

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



**Responses to Fiscal Year 2021-2022
Performance Oversight Questions**

**Motoko Aizawa
Chair, DC Commission on Human Rights**

**Submission to
Committee on Government Operations
Council of the District of Columbia
The Honorable Robert C. White, Jr., Chairperson**

February 24, 2022

**John A. Wilson Building
1350 Pennsylvania Ave., NW
Washington, DC 20004
(Hearing conducted virtually)**

GENERAL QUESTIONS

1. Please provide the Commission's mission statement.

RESPONSE:

The DC Commission on Human Rights (COHR or the Commission) is not a separate agency. Instead, it is an adjudicative body which exists as part of the mission of the Office of Human Rights (OHR) to eradicate discrimination in the District of Columbia. More specifically, the Commission serves as an impartial forum for public hearings in private sector cases under the D.C. Human Rights Act and public and private cases under the Fair Criminal Records Screening Act following a probable cause determination by OHR. The Commission also provides an appeals process to applicants who were found ineligible for employment under the Criminal Background Checks for the Protection of Children Act. The Commission consists of members of the public nominated by the Mayor and whose functions exist with support from the Mayor and OHR. By statute, the Commission is comprised of 15 Commissioners and each Commissioner is appointed to a three-year term without compensation. Currently, there are 11 Commissioners. The Commission expects to fill at least three vacant positions by the spring.

2. Please list all reporting requirements in the District of Columbia Code or Municipal Regulations that the Commission is required to complete in FY 21 and FY 22, to date. For each requirement, please list the date the report was required and the date it was produced. If the Commission did not produce the report on the mandated timeline, please explain why.

RESPONSE:

The Commission is not a separate agency from OHR and has no specific reporting requirements. However, the Mayor, under D.C. Code 2-1403.01(g)(1), is required to submit an annual report to the Council regarding the progress of enforcement of the Human Rights Act. To satisfy this requirement, OHR publishes and submits to the Council OHR's Annual Report. See OHR's responses for full information responsive to this question.

3. What are the Commission's top five priorities? Please explain how the agency expects to address these priorities in FY 22.

RESPONSE: The Commission has identified the following priorities for FY22.

1. Moving cases efficiently from certification to closure
 - a. Focusing on closing oldest cases first
 - b. Encouraging more dispute resolution through settlement conferences
 - c. Improving the Case Management System
2. Making it easier for unrepresented litigants to bring complaints
 - a. Making fillable forms and a litigation manual available and accessible
3. Collaborating with OHR to revise the procedural rules in chapter 4 of the District of Columbia Municipal Regulations
 - a. Ensuring consistency with other applicable rules in the District

- b. Clarifying or updating certain provisions
- 4. Collaborating with OHR to compile data on past Commission cases to better understand case trends
- 5. Reaching out to DC residents about the protection that the DC Human Rights Act affords
 - a. Making systematic outreach activities alongside OHR
 - b. Making the Human Rights Gala and other community events more accessible

4. Please describe any new initiatives or programs that the Commission implemented in FY 21 and FY 22, to date, to improve the operations of the Commission. Please describe any funding utilized for each initiative or program and the results, or expected results, of each initiative.

RESPONSE:

The Administrative Law Judges (ALJs) and the Commission continue to operate remotely, holding virtual meetings and hearings, offering flexibility to move cases forward. In FY21, the Commission closed five cases, two of which were certified in 2018 and one of which was certified in 2019.¹ In FY22, to date, the Commission closed four cases, two of which were certified in 2018.

We reinstituted several committees to help us discharge our responsibilities more effectively after some committees had become inactive. We now have a Rules Committee, an Awards Committee, and a new Outreach Committee.

The Commission’s Rules Committee worked with OHR to draft an emergency amendment to 4 DCMR § 404 regarding representation and clarified what conflicts of interest mean and how to address them in the context of tribunals.

