



GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS
BI-MONTHLY PUBLIC MEETING

OFFICIAL COMMISSION MEETING
Via Microsoft Teams
May 12, 2021

ATTENDEES

Commissioners

Motoko Aizawa, Chair
Eleanor Collinson, Vice Chair
Anika Simpson, Secretary
Wynter Allen
Brian Griffey
Adam E. Maier
Karen Mulhauser
Teri Quinn
Timothy Thomas

Office of Human Rights Staff

Monica Palacio, Director
Mamadou Samba, Deputy Director

Commission on Human Rights Staff

Erika Pierson, Chief ALJ
Brandes Ash, ALJ

MINUTES

I. CALL TO ORDER

- Chair Aizawa called the Commission's Official Meeting to order at 6:34 PM.

II. ROLL CALL

- Commissioner Simpson conducted the roll call.
- A total of 9 commissioners appeared. There was a quorum.

III. ADOPTION OF THE AGENDA

- The 03/10/2021 agenda was adopted.

IV. ADOPTION OF THE MINUTES

- The 03/10/2021 meeting minutes were adopted by acclamation.

V. REPORT OF THE DIRECTOR

- Director Palacio introduced OHR's new Deputy Director, Mamadou Samba to the Commission. Deputy Director Samba formerly served as Chief of Staff for D.C. Government's Office of Labor Relations and Collective Bargaining. He was also appointed by Mayor Bowser as Executive Director of the Mayor's Office of African Affairs.
 - Deputy Director Samba shared that he looks forward to working with the Commission.
 - Chair Aizawa extended a warm welcome, on behalf of the Commission, to Deputy Director Samba.
- Director Palacio shared the following updates:
 - The office remains in a continued period of expansion:
 - OHR has been busy diligently tackling its backlog of cases—thus far, there have been 5 contractors hired to address this issue;
 - A manager has been hired to launch and build the Tipped Wage Workers Program, a program recently funded by D.C. Council, in which OHR will reach out to restaurants located in the District to, among other things, ensure their compliance with sexual harassment policies;
 - OHR is actively working to hire a racial equity training specialist (for District Government employees);

- There are discussions about conducting a study with an outside assessment group, in or around 2022, to better help OHR implement benchmarks and goals;
 - Thanks to Deputy Director Samba, the case management system will launch on June 4, 2021.
- Lastly, Director Palacio shared that she has attended events celebrating Asian American & Pacific Islander Heritage (“AAPI”) month, and addressing trends related to the troubling attacks against persons in the AAPI community.
- Chair Aizawa and Commission Maier commended Director Palacio on her performance at the Performance Oversight Hearing.

VI. REPORT OF THE CHIEF ADMINISTRATIVE LAW JUDGE

Chief Judge Erika Pierson gave the report for the Commission on Human Rights (Commission), highlighting the following:

- **Case Management System**
 - Director Deputy Samba has been very helpful—the case management system is set to go live on June 4, 2021.
 - Nonetheless, OCTO and the Commission’s case management system vendor, Synergy, have remained at impasse on some issues.
 - Synergy has indicated it is not able to correct the issues that OCTO has identified as security issues. Synergy believes these are “false positives.” Synergy maintains they cannot correct these issues because they depend on other third-party applications which Synergy cannot modify.
 - To that effect, Deputy Director Mamba and OHR contractor, Jaime Lopez, have requested a waiver of certain security vulnerabilities. If a waiver is not provided, one option is to employ a 3rd party platform to host the case management system, but this will be very expensive-- \$30K/ year plus the cost for Synergy to monitor the system (also \$30K).
 - As next steps, there will be further discussion with OCTO regarding building onto OHR’s new case management system for the Commission.

- **Georgetown Fellowship Position / Staffing Updates**
 - Due to COVID-related budget cuts, and needing to fill the 2nd ALJ vacancy, the Commission is planning to offer the Georgetown Fellowship position as a contractor position under Georgetown’s Bridges program. The Bridges program is for recent Georgetown graduates and provides participants a quarterly stipend. The Commission would also provide a quarterly stipend. Georgetown will start advertising the position now.
 - The posting for the 2nd ALJ vacancy will be released at the end of May. (DCHR still needs to approve.)

- **Commission Website**
 - **Decisions /Orders Uploaded to the Commission Website**
 - Thanks to OHR law clerks, Commission decisions and orders have been uploaded to the Commission website, fulfilling the Commission’s commitment to City Council to post 20 Commission decisions on the website within 30 days of the performance oversight hearing.
 - The decisions are categorized according to case type (Housing cases, Public Accommodation cases, etc.)
 - All decisions and orders will be posted within 30 days of time for the deadline for reconsideration. Or, if there has been a request for reconsideration, decisions and orders will be posted within 30 days of a decision regarding reconsideration.

