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District of Columbia Office of Human Rights
ANNUAL REPORT


Office of Human Rights
DISTRICT OF COLUMBIA

WE ARE WASHINGTON
*** GOVERNMENT OF THE
DISTRICT OF COLUMBIA
DC MURIEL BOWSER, MAYOR



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NOTE FROM THE INTERIM DIRECTOR

Dear Residents, Neighbors, and Friends:

As an immigrant who came to DC as a child and as a civil rights attorney, I am proud to serve the people of the District of Columbia as the Interim Director of the Office of Human Rights (OHR). Prior to this role, I served as OHR's General Counsel as well as the agency's Deputy Director. Over the last two years, OHR's work has expanded significantly and during my tenure, I'm committed to ensuring OHR can grow and thrive with the expansion. In doing so, I am devoted to supporting our staff, improving our systems, and reconnecting with the communities we serve so that OHR can continue to support our residents, neighbors, and friends no matter where you live, what language you speak, or whom you love.



The last two years exposed the existence and prevalence of deeply entrenched, systemic racism in our nation. Our communities have stood up in solidarity and demanded change. As we vow to make change, we know there is hard work ahead and we must work together to realize the change we envisioned. It is in these types of historical moments that the work of OHR, and that of similar offices around the nation, is more critical and more impactful than ever.

The Office of Human Rights is charged with enforcing the District's anti-discrimination laws and its mission is to eradicate discrimination, to increase equal opportunity, and to protect the civil rights of individuals that live in, work in, or visit the District. However, there is more to OHR than enforcement. OHR's holistic approach to achieving its mission includes our commitment to justice, equity, and inclusion through community engagement, public education, partnerships, and equity programs designed to remove barriers. These social equity programs include: the Language Access Program, the Youth Bullying Prevention Program, and the Fair Chance Support Program. In FY21, we added the sexual harassment training compliance program for the tipped wage industry. In FY22, we've added non-discrimination training for seniors living with HIV and LGBTQ+ seniors in long-term care facilities. These two training programs fall under the newly-named "Creating Safer Spaces Program." Additionally, we worked toward building out our role in the Racial Equity Achieves Results Amendment Act of 2020.

Although the year brought many challenges to our personal and professional lives, we knew it was more important than ever to continue OHR's work. **In FY21, OHR processed 1,059 initial inquiries of discrimination, docketed 331 cases of discrimination, issued 303 decisions, resolved 185 cases that resulted in approximately \$2.6 million in monetary settlements to complainants, prosecuted nine cases after probable cause findings, and closed nine more cases through our evidentiary hearing process.** I am proud to add that for FY21 and to date, 93% of docketed cases are scheduled for mediation within 45 days. I am delighted to report that there were 61 Gender Neutral Bathroom cases open in May 2021 and OHR was able to close all of them by the end of the fiscal year.

In Fiscal Year 2022, OHR has been working hard and we are making even more progress with added staff, expanded programs, frequent conversations with community partners, and efforts to finetune our systems. In the words of the late, great Dr. King, "For when people get caught up with that which is right and they are willing to sacrifice for it, there is no stopping point short of victory."

Yours in service,

A handwritten signature in white ink, appearing to be 'Hnin Khaing', with a stylized, flowing script.

Hnin Khaing



OUR MISSION

The District of Columbia Office of Human Rights (OHR) works to eradicate discrimination, increase equal opportunity, and protect the human rights of individuals who live in, work in, or visit the District of Columbia. The agency enforces local and federal civil rights laws by providing a cost-free legal process to those who believe they have experienced discrimination. This includes investigating, mediating, and where probable cause is found, prosecuting private sector cases for a formal hearing on the merits.

The DC Human Rights Act of 1977, as Amended

The District of Columbia Human Rights Act of 1977 (the Act) prohibits discrimination in employment, housing, public accommodations (including government services), and educational institutions based on 21 protected traits. The table below illustrates the break-down of the applicable protected traits by enforcement area. The Act—one of the most progressive anti-discrimination laws in the nation—allows individuals who believe they have experienced discrimination to file complaints with OHR and receive damages or remedies if a violation is found following a hearing.

21 Protected Traits Under the Human Rights Act

 EDUCATIONAL INSTITUTIONS	<ol style="list-style-type: none">1. Race2. Color3. Religion4. National origin5. Sex6. Age7. Marital status8. Personal appearance	<ol style="list-style-type: none">9. Sexual orientation10. Gender identity or expression11. Family responsibilities12. Political affiliation13. Disability14. Familial status15. Sources of income
 EMPLOYMENT	<ol style="list-style-type: none">1. Race2. Color3. Religion4. National Origin5. Sex6. Age7. Marital status8. Personal appearance9. Sexual orientation10. Gender identity or expression	<ol style="list-style-type: none">11. Family responsibilities12. Political affiliation13. Disability14. Matriculation15. Genetic information16. Credit Information17. DVSOS (status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking)