Under the leadership of the Awards Committee, and with substantial contributions from the Outreach Committee, the Commission successfully held its in-person annual Human Rights Awards Gala in December 2021 at which time Christy Respress, Executive Director of Pathways to Housing D.C., and Jaiya Lalla, the Program Director of the Global Classrooms DC program of the United Nations Association of the National Capital Area, were awarded the Cornelius R. “Neil” Alexander Award and a new Emerging Leader award, respectively. The awards gala was funded by OHR.

The Outreach Committee is getting organized, arranging for training, and coordinating its activities with OHR.

In addition, Chief Judge Erika Pierson created the first Commissioner Manual which sets forth the responsibilities of the Commissioners, the laws the Commission enforces, and other useful information. Chief Judge Pierson also led on-boarding training for new Commissioners in

¹ In addition, the ALJs adjudicate public sector cases in which the final decision is made by the Director of OHR. In FY21, four public sector cases were closed.

addition to creating the manual. These initiatives were especially well received by the new Commissioners.

5. Please list all pending lawsuits that name the Commission as a party. Identify which cases on the list are lawsuits that potentially expose the District to financial liability or will result in a change in Commission practices and describe the current status of the litigation. Please provide the extent of each claim, regardless of its likelihood of success.

RESPONSE:

There are currently no pending lawsuits that name COHR as a party, other than petitions for review or appeals of the Commission decisions in the D.C. Court of Appeals.

6. Please list all settlements entered into by the Commission or by the District on behalf of the Commission in FY 21 or FY 22, to date, and provide the parties' names, the amount of the settlement, and if related to litigation, the case name and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. administrative complaint, etc.).

RESPONSE:

The Commission does not enter into settlements on behalf of the District or on behalf of OHR. Please see OHR's responses.

7. Please provide the number of FOIA requests for FY 21, and FY 22, to date, that were submitted to the Commission. Include the number granted, partially granted, denied and pending. In addition, please provide the average response time, the estimate number of FTEs required to process requests, the estimated number of hours spend responding to these requests, and the cost of compliance.

RESPONSE:

Because the Commission is not a separate agency from OHR, any FOIA requests related to the Commission are submitted to OHR and addressed by OHR; thus, please see OHR's responses for information responsive to this question.

8. Please list and describe any ongoing investigations, audits, or reports on the Commission or any employee of the Commission that were completed during FY 21 and FY 22, to date.

RESPONSE:

The Commission is not aware of any investigations, audits or reports conducted on COHR or its members. The Commission does not have any employees.

9. Please provide a list of all studies, research papers, reports, and analyses that the Commission prepared or funded during FY 21 and FY 22, to date. Please submit a hard copy to the Committee of any study, research paper, report, or analysis that is complete.

RESPONSE:

The Commission did not prepare or fund any studies, research papers, reports, or other analyses in FY21 or FY22 to date. For information on OHR, please see OHR's responses.

10. Please provide a current list of all Commissioners, including:

- a. The date of appointment;**
- b. The date their term expires;**
- c. Whether they are a District resident and, if they are, the ward in which they reside**
- d. The number of hearings or meetings attended by each Commissioner in FY 21 and FY 22, to date;**
- e. A brief description of the demonstrated background or interest in human rights that justified their appointment to the Commission pursuant to D.C. Code § 2–1404.03; and**
- f. Whether there are any vacancies.**

RESPONSE:

Please see Attachments A and B.

11. Please provide the dates of any Commission meetings held in FY 21 and FY 22, to date, and the dates and times of any future scheduled Commission meetings.

RESPONSE:

FY21 Meeting Dates – 6:30pm	FY22 Meeting Dates - 6:30pm
November 18, 2020	November 10, 2021
January 13, 2021	January 12, 2022
March 10, 2021	March 9, 2022
May 12, 2021	May 11, 2022
July 14, 2021	July 13, 2022
September 15, 2021	September 14, 2022

12. For every meeting of the Commission in FY 21 and FY 22, to date, please provide the agenda, the minutes, a list of all members in attendance, and whether a quorum was present.

