

Office of Human Rights Biennial Report



ACKNOWLEDGEMENTS

On behalf of the entire staff of the District of Columbia Office of Human Rights (OHR), we would like to dedicate this report to the courageous workers that serve on the front lines of the COVID-19 pandemic and public safety emergencies in the District. To the city's nurses, doctors, health care attendants, first responders, essential workers, emergency room staff, and other silent heroes who've given the best of themselves under dangerous and frightening conditions, we are deeply grateful to you.

We would also like to give a special acknowledgement to our very own administrative support staff for their exemplary work during this period and to Michelle M. Garcia for her tremendous leadership during her tenure as Interim Director at OHR from February-December 2020.

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NOTE FROM THE DIRECTOR



Looking back to where we stood two years ago, no one could have predicted the tragedies and loss we would face as we entered a new decade. The tremendous toll of death and disease, especially among our Black and Brown

neighbors, family members torn apart, the events of January 2021 and nationwide protests calling for an end to gross injustices and violence against innocent Black Americans, have now redefined us as a nation and a city forever.

Yet in the midst of this global moment, the importance of civil rights and equity work is clearer than ever. As we cautiously reopen our businesses and rebuild our infrastructure, we have the opportunity to reimagine our country, city, and communities by each playing our part to create a safe and sustainable space for our current and future generations to thrive.

The Office of Human Rights (OHR) is charged with enforcement of the District's anti-discrimination laws and afforded the mission to eradicate discrimination, increase equal opportunity and protect the civil rights of individuals that live, work or visit the District. Though this goal is an ambitious one, OHR's holistic approach along with its commitment to justice, equity, diversity, and inclusion in its enforcement, community engagement, and public education work, solidifies OHR and the District as a leading jurisdiction. Through its enforcement of both federal and local laws, including the Human Rights Act (the Act) as well as compliance and social equity programs such as the Language Access Program, the Youth Bullying Prevention Program, Fair Chance Initiative for Returning Citizens, Hate Crimes Response and Research, we remain a driving force of change and support of communities no matter where you live, language you speak, or who you love.

In March 2020, OHR, along with the majority of District government, transitioned to offering virtual services to the public throughout the duration of

the public health emergency. However, despite the operational adjustments, the OHR team worked diligently to ensure continuity and integrity of the agency's services. Due to the pandemic's impact on organizational processes, OHR has prepared this biennial report outlining its work in FY19 and FY20. (October 2018-September 2020). During this period, OHR processed a total of **2,375 initial inquiries** of discrimination, **docketed 908 cases of discrimination**, **awarded approximately \$5M in monetary settlements to complainants**, and **closed 28 cases through adjudication at the Commission on Human Rights**. Additionally, OHR released the first, comprehensive Street Harassment Prevention report, detailing the prevalence of harassment, communities affected most, and recommendations towards reducing and preventing incidents in our city.

Beginning in fiscal year 2021, OHR holds an enforcement role in the Tipped Wage Workers Fairness Amendment Act of 2018 and a supporting role in the Racial Equity Achieves Results Emergency Amendment Act of 2020 to promote equity and increased efforts to reduce conscious and unconscious bias by government agencies toward marginalized communities. OHR also plans to expand its outreach to communities often targeted for discrimination, including religious communities, linguistic minorities, transgender and nonbinary communities, Black Americans, and many more.

As we move forward, it is clear we have much more work to do. The fight against racism and all forms of discrimination is essential. The core services of OHR are vital to the collective well-being of our city and country, and as a human family we must learn to respect the differences that make us unique and build stronger our understanding that we are all in this together.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mónica Palacio'.

Mónica Palacio

ABOUT OHR

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.

The local laws OHR enforces include the DC Human Rights Act of 1977, DC Family & Medical Leave Act of 1990, Parental Leave Act of 1994, Language Access Act of 2004, Youth Bullying Prevention Act of 2012, Unemployed Anti-Discrimination Act of 2012, Fair Criminal Record Screening Amendment Act of 2014, Protecting Pregnant Workers Fairness Act of 2014, Fair Credit in Employment Act of 2016, Fair Criminal Record Screening for Housing Act of 2016, the Street Harassment Prevention Act of 2018, the Employment Protections

for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018, and the Tipped Wage Workers Fairness Amendment Act of 2018.

OHR also proactively seeks to end discrimination in the District through educational campaigns and initiatives, and by identifying and investigating practices that may be discriminatory. The agency oversees the Language Access Program, Citywide Youth Bullying Prevention Program, Street Harassment Prevention Program, and a Returning Citizen Initiative. OHR also plays a role in the implementation and oversight of the District's Universal Paid Leave Act and Racial Equity Achieves Results Amendment Act of 2020.

DC HUMAN RIGHTS ACT OF 1977

The District of Columbia Human Rights Act of 1977 (the Act) prohibits discrimination in the areas of employment, housing, public accommodations, and educational institutions based on 21 protected traits. 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 discriminatory behavior is found. The Act only applies to discriminatory incidents that occur in the District.

- 1** Race
- 2** Color
- 3** Religion
- 4** National origin
- 5** Sex
- 6** Age
- 7** Marital status
- 8** Personal appearance
- 9** Sexual orientation
- 10** Gender identity or expression
- 11** Family responsibilities
- 12** Political affiliation
- 13** Disability

21 PROTECTED TRAITS

The Act prohibits discrimination based on these 13 traits in educational institutions, employment, housing, and places of public accommodation, as well as 8 additional traits specific to certain protected areas.

