

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



OFFICIAL COMMISSION MEETING

September 12, 2018
One Judiciary Square, 441 Fourth Street, NW, Room 1117S

ATTENDEES

Commissioners:

Commissioner Fowlkes, Chairperson
Commissioner Muhammad, Vice
Chairperson
Commissioner Figueroa-Garcia
Commissioner Herzog

Commissioner Maier
Commissioner Mulhauser
Commissioner Robinson
Commissioner Simpson

Office of Human Rights Staff:

Mónica Palacio, Director
Nycole Morton, Intake Program Manager
Stirling Phillips, Mediator
Michelle Thomas, Investigations Supervisor

Commission on Human Rights Staff:

David C. Simmons, Chief ALJ
Dianne Harris, ALJ
Laura Higbee, Law Clerk

Members of the Public:

Charisma Howell, Street Law Director, Georgetown Law
Chayla Jackson, Street Law Fellow, Georgetown Law
Mathew McCollough, Director, Office of Disability Rights
Michael Sindram

MEETING

I. CALL TO ORDER

Chairman Fowlkes called the Commission's Official Meeting to order at 6:32 pm.

II. ROLL CALL

Chief Judge Simmons conducted the roll call. A total of 8 Commissioners were present, constituting a quorum.

III. ADOPTION OF THE AGENDA

The proposed agenda was adopted by acclamation.

IV. ADOPTION OF THE MINUTES

Commissioner Robinson moved to adopt the July 11, 2018 meeting minutes, and Commissioner Mulhauser seconded the motion. They were adopted by acclamation.

V. REPORT OF THE DIRECTOR OF OHR

Mónica Palacio, Director of the Office of Human Rights, gave the report of the Director. Director Palacio highlighted the following:

- Implementation of the Street Harassment Prevention Act of 2017, including the OHR’s Street Harassment Task Force. The Task Force will oversee implementation of the Act, which goes into effect in FY19. The goal of the Act is not to criminalize street harassment but to encourage a positive culture change. OHR is taking nominations for Task Force members.
 - One Commissioner asked about examples of conduct that qualify as street harassment under the Act. Director Palacio said heckling a person about his or her body or appearance and following someone out of a bar or restaurant are two common examples.
- A review of numbers and production
 - 582 pending cases on the docket;
 - 225 cases resolved this year thus far through mediation (resulting in \$2.7 million in settlements); and
 - 12 cases certified to the Commission.
- OHR’s second Listening Lab has been rescheduled for September 26 at Ward 8’s Savoy Elementary School. It will replicate the Ward 1 Listening Lab, which was held in May.
- OHR’s FY17 annual report was released earlier this week. A communications staff shortage accounted for the delay. Report highlights:
 - The District received a total 706 complaints of discrimination docketed for investigation and because mediation is mandatory, approximately 40% of those cases settled through mediation for a total of over \$2 million dollars in monetary compensation to complainants.
 - OHR conducted outreach and training to over 120 District businesses on effective and inclusive business practices.
 - OHR created access to resources and education for the public through over 100 “Know Your Rights” sessions in all eight Wards.

- OHR will host its second Human Rights Liaison HRL workshop on Wednesday, September 26. OHR’s HRL Training 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 identify potential acts of discrimination against their clients and assist clients who choose to file complaints with OHR.
- The Citywide Youth Bullying Prevention Program is still awaiting the enactment of pending legislation. No current hearings are scheduled.

VI. REPORT OF CALJ

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

- In FY2018, the Commission has received twenty-four (24) open cases:
 - Fourteen (14) Commission cases, including three (3) attorney’s fees cases;
 - Two (2) Office cases;
 - Five (5) CBX cases; and
 - Three (3) FCRSA cases.
- The Commission’s docket currently has:
 - Sixteen (16) Commission Cases;
 - Eight (8) Office cases;
 - Two (2) CBX cases; and
 - Two (2) FCRSA cases
- To date, the Commission has closed:
 - Sixteen (16) Commission cases;
 - One (1) additional case is awaiting referral to a tribunal;
 - One (1) additional case is awaiting filing of settlement papers;
 - Four (4) Office cases
 - One (1) additional case is pending with the Office; a proposed decision and order will be submitted to the Office shortly;
 - Four (4) CBX cases; and
 - Two (2) FCRSA cases.

One Commissioner asked about the redactions in the case log. Chief Judge Simmons explained that, for OHR cases, neither the employee nor the agency involved is disclosed because these matters are confidential, and the Commission does not have jurisdiction over Office cases. While the Commission does have jurisdiction over CBX and FCRSA cases, those parties’ information is redacted because of privacy concerns.

- The Chief Judge provided an update concerning the Commission’s search for a new Administrative Law Judge (“ALJ”). The Chief Judge stated that, in accordance with the Commission’s concern about inclusivity at the May 2018 Commission Meeting, the ALJ position was advertised through the D.C. Department of Human Resources. Twenty

candidates were deemed well-qualified and forwarded for further consideration. Ten of those twenty candidates were given a screening interview by telephone. Six of those ten candidates were invited for in-person interviews with Director Palacio, Administrative Law Judge JP Howard, and Chief Judge Simmons. The panel has made its recommendation and is awaiting confirmation and a formal job offer to be made by DCHR.

- Chief Judge asked the Commissioners to note the items in their packets regarding the last calendar-year 2018 meeting, November 14. Calendar-year 2019 Commission meets will continue to be held on the second Wednesday of every other month, starting in January. A list of all calendar-year 2019 dates will be provided at the next meeting.