RESPONSE

Please see Attachments C and D. There was a quorum at all meetings which is reflected in the minutes. The minutes also reflect the members in attendance. The below chart reflects the meetings attended by each Commissioner:

FY 21 Meeting Attendance							
Last Name	First Name	11/18/20	1/13/21	3/10/21	5/12/21	7/14/21	9/15/21
Aizawa	Motoko	X	X	X	X	X	X
Allen	Wynter	X	X	X	X		X
Burnett	Maria	N/A	N/A	N/A	N/A	N/A	1st Mtg
Collinson	Eleanor	X	X	X	X	X	X
Griffey	Brian	X	X	X	X		X
Lowery	Lauren	N/A	N/A	N/A	N/A	N/A	1st Mtg
Maier	Adam	X	X	X	X	X	X
Mulhauser	Karen	X	X	X	X	X	X
Quinn	Terri		X	X	X	X	X
Simpson	Anika	X	X	X	X	X	X
Thomas	Timothy		X	X	X		X

FY22 Meeting Attendance			
		11/10/21	1/12/22
Aizawa	Motoko	X	X
Allen	Wynter		
Burnett	Maria	X	X
Collinson	Eleanor		X
Griffey	Brian	X	X
Lowery	Lauren	X	X
Maier	Adam	X	X
Mulhauser	Karen	X	X
Quinn	Terri	X	X
Simpson	Anika	X	X
Thomas	Timothy		

13. Please provide any rules of procedure adopted or used by the Commission.

RESPONSE

The Commission used the following rules of procedure in FY21 and FY22 to date:

- The DC Human Rights Act, D.C. Code § 2-1401.01 *et seq.*
- The D.C. Municipal Regulations, 5A DCMR § 101 *et seq.*
- The D.C. Municipal Regulations, 6B DCMR § 403 *et seq.*
- The D.C. Municipal Regulations, 4 DCMR § 200 *et seq.*, 300 *et seq.*, 400 *et seq.*
- Superior Court Rules of Civil Procedure

14. How many cases of unlawful discrimination were heard by the Commission in FY 21 and in FY 22, to date? Of those, please list the number of cases that alleged discrimination in:

- a. Employment;**
- b. Real estate transactions;**
- c. Public accommodations;**
- d. Educational institutions**
- e. Criminal background check; and**
- f. Fair Criminal Records Screening Act.**

RESPONSE:

In FY21, 15 cases were pending before the Commission as of October 1, 2021.

In FY22, to date, 16 cases were pending before the Commission as of February 7, 2022.²

	FY 21 As of 10/1/21	FY22 As of 2/7/22
Employment	7	10
Real Estate Transactions	2	2
Public Accommodations	0	0
Educational Institutions	1	1
Criminal Background Check	0	2
Fair Criminal Records Screening Act	5	1
TOTAL	15	16

² In addition, the ALJs adjudicate public sector cases where the final decision is made by the Director of OHR. In FY21, four public sector cases were closed.

15. In how many cases was an allegation of an unlawful discriminatory practice substantiated by the Commission in FY 21 and FY 22, to date?

RESPONSE:

In FY21, the Commission closed five cases with Final Orders. Unlawful discriminatory practices were substantiated in one case. In FY22 to date, the Commission has closed four cases, one of which substantiated discriminatory practices.

16. Please provide a quantitative summary of the types of remedies ordered by the Commission in FY 21, including aggregate amounts of compensatory damages and civil penalties.

RESPONSE:

Approved Settlements	\$48,500
Compensatory Damages	\$2,000
Back Pay	\$21,471
Civil Penalty	\$500
Attorney's Fees	\$85,231

17. How many respondents failed to answer a complaint before the Commission in FY 21 and FY 22, to date?

RESPONSE:

No Respondents failed to answer the complaint in FY21 or FY22, to date.