ADDITIONAL TRAITS APPLICABLE TO SOME AREAS INCLUDE:

- 14** Matriculation (*applies to housing, employment, and public accommodations only*)
- 15** Familial Status (*applies to housing, public accommodations, and educational institutions only*)
- 16** Genetic information (*applies to employment, and public accommodations only*)
- 17** Source of Income (*applies to housing, public accommodations, and educational institutions only*)
- 18** Place of Residence or Business (*applies to housing and public accommodations only*)
- 19** Status as a Victim of an Intrafamily Offense (*applies to housing only*)
- 20** Credit Information (*applies to employment only*)
- 21** Status as a Victim or Family Member of a Victim of Domestic Violence, a Sexual Offense, or Stalking (*applies to employment only*)

CORE AREAS OF WORK FOR 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 is concentrated into four areas:



ENFORCEMENT

Individuals who believe they experienced discrimination in the District of Columbia can file a complaint with our office. Our staff will mediate and investigate the complaint cost-free and make a determination that may result in damages being awarded.



ENGAGEMENT

Our team designs informational campaigns, conducts extensive outreach to proactively prevent discrimination, and creatively educates and engages 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 to better understand how civil rights laws impact and apply to their daily lives.



COMPLIANCE

Our programs build the capacity of District agencies and government grantees to ensure equal access to services (Language Access Program), sense of safety and security in public spaces (Street Harassment Prevention Program), healthy educational environments for youth (Bullying Prevention Program), and more.

ENFORCEMENT

The primary function of OHR is to investigate complaints of discrimination occurring in the District. OHR's enforcement role is comprised of its complaint processing pipeline that includes complaint filing, an intake interview, mandatory mediation, investigation, legal review, conciliation, and final determination of probable cause or no probable cause that discrimination has occurred.

FILING A COMPLAINT WITH 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:

1

STEP ONE: When an individual experiences discrimination in the District, they can file a formal complaint with OHR within one calendar year of the incident. Based on whether the alleged discrimination occurred in the employment, housing, public accommodation, or educational institute context, a complaint questionnaire form can be submitted in person at OHR, by mail, or through OHR's website at ohr.dc.gov.

2

STEP TWO: After the initial complaint questionnaire is submitted, an intake interview is conducted and OHR will determine whether it has jurisdiction to investigate the case. Details about the alleged incident will also be gathered during the interview.

3

STEP THREE: If OHR has jurisdiction, it will docket the case and send it to a mandatory mediation session, where the parties will work with an OHR mediator in an attempt to find an agreement that can quickly resolve the case. If an agreement cannot be reached in mediation, OHR will launch a full investigation, which can include interviewing witnesses and reviewing relevant documents and policies.

4

STEP FOUR: After a legal sufficiency review, the Director will determine if there is probable cause of discrimination and will send the case to the Commission on Human Rights if probable cause is found.

5

STEP FIVE: The Commission on Human Rights will review the case, hold hearings to make a final determination, and award damages if discrimination is found.

THE COMMISSION

The Commission is currently comprised of 10 Commissioners, who are nominated by the Mayor and confirmed by the City Council. Each Commissioner is appointed to a three-year term without compensation.

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

COMMISSION ON HUMAN RIGHTS

When probable cause of discrimination is found by OHR, a final attempt to encourage settlement is made. If a settlement is not reached, the case is certified to the DC Commission on Human Rights (the Commission), which is a quasi-independent body with the primary function of adjudicating private sector discrimination complaints brought under the DC Human Rights Act, DC Family Medical Leave Act, and Fair Criminal Record Screening Act. 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. An Administrative Law Judge at the Commission reviews the case and recommends findings to a panel of three Commissioners appointed by the Mayor, who agree with or modify the findings. The administrative law judges of the Commission also perform similar functions when acting as appointed independent hearing examiners on behalf of the OHR Director in cases involving District government.

Hearings during the Public Health Emergency

Consistent with the District of Columbia Superior Court's March 30, 2020, Order, under the public health emergency status, the Commission issued an Order suspending, tolling, and extending deadlines through May 15, 2020. On May 26, 2020, the Commission issued an Order further extending deadlines. All deadlines and time limits in rules and orders issued by the Commission, that would otherwise expire during the public health emergency, were tolled and extended during the period, including but not limited to, (1) rule-based deadlines such as time limits for service of process, responding to discovery requests, and events leading to a pretrial conference, and (2) case-specific orders.

Case Resolutions

In FY19, 15 new cases were certified to the Commission and 14 cases were closed. In FY20, there were 24 cases pending at the Commission and four new cases were certified to the Commission; 14 were closed.

In FY20, complainants at the Commission were awarded monetary relief in excess of \$30,000. In some cases, complainants received injunctive relief such as reinstatement to positions, appointment to jobs, restored benefits and seniority, and other relief.

INITIAL INQUIRIES

| FY19 | FY20 |
|------|------|
| 1598 | 777 |

Initial inquiries are the completed discrimination complaint questionnaires received by OHR from members of the public. The inquiries can be made through online submission of a complaint form on OHR's website, or by hand delivery or mailing to OHR offices. All inquiries are subject to a jurisdictional review.

