

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



UNOFFICIAL COMMISSION MEETING

July 13, 2016
One Judiciary Square, 441 Fourth Street, NW, Room 1117

ATTENDEES

Commissioners:

Commissioner Fowlkes, Chairperson
Commissioner Aizawa
Commissioner Figueroa-Garcia*
Commissioner Maier

Commissioner Muhammad
Commissioner Mulhauser
Commissioner G. Reed*
Commissioner Robinson*

Office of Human Rights Staff:

Mónica Palacio, Director
Rahsaan Coefield, Deputy Director
Ebony Robinson, General Counsel

Commission on Human Rights Staff:

David C. Simmons, Chief ALJ
Dianne S. Harris, ALJ
J.P. Howard, ALJ
Rasheedah Hassan

Members of the Public:

Michael Sindram

MEETING

I. CALL TO ORDER

Chairperson Fowlkes called the meeting to order at 6:30 pm.

II. ROLL CALL

The Chief Administrative Law Judge conducted the roll call. Five active Commissioners and three Commissioners awaiting their swearing-in ceremony were present. Consequently, a quorum was not present. The Commission began the unofficial meeting.

III. ADOPTION OF THE MINUTES

Chairperson Fowlkes noted that the lack of a quorum prevented approval of the minutes at this time.

IV. REPORT OF THE DIRECTOR OF OHR

Mónica Palacio, Director of the Office of Human Rights, gave the report of the Director. Director Palacio highlighted points of the written Director's Report provided to the Commission including:

- OHR has closed out FY16 third quarter performance reporting and is working to finalize the FY17 performance plan;
- On June 16, 2016, OHR held a graduation ceremony, attended by the Deputy City Administrator, for EEO counselors who participated in the EEO Counselor and Officer Certification Training Program;
- OHR's Fasting with D.C. Muslims public event was successful and Commissioner Jenkins organized an iftar with a local mosque in front of the One Judiciary Square building where participants broke the fast and fed the homeless;
- A number of events were held in June for LGBTQ Pride Month and OHR attended a vigil in solidarity with the LGBTQ community honoring the memories of those slain in Orlando.
- The departure of Elliot Imse, Policy and Communications Manager, who will be the national communications director for the Victory Fund
 - Stephanie Franklin is the Acting Policy and Communications Manager.
- The departure of Rashsaan Coefield, Deputy Director, who will be the Global Head of EEO investigations at a Fortune 100 Company.
- A new Director of Investigations will be hired to take on one of Director Coefield's primary roles.
- New hiring, including Lakisha Dickerson, Priscilla Mendizabal, Linda Taylor, and Ebony Robinson.
 - Ms. Dickerson is in a new, Clerk of Court style, role to assist with monitoring, tracking, and reporting of cases from inception to closure;
 - Ms. Robinson is the new General Counsel, she comes to the Office from the Office of the Attorney General where she was a Section Chief and has extensive litigation experience.

General Counsel Robinson addressed the Commission and spoke about her experience and passion for the work of OHR and the Commission. She humbly noted that she has been in her position for five weeks, and is anxious to learn, work together, and get it right for Washington, D.C.

Deputy Director Coefield briefly addressed the Commission about his transition and noted the pleasure of working with them.

The Commission welcomed Ms. Robinson and congratulated Mr. Coefield. Commissioner Aizawa also noted Director Palacio's recent appearance in the Washingtonian magazine in a July column highlighting members of the community you would want to have dinner with.

V. REPORT OF CALJ

Chief Administrative Law Judge David C. Simmons presented the report of the Chief ALJ.

- The Commission's docket currently has:
 - Twenty-three (23) Commission Cases, of which nineteen (19) are new;
 - Twelve (12) Office Cases, of which seven (7) are new; and
 - Four (4) CBX cases, of which five (5) are new.
 - At this time the Commission has not received any FCRSA cases.

- To date, the Commission has closed:
 - Twelve (12) Commission cases,
 - Five (5) Office case, and
 - Eight (8) CBX cases.

- The Chief is confident that the Commission will hit its case goals.
- The Settlement Judge Process was explained— the Chief highlighted that in FY16 seven (7) cases have been referred to a settlement judge and six (6) have been successfully settled.
- On June 28, 2016, Dr. Robinson, Dr. Figueroa-Garcia, and Ms. Genora Reed were confirmed by City Council and are awaiting swearing in on July 18, 2016.
- Five Commissioners terms will expire this year, three have expressed a desire to return, and one is working to determine that there will be no conflict with a new position.

The Chief asked Judge J.P. Howard to address the Commission's case management system project. Judge Howard described the steps that the Commission has gone through to this point and noted that on the eve of closing the deal that a major system provider submitted a highly favorable bid that the Commission is now pursuing. The Commission discussed the topic.