18. In how many cases was an order or decision of the Commission appealed in FY 21 and FY 22, to date? In how many of those cases was the order or decision overturned?

RESPONSE:

No decisions of the Commission were appealed or overturned in FY21 or to date in FY22.

19. In how many cases did the Commission certify a matter to another agency due to the failure of a respondent to comply with a Commission order?

RESPONSE:

The Commission has not certified any matters to another agency in FY21 or FY22, to date, for failure of a respondent to comply with a Commission order.

20. At the time of its performance oversight hearing last year, the Commission was navigating a transition in ALJ staffing that resulted in delays in case processing. Please provide an update on the Commission's case processing timelines and the Commission's plans for addressing any remaining workflow challenges.

RESPONSE:

The Commission, with the support of ALJs, is making steady progress in adjudicating complaints that are certified to the Commission. In FY21, the Commission closed five cases, two of which were certified in 2018 and one of which was certified in 2019 (in addition, the ALJs closed four public sector cases (one certified in 2017, one in 2018, and two in 2019)). Fifteen cases were pending before the Commission as of October 1, 2021. In FY22, to date, the Commission has closed four cases, two of which were certified in 2018. Sixteen cases are pending before the Commission as of February 7, 2022.

The Commission is presently staffed with a Chief ALJ and an ALJ. The Commission is working with OHR to fill a full-time attorney fellow position and a student law clerk position, which will significantly assist the ALJs in case processing.

21. Please provide an update on the Commission's efforts to secure support for its ALJs through law school fellowship programs.

RESPONSE:

The Commission does not have a budget that is separate from OHR, but rather consults with OHR on its needs. Due to a lack of funding, the Commission was unable to hire a fellow in FY21. At present, the Commission is working with OHR to fill the fellow position as discussed in the response to question No. 20.

22. Please describe any current threats to ALJ retention and job satisfaction.

RESPONSE:

The ability of the Commission to function effectively depends on retaining ALJs and ensuring their job satisfaction, which in turn depends on providing them with competitive salaries. It would be helpful for the work of the Commission that any differences of view regarding ALJ salaries are resolved expeditiously so that we can dedicate our energy and resources to closing cases.

The Commission would like to raise another factor that influences ALJ job satisfaction. The Commission currently does not have its own hearing room to hold hearings and mediations. Instead, the Commission uses the Office of Administrative Hearings' hearing rooms, which can be logistically difficult, particularly since OAH has remained closed due to COVID. OHR has met with DGS to request that the former Board of Elections hearing room, which is located right next to the ALJ's current offices on the second floor of 441 4th Street, be assigned to the Commission. The request remains under consideration by DGS. If the request is granted, some funds will be needed to outfit the room with recording equipment and video monitors.

23. Given the challenges identified with CMS in FY 12, please describe the status of the Commission's case management systems, including any changes to those systems made in FY 21 and FY 22, to date, and any outstanding needs or deficiencies with those systems.

RESPONSE:

In April 2020, Synergy, the vendor of the CMS, informed OHR that it had become cost prohibitive to continue hosting the CMS on its server and therefore OHR had to find a substitute server. The CMS was migrated to OCTO's server, which took several months to complete. As a

result of the migration, there are new costs up to \$30,000 being proposed by Synergy to monitor the server, and provide patches and system support, all of which was not budgeted. The CMS is up and running but does need some design modifications to make it more effective, which also comes at a cost. Therefore, the Commission is considering whether to maintain this system or explore other options.

24. New and returning Commissioners confirmed during FY 21 uniformly expressed an interest in conducting outreach regarding the District's human rights protections. Please describe the Commission's public education efforts in FY 21 and FY 22 to date. Please explain any barriers identified to conducting this outreach.

