

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



OFFICIAL COMMISSION MEETING

May 11, 2016
One Judiciary Square, 441 Fourth Street, NW, Room 1112

ATTENDEES

Commissioners:

Commissioner Fowlkes, Chairperson
Commissioner Figueroa-Garcia
Commissioner Jenkins
Commissioner Maier
Commissioner McLeod

Commissioner Muhammad
Commissioner Mulhauser
Commissioner Powell
Commissioner Robinson
Commissioner Ward

Office of Human Rights Staff:

Mónica Palacio, Director
Hnin Khaing, Legislative Manager

Commission on Human Rights Staff:

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

MEETING

I. CALL TO ORDER

Vice Chairperson Ward called the meeting to order at 6:11 pm.

II. ROLL CALL

The Chief Administrative Law Judge conducted the roll call. Eight Commissioners were present. Chairperson Fowlkes arrived and took control of the meeting. Another Commissioner arrived shortly after roll call.

III. ADOPTION OF THE MINUTES

Chairperson Fowlkes directed the Commission's attention to the Minutes from the March 9, 2016, meeting. A motion was made to approve the Minutes. The Commission approved the Minutes.

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:

- The successful completion of the OHR's budget hearing on April 6, 2016;
- OHR's EEO Counselor and Officer Certification Training of April 26, 2016;
- An overview of case numbers, noting doubled volume from FY14 to FY15 and the current expectation that the final numbers in FY 16 will show another annualized rise of one-hundred percent in case volume;
- An overview of recent and planned events including the Fair Housing Awareness Month events, Muslim Stakeholders Meeting, and a Ramadan event that is being planned;
- An overview of updates in OHR's Departments; and
- A review of recent legislative activity from the City Council and regulatory work at OHR.

The Commission engaged in discussion with regard to the EEO Counselor and Officer Certification Training program clarifying points about the program. The Commission also discussed the Ramadan event that OHR is planning.

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-two (22) Commission Cases, of which sixteen (16) are new;
 - Eleven (11) Office Cases, of which four (4) are new; and
 - Three (3) CBX cases, of which four (4) are new.
 - At this time the Commission has not received any FCRSA cases.
- To date, the Commission has closed:
 - Eleven (11) Commission cases,
 - Two (2) Office case, and
 - Eight (8) CBX cases.
- The Chief is confident that the Commission will hit its goals.
- Legislation was introduced on May 2, 2016 for the reappointment of Dr. Robinson and Dr. Figueroa-Garcia as well as the appointment of Ms. Genora Reed. Three (3) Commissioners' terms will end after this meeting.
- Commissioner training and the upcoming D.C. Bar Luncheon CLE "Litigating Before the Commission" were also discussed. The D.C. Bar Event will occur on Wednesday, June 22, 2016 at 12:00pm at the D.C. Bar's offices at 1101 K Street,

N.W. and will cost \$15 for the public.

- Former Law Clerk Miri Gold's completion of her clerkship and second year of law school were noted and her summer work in Los Angeles.
- Current Law Clerk Rasheedah Hasan was introduced. Ms. Hasan is a graduate of Northwest Missouri State and will be assisting the Commission's transition to digital case management and file keeping and other projects to help speed the Commission along.
- Commissioners need to complete the FY 2015 disclosures by May 15, 2016.

The Commission inquired as to how long digitization could take and had some discussion. Further discussion was held clarifying requirements for properly completing the disclosures and submitting the documents to the Board of Ethics and Government Accountability.

VI. OLD BUSINESS

The formation of the Human Rights Awards Gala Committee was addressed. It was acknowledged that Commissioner Mulhauser volunteered for the Committee. Chief Judge Simmons recommended that Judge Harris again take the lead on the Committee and that Ms. Hasan assist her.

Chairperson Fowlkes asked if Judge Harris consented to serve on the Committee. Judge Harris consented. The Gala Committee's membership currently standings at Judge Diane Harris, Commissioner Karen Mulhauser, and Law Clerk Rasheedah Hasan.

VII. NEW BUSINESS

MWELA Proposal

Hnin Khaing, OHR Legislative Manager, presented a proposal that OHR met with the Metropolitan Washington Employment Lawyers' Association ("MWELA") about. The primary request of MWELA is that complainants be allowed to opt for the administrative process have OHR conduct an investigation, receive the results of the investigation, after which complainants be allowed to move the case to Superior Court instead of the Commission. MWELA stated that it believes complainants will choose to stay at the Commission, but the option of a non-administrative jury trial is a right to justice issue. MWELA also outlined some complaints with regard to the Commission. MWELA wished to know OHR's stance and announced an intent to pursue the desired change at the City Council level. Ms. Khaing was unaware of any current efforts by MWELA to introduce legislation in OHR's monitoring of legislative developments that may impact the Office.

