

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



OFFICIAL COMMISSION MEETING

July 10, 2019
One Judiciary Square, 441 Fourth Street, NW, Room 1117S

ATTENDEES

Commissioners

Earl D. Fowlkes, Jr., Chairman
Motoko Aizawa, Secretary
Eleanor Collinson

Adam Maier
Anika Simpson
Timothy Thomas

Office of Human Rights Staff

Monica Palacio, Director
Alta Ray, Deputy Director
Thomas Deal, Attorney Advisor

Commission on Human Rights Staff

Toya Carmichael, ALJ
Laura Higbee, Law Clerk

Members of the Public

Dianne Harris, Commission ALJ (Ret.)

MEETING

I. CALL TO ORDER

Chairman Fowlkes called the Commission's Official Meeting to order at 6:34 pm.

II. ROLL CALL

Ms. Higbee conducted the roll call. A total of 6 commissioners were present, which did not constitute a quorum.

III. ADOPTION OF THE AGENDA

Because there was not a quorum, the agenda could not be adopted.

IV. ADOPTION OF THE MINUTES

Because there was not a quorum, the May 8, 2019 minutes could not be adopted. They will be up for adoption at the September 2019 meeting along with the July 2019 minutes.

V. REPORT OF THE DIRECTOR OF OHR

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

- Personnel Matters
 - o The Commission's Chief Administrative Law Judge vacancy will be posted soon. It is now a Grade 15 position.
 - o ALJ Dianne Harris retired from the Commission on June 28, 2019 after 13 years of service.
 - o OHR has a new Mediation Program Assistant and Intake Officer. Over the next month, OHR will be hiring an Investigations Program Analyst and 2-3 Investigators.
 - o Suzanne Greenfield, Director of the Citywide Bullying Prevention Program, is leaving OHR at the end of July.
- FY19 case statistics
 - o OHR has approximately 636 pending cases
 - o OHR has resolved 173 cases via mediation with over \$1.5 million in settlements; and
 - o OHR has certified seven cases to the Commission
- FY18 Annual Report details
 - o The report was released June 26, 2019.
 - o OHR now enforces the Fair Criminal Record Screening for Housing Act (FCRSHA) and the Fair Credit in Employment Amendment Act. During FY18, OHR conducted 75 "know your rights" workshops and hosted 65 trainings pertaining to these laws.
 - o As of September 2018, OHR received 1,824 FCRSA or "ban the box" complaints since the law was enacted in 2014. Most of them alleged the unlawful usage of criminal background questions on job applications. OHR docketed 1,151 charges of discrimination under the law; 944 were resolved or closed by the end of FY18.
- Street Harassment Prevention: OHR held the first Advisory Committee on Street Harassment meeting on June 26, 2019. The Committee's next step is to create a citywide survey regarding street harassment in the District.
- Language Access: The Language Access Program's FY18 report was released June 6, 2019. It contains 23 compliance profiles for District agencies with new Language Access points of contact and 38 compliance profiles for District agencies that have major public contact with linguistically diverse communities in DC.
- The Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018, B22-0014, goes into effect on October 1, 2019. It protects victims of these crimes from employment discrimination. OHR is working to develop resources regarding the law and its meaning; those resources will be posted online as soon as possible.

- The Attorney General Civil Rights Enforcement Clarification Amendment Act of 2019, B23-0073, is currently under Council review. OAG is creating a new Civil Rights Section that will focus on housing discrimination. How this law, if enacted, will affect OHR's housing discrimination work is unclear. OAG will host several community listening sessions this month to hear from residents. OHR will attend them as well.
 - o One commissioner sought clarification regarding who on DC Council and in the Mayor's Office oversees OHR. Councilman Brandon Todd, Chair of the Government Operations Committee, is the Office's legislative supervisor. Kevin Donahue, Deputy Mayor for Public Safety and Justice, is the Office's executive supervisor.
 - o Another commissioner asked for an update regarding OHR's events focused on helping trans women of color. The event at Casa Ruby was quite successful. Participants were able to ask questions about safety, housing, healthcare, and employment for the trans women community. Due to a spike in anti-trans violence, both the Office and the attendees agreed that safety should remain the top priority.