RESPONSE:

Reflecting the Commissioners' interest in being more active in the community and helping to raise awareness of the DC Human Rights Act, especially of the 21 protected traits and the process of filing a complaint, the Outreach Committee was established in Q3 of FY21. Much of its efforts in FY21 focused on implementing the 2021 Human Rights Gala event; in addition, it worked with OHR personnel to identify opportunities for outreach activities and participating in training so the Committee members can address inquiries from the general public, some of which could be legal in nature and need careful handling. In FY22, the Outreach Committee members and other Commissioners are likely to start participating in awareness raising events alongside OHR. The Committee is also discussing additional awareness raising activities, such as speaker series and public lectures.

**Commission on Human Rights
FY21-22 Performance Oversight Questions
Committee on Government Operations
Councilmember Robert C. White, Jr. (At-Large), Chair**

ATTACHMENT A

Response to Question #10 – 1 page

Question #10

The Commission on Human Rights holds bi-monthly public meetings on the second Wednesday, every other month. In FY 21 six meetings were held. In FY 22 two meetings have been held. By statute, the Commission consists of 15 Commissioners. **Two new Commissioners were sworn in at the end of FY21.** One Commissioner's term expired in December 2021 and is pending reappointment. Currently, there are 11 Commissioners and 4 vacancies. *Please see Attachment B for a description of the Commissioner's qualifications.*

Commissioner	Ward	First Appointed	Current Appoint.	Term Expiration	Meetings (2021-22)	Tribunals (2021-22)
Aizawa, Motoko	3	06/05/2012	03/03/2020	12/31/2022	8 out of 8	9
Allen, Wynter	6	12/07/2017	07/20/2021	12/31/2023	5 out of 8	5
Burnett, Maria	1	07/13/2021	07/13/2021	12/31/2023	3 out of 3	0
Collinson, Eleanor	3	07/11/2017	12/18/2018	12/31/2021	8 out of 8	2
Griffey, Brian	2	11/10/2020	11/10/2020	12/31/2022	7 out of 8	4
Lowery, Lauren	8	07/13/2021	07/13/2021	12/31/2023	3 out of 3	0
Maier, Adam	6	07/14/2015	07/13/2021	12/31/2023	8 out of 8	5
Mulhauser, Karen	6	11/03/2015	03/03/2020	12/31/2022	8 out of 8	3
Quinn, Teri J.	5	03/03/2020	03/03/2020	12/31/2022	7 out of 8	0
Simpson, Anika	4	12/05/2017	07/20/2021	12/31/2023	8 out of 8	2
Thomas, Timothy	5	10/02/2012	03/03/2020	12/31/2022	4 out of 8	2
Vacant						
Vacant						
Vacant						
Vacant						

**Commission on Human Rights
FY21-22 Performance Oversight Questions
Committee on Government Operations
Councilmember Robert C. White, Jr. (At-Large), Chair**

ATTACHMENT B

Response to Question #10 – 11 pages



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Motoko Aizawa

Motoko Aizawa was first appointed to the DC Commission on Human Rights in 2012, and became the chair in 2020. Commissioner Aizawa is an expert on the many dimensions of sustainable development, including the role of governments and business in respecting and protecting human rights, and advises the United Nations, governments and civil society on these topics.

Commissioner Aizawa spent more than two decades at the World Bank Group in various capacities, including as Sustainability Advisor to the World Bank's Sustainable Development Network. Commissioner Aizawa began her career as a business lawyer, specializing in international transactions at Baker & McKenzie, and later at the International Finance Corporation, a private sector arm of the World Bank Group. After she left the World Bank, she served as Managing Director USA of the Institute for Human Rights in Business between 2014 and 2016. She has been a resident of Washington DC since 1989.

A Ward 3 resident, Commissioner Aizawa received a Bachelor of Arts in History from the Hamilton College, and a Master of Laws in Public and Private International Law from the University of London.





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Wynter Allen



Wynter Allen is a Partner at Alden Law group, PLLC.