 - **Commission Forms**
 - New litigation forms have been uploaded to the website.
 - The Commission has been diligently working to, among other things, make litigation forms more accessible and user friendly. The following forms are available on the Commission website:
 - A standard Exhibit List;
 - Prehearing Statement (pre-fillable);
 - Standing Order that explains the Prehearing Statement;
 - Subpoena Duces Tecum (pre-fillable);
 - Subpoena (pre-fillable).

 - The Commission is working on a litigation manual for ALJ’s and to share with the general public and Commissioners.

- **DocuSign**
 - OHR has invested in DocuSign for Commissioners' use/ signature on Final Decisions and Orders.
 - Rather than sign via DocuSign, Commissioners can create free digital e-signatures at <https://signaturely.com/online-signature/>.
- **Phone Number for Commission ((202) 741-8854)**
 - A new phone line and voicemail has been created for the general public to access Commissioners, namely the Commissioner Chair. (For example, members of the general public can leave a message for Chair Aizawa, who has access to and receives voicemails via her email.)
 - The new phone number is included in the call tree. A caller who accesses the menu can push "9" to contact the Chair of the Commission.
- **New OHR Letter for Cases Certified to the Commission**
 - Once a case is certified to the Commission, parties are now receiving a letter from OHR that clarifies OHR's role going forward.
- **Commissioner Reappointments-- Upcoming Round Table**
 - The reappointment hearing is scheduled for May 26th for Commissioners Maier, Simpson and Allen.
 - By now, Commissioners Maier, Simpson and Allen should have heard from MOTA, or will in the near future.
- **Financial Disclosures Packets for Commissioners**
 - All Commissioners are required to file Financial Disclosures.
 - The packets have been sent out via email and mail. (Any Commissioner who has not received a packet should let Chief Judge Pierson know.)
 - Filings are due by June 15th.
- **D.C. Government Reopening**
 - D.C. Government operations will reopen 100% July 12, 2021.

- All staff are expected to report to work on that date, but it is not clear whether the Marion S. Barry, Jr. Building (441 4th Street, NW) will be open to the public or if in-person meetings will be permitted nor do we know the status of the hearing rooms at OAH. (Note, the name of 441 4th Street, NW has changed from Judiciary Square to the Marion S. Barry, Jr. Building.)
- More guidance to come from DCHR in the coming weeks.
- **Miscellaneous**
 - Chief Judge Pierson shared that the National Center for State Courts recently issued a report on implicit bias, and namely the effects of implicit bias training.
 - “The Evolving Science on Implicit Bias: An Update Resource for the State Court Community” is approximately 51 pages and can be found at the following website: <https://ncsc.contentdm.oclc.org/digital/collection/accessfair/id/911/rec/1re>
 - On March 30, 2021, the Executive Office of Mayor Muriel Bowser held the “Washington Women of Excellence Awards.” The Mayor’s Office on Women’s Policy and Initiatives, and the District of Columbia’s Commission for Women honored leaders who made a difference during the fight against COVID-19, “Sheroes in Healthcare” and “Sheroes in Public Service Excellence.”

VII. REPORT OF THE CHAIR OF THE COMMISSION

- Chair Aizawa noted that the month of May is Asian American & Pacific Islander Heritage (“AAPI”) month.
 - On May 6, 2021, Chair Aizawa participated in an EEOC dialogue on bias against members of the AAPI community. Available federal and local resources were comprehensively introduced at the event. Director Palacio, the Mayor’s Office, and members of the United States of America--Chinese Chamber of Commerce, among others, participated in the event.

VIII. NEW BUSINESS

- a. **Email Accounts.** Many Commissioners have had trouble accessing their respective Commission email accounts. Chief Judge Pierson shared that Commissioners with inactive email accounts, for at least 30 days, will be locked out of their accounts. If problems persist, Commissioners are to contact Chief Judge Pierson who can reset email accounts and/or provide the contact information for service support.

- b. **AAPI Month.** In honor of AAPI month, Chief Judge Pierson shared a presentation shown during OHR’s All Staff meeting on May 12, 2021. The presentation was part of PBS series’ on Racism in America and AAPI month, which can be viewed at the following websites:
- a. <https://www.pbs.org/specials/asian-pacific-american-heritage-month/>;
 - b. <https://www.pbs.org/articles/2020/06/racism-in-america/>