HOUSING

- | | |
|-----------------------------------|--|
| 1. Race | 11. Family responsibilities |
| 2. Color | 12. Political affiliation |
| 3. Religion | 13. Disability |
| 4. National Origin | 14. Matriculation |
| 5. Sex | 15. Familial status |
| 6. Age | 16. Sources of income |
| 7. Marital status | 17. Place of residence or business |
| 8. Personal appearance | 18. Status as a victim of an intrafamily offense |
| 9. Sexual orientation | |
| 10. Gender identity or expression | |



PUBLIC ACCOMMODATIONS AND GOVERNMENT SERVICES

- | | |
|-----------------------------------|------------------------------------|
| 1. Race | 11. Family responsibilities |
| 2. Color | 12. Political affiliation |
| 3. Religion | 13. Disability |
| 4. National Origin | 14. Matriculation |
| 5. Sex | 15. Familial status |
| 6. Age | 16. Source of income |
| 7. Marital status | 17. Genetic information |
| 8. Personal appearance | 18. Place of residence or business |
| 9. Sexual orientation | |
| 10. Gender identity or expression | |

Additional Laws Enforced by OHR

In addition to the DC Human Rights Act of 1977, OHR enforces numerous local laws, including:

1. DC Family & Medical Leave Act of 1990
2. Parental Leave Act of 1994
3. Language Access Act of 2004
4. Youth Bullying Prevention Act of 2012
5. Unemployed Anti-Discrimination Act of 2012
6. Fair Criminal Record Screening Amendment Act of 2014
7. Protecting Pregnant Workers Fairness Act of 2014
8. Fair Credit in Employment Act of 2016
9. Fair Criminal Record Screening for Housing Act of 2016
10. Universal Paid Leave Amendment Act of 2017
11. Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018
12. Tipped Wage Workers Fairness Amendment Act of 2018
13. Racial Equity Achieves Results Amendment Act of 2020
14. Care for LGBTQ Seniors and Seniors with HIV Amendment Act of 2020
15. Strengthening Reproductive Health Protections Amendment Act of 2020

The agency also oversees the four compliance programs: Language Access Program, Fair Chance Initiative, Creating Safer Spaces Program, and the Citywide Youth Bullying Prevention Program.

Education and Outreach

OHR also proactively seeks to end discrimination in the District through community engagement, educational campaigns and initiatives, and by identifying and investigating practices that may be discriminatory. Additionally, OHR conducts and participates in research and studies pertinent to its mission. In FY21, OHR was involved with the following research projects: Transgender and Nonbinary Experiences of Employment Discrimination, Fair Housing Testing Based on Source of Income, and the District Government Transgender and Non-Binary Employment Study Act of 2020.

This report details our work in each of these activities.

THE TWO ARMS OF OHR

The driving principle behind OHR's work is that all people deserve the opportunity to achieve their full potential free of discrimination. To prevent discrimination and address it when it occurs, OHR's work has two arms and is concentrated into four areas:

Proactive Arm

Under the Proactive Arm, OHR enforces human rights in the District through Director's inquiries, conducts educational campaigns and initiatives, engages in research, advocates for the practice of good human relations and mutual understanding, and oversees the implementation of various compliance programs. The Proactive Arm includes Engagement and Education.

COMMUNITY ENGAGEMENT

Our team designs informational campaigns and conducts extensive outreach to proactively prevent discrimination and creatively educate and engage the public on civil rights laws in the District.



EDUCATION

Our team curates policy, educational materials, research-based publications, and other resources that inform businesses, employers, social service providers, and communities so they can better understand how civil rights laws impact and apply to their daily lives.



Responsive Arm

Under the Responsive Arm, OHR investigates, prosecutes, and adjudicates complaints filed under the aforementioned local laws. The Responsive Arm includes Enforcement and our Compliance Programs.

ENFORCEMENT

Individuals who believe they experienced discrimination in the District of Columbia can initiate a two-part process with OHR: 1) probable cause determination through investigation and 2) public hearing if probable cause is found. Our staff will mediate and investigate the complaint cost-free and after a public hearing, make a determination that can result in damages being awarded. OHR's attorneys will prosecute the probable cause cases to a full hearing, unless the case is resolved prior to the hearing.



COMPLIANCE

Our programs build the capacity of District agencies and government grantees to ensure equal access to services (Language Access Program), public safety (Creating Safer Spaces), healthy educational environments for youth (Bullying Prevention Program), and more.



COMMUNITY ENGAGEMENT

The DC Office of Human Rights Community Engagement team strives to be proactive in the fight against illegal discrimination. Because the pandemic made it nearly impossible to conduct in-person outreach, we used existing as well as built new relationships with credible organizations that serve populations vulnerable to experiencing discrimination. We collaborated with several organizations, including the DC Department of Employment Services (DOES), Court Services and Offender Supervision Agency (CSOSA), Metropolitan Police Department (MPD), DC Department of Human Services (DHS), and the Mayor's Office on Returning Citizen Affairs (MORCA). Through this outreach, we were able to present on fair chance laws, employment, housing, and public accommodations discrimination, as well as, sexual orientation and gender identity and expression discrimination, educating vulnerable communities on their rights.