Ms. Allen is an experienced attorney with expertise in federal sector labor and employment law. Before joining Alden Law Group, PLLC, she was a Staff Attorney with the International Brotherhood of Teamsters (IBT). A graduate of the American Bar Association Section of Labor and Employment Development Leadership Program, Ms. Allen has held multiple leadership positions in the Labor and Employment Section of the ABA and currently serves on the DC Bar's Labor and Employment Section Steering Committee. In addition, she has extensive volunteer experience with multiple organizations in Washington, DC, including Suited for Change, Capital Partners for Education, For Love of Children, the DC Volunteer Lawyers Project, and the Veterans Consortium Pro Bono Program. Ms. Allen also serves as a Docent for the Smithsonian's National Museum of African Art.

A Ward 6 resident, Ms. Allen received a Bachelor of Arts in Sociology from the University of Chicago and a Juris Doctor from Wake Forest University.





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Dr. Maria E. Burnett



Dr. Maria Burnett is an 8-year District resident, who has spent the vast majority of her career as a human rights lawyer and consultant to human rights organizations and foundations both nationally and internationally. She currently serves as a consultant to the Fund for Global Human Rights here in Washington, D.C.

For 14 years, she worked with the Africa Division of Human Rights Watch, first in Burundi and then later in Uganda and was eventually Director for the East and Horn of Africa. Dr. Burnett has researched and written on a broad range of human rights issues, including police brutality, free expression, child soldiers, women's and children's rights, and the use of torture and extrajudicial executions and criminal justice reform in Central and East Africa. She has briefed high-level U.N. and U.S. officials, as well as given testimony before the US Congress and EU parliament. Before joining Human Rights Watch, Burnett worked as an architect and journalist.

Dr. Burnett is being appointed to the Commission of Human Rights, because she has dedicated her career to human rights, and would love to contribute some of her knowledge and experiences to serve District residents.

A Ward 1 resident, Dr. Burnett holds a law degree from Yale Law School, a master's from the Architectural Association in London and a bachelor's in architecture, summa cum laude, from Princeton University. She has studied at the University of Cape Town, South Africa and Harbin Institute of Technology, China. She speaks French, Italian and Albanian.





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Eleanor Collinson



Eleanor Collinson is currently the Chief Program Officer at RepresentUs.

As an experienced human rights advocate, Ms. Collinson has worked on human rights issues in a number of leadership roles in both large and small organizations. Early in her career, she worked with the City of Colorado Springs to enact policy in support of same-sex city employees and advancing a human rights ordinance that included gender identity and sexual orientation. Before moving to Washington, Ms. Collinson ran a community-based organization in Southern Colorado focused on civil rights and religious freedom and affirmative action policies. She has advised state legislators across the country as State Legislative Programs Manager at People for the American Way, and also worked in higher education fundraising.

In her current role as Chief Program Officer, Eleanor is responsible for advancing the organization's mission through strategic communications, public policy, and public education campaigns. Ms. Collinson also co-produced the March on Washington Film Festival, and organized multiple advanced screenings of documentary films addressing social justice topics including Academy-Award Winning INOCENTE, and the Academy-Award Nominated WHICH WAY HOME. Ellie's client's work has been featured in the *Washington Post*, *The New York Times*, the *San Francisco Chronicle*, *Roll Call*, *The Hill*, NPR, and CNN.

A Ward 3 resident, Ms. Collinson received a Bachelor of Arts from Colorado University and a Master in Public Administration from the University of Colorado.





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Brian Griffey



Brian Griffey is the lead researcher and advisor for the USA for Amnesty International, based in Washington, DC. From 2015 to 2017, Mr. Griffey served as a Human Rights Advisor at the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE).

Previously, he worked for the OSCE Special Monitoring Mission to Ukraine; the OSCE Mission in Kosovo; the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Nepal; Human Rights Watch; Amnesty International USA; and as a consultant to the United Nations Development Programme, non-governmental organizations, and university human rights centers. He has also worked as a journalist at Mother Jones Magazine, San Francisco Magazine, The Portland Mercury, and other periodicals.

