

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



OFFICIAL COMMISSION MEETING

May 10, 2017

One Judiciary Square, 441 Fourth Street, NW, Room 1117S

ATTENDEES

Commissioners:

Commissioner Fowlkes, Chair
Commissioner Ward, Vice Chair
Commissioner Aizawa, Secretary
Commissioner Figueroa Garcia
Commissioner Maier

Commissioner McCollough
Commissioner Muhammad
Commissioner Mulhauser
Commissioner Thomas
Commissioner Robinson
Commissioner Nominee Eleanor Collinson

Office of Human Rights Staff:

Mónica Palacio, Director
Ebony Scott, General Counsel
Albert Santiago, Mediation Manager

Commission on Human Rights Staff:

David C. Simmons, Chief ALJ
Dianne S. Harris, ALJ
J.P. Howard, ALJ
Abigael Ajuma, Intern

Members of the Public:

Michael Sindram

MEETING

I. CALL TO ORDER

Chairperson Fowlkes called the Commission's Official Meeting to order at 6:35 pm.

II. ROLL CALL

Commissioner Aizawa conducted the roll call, a total of seven Commissioners were present and an additional three Commissioners arrived soon thereafter. A quorum was present.

III. ADOPTION OF THE AGENDA

Initially a quorum was not present, thus Chairperson Fowlkes tabled this topic and moved to the Report of the Director. After the Director's Report, a quorum was achieved and the Commission adopted the proposed May Agenda. Commissioner McCollough moved to adopt the Agenda, Commissioner Mulhauser seconded the motion and the Agenda was adopted by

acclamation.

IV. ADOPTION OF THE MINUTES

Chairperson Fowlkes asked for a motion to adopt the March Meeting Minutes, which had been tentatively approved by the Commission three-days after the March meeting.

Commissioner Ward moved to adopt the March Minutes, Commissioner Mulhauser seconded and the March Minutes were adopted by acclamation.

V. REPORT OF THE DIRECTOR OF OHR

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

- The release of the Gender Identity and Expression Policy Template and Factsheet;
- Introduction of Mediation Manager, Alberto Santiago;
- An update on the continued EEO training;
- A review of the case numbers and production;
- The annual Language Access Report was released the week before, with a cover letter from Mayor Bowser commending agencies that have exceeded goals and a note to agencies which haven't;
- A review of recent legislative activity from the City Council and regulatory work at OHR.

The Commissioners discussed with Director Palacio the Gender Identity and Expression Policy Template and Director Palacio indicated that she would have the fact sheet forwarded to the Commissioners. The Commission applauded OHR's work on this matter.

VI. REPORT OF CALJ

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

- The Commission's docket currently has:¹
 - Twenty-one (21) Commission Cases, of which seven (7) are new cases this fiscal year and one case was recertified;
 - Ten (10) Office Cases, of which seven (7) are new cases this fiscal year;
 - Four (4) CBX cases, of which two (2) are new cases; and
 - The Commission received its first FCRSA case.
- To date, the Commission has closed:
 - Ten (10) Commission cases,
 - Seven (7) Office cases, and
 - Two (2) CBX cases.
- Public Disclosure Statements for Commissioners are due to be filed with BEGA by May 15, 2017. BEGA is requiring strict compliance with this filing requirement.

¹ These numbers were corrected in the minutes to reflect the accurate number of cases.

- Judge Simmons is working to get a representative from the Open Meetings Office to address the Commissioners at a future meeting.
- Three (3) holdover Commissioners have been approved and are set to be sworn-in on May 25, 2017: Commissioners Aizawa, Muhammad, and Mulhauser. Unfortunately Commissioner Denise Reed has had to resign from serving on the Commission because of an increase in the demands from her employment which made it extremely difficult for her to work and fulfill her Commission duties. A new Commissioner, Eleanor Collinson, has been nominated by the Mayor.
- The Commission Judges have identified a law clerk for the summer, Kaiwon Tresvant. The candidate previously identified to serve as a law clerk (Elijah Porter) was hired away from us by Microsoft. However, Mr. Porter was actually recruited by the Commission's first law clerk, Shanelle Henry.
- The Commission has an intern working with us for the month of May, Abigael Ajuma. Ms. Ajuma is a graduating senior at Episcopal High School and is originally from Kenya. She is currently set to attend St. Lawrence University in the fall.
- On March 15, 2017, several Commissioners and the ALJs met with the Georgetown Street Law Program to discuss the Youth Human Rights Ambassadors program.