FY21 Outreach by the Numbers

- 43 community events and trainings conducted
- Over 1,000 people reached in all 8 Wards
- 47 Human Rights Liaisons trained from 20+ service organizations
- Average number of stakeholders reached through monthly newsletter and business eBlasts: 1,700

47

HUMAN RIGHTS
LIAISONS TRAINED

43

COMMUNITY
EVENTS

1K+

PEOPLE REACHED

1,700

STAKEHOLDERS REACHED
THROUGH MONTHLY
NEWSLETTER AND
BUSINESS EBLASTS

Due to the pandemic, limits on in-person outreach again hampered our ability to reach communities throughout the city. Despite these setbacks, we were committed to reaching the public through virtual sessions, social media content, and speaking as panelists hosted by our community and government partners.

The DC Office of Human Rights Presents

NAVIGATING HATE

Unity & Healing Through Community

A VIRTUAL EVENT ON

Thursday

February 25, 2021

5:30pm - 7:00pm

#NoHateDC



Office of Human Rights
DISTRICT OF COLUMBIA

GOVERNMENT OF THE
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DC MURIEL BOWSER, MAYOR



FY21 HIGHLIGHTS

ANC Outreach

In FY21, OHR made a concerted effort to conduct outreach to Advisory Neighborhood Commissions (ANCs), with the goal of spreading information about OHR's services and protections to communities throughout the city. This outreach included tailored trainings at ANC meetings, as well as individual presentations to ANC commissioners so they could spread that information to their constituents. OHR completed outreach to ANCs in all eight wards of the city. OHR conducted 11 presentations to ANCs and each audience averaged about 30 people.

OHR Office Hours with DC Public Library

In collaboration with DC Public Library (DCPL), OHR offered two "Office Hours" in FY21 at the beautifully renovated Martin Luther King Jr. Memorial Library. The goal of the series was to create a safe, accessible space where people could ask questions of our experienced staff, file a complaint on the spot, and seek additional city resources. We strongly believe in meeting people where they are, and people may feel intimidated coming to government office building or courthouse, especially when dealing with a potentially traumatic experience such as discrimination. OHR looks forward to continuing this series with DCPL once things return to normal and more in-person community engagement is permitted.

Navigating Hate Event

In collaboration with the DC Office of the Attorney General's High School Advisory Council, OHR and the Commission on Human Rights hosted the virtual event "Navigating Hate: Unity and Healing Through Community" on February 25, 2021. The evening had a powerful agenda to dissect and process the compounding tragedies over the previous year and to convey hopes for transforming the present and future.

Together, attendees reflected on the cultural and political landscape with the goal of inspiring DC youth to shape their own futures. As navigating hate requires teamwork across industries, the distinguished panelists included community leaders and professionals whose life work focuses on social equity and progress.

Panelists included:

- Linda Litweiler, Mental Health Counselor, DC Public Schools
- George E. Rice III, Founder of The Rebound 4 Success Institute, Coach, Educator
- Briana Strachan Cleveland, Director of Volunteer Engagement, Martha's Table
- Shyheim Snead, Manager, Strategy and Partnerships, United Way of Coastal Fairfield County
- Moderated by High School Advisory Council (HSAC) Student Cedric Missouri

EDUCATION



Resources

Enforcement Guidance

OHR began issuing these guidance documents in FY16 to answer frequently asked questions and to provide additional information and examples to the general public and parties appearing before OHR.

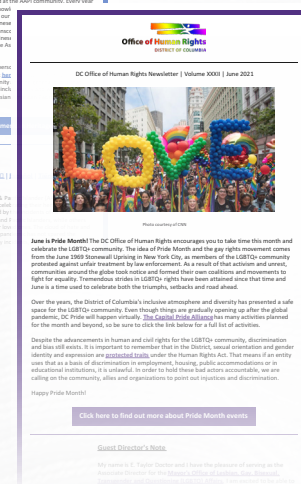
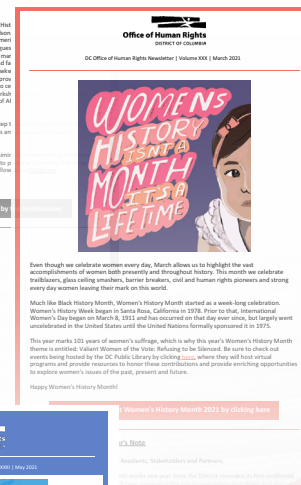
In FY21, OHR released one enforcement guidance that was focused on the COVID-19 Support Emergency Amendment Act.

[Enforcement Guidance 21-01: COVID-19 Support Emergency Amendment Act \(CSEA\) Guidance - revised August 25, 2021](#)

OHR Monthly Newsletter

The monthly newsletter is sent by email to OHR's entire listserv of individuals who have attended OHR events, have been trained by OHR, or who have subscribed through our website. The newsletter covers current topics in civil and human rights, defines distinct protected traits covered by the District's local Human Rights Act, and lists local events and initiatives in DC related to human rights, as well as a personal note from the Director on the climate of human rights in the District. In FY21 specifically, these newsletters provided critical health and COVID-19 information related to the District's operations, testing, vaccinations and much more.

