



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

**OFFICIAL COMMISSION MEETING MINUTES [DRAFT]**

*Via Zoom*

**July 13, 2022**

**ATTENDEES:**

**Commissioners**

Motoko Aizawa, Chair  
Brian Griffey, Vice Chair  
Karen Mulhauser, Secretary  
Adam E. Maier  
Anika Simpson  
Teri Janine Quinn  
Wynter Allen  
Ellie Collison  
Lauren Lowery

**Office of Human Rights Staff**

Hnin Khaing, Interim Director  
General Counsel, Andrea Goplerud  
Juliette Niehuss, Deputy General Counsel  
Ernest Shepard, Youth Bullying Prevention Manager  
Tyler Cargill, OHR staff  
Dr. Mia Carey, Training Specialist  
Stirling Phillips, Mediator  
Aleela Taylor, Law Clerk

**Commission on Human Rights Staff**

Erika Pierson, Chief Administrative Law Judge

**Guests**

Amber Hewitt, guest speaker  
Stephanie Nagal, Observer  
Rose Hayden, Georgetown Fellow  
Robert Baldwin, new Commissioner pending confirmation

## **I. CALL TO ORDER**

- Chair Aizawa called the meeting to order at 6:35 p.m.

## **II. ROLL CALL – Commissioner Mulhauser, Secretary, conducted the roll call.**

- Eight of the ten current Commissioners were present. A quorum was established.

## **III. ADOPTION OF THE AGENDA**

- The Agenda was adopted as circulated.

## **IV. ADOPTION OF THE MINUTES: July 13, 2022, Meeting**

- a. The minutes of the 05/11/2022 meeting of the Commission was adopted with one amendment to reflect the attendance of Commissioner Collinson.

## **V. GUEST SPEAKER: Dr. Amber Hewitt, Chief Equity Officer and Director, Office of Racial Equity (ORE), introduced by Chair Aizawa**

- Purpose of Agency is to ensure policy decisions and District programs are evaluated through racial equity (and intersectional) lens
- By 10/01/2022 Chief Equity Officer shall submit a Multi-Year Racial Equity Action Plan to the Mayor and the Council
- 6 key areas for racial equity indicators
  - o Housing
  - o Health
  - o Education
  - o Safety
  - o Planning and Economic Development
  - o Neighborhood and civil life
- Defining racial equity as both a process and an outcome
- Looking at government operations as a whole
- Program Breakdown
  - o Community
  - o Interagency committee on racial equity
  - o Racial equity advisory board
  - o Pilot cohort
- Theory of Change
  - o Normalize
    - Standardizing language around racial equity
  - o Organize
    - Building capacity
    - Working directly with residents in meaningful ways and strengthening community connections
  - o Operationalize
    - Explicitly incorporate racial equity tools into operations
  - o Assess
    - Measure and track progress through data-driven approach

**VI. UPDATE ON OHR'S ROLE WITH OFFICE OF RACIAL EQUITY: Dr. Mia L. Carey,**  
Training Specialist, introduced by Director Khaing

- Dr. Carey serves as liaison
- Seeking collaboration in the early phases of the program

**QUESTIONS:**

- Adam Maier, Coalition of Non-Profit Equity: how are the youth going to be benefited from any collaborations between youth and the Office of Racial Equity (ORE)
  - o AMBER HEWITT: No formal collaboration with youth programs yet

**VII. INTRODUCTION OF NEW COMMISSIONERS**

- Stuart Anderson
- Robert Baldwin III
- Charlotte Clymer

Only Robert Baldwin was present and all three are expected to be confirmed soon.

**VIII. REPORT OF OFFICE OF HUMAN RIGHTS: Interim Director Hnin Khaing**

- Director Khaing explains OHR processes:
  - o Include date for mandatory mediation (required by statute)
  - o Probable cause standard
  - o If investigation finds probable cause, mandatory conciliation
  - o If not rectified, will go to the Human Rights Commission
  - o Then there will be a public hearing
  - o Final decision after Commissioners make decision
- Dr. Mia Carey
  - o Inclusive Language Guide by Dr. Mia Carey
    - Bias language
    - Inclusive language
    - Identities
- Director Khaing gives updates:
  - o In the fourth fiscal quarter
  - o Increase in enforcement work
  - o Annual Report is close to being done
  - o Language Access Report will be out soon
  - o Transgender Report which includes follow up to resume study
  - o Inclusive Language Guide by Dr. Mia Carey
    - Bias language
    - Inclusive language
    - Identities
  - o New hires:

- S.W.A.T (Special Work Assignment Team)
  - Elizabeth Felton
- Recruiting for the first time:
  - Chief Technology Officer
  - Data Analyst (experience in excel and statistics)
- Programmatic update:
  - Youth Ambassador Human Rights Program
    - Ernest Shepard Jr. speaks about the early stages of the program.
      - To give youth an opportunity to learn about human rights
- Events
  - 7/14/22: Hearing – Two Amendment Acts that would Amend the Human Rights Act of 1977. Interim Director Hnin Khaing testified for OHR and Commissioner Mulhauser gave personal testimony
    - Enhancing Reproductive Rights Acts
    - Human Rights Sanctuary Act
  - 7/16/22: Listening Lab (closed)
    - Outreach to youth and community regarding concerns they may have
    - Connecting community members to resources
- Questions:
  - Chair Aizawa asks about a private sector specialist
    - No new hires in communication and outreach team