Mr. Griffey's publications include public reports and legal opinions on human rights for international organizations, as well as commentaries in the news media, and contributions to leading academic journals and books on international human rights law.

A Ward 2 resident, Mr. Griffey received an LL.M. in International Human Rights Law from the University of Essex, and a B.A. in History and Social Sciences from Reed College.



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



Lauren Lowery is the Program Director for Housing and Community Development at National League of Cities. Her research focus at National League of Cities includes affordable housing, housing stability, homelessness, and community development.

Prior to joining NLC, Ms. Lowery worked seven years in local government serving the residents of the City of Norfolk and the City of Chattanooga. During her time in Norfolk's city hall, she served as the Executive Assistant to the Mayor and the Strategy & Policy Manager for the Department of Neighborhood Development where she developed and implemented an award-winning, comprehensive neighborhood revitalization strategy.

A resident of Ward 8, Ms. Lowery has a Master of Public Administration from Georgia State University's Andrew Young School of Policy Studies and a Bachelor of Arts from the University of North Carolina at Charlotte.



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Adam E. Maier



Adam E. Maier is a proven leader and change agent with extensive experience in government operations. He is a current member of the Commission on Human Rights.

Mr. Maier previously worked at the Council of the District of Columbia in the areas of policy development, financial management, legislative drafting, and as an executive agency liaison. Additionally, he has twenty-six years of experience overseeing the operations of thirteen human service and public works government agencies.

A Ward 6 resident, Mr. Maier received a Bachelor of Arts in Public Administration and Philosophy from the University of Maryland.





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Karen Mulhauser



Ms. Karen Mulhauser is the President of Mulhauser and Associates.

Mulhauser has been providing consulting services to nonprofit organizations, grant makers, and candidates since 1988. In addition to effective consulting services, she brings many years of experience as CEO of three national nonprofits and as a board member of over 35 non-profit organizations. Karen served as the Executive Director of NARAL in the 1970s and was Chair of the Planned Parenthood Metropolitan Washington Board of Directors in the 1980s. While at NARAL, she helped increase membership from 7,000 to almost 140,000 as well as increase the budget from a few hundred thousand dollars to over 4 million dollars. Additionally, Karen served as Senior Advisor in the Obama for America campaign from 2007-2008. Most recently,

Karen became involved in efforts to advance gender equality and advocate for survivors of sexual assault.

A Ward 6 resident, Ms. Karen Mulhauser received a Bachelor of Arts from Antioch College.





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Dr. Anika Simpson



Anika Simpson, Ph.D., is an Associate Professor in the Department of Philosophy and Religious Studies at Morgan State University.

Dr. Simpson serves as the coordinator of MSU's Women's and Gender Studies program, which was established under her leadership in 2009. She is also the co-chair of MSU's LGBTQA Advisory Council. Dr. Simpson served as a national co-chair for the 2017 Equality March for Unity and Pride, which drew over 40,000 participants to Washington, DC and inspired 100+ solidarity marches nationally. Dr. Simpson is deeply committed to supporting and advancing racial equality, women's rights, and LGBTQ equality through advocacy and education. Dr. Simpson speaks regularly at local and national conferences and promotes awareness of social justice issues through media appearances.

A Ward 4 resident, Dr. Simpson received a Bachelor of Arts in Philosophy from Spelman College, a Master of Education in Early Education from Ohio State University, and a Master of Arts and Doctor of Philosophy in Philosophy from the University of Memphis.





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Teri Quinn



Teri Janine Quinn is a proven leader, consensus builder and an accomplished attorney. Through years of service she has earned the trust and support of her community and peers. As a community activist, she has been honored as a Woman of Excellence by the District of Columbia Commission for Women and by the DC Federation of Civic Associations, among other honors.