IX. OLD BUSINESS

- **Commission on Human Rights’ Committees**

- Chair Aizawa noted that committees convened prior to the May 12th Commission Meeting and that Commissioners Collinson, Simpson and Mulhauser volunteered to serve as Committee Chairs.
- Chair Aizawa suggested formalizing Commission committees and moved that Commissioners Collinson, Simpson and Mulhauser serve as Chairs of each committee (Awards, Rules and Outreach, respectively). Motion seconded by Commissioner Maier. Motion passed unanimously.
- Chair Aizawa invited Commissioners Collinson, Simpson and Mulhauser to summarize committee objectives.
 - **Commissioner Ellison (Awards Committee):** The Awards Committee met on May 11, 2021. The committee discussed, primarily, the criteria for awards and less about planning events (where the awards will be distributed). The committee will work out the logistics of the latter in collaboration with OHR. OHR will provide financial resources and, in the past, has been helpful finding venues, etc.
 - **Commissioner Simpson (Rules Committee):** The Rules Committee is focused on three main objections—a) collaborating with OHR, and continuing the work of revising Chapter 4 (Procedures for Contested Cases) of Title 4 of the District of Columbia Municipal Regulations (“DCMR”); b) developing bylaws or protocol for the Commission to reflect the roles of the Commissioners; c) establishing protocol to avoid potential conflicts of interest for a tribunal.
 - **Commissioner Mulhauser (Outreach Committee):** The Outreach Committee will work to help OHR educate people throughout the District on Human Rights and the role of OHR, including reaching out to persons in community, defining and explaining the 21 protected traits, etc. Once the Committee’s objectives and protocol

are better defined, the work of the Outreach Committee can be shared amongst everyone on the Commission.

- Commissioner Aizawa called for a vote to affirm these committee objectives. Motion seconded by Commissioner Mulhauser. Motion passed unanimously.
- Commissioner Ellison commended Chair Aizawa for creating space for more structure and focus on the Commission's Committees.

- **Commission Case Inventory**

- Chief Judge Pierson shared that case inventory is moving along very well. Many older cases have been closed. There are approximately 20 cases pending before the Commission.
- Judge Ash asked for volunteers for a tribunal for three cases. Chair Aizawa, Commissioner Gaffey and Commissioner Quinn volunteered.

- **Report of Committee Chairs**

- **Rules Committee:**

- Commissioner Simpson discussed the Notice of Proposed Rulemaking related to Chapter 4, and primarily Rule 408.
- Judge Ash summarized the Emergency Rulemaking meeting held Monday, May 11, 2021 with OHR General Counsel, Hnin Kaing, Chair Aizawa, Chief Judge Pierson, Judge Pierson and OHR Attorney Advisor, Thomas Deal.
- Chief Judge Pierson shared that the impetus for this emergency request to amend Rule 408 is that there is a case currently pending before the D.C. Court of Appeals regarding the application of Rule 408. The Commission and OHR have been working with OAG on the brief. While OHR and the Commission have independent rule making authority, independent of each other, ideally, OHR wants to move forward with its request to amend the rule jointly with the Commission. Lastly, the proposed emergency bill is temporary, and will only be effective for 180 days. So there is still time to make permanent changes as they come.
- The Rules Committee is scheduled to meet on May 13, 2021 about the emergency rule. In the interest of time, Chair Aizawa will inform the Commission about whatever recommendations come from the meeting.

- **Outreach Committee:**
 - The Outreach Committee has been in touch with Ajan Brown who is in charge of outreach at OHR. Ajan is ecstatic that the Outreach Committee wants to assist OHR’s outreach operations.

- **Awards Committee:**
 - Discussed not wanting to refrain from issuing awards because of the uncertainty surrounding in-person versus virtual events.
 - The Committee will take care not to duplicate the efforts of OHR with respect to giving awards (e.g. OHR’s Eleanor Norton Award (“EN Award”))
 - Director Palacio shares what she recalls as the motivation behind the EN Award and suggests that the Outreach Committee consider the meaning of the word “pioneer” in coming up with any similar award. Director Palacio says OHR is happy to help the Outreach Committee.)
 - The Award Committee discussed not being hemmed into giving out awards every year—the committee would rather be selective and intentional about awards. They will continue to work together to work out details and criteria related to awards.
 - The committee may be interested in adding an award category (e.g. a DC inclusive/ hero award).
 - The committee discussed a possible partnership with the Mayor’s Office on Asian and Pacific Islander Affairs (“MOPIA”).
 - The committee wants to continue to award the Neal Alexander Award, but will take a look at the process surrounding nominations.
 - The committee will meet some time during the week of May 18, 2021 to further clarify their objectives and next steps.

X. ANNOUNCEMENTS

- Chair Aizawa acknowledged and thanked those who recently participated in the annual street law mock trial competition.

- Chair Aizawa reminded everyone that the next Commission meeting will take place on June 14, 2021. At this time, it is not clear if the June 2021 meeting will be held virtually or in person.

XI. ADJOURNMENT OF MEETING

- Chair Aizawa adjourned the meeting at 8:21 pm.