Over the course of FY21, OHR reached an average of 6,000 stakeholders each month through the series and has continued it into FY22. To sign up to receive the monthly OHR Newsletter, visit the OHR website at ohr.dc.gov/page/mail



Research

Transgender and Nonbinary Experiences of Employment Discrimination

In FY21, OHR continued its equity research work regarding employment experiences and impediments for transgender and nonbinary applicants and employees in the District. Expanding on its 2015 report “Qualified and Transgender”, the agency focused its new research on analyzing additional resume testing results, conducting a homegrown survey, and holding focus groups during the public health emergency. OHR will issue a comprehensive report in FY23 and the report will use three different types of data collected from the following:

1. Resume Testing

In 2018, OHR conducted a second installment of resume testing for gender discrimination against transgender and nonbinary job applicants. This experiment expanded upon the methodology of OHR’s 2015 testing by introducing a nonbinary applicant while testing both gender signaling variables for this gender identity.

2. Online Survey

In Fall 2020, OHR conducted the DC Transgender and Nonbinary Employment Survey to understand transgender and nonbinary community members’ experiences with hiring and employment in the District. The purpose of this survey was to better understand barriers to employment, hiring discrimination, workplace harassment and discrimination, and how the aforementioned impacts DC’s transgender and nonbinary community.

3. Focus Groups (NEW in FY21)

In order to enrich the survey’s quantitative data with qualitative data, and to amplify the voices of the most vulnerable members of the trans and nonbinary community, OHR conducted four focus groups in early Summer 2021. The populations of the focus groups were black trans women, trans women of color, trans and nonbinary people of color, and trans and nonbinary people over the age of 35. In order to improve trust with the participants and interpretation of the results, a pair of facilitators from the trans and nonbinary

communities of color led each focus groups. In addition, a mental health counselor attended each group, to be available in case anyone needed emotional support due to the nature of the topic. There were 21 total participants in the focus group and they provided invaluable information on experiences of employment discrimination in the trans and nonbinary communities in the District. The report on transgender and nonbinary experiences of employment discrimination is due to be released in FY22.

Fair Housing Testing Based on Source of Income

In FY21, OHR conducted the first part of its housing study with the assistance of the Equal Rights Center (ERC). ERC is a civil rights organization that identifies and seeks to eliminate unlawful and unfair discrimination in housing, employment, and public accommodations. ERC’s core strategy for identifying discrimination is civil rights testing. The goal of the FY21 study was a preliminary study to understand the existence of source of income discrimination at select properties in the District through email-based and phone-based tests. In FY22, OHR will conduct a larger follow-up study to explore the prevalence of source of income discrimination in the District. The FY21 and follow-up studies are intended to inform potential Director’s Inquiries and depict the fair housing landscape in DC.

District Government Transgender and Non-Binary Employment Study Act of 2020

Throughout FY21, OHR had an active role in the Gender Identity Study Working Group led by the DC Department of Human Resources. The District Government Transgender and Non-Binary Employment Study Act of 2020 - D.C. Code § 1–607.62 – requires a study of employment data, hiring and recruitment practices, and workplace climate in District government agencies in relation to people who are transgender or non-binary. Additionally, the Act requires a review of District government agencies’ transgender and non-binary inclusion policies, including policies developed under the Human Rights Act, an evaluation of how agencies have implemented such policies, and how transgender and non-binary employees experience the policies.

Trainings

Overview of Training Topics

The DC Office of Human Rights offers a wide variety of trainings that educate and inform people about their protections in the District. These include a Know Your Rights training that provides a basic overview of OHR and the local and federal anti-discrimination laws we enforce, a comprehensive Fair Housing training, Employment Discrimination Awareness training, LGBTQ Discrimination training, Reasonable Accommodations training, Public Accommodations training, Language Access training, and Bullying Prevention training. Additionally, we take on special requests for trainings in which we tailor our content to have the maximum impact and relevance for the audience.

OHR Training for Government Audience in FY21

	Number of Sessions	Number of Attendees	Topic
DOES Project Empowerment	2	120	Fair Criminal Record Screening Amendment Act (FCRSA) and Fair Criminal Record Screening for Housing Act (FCRSHA)
CSOSA Criminal Justice Action Network	1	100	FCRSA and FCRSHA
MORCA Staff Training on Fair Chance Laws	1	20	FCRSA and FCRSHA
MOAPIA Staff Training on OHR Laws + Process	1	18	General overview of OHR and protected traits
DHS Provider Training on OHR Laws + Process	1	50	Fair housing and housing protections in DC

EEO Counseling Program

In the District government, employees and applicants for employment are required to undergo an informal resolution process with an EEO Counselor before filing a formal complaint of discrimination with OHR. Claims of sexual harassment or DCFMLA are not required to go through EEO Counseling, those claims can come directly to OHR. Pursuant to the DC Human Rights Act (HRA) and its accompanying regulations at 4 DCMR § 100 *et seq.*, in FY16, OHR developed and launched an EEO Counseling and Officer Certification Program. The purpose of the program is to provide tailored and comprehensive training to the District's EEO Counselors and Officers through a rigorous three-day training

curriculum that covers District EEO laws, DCFMLA, and best practices for conducting EEO counseling. To continue the best practice exchanges and dialogue beyond the structured training courses, OHR also added a quarterly EEO Counselor Lunch and Learn Series.