DOCKETED CASES BY STATUTE

Docketed cases refer to discrimination inquiries filed that meet jurisdictional requirements by law. Requirements include the incident occurring within the borders of the District in one of four areas covered under the law (employment, housing, public accommodation, or educational institution) and being reported within one year of occurring or discovery thereof.

| STATUTE | FY19 | FY20 |
|---|------------|------------|
| The DC Human Rights Act of 1977 | 360 | 325 |
| The DC Language Access Act of 2004 | 1 | 2 |
| The Fair Criminal Records Screening Amendment Act of 2014 | 45 | 30 |
| The DC Family and Medical Leave Act of 1990 | 51 | 50 |
| The Protecting Pregnant Workers Fairness Act of 2014 | 12 | 17 |
| Unemployed Anti-Discrimination Act of 2012 | 0 | 0 |
| The Fair Credit in Employment Amendment Act of 2016 | 0 | 4 |
| The Youth Bullying Prevention Act of 2012 | 0 | 2 |
| The Fair Criminal Record Screening for Housing Act of 2016 | 3 | 6 |
| The Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018* | - | 0 |
| TOTAL DOCKETED CASES | 472 | 436 |

MEDIATION OUTCOMES

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.

| | FY19 | FY20 |
|-------------------------------------|----------------|----------------|
| Total Cases Mediated | 502 | 379 |
| Percentages of Cases Settled | 52% | 36% |
| Total Amount Awarded in Settlements | Approx. \$2.5M | Approx. \$2.4M |

*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. Protections under this trait became effective on October 1, 2019 (FY20).

FY19 DOCKET

Of the **472 docketed cases in FY19 (October 1, 2018 - September 30, 2019)**, some were filed with more than one protected trait. Therefore, the protected traits below do not equal the total number of cases docketed. Fields marked with an “x” indicate that the particular trait is not protected under the Human Rights Act for that area type.

Disability was the most often cited protected trait in FY19 docketed cases.

| FY19 DOCKETED CASES BY BASIS | | | | |
|--------------------------------------|------------|-----------|----------------------|-------------------------|
| | Employment | Housing | Public Accommodation | Educational Institution |
| Age | 39 | 1 | 2 | 0 |
| Color | 2 | 1 | 5 | 0 |
| Credit Information | 0 | x | x | x |
| Disability | 70 | 24 | 7 | 7 |
| Familial Status | x | 1 | 3 | 0 |
| Family Responsibilities | 4 | 0 | 0 | 0 |
| Gender Identity & Expression | 3 | 0 | 4 | 1 |
| Genetic Information | 0 | x | 0 | x |
| Marital Status | 1 | 0 | 0 | 0 |
| Matriculation | 0 | 0 | 0 | x |
| National Origin | 23 | 4 | 1 | 2 |
| Personal Appearance | 5 | 0 | 3 | 1 |
| Place of Residence or Business | x | 0 | 0 | x |
| Political Affiliation | 1 | 0 | 1 | 0 |
| Race | 70 | 6 | 7 | 5 |
| Religion | 9 | 1 | 1 | 0 |
| Sex | 87 | 3 | 8 | 1 |
| Sexual Orientation | 17 | 0 | 2 | 1 |
| Source of Income | x | 33 | 2 | 0 |
| Status as a Victim of an Intrafamily | x | 0 | x | x |
| Retaliation* (not a protected trait) | 137 | 3 | 4 | 2 |
| TOTAL CASES BY AREA | 468 | 77 | 50 | 20 |

*Protected by Federal law or cross-filed, with HUD or EEOC, where applicable.

FY20 DOCKET

Of the **436 docketed cases in FY20 (October 1, 2019 - September 30, 2020)**, some were filed with more than one protected trait. Therefore, the protected traits below do not equal the total number of cases docketed. Fields marked with an “x” indicate that the particular trait is not protected under the Human Rights Act for that area type.

Sex was the most often cited protected trait in FY20 docketed cases.

FY20 DOCKETED CASES BY BASIS

| | Employment | Housing | Public Accommodation | Educational Institution |
|--|------------|-----------|----------------------|-------------------------|
| Age | 35 | 0 | 2 | 0 |
| Color | 3 | 2 | 0 | 0 |
| Credit Information | 4 | x | x | x |
| Disability | 61 | 20 | 2 | 0 |
| Familial Status | x | 0 | 0 | 0 |
| Family Responsibilities | 1 | 3 | 0 | 0 |
| Gender Identity & Expression | 3 | 1 | 7 | 0 |
| Genetic Information | 0 | 0 | 0 | 0 |
| Marital Status | 2 | 0 | 0 | 0 |
| Matriculation | 0 | 0 | 0 | 0 |
| National Origin | 28 | 4 | 1 | 1 |
| Personal Appearance | 2 | 3 | 3 | 1 |
| Place of Residence or Business | x | 0 | 0 | x |
| Political Affiliation | 0 | 0 | 0 | 0 |
| Race | 59 | 18 | 5 | 2 |
| Religion | 5 | 0 | 0 | 0 |
| Sex | 83 | 4 | 6 | 2 |
| Sexual Orientation | 10 | 0 | 0 | 1 |
| Source of Income | x | 14 | 0 | 0 |
| Status as a Victim of an Intrafamily | x | 0 | x | x |
| Status as a Victim of Domestic Violence, Sexual Offense or Stalking* | 0 | x | x | x |
| Retaliation** (not a protected trait) | 130 | 0 | 1 | 0 |
| TOTAL CASES BY AREA | 426 | 69 | 27 | 7 |

*Protections under this trait became effective on October 1, 2019 (FY20).

**Protected by Federal law or cross-filed, with HUD or EEOC, where applicable.

FY19 HIGHLIGHTS

OHR ATTORNEY-DRAFTED CHARGES AT INTAKE PILOT PROGRAM

The role of OHR in the intake process is to assist the complainant in articulating allegations of discrimination that fall within OHR's jurisdiction to mediate and investigate. Individuals do not need an attorney in order to file a claim or finalize a Charge with our office. A Charge of Discrimination is meant to be a summary of the complainant's claims, reflecting timely facts and events presented in the intake questionnaire and captured during the intake interview. All Charges must be reviewed by OHR for legal sufficiency. Complainant or their representative is welcome to provide additional information to OHR during the investigation phase.