Two Commissioners discussed their impressions of the Youth Human Rights Ambassador (YHRA) program meeting. One Commissioner noted that he was pleased with the meeting and felt it had been productive. Another Commissioner noted that having learned more about the overall Street Law program and its future direction; she saw that it may make sense to hold separate events for the Human Rights Awards and YHRA program.

VII. OLD BUSINESS

Vice Chair Ward gave a presentation regarding preparing for and participating in Commission Tribunals. Several commissioners asked questions and discussed various points. It was also noted that legal cases can generally be found for free via Google Scholar's legal search. Also, the process of searching by citation was explained briefly.

Chief Judge Simmons gave a presentation on the Criminal Background Check for the Protection of Youth Act and the procedures for tribunals held adjudicating these cases. Judge Simmons addressed the appellate nature of these cases, the standard of review, principles of law, and the Act in general.

VIII. NEW BUSINESS

Chairperson Fowlkes introduced Commission Nominee Eleanor Collinson and gave her the floor. Nominee Collinson told the Commissioners to call her Ellie and discussed her work with United Cerebral Palsy and the Raben Group. She also talked about her city-level activism in Colorado Springs, Colorado and her excitement to potentially join the Commission in its work.

Chairperson Fowlkes addressed the work that has been done to hold future Commission Meetings in the different Wards of the City. After some initial difficulty in making arrangements, the Chairperson and Judge Simmons, aided by Commissioners Figueroa-Garcia and Muhammad, have made progress so as, hopefully, to be able to hold the Commission's next meeting in Ward 1. Communication is ongoing with the leadership of the Ward 1 ANC to arrange for the meeting. The time, date, and location for the meeting will be announced in the future.

IX. COMMUNITY COMMENTS

Community comments were provided by Mr. Michael Sindram. Mr. Sindram addressed a number of concerns with mediations at OHR and addressed Manager Santiago directly. Mr. Sindram expressed concern that mediation is being used by respondents for fact finding; that procedures are not being applied evenly; and that lawyers in his mediations are allowed to keep their notes while he was not. He brought up several other concerns and accusations. The comments veered into *ad hominem* attacks and Chairperson Fowlkes noted that personal attacks were not appropriate. He also noted that the Commission would invoke Robert's Rules of Orders to hold any speakers engaging in personal attacks out of order.

X. ANNOUNCEMENTS

Commissioner Figueroa-Garcia announced that the American Psychological Association will be hosting an event on "Using Research to Prevent Bullying" in schools on May 31, 2017, from 6:00-8:00 pm.

Commission Mulhauser discussed the city-wide efforts on gender equality and the fact that this effort has not yet been successful. However, she did note the leadership of Councilmember Charles Allen in seeking to include gender equity performance metrics in annual reporting requirements for City agencies.

It was noted that Commissioner Robinson had been honored at Howard University School of Medicine on May 10, 2017, as one of its "Magnificent Professors."

Chairperson Fowlkes announced that D.C. Black LGBT Pride will take place from May 23-29, 2017; Capitol Pride will take place from June 7-11, 2017; and the Equality March will happen on Sunday June 11, 2017 at 10:00 am.

Commission Nominee Collinson noted that the March on Washington Film Festival appears to be returning to DC this summer. She offered to provide more detailed information about the film festival that could be distributed to the Commissioners.

XI. ADJOURNMENT

The Commission's May 2017 public meeting adjourned at approximately 7:37 pm.

REVIEWED AND TENTATIVELY APPROVED BY A MAJORITY OF THE COMMISSION ON HUMAN RIGHTS, PENDING FINAL ADOPTION AT THE NEXT OFFICIAL MEETING OF THE COMMISSION.