The Program is offered two times a year in the spring and fall. Each cycle offers three day-long trainings (each offered two or three times to maximize attendance). OHR maintains a list of certified EEO Counselors and Officers, which can be found at <https://ohr.dc.gov/page/EEOcounselors>

There were **six** EEO training sessions held in FY21 and **189** EEO Counselors and Officers were trained.

Dates of training:

- 12/2/20
- 12/10/20
- 12/16/20
- 5/25/21
- 5/26/21
- 5/27/21

Human Rights Liaison Training

The Human Rights Liaison (HRL) Training is OHR's flagship training program in which we invite social service organizations to participate in an in-depth training covering all things OHR. This training is a stakeholder engagement project that provides training on all OHR processes and the laws enforced by our agency. The goal is to better equip direct service providers in diverse communities to better identify potential discrimination against their clients and file complaints with OHR.

OHR held **three** HRL trainings and trained **47** Human Rights Liaisons in FY21.



JOIN US!

Office of Human Rights
**HUMAN RIGHTS LIAISON
TRAINING PROGRAM**

A free, interactive, and accessible training experience on how to identify discrimination and assist/support individuals and clients in filing a complaint with the appropriate agency.

For more information, visit ohr.dc.gov.

 **Office of Human Rights**
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DC MURIEL BOWSER, MAYOR

ENFORCEMENT



Investigation and Adjudication Process at OHR

Individuals who believe they have been subjected to discrimination in employment, housing, public accommodations, or educational institutions in the District may file a complaint online or at the OHR office. The complaint process is cost-free and does not require an attorney. Here is what an individual can expect when filing a complaint with OHR:



OHR Enforcement Numbers

Discrimination inquiries are the completed complaint questionnaires received by OHR from members of the public. Inquiries can be made through online submission of a complaint form on OHR's website, by hand delivery, or by mail to the OHR office. All inquiries are subject to a jurisdictional review.

Total Inquiries Received
1,059

Total Docketed Cases
331

Docketed Cases By Statute (FY21)

**Cases docketed under The Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018 are currently absorbed in Human Rights Act complaints.*

Statute	Number of Cases
The DC Human Rights Act of 1977	270
The DC Language Access Act of 2004	8
The Fair Criminal Record Screening Amendment Act of 2014	11
The DC Family and Medical Leave Act of 1990	22
The Protecting Pregnant Workers Fairness Act of 2014	15
The Unemployed Anti-Discrimination Act of 2012	1
The Fair Credit in Employment Amendment Act of 2016	1
The Youth Bullying Prevention Act of 2012	0
The Fair Criminal Record Screening for Housing Act of 2016	3
TOTAL DOCKETED CASES	331

Docketed Cases By Protected Trait and Enforcement Area (FY21)

Of the 331 complaints docketed in FY21, some were filed with more than one protected trait. Therefore, the protected traits below do not equal the total number of cases docketed. Fields shaded in gray indicate that the particular trait is not protected under the Human Rights Act for that area type.

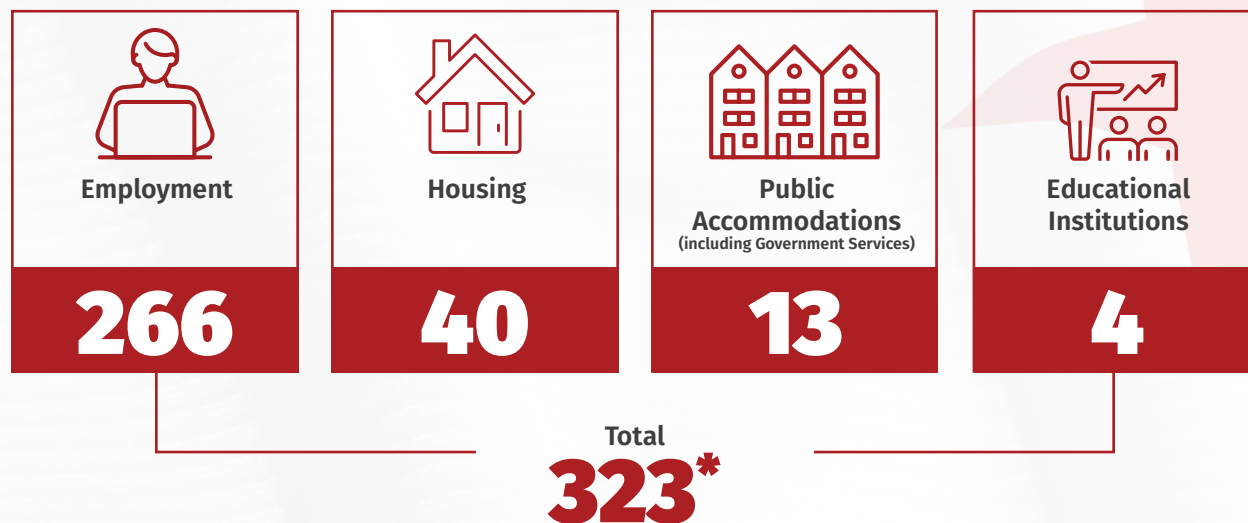
**Indicates the traits in the table below that are protected by Federal law or cross-filed, with HUD or EEOC, where applicable.*