On July 15, 2019, OHR launched its Pilot Program to accept drafted Charges of Discrimination from Complainants' attorneys in response to feedback from local bar associations and advocacy groups and a policy recommendation from the Council of the District of Columbia Committee on Government Operations Fiscal Year 2020 Committee Budget Report. The goal of the pilot was to discern how and whether accepting Charges drafted by Complainants' attorneys would reduce intake processing time. The pilot applies only to attorney-drafted Charges raising public accommodation and employment claims; it did not apply to Charges relating to the Fair Criminal

Record Screening Act (FCRSA) claims. The pilot ended on October 15 2019; however, OHR has continued to accept these Charges for docketing.

In current practice, if a Complainant is represented by an attorney, the attorney-drafted Charge can be submitted to OHR and is subsequently reviewed by the OHR Intake Officer and, when necessary, the OHR Intake Manager. If the attorney-drafted Charge is consistent with OHR's guidelines, OHR will docket the Charge and forward it to the Mediation and Investigation Units for further processing. If the attorney-drafted Charge is not consistent with OHR's guidelines, OHR will contact the attorney to review the deficiencies and revise the Charge so that it is consistent with OHR's requirements.

OHR Guidelines for attorney-drafted charges can be found on OHR's website at ohr.dc.gov.



FY20 HIGHLIGHTS

COMPLAINT FILING DURING THE PUBLIC HEALTH EMERGENCY

During the District of Columbia's state of public health emergency, the Office of Human Rights remained operational, with most staff teleworking. Consequently, OHR issued an emergency rulemaking under the DC Human Rights Act to revise applicable rules affecting operation by remote means.

OHR temporarily suspended in-person complaint filing starting March 18, 2020 and ending July 12, 2021. However, the agency accepted complaint submissions via postal mail, online form through the OHR website, fax, or scanned and emailed form. Additionally, intake interviews and mediation conferences were conducted virtually, telephonically, or rescheduled upon request by parties.

The complaint or "Charge of Discrimination" notarization requirement was also lifted during this period to increase accessibility of filing. However, Charges still required verification and signature by the complainant under penalty of perjury. As of July 12, 2021, the notarization requirement remains lifted and has been permanently removed from the OHR complaint process.

VICTIMS OF DOMESTIC VIOLENCE, SEXUAL OFFENSE, AND STALKING (DVSOS) BECOMES 21ST PROTECTED TRAIT UNDER THE DC HUMAN RIGHTS ACT

Beginning October 1, 2019, OHR began enforcing the Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018. The law amends the DC Human Rights Act prohibiting employers, employment agencies, and labor organizations (employers) in the District of Columbia from discrimination against an employee or an applicant (employee) based on their status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking (DVSOS). DVSOS is the 21st protected trait under the DC Human Rights Act.

The law covers spouses, including domestic partners; parents of a spouse; children, including foster children and grandchildren; spouses of children; parents; brothers and sisters; spouses of brothers and sisters; children who live with an individual and for whom the individual permanently assumes and discharges parental responsibility; and a person with whom an individual shares or has shared, for not less than the preceding 12 months, a mutual residence and with whom the individual maintains a committed relationship.



UNIVERSAL PAID LEAVE ACT

On October 1, 2020, the Universal Paid Family Leave Amendment Act of 2016 (UPL) became effective, providing a new employment benefit which allows private sector employees in the District of Columbia to receive paid leave when taking the following types of leave: up to eight weeks to bond with a child (including adopted or foster children), six weeks to care for a sick family member with a serious health condition, and two weeks of personal medical care. Employees are eligible as long as they spend 50 percent of their time physically working in the District.

In partnership with the Department of Employment Services (DOES), OHR became responsible for investigating any complaint, other than claim determinations and appeals, such as notice violation, retaliation, and interference. Retaliation is any adverse action taken by the employer on an employee for attempting to use or using the Universal Paid Family Leave benefit. This includes, but is not limited to, termination, demotion, shift in primary duties and responsibilities, and/or any change to pay, status, or terms of employment.



ENGAGEMENT

Through public events, education, and strategic outreach to community members and organizations, OHR works to proactively prevent discrimination, promote messages and practices of inclusion, and inform individuals on how discrimination can be addressed if it occurs.

FY19 HIGHLIGHTS

FIGHT FOR 51 EVENT

At the onset of FY19, OHR and the Commission hosted the annual Commission on Human Rights Awards Gala at Hogan Lovells law firm in downtown DC on Thursday, December 5, 2019. The event titled *The Fight for 51: DC Statehood is a Human Right* raised awareness of the long history of disenfranchisement and discrimination of more than 700,000 District residents who still do not get full access, representation, and participation in the democratic process. The event included a screening of a 2015 TEDxMidAtlantic Talk on DC Statehood given by Mónica Palacio, followed by a presentation by the Georgetown Law School International Human Rights Clinic on the humanitarian impacts and human rights abuses of DC's lack of recognition as the 51st state of the United States. Additionally, Congresswoman Eleanor Holmes Norton was honored for her lifetime contributions to DC statehood, advancing civil rights for DC residents, and received the new eponymic award for lifetime achievement—the Eleanor Holmes Norton Lifetime Achievement Award—at the event. George Jones of Bread for the City was also recognized for his local work towards equity for vulnerable DC residents and was awarded the notable Cornelius “Neil” Alexander Humanitarian Award—an award for outstanding achievements in civil rights and namesake of former Chief Judge Neil Alexander—at the event.