Vigorous discussion occurred amongst the Commissioners, but no action was taken by the Commission.

Departing Commissioners

Commissioners Jenkins and Powell were in attendance for their last Commission Meeting. Chief Judge Simmons made mention of the contributions of both over their tenure and Chairperson Fowlkes acknowledged each and asked them to speak.

Commissioner Jenkins addressed the Commission stating that the opportunity to serve on the Commission over the past three years has been humbling and a great experience, particularly in learning from everyone. The diversity that he found here was educational and his colleagues on the Commission have enriched his experience. The opportunity to be involved in returning citizen issues has been tremendous to Commissioner Jenkins and he has relished the opportunity to advocate for returning citizens and give voice to the impact of incarceration on families. Commissioner Jenkins discussed family reunification at further length. He described that being a part of the Commission and seeing “Ban the Box” come into existence and housing discrimination against returning citizens come before the City Council has been amazing. Commissioner Jenkins exhorted the Commissioners to address issues with vigor and to advocate. He reiterated that it his time on the Commission has been a good experience that he enjoyed it and learned from. Commissioner Jenkins noted that he works as a DYRS Administrative Officer with an agency directly impacting the representation of youth. He exhorted the Commissioners to draw their attention to our juvenile justice system and the care and rehabilitation of our youth. He remarked that he thinks the Commission will soon be faced with those issues and asked the Commissioners to consider how we are and are not taking care of their human rights well. Commissioner Jenkins concluded reiterating that it has been a wonderful learning experience.

Chairperson Fowlkes acknowledged the comments of Commissioner Jenkins and noted that the Commission wishes him well.

Dr. Powell addressed the Commission. He stated that it has been a humbling experience to even hold the title of Commissioner. He has not worked with a more competent committed and composed group of individuals. Dr. Powell posited that he may not have been the easiest to work with on committees and in tribunals and has never been the type to go along and get along. He emphasized that the Commissioners took an oath to be a custodian of the nineteen protected traits under the D.C. Human Rights Act and he hopes that he has been that. Dr. Powell went further to say that it was his time to step back. He has promised his family that he would step back and has come off of numerous boards. He reemphasized his commitment to addressing issues of youth violence, character education, and HIV/AIDS stigma. Dr. Powell has significant research that he has been putting on hold as well. However, Dr. Powell wanted the Commission to be reassured that he is not going away. He hopes that he can stay involved and if there is anything he can do he hopes that the Commission’s members will reach out to him. He also announced that he received a call from a college in New Jersey a few weeks ago inviting him to be the keynote speaker at their commencement and bestowing an honorary doctorate of humane letters on him. He concluded by wishing the Commission God Speed and charging the Commissioners and staff to continue to do their good work.

Chairperson Fowlkes again thanked Commissioners Jenkins and Powell for their service. He reiterated some the Commissioners important points, in particular speaking about how we, as a society, take care of our young people and our seniors. He concluded that he does not believe

we do as well as we can and that we will be judged as a society for that.

New members to the Commission Rules Committee

Commissioner Ward, Chairperson of the Rules Committee, was recognized by Chairperson Fowlkes and brought up an additional item of business moving that at least one new member be added to the Rules Committee to fill Commissioner Powell's seat. The motion was seconded by several members of the Commission. Chairperson Fowlkes asked for volunteers. Commissioners Michelle McLeod and Alberto Figueroa-Garcia volunteered and were appointed by the Chair.

VIII. COMMUNITY COMMENTS

No comments were given by the community.

IX. ANNOUNCEMENTS

The International Mother's Day Bazaar will occur Saturday, May 14, 2016. The Commissioners were provided with a flyer sent by former Commissioner Mai Abdul Rahman.

A Peace Rally and March will be held on June 4, 2016 in Southeast Washington, D.C. following the spree of violence seen earlier in the year. This event is being organized by the Commission's former Law Clerk Veda Rasheed. A flyer regarding the event will be transmitted to the Commissioners.

X. ADJOURNMENT

The Commission's May public meeting adjourned at approximately 7:41 pm. An executive session was held afterward.