The most often cited protected traits in FY21 docketed cases were sex, race, and disability.

FY21 Docketed Cases by Basis

Protected Trait	Employment	Housing	Public Accommodations (incl Government Services)	Educational Institutions	TOTAL BY TRAIT
Age*	34	1	0	0	35
Color*	3	0	3	0	6
Credit Information	1	0	0	0	1
Disability*	41	11	7	1	60
Familial Status	0	3	0	0	3
Family Responsibilities	13	0	0	0	13
Gender Identity & Expression*	3	3	0	0	6
Genetic Information	0	0	0	0	0
Marital Status	3	0	0	0	3
Matriculation	0	0	0	0	0
National Origin*	16	3	1	0	20
Personal Appearance	8	0	1	0	9
Place of Residence or Business	0	0	0	0	0
Political Affiliation	0	0	0	0	0
Race*	68	10	5	1	84
Religion*	6	2	0	1	9
Sex*	84	3	0	1	88
Sexual Orientation*	10	1	0	0	11
Source of Income	0	12	0	0	12
Status as a Victim of an Intrafamily Offense	0	0	0	0	0
Status as a Victim of Domestic Violence, Sexual Offense or Stalking	2	0	0	0	2
Retaliation (not a protected trait)	107	2	1	0	110

FY21 Docketed Cases by Enforcement Areas



Employment was the most common enforcement area under which FY21 cases were docketed.

** The total is lower than the total docketed cases because there were 8 complaints docketed under the Language Access Act which are not reflected in these four Enforcement Areas.*

Mediation

Complaints of discrimination filed with OHR must go through a mandatory mediation process. An OHR mediator works with both parties to assist them in finding a mutually agreeable resolution. Agreements can be monetary, or can include other reparations such as job reinstatement, employee training, or changes in business practices.

Cases mediated and closed by the mediation program include both cases docketed in each fiscal year as well as cases carried over from the previous fiscal period.

FY21 Mediation & Conciliation Numbers	
Total Cases Mediated	185
Percentage of cases settled	47%
Total Amount Awarded in Settlements	Approx. \$2.6M

Cases Closed After Probable Cause Finding

In FY21, nine cases were closed after probable cause finding: five were closed by the Commission,

and four were DC government cases closed by the Administrative Law Judges. Complainants that had cases closed after a probable cause finding achieved monetary relief over \$156,000 (including over \$85,000 in attorneys' fees). Moreover, complainants achieved injunctive relief such as reinstatement to positions, appointment to jobs, restored benefits and seniority, and other relief.

Remedies Mandated Under Final Orders in FY21

Approved Settlements	\$48,500
Compensatory Damages	\$2,000
Back Pay	\$21,471
Civil Penalty	\$500
Attorney's Fees	\$85,231

Redacted decisions can be found on our website at ohr.dc.gov/commission/decisions. In FY21, 11 new cases were certified to the Commission and by the end of the fiscal year (September 30, 2021), there were 15 cases pending at the Commission.

About Post Probable Cause Hearing

I. The Commission on Human Rights

The Commission currently comprises **11 Commissioners**, who are nominated by the Mayor and confirmed by the DC Council. Each Commissioner is appointed to a three-year term without compensation. The Commission is tasked with rendering final decisions on cases after full evidentiary hearings, which are held by the Administrative Law Judges at OHR.

In FY21, the Commission was composed of the following public commissioners:

- Motoko Aizawa, Chairperson
- Wynter Allen
- Dr. Maria Burnett
- Eleanor Collinson
- Brian Griffey
- Lauren Lowery
- Adam Maier
- Karen Mulhauser
- Teri Janine Quinn
- Anika Simpson
- Timothy Thomas

In private sector cases, where probable cause is found by OHR, the case will undergo conciliation, which is a final attempt to encourage resolution. If no resolution is reached, the case is certified to the Commission on Human Rights (COHR), which has the primary function of adjudicating private sector discrimination complaints, other than DCFMLA complaints. An Administrative Law Judge (ALJ) holds evidentiary hearings after certification and recommends findings to a tribunal of three Commissioners, who will accept or modify the findings. The Commission also hears appeals under the Criminal Background Checks for the Protection of Children Act and the DC Children and Youth Safety and Health Act.