ANNUAL FAIR HOUSING SYMPOSIUM

In a rapidly changing city, it is important for people to know their rights when attempting to secure housing. Whether that is to purchase, rent, or enter into a home share/roommate agreement, it is vital that people seeking to live in the District know what housing providers can and cannot do. All of OHR's fair housing outreach culminates with an annual Fair Housing Symposium during Fair Housing Month in April. In collaboration with the Office of Disability Rights and the DC Developmental Disabilities Council, OHR hosted the 18th annual symposium entitled *Intersections: Disabilities and Diverse Communities* on April 18, 2019. The event included a keynote address by disability rights activist, Lydia X.Z. Brown, discussing intersectionality and bias in housing, as well as workshops on source of income discrimination, reasonable accommodations, and inclusive design with a focus on Deaf space. More than 100 people attended.

FY19 HIGHLIGHTS

BUILDING BRIDGES BOOK CLUB



In collaboration with the Mayor's Office of Religious Affairs (MORA), OHR launched the Building Bridges Book Club in the summer of 2019, where each month OHR and MORA staff read books closely related to its work, including those exploring topics like civil rights, inclusion, equity, bias, and much more. At the end of each month, OHR held Facebook Live discussions surrounding the book and observations raised.

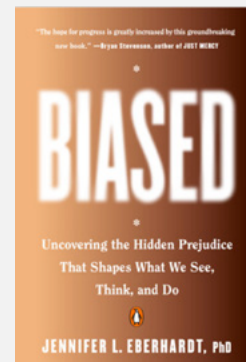
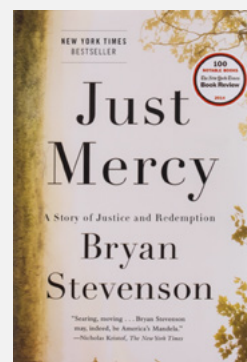
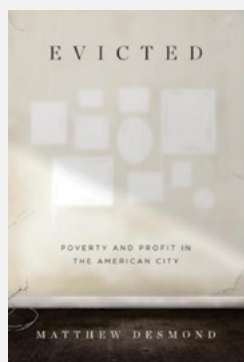
LISTENING LABS

In FY19, OHR advanced the Listening Lab model and addressed critical issues as they relate to bias or hate-motivated incidents targeting the LGBTQ+ community. Specifically, OHR led its third Listening Lab on March 26, 2019, at Casa Ruby to discuss the violence and discrimination

transgender women of color experience in the city. OHR also conducted listening sessions in partnership with HIPS, Rainbow Response, and the DC Center. OHR, side by side with the Office of Victims Services and Justice Grants, the Mayor's Office of LGBTQ Affairs, and the Mayor's Office of Religious Affairs, met with dozens of trans individuals and advocates and listened to their concerns, desires, and frustrations as LGBTQ+ communities of color. Key messages to District government representatives were that trans women want people outside of their community to be better informed and more respectful, as well as access to job opportunities, safe and affordable housing, and the ability to live safely in their own neighborhoods.

Books in Building Bridges series included:

- **Evicted: Poverty and Profit in the American City**
by Matthew Desmond
- **Just Mercy**
by Bryan Stevenson
- **Biased**
by Jennifer L. Eberhardt



FY20 HIGHLIGHTS

COMMUNITY ENGAGEMENT DURING THE PUBLIC HEALTH EMERGENCY

Over the past five years, the OHR team has grown its outreach footprint throughout the city with new training series and initiatives, but the COVID-19 pandemic put a halt on most of the agency's in-person outreach efforts. Despite this, OHR was able to reach the returning citizens community by partnering with the Court Services and Offender Supervision Agency (CSOSA), who hosted several virtual information sessions for their clients during this period.

KEY ENGAGEMENTS: OUTREACH TO VULNERABLE POPULATIONS

Hate Crimes

With hate crimes on the rise, both nationwide and in the District during FY19 and FY20, the OHR team was very intentional about spreading awareness about our services to vulnerable populations. It was especially important to reach the immigrant and LGBTQ+ communities, as they were frequent targets of reported hate crimes (MPD reported 95 percent of cases were based on sexual orientation, gender identity and expression, and race/ethnicity).

Faith-Based Outreach

As part of our faith-based outreach initiative, OHR tabled at Church of the Sacred Heart, a predominantly Spanish-speaking church, Oromo Lutheran Church, a predominantly Oromo/ Amharic-speaking church, and Sixth and I Synagogue for a social justice fair. Additionally, OHR also partnered with the Mayor's Office on Latino Affairs, Liberty's Promise, CARECEN, Ayuda, and Justice for Muslims to table, present, or conduct trainings for their clients. In terms of reaching the LGBTQ+ community, the agency hosted a special "Know Your Rights" training at Shaw Library and partnered with organizations like Casa Ruby, DC Center, Capital Pride Alliance, HIPS, and the Mayor's Office of LGBTQ Affairs on joint outreach projects.

ENGAGEMENT BY THE NUMBERS: FY 19-20

173

Community events and trainings

6,000+

People reached in all eight Wards

156

Human Rights Liaisons trained from 50+ service

1,200+

Average number of stakeholders reached through monthly newsletter and business e-blasts

FY20 HIGHLIGHTS

TRANSGENDER AND NONBINARY EMPLOYMENT RESEARCH

In FY19 and FY20, 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 resumé testing results, conducting a homegrown survey, and holding focus groups during the public health emergency.

Resumé Testing

In 2018, OHR conducted a second installment of resumé testing for gender discrimination against transgender and nonbinary job applicants. This new research project expanded upon the methodology of OHR’s 2015 testing by introducing a nonbinary applicant while testing both gender signaling variables for this gender identity. For each correspondence test, four applications were submitted, with two of the applications signaling for transgender or nonbinary identity, and two applications without gender identity signaling (cisgender applicants), serving as a control.

