adam Maier
Karen Mulhauser
Anika Simpson

Office of Human Rights Staff

Monica Palacio, Director
Alta Ray, Deputy Director
Hnin Khaing, General Counsel
Stacy Biney, Attorney Advisor

Commission on Human Rights Staff

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

MEETING

I. CALL TO ORDER

Chairman Fowlkes called the Commission's Official Meeting to order at 6:30 pm.

II. ROLL CALL

Judge Harris conducted the roll call. A total of 7 commissioners were present, constituting a quorum. Subsequently, one additional commissioner arrived and participated in the meeting.

III. ADOPTION OF THE AGENDA

Commissioner Mulhauser moved to adopt the proposed agenda, and Commissioner Maier seconded the motion. The proposed agenda was adopted by acclamation.

IV. ADOPTION OF THE MINUTES

Commissioner Mulhauser moved to adopt the March 13, 2019 meeting minutes, and Commissioner Collinson seconded the motion. The minutes were adopted by acclamation.

V. REPORT OF THE DIRECTOR OF OHR

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

- Interim Language Access Director Rosa Carrillo is now the permanent Language Access Director. She had been the interim since December. She helped pass the original Language Access Act in 2004.
- OHR will have eleven law clerks, interns, and fellows this summer.
 - o One commissioner asked about the schools that will be represented. Director Palacio said the interns etc. come from a variety of schools, and one is a recent college graduate who plans to attend law school in the future.
- Case statistics:
 - o OHR currently has approximately 608 pending cases
 - o OHR has resolved 128 cases via mediation in FY19
 - o OHR has certified 5 cases to the Commission in FY19
- OHR has lots of events coming up in May and June for which volunteers are needed. Any commissioners interested in helping should email Stephanie Franklin or Ajan Brown of OHR to sign up:
 - o Housing Fair and Town Hall – Saturday, May 11, 10am-3pm: Housing Fair and Town Hall @ Ron Brown High School
 - o Trans Pride Resource Fair – Saturday, May 18, 9am-4pm @ Eaton Hotel
 - o Black Pride – Saturday, May 25, 10am-8pm @ Renaissance Hotel Downtown
 - o Capital Pride Festival – Sunday, June 9, 10am-4pm @ 7th St & Penn Ave NW
 - o DCHD Annual Housing Expo – Saturday, June 15, 10am-3pm @ Walter Washington Convention Center
- OHR's 15th Anniversary Celebration of the Language Access Act was April 25, 2019. Pictures to come.
- OHR's budget oversight hearing was April 5, 2019. Fewer people testified in-person than OHR had hoped, but several organizations submitted pre-written testimony for consideration.
- The Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018, which amends the Human Rights Act to protect victims and family members of victims of domestic violence, sexual offenses, and stalking against discrimination by employers, employment agencies, and labor organizations, passed April 11, 2019. It will most likely be included in the FY20 budget. However, it is not applicable until it is officially included in the budget.
 - o Chairman Fowlkes asked about what the funds will support. Director Palacio clarified that this Act effectively adds claims to the DCHRA, so the funds will allow for three full-time employees to be hired to support the additional caseload.

- The Racial Equity Achieves Results Amendment Act of 2019 is currently under Council review. The public hearing was April 25, 2019 before the Committee on Government Operations. Between 60 and 80 witnesses testified, including OHR's General Counsel Hnin Khaing. The Act seeks to amend the Office of Human Rights Establishment Act of 1999 to require OHR and DCHR to develop and provide racial equity training for District employees, conduct racial equity workshops for management level positions, and ensure that all agencies have the capacity to respond effectively to instances of racial discrimination. The Act probably will not make the FY20 budget because budget decisions for the upcoming fiscal year have largely been made, but hopefully it will be included in the FY21 budget.
 - o Commissioner Mulhauser also attended the public hearing for this Act. She said some testimony suggested the Act will be fully funded for FY20, but she was not sure.
 - o Attorney Khaing said that the Council is working to figure out the scope of the Act and where best to house it.

VI. REPORT OF CHAIRMAN OF THE COMMISSION ON HUMAN RIGHTS

Chairman Earl Fowlkes gave the report of the Chairman of the Commission on Human Rights:

The Commission is continuing to work on completing cases and reducing the number of cases on the docket. The report transitioned into the Review of COHR Case Inventory and Commission Case Assignments.