II. Administrative Law Judges

The Administrative Law Judges are appointed by OHR and COHR to act as independent hearing examiners in cases certified for a hearing after OHR finds probable cause. In public sector cases against the government, an ALJ will hold the evidentiary hearing and recommend findings to the Director, who will accept or modify the findings.

The ALJs and the Commission continue to operate remotely, holding virtual meetings and hearings, offering flexibility to move cases forward.

Commission Chair Motoko Aizawa's Note:

The Commission is made of volunteers. We volunteer because we are dedicated to the idea that no District residents or visitors should suffer discrimination in employment, housing, education, or public accommodation. We are proud of the DC Human Rights Act, which enumerates 21 protected traits that must not be used as a basis for discrimination, and is one of the most progressive human rights laws in the nation.

I began my tenure as the Chair as the fiscal year was rolling in and the pandemic continued to rage in the District. While the Commission was performing its core function of adjudicating complaints under the DC Human Rights Act, I and many Commissioners felt we wanted to strengthen our role. Having served in the Commission since 2012, and being mindful of its 50th anniversary in July 2021, I had hoped to accomplish and celebrate many things during my first year as Chair but I quickly learned everything had its own pace during the pandemic.

So, we resolved to focus on closing cases, particularly the older cases. Overall, the Commission had a productive year in FY21 and I look forward to returning to this space next year to report on our adjudication work and new initiatives.



COMPLIANCE PROGRAMS



***NEW* Sexual Harassment Prevention Training Compliance in Tipped Wage Industries**

The Tipped Wage Workers Fairness Amendment Act requires District employers who hire individuals earning tips as wages to inform their employees about their rights and benefits. Some of the laws providing these rights are enforced by OHR and others are enforced by the Department of Employment Services (DOES). OHR is responsible for:

1. Developing the sexual harassment training and certifying a list of providers who may provide such training;
2. Ensuring businesses are complying with the law and providing sexual harassment training to owners, managers, and employees.
3. Building a platform for businesses to report on their compliance with the training, as well as their sexual harassment policy and the number of sexual harassment complaints received and related details.

In FY21, OHR achieved great milestones in implementing the training compliance program. OHR:

- Actively participated in the Tipped Wage Council;
- Developed a fact sheet on the law, called “Got Tips? Got Rights,” which includes a QR code to take readers directly to OHR’s website and how to submit a claim and anonymous tips directly to OHR, using the unique email address, tipsdc@dc.gov. The document is available in: Amharic, Spanish, Chinese, Korean, Vietnamese, and French;
- Developed the sexual harassment training content, in partnership with a working group of legal advisors, community advocates, and service providers; and
- Created an online platform on OHR’s website for businesses to register and submit documentation.

Language Access Program

The Language Access Act of 2004 (LAA) requires District government programs and departments to provide greater access and participation in public services, programs, and activities for residents of the District of Columbia with Limited or No English Proficiency (LEP/NEP). The Language Access Program, housed within OHR, exists to eliminate language-based discrimination. The Program enables DC residents, workers, and visitors to receive equivalent information and services from the DC government, regardless of what language they speak. The Program's scope includes all District agencies that come into contact with the public, and it supports these agencies in providing translation and interpretation services for customers who are LEP/NEP.

Program Highlights:

- **All 38 covered agencies with major public contact completed their Biennial Language Access Plans (BLAPs)**, thus providing a guideline for improvement in the next two years.
- **Language Access Coordinator Roundtable meetings were conducted as an additional effort by the coordinators:** Agencies were able to share viewpoints and experiences to better adapt language access to the public health emergency.
- **Increase in the number of agencies' websites with multilingual access:** Agencies improved upon their multilingual accessibility by developing Language Support Pages. Webpages related to COVID-19 were emphasized.
- **Development of the Grantee Manual and increase in number of trainings for funded entities.**
- **Immediately intervened to increase access** during the pandemic and recommended language access protocols to citywide COVID-19 website updates.
- **Conducted telephonic language access testing:** During the pandemic the Language Access Program focused on testing the accessibility of District agencies telephone systems. Telephone calls are a major communication method for the LEP/NEP community to access services.

Language Access in FY21: The Numbers

	OHR	Citywide
Number of encounters* with LEP/NEP customers	2,722	278,578
Number of calls for telephonic interpreter	2,672	239,235
Number of languages spoken by customers	25	98
Number of vital documents translated	83	5,269
Number of trainings done by Language Access team	91 (includes 5 ANC meetings)	N/A
Number of people trained by Language Access team	1,720	N/A
Docketed cases with the Language Access Act	8	N/A

* Encounters include telephonic interpretation, Video Remote Interpreting, and bilingual staff encounters.

Fair Chance Initiative

OHR enforces the Fair Criminal Record Screening Amendment Act of 2014, which aims to prevent unlawful screening of a job applicant's criminal background, and the Fair Criminal Record Screening for Housing Act of 2016, which prevents unlawful screening of a housing applicant's criminal background. OHR accepts and investigates complaints that allege violations of the law, and when violations are found, penalties can be imposed. In FY21, there were eleven complaints docketed under the Fair Criminal Record Screening Amendment Act of 2014 and three complaints docketed under the Fair Criminal Record Screening for Housing Act of 2016.