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:

- Thank you to Commission members who have served on tribunals
- Chairman Fowlkes received a letter from the Maryland Commission on Human Rights asking if the Commission would be willing to meet with them and the Virginia Commission on Human Rights. Chairman Fowlkes indicated he would like to participate. The specifics will be ironed out soon.

VII. OLD BUSINESS

Review of COHR Case Inventory and Commission Case Assignments

The Commission reviewed the current case docket:

- ALJ Carmichael has eight active Commission cases and has closed two Commission cases.
- Judge Harris completed her remaining cases.
- Judge Howard's final Commission case was assigned to Commissioners Aizawa, Maier, and Thomas at the meeting. A tribunal will be held soon.
- Seven pending Commission cases that will need [re]assignment when the new Chief is hired.
- Finally, two Criminal Background Check cases will be heard by Commissioners Aizawa, Collinson, and Fowlkes by the end of July.

VIII. NEW BUSINESS

Acknowledging Judge Harris

Chairman Earl Fowlkes and Director Monica Palacio presented Judge Dianne Harris, who recently retired, with an award to celebrate her service to the Office of Human Rights and Commission. All meeting attendees gathered for a group photo with Judge Harris.

Street Law

Chairman Fowlkes inquired as to whether the Commission would like to continue to participate in the Georgetown Law Street Law Program.

- Chairman Fowlkes noted that it is important to highlight the positive things youth are doing as opposed to what is usually portrayed. He added it was great to have the students present their work at the Neil Alexander Awards Gala.
- Commissioner Maier agreed that it is a good program, and he is happy to continue participating.
- Commissioner Collinson stated that Street Law has other volunteers as well. The Commission could continue to participate, even if on a less formal level.
- ALJ Carmichael stated she would be happy to serve as the point of contact between the Commission and Street Law, as she has a relationship with the program director.

Neil Alexander Award Nominations

Chairman Fowlkes stated the Commission needs 2-3 additional people to join the nominations committee for the Awards Gala.

- Commissioners Maier and Aizawa volunteered.
- Chairman Fowlkes said that nominations should be submitted by September 15, 2019.
- Laura Higbee will email the Commission to remind them to submit nominations.
- Director Palacio offered to include the nominations deadline in the August OHR newsletter.

Rules Committee Decision

Chairman Earl Fowlkes informed the Commission that the Rules Committee, chaired by Commissioner Ali Muhammad, believed the Commission was under an obligation to revisit the prior rule changes that were brought before the Commission a few years ago.

- Director Palacio explained the rules process and stated that, while Chief Simmons and the rules committee previously revised the rules, those revisions did not proceed through the full process of implementation, so there is nothing to do “undo.”
- Commissioner Collinson commented that, as a member of the rules committee, she reviewed the current revisions presented by OHR and found that the draft needs further revision due to repetitive sections.
- Commissioner Aizawa inquired about the membership of the rules committee and made note of the members: Commissioners Muhammad, Aizawa, Allen, Collinson, Maier, and ALJ Carmichael.
- Chairman Fowlkes will bring Commissioner Muhammad up to speed.
- No decision was made on how to move forward (start with prior revisions or start with

current revisions presented by OHR) because there was not a quorum.

IX. COMMUNITY COMMENTS

Thomas Deal, attorney advisor for the Office, attended the meeting. He started at OHR as an investigator in 2011 and moved into the attorney advisor role in 2014.

X. ANNOUNCEMENTS

There were no announcements.

XI. ADJOURNMENT

Chairman Fowlkes moved to adjourn, and Commissioner Collinson seconded. The Commission's July 2019 public meeting adjourned at 7:19 pm.

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