VII. OLD BUSINESS

Review of COHR Case Inventory and Commission Case Assignments

Both OHR and COHR brought copies of the COHR's current case log. Chairman Fowlkes wrote down the members of case tribunals and will send that information to the appropriate commissioners. Ten cases were highlighted during the meeting:

- Six cases are ready for a tribunal now
- One case will be ready for a tribunal within the next month
- Three cases are not yet ready for a tribunal

One commissioner asked about whether past Commission tribunals have been finalized. Director Palacio responded that the Commission is working on archiving and organizing cases, but so far, there are no inquiries that the Commission or OHR is aware of

Chairman Fowlkes asked for updates regarding the digitizing process. Judge Carmichael explained that COHR's case management system (CMS) had several bugs that had to be addressed. Commission staff discovered them by testing the system. However, the CMS is ready. Director Palacio added that OHR is also getting a new CMS, but it is still in the works. The best way to administer tribunals is to use the commissioners' DC government emails because they are

secure. However, several commissioners said they have had issues with their DC emails that had never been resolved. Director Palacio told them to email her directly, and she would work with OHR's contracting/procurement person to resolve these issues.

Another commissioner asked about when a tribunal calendar would be available. Director Palacio said that one should be available in 3-4 weeks.

Several commissioners mentioned they had had issues submitting their required financial disclosure forms to BEGA. Attorney Khaing said she would call BEGA tomorrow to get an update on their online system. In addition, Director Palacio said to email her or Attorney Khaing directly if commissioners were having problems submitting their disclosures, which are due May 15, 2019.

VIII. NEW BUSINESS

Rules Committee Decision

Attorney Khaing explained that the Rules Committee has been working on revising Chapter 4 of the D.C. Municipal Regulations, which governs, among other things, the procedures for contested cases before the Commission. The Committee's goal is to make the process more accessible to pro se litigants (complainants representing themselves) and more in accordance with the goals of the DC Human Rights Act. Attorney Khaing added that the changes also will make OHR's role in the adjudication process clearer, *i.e.*, the Office can represent the complaint but not an individual complainant. Before the changes become final, they must go through a review process, which includes approval by the Commission, the Office of Policy and Legislative Affairs, and the Office of Attorney General, as well as publication in the DC Register for public comment. However, the Committee wanted to update the rest of the Commission on where they were.

One commissioner asked if the Committee had looked at other jurisdictions for ideas on what changes to implement. Attorney Khaing responded that they had. However, the goal is not to start from scratch but to improve the system we have.

Commissioner Muhammad, chair of the Rules Committee, added that he thinks the Commission's adjudication process is a good model and wants it to do the job it was intended to do. He also said he would like to expand the Committee because of the technical nature of the rules. The new Rules Committee is composed of the following members: Chairman Ali Muhammad, Commissioner Aizawa, Commissioner Allen, Commissioner Herzog.

Commissioner Highlight: Karen Mulhauser

Chairman Fowlkes indicated at the previous meeting that he was going to start spotlighting a commissioner at each meeting so that all the commissioners can learn more about what brings each commissioner to the table. This meeting's commissioner is Karen Mulhauser.

Commissioner Mulhauser explained that, as an undergraduate, she thought she was going to pursue a career in the hard sciences. However, while teaching science to high schoolers, she realized that she wanted to start working on reproductive justice. She joined NARAL soon after. Her ultimate calling was consulting, which allowed her to contribute to a variety of issues while focusing on gender equity. For example, she has hosted meet and greets for candidates running for local office. Last December, Commissioner Mulhauser won the United Nations Association of the National Capital Area's Perdita Huston Human Rights Award, which recognizes those who have worked to eradicate gender discrimination and who have contributed significantly to promoting gender equity and human rights more broadly. She said that this is the highest honor she has received.

Director Palacio added that she appreciates Commissioner Mulhauser's proactive approach and her dedication to advancing gender equity.

Commissioner Herzog – Potter Stewart Award

Commissioner Herzog has won the Potter Stewart Award, which is given by the Council for Court Excellence. It honors those who have made a significant contribution to the law, legal system, courts, or administrative process in the District. Commissioner Herzog is being recognized for encouraging and facilitating pro bono representation throughout DC.

IX. COMMUNITY COMMENTS

There were no community comments.

X. ANNOUNCEMENTS

There were no announcements.

XI. ADJOURNMENT

Commissioner Herzog moved to adjourn, and Commissioner Mulhauser seconded. The Commission's May 2019 public meeting adjourned at 7:37 pm.

FORMALLY ADOPTED AT THE COMMISSION'S SEPTEMBER 11, 2019 MEETING