In addition to enforcing these laws, OHR engages returning citizens to inform them of their rights and to inquire about issues they face. Charles Thorton, Special Assistant to the Director of OHR, is the program lead on our Fair Chance Initiative. By conducting outreach, the Fair Chance Initiative raises awareness of applicable laws, monitors conditions of confinement, and builds partnership with organizations in the criminal justice system. Ultimately, this work provides opportunities and removes barriers for the incarcerated and formerly-incarcerated residents of DC. As highlighted in the in the Education section, OHR also provides recurring outreach with Department of Employment Services (DOES) Project Empowerment, the Mayor's Office of Returning Citizens Affairs (MORCA), Court Services and Offender Supervision Agency (CSOSA), and the Federal Bureau of Prisons (FBOP).

Voting Rights for Incarcerated Residents from DC

Mayor Bowser introduced emergency legislation in 2020 that allowed incarcerated residents of DC to register and vote in all federal and local facilities housing DC residents and OHR was involved in these efforts. As a result, over 1000 incarcerated residents at the Central Detention Facility (CDF) and the Federal Bureau of Prisons were registered to vote. In addition, the first-ever Advisory Neighborhood Commissioner for incarcerated residents at CDF (ANC7F07) was elected.

United Nations Congress on Crime Prevention and Criminal Justice

On March 7, 2021, Charles Thornton led the session "Preparing Formerly Incarcerated Returning Citizens as Part of the Crime Prevention Solution" at the 14th United Nations Congress on Crime Prevention and Criminal Justice. This event was virtually based in Kyoto, Japan but streamed all over the world. The presentation gave global audiences a glimpse of how our Returning Citizen model in the District changes lives everyday. Kudos to Charles for all of the many hats he wears and his tremendous commitment and legacy of work in creating fair opportunities for returning citizens everywhere. Mr. Thornton has spent years advocating for returning citizens; his work within and outside of OHR is both inspiring and instrumental.

CityWide Bullying Prevention Program

The Youth Bullying Prevention Act of 2012 (YBPA) requires all schools and youth-serving agencies in the District of Columbia to investigate all reports of bullying and determine whether they are consistent with the definition of bullying contained in the YBPA, and, if so, address the behavior to ensure that it does not continue. Best practice dictates that schools and agencies also immediately address the needs of the student who is being targeted, or who feels that they are being targeted. Even a student whose experience is not determined after investigation to meet the YBPA's definition of bullying may still experience trauma and require additional support. The Citywide Youth Bullying Prevention Program (YBPP) – created in June 2013 and housed at OHR – aims to reduce incidents of bullying across the District by emphasizing prevention and proper procedures for responding when incidents occur.

During FY21, OHR worked closely with its long standing partner, Child Trends, a national research organization to focus on key components of programmatic work. The work included the review of policies submitted by youth-serving agencies for approval, addressing requests for training and technical assistance, and the publication of newsletters with tools and resources to aid in creating a productive and safe school environment. For more information on the published resources, visit ohr.dc.gov/page/bullyingprevention.

In July 2021, OHR published its [School Year 2019 and 2020 report](#) on school climate and the impacts of COVID on bullying prevention. The following were its key findings:

- **The COVID-19 pandemic disrupted schools' implementation of the YBPA.** Only 12 schools reported receiving allegations of bullying after schools switched to virtual learning in March 2020.
- **Not even 25 percent of DC's schools are fully compliant with the YBPA's four requirements.** This marks an improvement from our SY 2017-2018 analysis but suggests that schools need continued support to become fully compliant.
- **Rates of bullying are largely steady and remain lower than national averages.** According to data from the 2019 Youth Risk Behavior Survey, the percentage of students experiencing in-person bullying in high school (12.7%) and middle school (32.0%) remained statistically unchanged, as did the percentage of middle school students experiencing cyberbullying (13.5%), while the percentage of high school students experiencing cyberbullying (10.6%) slightly increased.

LOOKING AHEAD

OHR is proud of its FY21 accomplishments, and looks forward to our continued work in advancing even more civil rights protections in the years ahead. Looking ahead in FY22, OHR has several priorities and goals. OHR is making concerted efforts with supporting workers in the tipped wage industries and supporting Mayor Muriel Bowser's racial equity work. In order to better understand and serve the needs of various vulnerable communities, OHR is re-launching its Listening Labs and has scheduled five different sessions in FY22. OHR also plans to expand its outreach to communities often targeted for discrimination, including Black Americans, linguistic minorities, transgender and nonbinary communities, individuals with disabilities, and many more. As OHR grows, it is working on bringing more accountability, clear responsibility areas, hierarchy, and structure to the agency. In FY22, OHR hopes to increase efficiency and streamline systems by reducing the backlog, completing the new case management system, and conducting an independent industry standard study. Lastly, OHR will continue to refine its complaint processing to help ensure those who file complaints of discrimination receive thorough and timely investigations.





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