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 impact DC’s transgender and nonbinary community. The online survey was open to individuals who identify as transgender and/or nonbinary/genderqueer/genderfluid and had 55 questions. There were **202 respondents to the survey**; their responses have provided a comprehensive picture of employment discrimination experienced by the trans and nonbinary community in DC.

Focus Groups

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 group. 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 groups** and they provided invaluable information on experiences of employment discrimination in the trans and nonbinary communities in the District.

In FY22, OHR will release a report to the public with the full findings of the study.

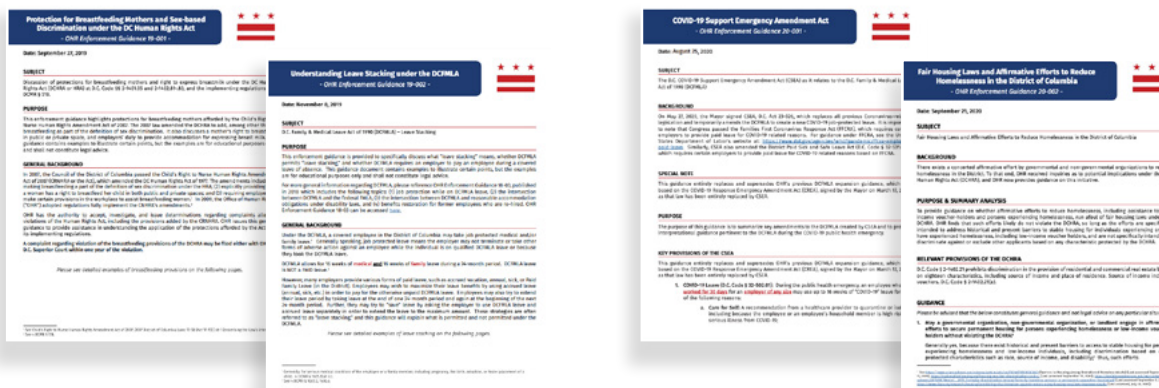
EDUCATION

Through policy-driven educational materials, research-based publications, and other resources, OHR helps businesses, employers, social service providers, and communities to understand the complex impacts and protections under local and federal civil rights laws and how they apply to their daily lives.

ENFORCEMENT GUIDANCE

In FY19 and FY20, OHR released four enforcement guidance documents on topics ranging across the various areas of enforcement. Most notably in FY20, OHR issued several up-to-date guidance documents specifically related to DC Family and Medical Leave during COVID-19.

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. The full list of enforcement guidance documents are available for download at ohr.dc.gov/page/ohrguidance.



2019

2020

Enforcement Guidance 19-01:

Protection for Breastfeeding Mothers and Sex-based Discrimination under the DC Human Rights Act

Enforcement Guidance 19-02:

Understanding Leave Stacking under the DCFMLA

Enforcement Guidance 20-01:

COVID-19 Support Emergency Amendment Act (CSEA) Guidance

Enforcement Guidance 20-02:

Fair Housing Laws and Affirmative Efforts to Reduce Homelessness in the District of Columbia

HUMAN RIGHTS LIAISONS

OHR's Human Rights Liaison Program (HRL) is a stakeholder engagement project that provides training on all OHR processes and the laws enforced by the 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.

FY19

4
Total Sessions Held

97
Total HRLs Trained

40+
Total Organizations Represented

FY20

3
Total Sessions Held

62
Total HRLs Trained

13
Total Organizations Represented

EEO COUNSELING AND OFFICER CERTIFICATION 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.

Pursuant to the DC Human Rights Act (the Act) 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-long 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 ohr.dc.gov/page/EEOcounselors.

FY19

15

Total Sessions Held

153

Total EEO Officers
and Counselors
Trained

FY20

3

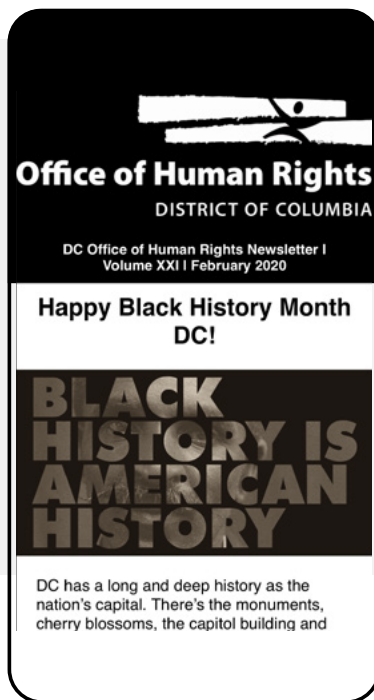
Total Sessions Held

128

Total EEO Officers
and Counselors
Trained



OHR MONTHLY NEWSLETTER



The OHR monthly newsletter is sent by email to OHR's entire listserv of individuals who have attended OHR events 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 FY20 specifically, these newsletters provided critical health and COVID-19 information related to the District's operations, testing, and much more.

Over the course of FY19 and FY20, OHR reached an average of 1,200 stakeholders each month through the newsletters. To sign up to receive the monthly OHR Newsletter, visit the OHR website homepage at ohr.dc.gov.



COMPLIANCE

Our programs build the capacity of District agencies and government grantees to ensure equal access to services (Language Access Program), sense of safety and security in public spaces (Street Harassment Prevention Program), and promote healthy educational environments for youth (Citywide Youth Bullying Prevention Program).