## **IX. LEGISLATIVE UPDATE: Andrea Goplerud, General Counsel, introduced by Director Khaing**

- DC Legislative Process
  - Bill drafted
  - Committee of the Whole reviews and puts it in agenda
  - First and second readings
  - Mayoral review (10 days to sign)
  - Council Chairman transmits act to Congress
  - Congressional review (30 days for civil acts)
    - Congress must affirmatively disapprove
- **B24-0229: Human Rights Enhancement Act**
  - Mayor has until 7/25/2022 to sign
  - Includes homelessness as a protected trait across all four enforcement areas and requires OHR to educate law enforcement

- Includes “independent contractors” within the definition of employee
- Expands employee protections against harassment:
  - Redefines what is sexual harassment
  - Will remove the severe and pervasive element
- **B24-0025: Medical Necessity Restroom Access Act**
  - Awaiting Congressional Review
  - Provides an individual with an eligible medical condition access to a customer or employee restroom of a retail establishment
  - Dept. of Health will develop an online MNRA Card
  - OHR will provide information on website and do enforcement
  - OHR will develop (by regulation) a process for reviewing alleged violations
- **B24-0109 Cannabis Employment Protections Amendment Act**
  - Prohibits employers from taking adverse action for an employee’s or applicant’s recreational use of cannabis, or failure to pass a cannabis drug test unless position is designated as safety sensitive
  - Use of medical cannabis to treat disability should be handled in the same manner as legal use of other controlled substance
  - Private right of action and also enforceable by Attorney General
- **B24-0215 Sexual Harassment Data Collection & Reporting Act**
  - District Agencies to collect data on number of sexual harassment complaints
  - OHR will compile and submit annual reports

**PENDING LEGISLATION:**

- **B24-0712: Domestic Workers Employment Rights Amendment Act**
  - Amends HRA, removing domestic worker exemption
- **B24-0649: Elimination of Discrimination Against Women Amendment Act**
  - Amends DC Commission Act of 1978
  - Requires DC government agencies to conduct gender analysis every 4 years; and make data available
  - Requires city-wide action plan

- The Mayor's Office of Women Policy and Initiatives is to be the implementing agency
- **B24-0726: Enhancing Reproductive Health Protections Amendment Act**
  - Protects those who are seeking (or assisting) to self-terminate pregnancy; and also protects transport
- **B24-0808: Human Rights Sanctuary Amendment Act**
  - Prohibits district from helping interstate investigations related to receiving or providing abortion or contraception
  - Provides a private right of action

**QUESTIONS:**

- Q: TERI JANINE QUINN: what is the effect of removing the “severe and pervasive” standard?
- A: ANDREA GOPLERUD: lowering the bar to find sexual harassment in employment settings; JUDGE PEIRSON: game-changer litigation wise
- Q: ADAM MAIER: how are the bills with appropriation? Has there been a cost evaluation?
- A: ANDREA GOPLERUD: for the most part, they all need appropriations in some capacity. Some do not have funding for enforcement. The FISC has been approved, but it must be funded through the Appropriations Act. All available on the DC Council website.

**X. REPORT OF THE CHIEF ADMINISTRATIVE LAW JUDGE & COMMISSION CASE INVENTORY: Erika Pierson**

- Commissioner Thomas's resignation and three new members mean there are 2 vacancies
- 7 Tribunals since last Commission Meeting
- Hearings pending more than 15 months
  - Potential to amend
  - Breakdown of timeframe
  - Will defer to next meeting \*
- 22 cases ALJs to hear:
  - 18 cases pending
  - 4 OHR cases
  - 13 cases closed

**XI. REPORT OF THE CHAIR OF THE COMMISSION: Motoko Aizawa**

- Circulated written testimony

**XII. NEW BUSINESS**

- Neil Alexander Award & Gala: Proposed date **December 8, 2022**, at MLK Library
  - If available, auditorium at the MLK Library

- Will move forward with organizing the Award Ceremony & Gala around the 12/08/2022 date
- Outreach Committee to reach out and solicit nominations
- Brain Griffey: asks for help organizing the Gala; would be nice to do it on the Eve to recognize Human Rights Defenders

**MOTION:**

- Chief Judge Pierson moves to defer committee reports to next meeting since we only have ten (10) minutes left.
- Compiling a list of organizations to reach out to for Neil Alexander nominations (Commissioner Aizawa)
- B24-069: “Elimination of Discrimination Against Women Amendment Act of 2022.” Commission Resolution in support of Bill (Commissioner Mulhauser)

**XIII. OLD BUSINESS**

- Proposal to hold monthly meeting (Commissioner Griffey)

Survey Monkey Results: [https://www.surveymonkey.com/results/SM-YILU8xrvedwnwFR0Cu\\_2FYGQ\\_3D\\_3D/](https://www.surveymonkey.com/results/SM-YILU8xrvedwnwFR0Cu_2FYGQ_3D_3D/)

- 8 responses
  - o Majority of Commissioners replied
  - o Majority:
    - Preference for existing configuration
      - Once every two months
      - Wednesday
      - After work hours
      - Interested in skills for commission
- Chair Aizawa inclined to keep things as they are with increased trainings and guest speakers

**XIV. COMMITTEE REPORTS**

- Outreach Committee (Commissioner Mulhauser)
- Awards Committee (Commissioner Aizawa)
- Rules Committee (Commissioner Aizawa)
  - Final Rule 408 published in D.C. Register (Erika Pierson)
  - Emergency & Proposed Rule 401 published in D.C. Register

**XV. ANNOUNCEMENTS: none**

**XVI. ADJOURNMENT OF MEETING**