VI. OLD BUSINESS

Bar Session – Litigating Before the Commission

On Wednesday, June 2, 2016, the Commission hosted a noon training session with the D.C. Bar about litigating before the Commission. Chief Judge Simmons gave a description of the training. It was intended to help members of the bar understand the procedures and process at the Commission, particularly key differences with EEOC practice and changes that are being implemented. Approximately forty (40) people attended and four commissioners were present: Commissioners Fowlkes, G. Reed, McLeod, and Bornstein.

Chairperson Fowlkes gave some commentary about the event, in particular noting the identification of traditional problems with the Commission process and the fixes that the current Commission has taken to resolve those. He believed that the Commission was able to resolve some anxiety with the process and proactively address issues.

Judge Simmons noted the presentation of the Commission's new litigation manual which is available to the public. He also noted that the Commission has received feedback indicating that the training session was well received. The resource attorneys who were present appear to have been speaking with others and have become advocates. One attorney not only spoke highly about the session and some of our new procedures from her historic perspective of the Commission, but communicated that she has been recently talking to our counterpart in Montgomery County to endorse adopting some of our procedures.

Uber Incident

Commissioner Robinson brought up the Uber incident that Chairperson Fowlkes was present for several months ago where proper sign language interpretation was not provided for an Uber driver dealing with first responders and asked about the follow up. Chairperson Fowlkes reached out to the Uber Driver several times and explained the process for filing with OHR; however the driver did not want to do pursue his rights. Chairperson Fowlkes told him that he can pass now, but asked the driver to promise that, in the future, he would not let it go and committed to assisting the driver to file the complaint.

Gala/Awards Committees

Judge Dianne Harris gave the report of the Gala Committee. She noted that the Commission Awards will be on Dec. 7, 2016, at the Kaiser Family Foundation's Barbara Jordan Conference Center. The Commission's caterer for the past events is no longer on the approved vendor list for the venue, so the Committee is looking for a new approved caterer and hopes to avoid significant cost increase.

Chairperson Fowlkes is heading up the Neil Alexander Award Committee. The Committee is currently taking nominations and has received one. Chief Judge Simmons will be sending out a communication to the Commissioners regarding the nomination process.

Chairperson Fowlkes inquired about the status of the Youth Human Rights Ambassador Project. Chief Judge Simmons addressed the status and explained to the Commission that some changes have occurred with the Street Law program that are being worked through. Judge Simmons is monitoring and working towards continuation of the program.

VII. NEW BUSINESS

Role of the Commission regarding matters of public concern/ Discussion regarding events in Baton Rouge, Minnesota, and Dallas

Chairperson Fowlkes addressed the Commission on the topic and the role of the Commissioners individually as political appointees. He suggested that the Commission and OHR look for more opportunities for Commission participation in the Office's projects. Chairperson Fowlkes also talked about the personal impact of these recent events on him and what he has seen lately in response. He also noted that by and large he and others have not had negative experiences with the D.C. Metropolitan Police Department, but talked about a personal

experience of being profiled by federal police groups that have jurisdiction over the City as well. Chairperson Fowlkes then opened the floor to the Commissioners to address the whole.

Several Commissioners addressed the group with personal experiences, feelings, thoughts and ideas. Partnership and involvement with the local ANC groups was suggested and a Commissioner volunteered to head up that effort beginning with the ANC he was formerly a member of. Outreach to the national professional organizations based out of the District was raised as a method to expand the delivery of human rights information nationwide.

The existence of several grief circles in the local community were noted for those who are trying to cope with the recent events. Director Palacio also noted the “staff huddle” that was held with the OHR and Commission staff to address the events and allow for everyone to come together. The Commission also discussed the need for awareness outside of communities of color of the issues facing communities of color. Chairperson Fowlkes expressed the Commission’s collective concern that we as a City should not wait for something to happen in the District.

Chairperson Fowlkes will have a meeting with Director Palacio and Chief Judge Simmons to work on ways for the Commission to collaborate and be more involved with the Office on matters of public concern.

VIII. COMMUNITY COMMENTS

Community comments were given by Michael Sindram.

IX. ANNOUNCEMENTS

Commissioner Mathew McCollough is being inducted into the Susan M. Daniels Disability Mentoring Hall of Fame today.

Commissioner Ali Muhamad was recently promoted to Deputy Director of Civil Rights for the Department of Agriculture.

Commissioner Figueroa-Garcia announced that he and his students attended a UN event at the invitation of one of the Commissioners. He noted that an excellent time was had by all.

Chairperson Fowlkes asked Commissioners to please continue to bring the Commission information about any events and efforts in the larger community related to the Commission’s work.

X. ADJOURNMENT

The Commission’s May public meeting adjourned at approximately 7:49 pm. An executive session was held afterward.