CITYWIDE YOUTH 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 FY19 and FY20, the YBPP 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 review approval, addressing requests for training and technical assistance, and the publication of twelve newsletters with tools and resources to aid in creating a productive and safe school environment. The following up-to-date public resources can be found on the OHR website at ohr.dc.gov/page/bullyingprevention:

- **Setting the Foundation for Safe, Supportive and Equitable School Climates:** A toolkit based on four years of data collection at participating public schools and public charter schools provides strategies to identify needs through data, build buy-in, and engage the full school community in decision making to ultimately improve school climate.
- **Tipsheet: Responding to Reports of Bullying**
- **Youth Bullying Prevention Act Data:** Frequently Asked Questions
- **Teacher Tip Sheet:** Quick tips on how teachers can prevent and respond to bullying behavior
- **District-wide Model Youth Bullying Prevention Policy:** The model policy is a research-based guide to how write an effective bullying prevention policy for your school, government agency, or organization.
- **Know Your Policy Web Portal:** The web portal provides parents and guardians with access to critical bullying prevention information for educational institutions and youth-serving government agencies.
- **Tips for Parents Brochure (PDF):** This brochure provides tips for parents who suspect their children may be experiencing bullying.
- **Bullying Prevention & Intervention in DC Educational Institutions Training Toolkit:** The toolkit provides everything a school, agency, or other institution needs to conduct an effective bullying prevention and intervention training.
- **What You Need to Know About Bullying:** The fact sheet helps individuals identify and understand bullying.

STREET HARASSMENT PREVENTION PROGRAM

The Street Harassment Prevention Act (SHPA) of 2017 is a first-of-its-kind legal measure in the United States that: (1) created a legal definition of street harassment; (2) established a community-based Advisory Committee to study street harassment and develop model policies and trainings; and (3) required a public information campaign on street harassment. It was designed to focus uniquely on prevention through education instead of criminalization.

LIST OF ADVISORY COMMITTEE ON STREET HARASSMENT

The Advisory Committee on Street Harassment (ACSH) has 16 official positions, in which 11 member positions are active, and many others who also participated in the work of the Committee.

Eight official representatives from the following District Government Agencies:

- 1. Office of Human Rights**
Mónica Palacio, Director
- 2. Office of Victim Services and Justice Grants**
Michelle M. Garcia, Director
- 3. Mayor’s Office of LGBTQ Affairs**
Thomas Yabroff, Community Outreach Specialist (FY19-20)
Tyler Edge, Community Outreach Specialist (current)
- 4. District Department of Transportation**
Naomi Klien, Special Assistant to Chief of Staff (FY19-20)
David Jones, Senior Advisor to the Director (current)
- 5. Metropolitan Police Department**
N/A
- 6. Council of the District of Columbia**
Councilmember Brianne K. Nadeau, Ward 1
- 7. Washington Metropolitan Area Transit Authority**
N/A
- 8. Alcoholic Beverage Regulation Administration**
Sarah Fashbaugh, Community Resource Officer

Nine official community representatives that engage in policy, advocacy, or direct service in the District related to:

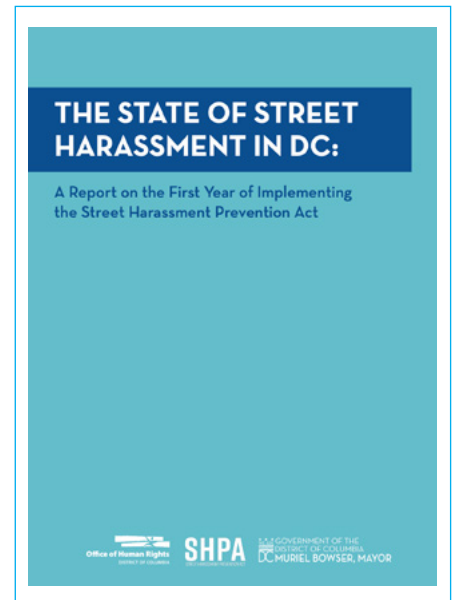
- 9. Street harassment**
Noor Mir, Board Co-Chair, Collective Action for Safe Spaces
- 10. Gender-based violence**
Indira Henard, Executive Director of DC Rape Crisis Center
- 11. Gender equity**
Dee Curry, DC Anti-Violence Project
- 12. LGBTQ rights**
N/A
- 13. Racial equity**
Ana Flores, Senior Manager of Inclusion, Education & Engagement, Human Rights Campaign
- 14. Religious tolerance**
N/A
- 15. Poverty or homelessness**
N/A
- 16. Immigrant rights**
Amy Nelson, Director of Legal Services, Whitman-Walker Health

YEAR ONE REPORT + CAMPAIGN HIGHLIGHTS (FY19-20)

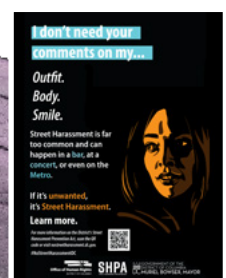
OHR released the Year One Report in April 2020; the report explained SHPA and the Advisory Committee on Street Harassment, detailed data collected from a city-wide survey and ten focus groups, described a public awareness campaign, and provided recommendations on training, policies, and reporting. In the city-wide survey of 1,621 respondents, it was found that most (69%) individuals surveyed had experienced verbal street

harassment in DC in the prior six months and 40% reported that they had experienced physical street harassment. The respondents that identified with the LGBTQ+, disability, and/or immigrant communities consistently reported higher rates of street harassment throughout the survey.

The full report is available for download at ohr.dc.gov/page/shpa.