- Personnel – Chief Judge reported two items:
 - Danny Gick, last year’s Law Clerk, is now clerking for The Honorable Deborah Silverman Katz of the New Jersey Superior Court. Judge Simmons relayed Danny’s well wishes for the Commissioners and his gratitude to them.
 - Laura Higbee, the new Law Clerk, is officially on board. She is a double Hoya originally from Chattanooga, Tennessee.

VII. OLD BUSINESS

Report of Human Rights Gala Planning Committee

Judge Dianne Harris provided an update on the planning of the 2018 Human Rights Gala. The Planning Committee members are Judge Harris, Commissioner Aizawa, Commissioner Mulhauser, and Stephanie Franklin, OHR’s Director of Policy and Communications. The Gala celebrates the adoption of the Universal Declaration on Human Rights, which took place on December 10, 1948. December 10 is also International Human Rights Day. This year’s Gala, which will celebrate the Declaration’s 70th anniversary, is tentatively scheduled for Wednesday, December 12, 2018, from 5-7 pm at the Kaiser Family Foundation’s Barbara Jordan Conference Center. However, this information is not final. The deadline to book a venue for the Gala is September 30, 2018. Other possible venues include the All Souls Unitarian Church’s Pierce Hall; Georgetown University Law Center, in partnership with its Street Law Program; Howard Law; and the National Education Association. Judge Harris shared that this year’s theme is still to be determined, but the ideal theme would seek to incorporate three significant 2018 milestones: the 150th anniversary of the 14th Amendment, the 70th anniversary of the UDHR, and the 10th anniversary of D.C.’s designation as a Human Rights City. The Gala budget is the same as it has been for prior years. Finally, Judge Harris encouraged Commissioners to volunteer to greet guests and man the reception table at the Gala and to contact her if they were interested.

Commissioner Herzog asked how many people are expected to attend. Judge Harris indicated that the guest list would somewhat depend on the venue. Two years ago, the Kaiser Family Foundation expressed concern about the Gala being over their capacity. Commissioner Herzog said he would ask his law firm about possibly having the Gala there.

Commissioner Mulhauser indicated she would contact the NEA again to follow up on the possibility of hosting the Gala there. The space would be free to rent and would accommodate around 400 guests. However, catering would be a separate cost.

Report of Neil Alexander Humanitarian Awards Committee

Chairman Earl Fowlkes updated everyone on the Neil Alexander Humanitarian Award. There are currently three nominees being considered. Chairman Fowlkes invited Commissioners to nominate additional candidates. Nominations are open until September 30, at which point the Committee members will deliberate and recommend their chosen candidate to the Commission.

VIII. NEW BUSINESS

Report of Youth Human Rights Ambassador Committee

The Fall Youth Human Rights Ambassador Program will again be a mock trial capstone. It will be held on November 14 at Georgetown Law. The committee members are Commissioner Aizawa, Commissioner Collinson, Commissioner Maier, and Commissioner Muhammad.

Street Law Director Charisma Howell and her Fellow Chayla Jackson updated everyone on this year's Street Law Program. For six weeks, students at various high schools in D.C. (and one in Maryland this year) will learn about both global and D.C. human rights laws. Georgetown Law students teach the classes and help the students prepare for the mock trial. Director Howell invited Commissioners to visit the classes as human rights experts. She shared that she values the Program because it allows the students to put theory into action and gives them a deeper understanding of and appreciation for their rights and responsibilities.

Both Chairman Fowlkes and OHR Director Palacio shared positive experiences adjudicating and watching last year's mock trial, respectively. They were both impressed with the preparation and persuasiveness of the students.

Chief Judge Simmons asked Director Howell if she had heard from Georgetown Law about possibly hosting the Human Rights Gala at Georgetown. Director Howell indicated she had not heard back from them yet but would follow up. However, Georgetown Law usually does not allow events on its campus during the early December timeframe because of exam time.

Some Commissioners asked about when the high school classes are held and how to get involved. Director Howell then invited Commissioners to visit the seminar to meet the law students and learn more about the human rights lesson plans. Commissioners will be placed with one law student, and they can connect ahead of time to determine what level of involvement the Commissioner wants to have with the class. Chief Judge Simmons shared that he will be visiting the Street Law seminar on September 27 to introduce the law students to the human rights units and subsequent Capstone.

Finally, Director Howell indicated that she and Ms. Jackson have visited about half of the

high school classes so far and is already impressed with the caliber of the students. Participating schools include Anacostia, Benjamin Banneker, Cardozo, Coolidge, Duke Ellington, Dunbar, Eastern, the School Without Walls, and International High School in MD.

IX. COMMUNITY COMMENTS

Michael Sindram gave community comments.

Mathew McCollough, Office of Disability Rights Director, also addressed the Commission and noted the importance of expressed some concern about the timeliness of OHR providing updates to parties in a timely fashion.

X. ANNOUNCEMENTS

Commissioner Mulhauser made the following announcements:

- 2018 is the 70th anniversary of the Universal Declaration on Human Rights;
- The United Nations Association of the National Capital Area (UNANCA) is also planning a Human Rights Gala for early December;
- There will be an event in early December to celebrate the District's designation as a human rights city; and
- A group is working to get more human rights education in the D.C. Public Schools.

XI. ADJOURNMENT

Commissioner Robinson moved to adjourn, and Commissioner Mulhauser seconded. The Commission's September 2018 public meeting adjourned at approximately 7:25 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.