In August 2019, OHR launched a public awareness campaign which included five versions of an informative ad on street harassment and a website with further information and resources. The ads were placed inside 250 buses, on five Capital Bikeshare docks, and at 20 bus shelters for at least four weeks.



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 (LAP), housed within OHR, exists to eliminate language-based discrimination. The LAP enables DC residents, workers, and visitors to receive equivalent information and services from the DC government, regardless of what language they speak. The LAP'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.

FY19 HIGHLIGHT

FY19 LANGUAGE ACCESS ANNUAL COMPLIANCE REPORT

In FY19, the Language Access Program worked extensively with agencies to support the goals of implementing language access requirements and improving overall compliance with the Language Access Act. The LAP provided training, technical assistance, and individual consultation to Language Access Coordinators (LACs) and Language Access Points of Contact (LAPOCs), and also reached out to the District's linguistically diverse/limited English proficient populations to educate them on their right to request language access services in city government offices.

In April 2020, the LAP issued its annual compliance report, including compliance achievements and reporting for 38 covered entities with major public contact and 23 non-major public contact entities. The scorecards in this report provide detailed information on the agencies' language access compliance performance level of preparedness, accessibility, and quality in serving clients.



Also highlighted is data reported by agencies in FY19, such as **183,387 encounters** with LEP/NEP customers across agencies; language access **compliance training for 41,040 District government employees**, including contractor and grantee staff; **73,277 calls** made by frontline employees to reach a telephonic interpreter to communicate with **customers speaking 66 different languages**; and the **translation of 830 vital documents** by agencies with major public contact.

The full report is available at ohr.dc.gov/page/annualreports.



Photo: Language Access Program Director meeting with African businessowners to discuss language access.

FY20 HIGHLIGHTS

LANGUAGE ACCESS IN ADVISORY NEIGHBORHOOD COMMISSIONS

At the onset of FY20, the LAP became the stewards of Language Access provisions to the Advisory Neighborhood Commissions (ANCs), as a result of the Advisory Neighborhood Commissions Omnibus Act of 2016. ANCs may now request reimbursement for costs incurred in providing multilingual written translation and verbal interpretation services to the linguistically diverse residents of the District. The LAP provided and presented reimbursement procedures information as part of the onboarding process of newly-elected and re-elected neighborhood commissioners.

LANGUAGE ACCESS DURING THE PUBLIC HEALTH EMERGENCY

In FY20, the LAP provided more than a dozen training sessions, individualized consultation, and technical assistance to LACs and LAPOCs. The suite of services outlined below were designed to support implementation of language access requirements and improve overall compliance with the LAA. At the onset of the public health emergency, the LAP was consulted by the Executive Office of the Mayor's Joint Information Center for guidance on the implementation of language access compliance and recommendations for marshalling the necessary resources to ensure that public health information was provided in an equitable manner to the linguistically diverse population of the District of Columbia. Unfortunately, the social distancing restrictions and cancellation of public events during the health crisis limited the LAP's traditional outreach strategies. However, as the demand for guidance on virtual language access services grew, program staff were able to create an alternative forum for LACs to brainstorm and discuss alternative strategies for providing language access services to their customers. This new forum was called the Language Access Coordinator's Roundtable.

MEET THE STAFF

Mónica Palacio, Director
 Mamadou Samba, Deputy Director
 Charles Thornton, Special Assistant
 to the Director

Commission on Human Rights

Erika Pierson, Chief Administrative
 Law Judge
 Brandes Ash, Administrative Law
 Judge

Operations

Josephine Ansah-Brew,
 Administrative Officer
 Ayanna Lee, Human Resources
 Manager
 David Aneiva, Receptionist

Legal

Hnin Khaing, General Counsel
 Charles Abbott, Attorney Advisor
 Alexis Applegate, Attorney Advisor
 Alana D. Burnett, Attorney Advisor
 Thomas Deal, Attorney Advisor
 Maria Kachniarz, Attorney Advisor

Mediation

Albert Santiago, Mediation Manager
 Courtney Hedgpeth, Program
 Support Specialist
 Stirling Phillips, Mediator
 Eloisa Rocha, Program Support
 Specialist
 Linda Taylor, Mediator

Enforcement

Arnolda Beaujuin, Enforcement
 Manager
 Akita Smith-Evans, Enforcement
 Manager
 Jaime Wojdowski, Enforcement
 Manager
 Joy Bagwell, Human Rights Officer
 Dontee Barringer, Program Support
 Specialist
 Joy Board, Human Rights Officer
 Meghan Burns, Human Rights Officer
 Jaime Diaz, Human Rights Officer
 Camila Doherty, Human Rights
 Officer
 Sandy Gallardo, Human Rights
 Officer
 Stacy Makris, Human Rights Officer
 Eileen Megias, Human Rights Officer
 Catheryn Moody, Human Rights
 Officer
 Jason Pleasants, Human Rights
 Officer
 Deidra Precia, Human Rights
 Specialist
 Alex Taylor, Human Rights Officer
 Mary Wallace, Human Rights Officer
 Larry Williams, Human Rights Officer

Communications and Community Engagement

Stephanie Franklin, Director of
 Communications & Community
 Engagement
 Ajan Brown, Community
 Engagement Specialist
 Maya Vizvary, Research Project
 Strategist

Compliance and Equity Programs

Rosa Carrillo, Language Access
 Program Director
 Larry Villegas-Perez, Tipped Wage
 Worker Fairness Program Manager
 Alkindi Kadir, Language Access
 Administrative Support Assistant
 Jaime Lopez, Tipped Wage Workers
 Fairness Program Analyst
 Priscilla Mendizabel, Language
 Access Program Analyst
 Fatima Mohammed, Equal
 Opportunity Specialist



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