Ms. Quinn is president of the Bloomingdale Civic Association (BCA), a position she has held for over nine consecutive years. Among the highlights of the BCA's contributions is its Bloomingdale Village Square (BVS) project. One of the goals of BVS is to gauge and improve how the community is responding to gentrification. Through BVS, the BCA aims to identify and promote modifications of Bloomingdale's existing social and physical environments to foster an increased sense of both welcoming/inclusion and safety/stability. The BCA is currently developing a curriculum based on the Bloomingdale history to be taught at Bloomingdale serving high schools.

Ms. Quinn served as Chair of Advisory Neighborhood Commission (ANC) 5E in 2015 and 2016 and as Commissioner for Single Member District 5E06 for two consecutive terms. She was the first Commissioner to be reelected as Chair of ANC 5E. Ms. Quinn was an appointed member of the Mid-City East Advisory Committee and a member of the McMillan Advisory Group. She is also a former Vice President of North Capitol Main Street, Inc.

Ms. Quinn was a Mayoral appointee on the Mayor's Task Force on the Prevention of Flooding in the Bloomingdale Area. On the Task Force she worked with the directors of nine agencies, the City Administrator and the DC Water's General Manager to determine the cause of the flooding and to propose short, mid and long-term solutions. The Task Force recommended and the District agreed to escalate major infrastructure improvements to protect public health and safety by dramatically reducing recurring local flooding in the Bloomingdale and LeDroit Park neighborhoods. Ms. Quinn was a constant advocate on behalf of Bloomingdale residents throughout the planning and construction processes.

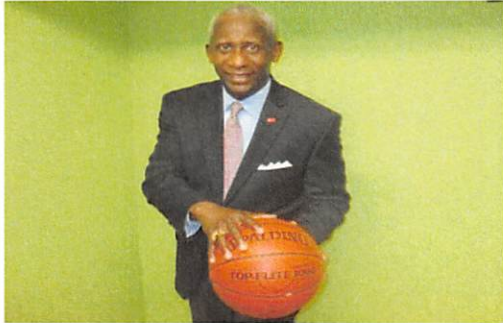
A Ward 5 resident, Ms. Quinn is a practicing attorney in the District. She spent a substantial part of her career practicing energy law at White & Case, LLP. Her practice is now primarily focused on local regulatory and business matters. She holds a Bachelor of Arts degree in Journalism from Texas Southern University where she not only excelled academically, but also as a nationally and internationally ranked debater and orator on the world-renowned Texas Southern University Debate Team. She achieved prominence as a debater landing honors in Lisbon, Portugal and Rome, Italy. Ms. Quinn received her Doctor of Jurisprudence degree from the esteemed Howard University School of Law.





Executive Office of the Mayor - Office of Talent and Appointments
John A. Wilson Building | 1350 Pennsylvania Avenue, Suite 600 | Washington, DC 20004

Timothy Thomas



Mr. Timothy Thomas has worked for the Office of Attorney General for the District of Columbia for over thirty years as a case manager coordinator.

In this capacity, Mr. Thomas independently plans and conducts complete investigations to expose fraud and misrepresentation as it relates to the receipt of child support payments; conducts investigations, analyzes findings and conclusions based on investigation, establishes proof and validity of findings, and analyzes assigned cases to determine methods and sources to be utilized in locating in absent or alleged absent parents who are involved in disputed paternity or court ordered financial support obligation cases.

A Ward 5 resident, Mr. Thomas graduated received a Bachelor of Arts in Social Science from Cheyney University.



**Commission on Human Rights
FY21-22 Performance Oversight Questions
Committee on Government Operations
Councilmember Robert C. White, Jr. (At-Large), Chair**

ATTACHMENT C

Response to Question #12 – 15 pages



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS
BI-MONTHLY PUBLIC MEETING**

**A * G * E * N * D * A
November 18, 2020 at 6:30pm
Via Webex**

- I. CALL TO ORDER – Commissioner Aizawa, Chair
- II. ROLL CALL – Commissioner Collinson, Secretary
- III. INTRODUCTIONS:
 - New Commissioner: Brian Griffey
 - New Judge: Brandes S.G. Ash
- IV. ADOPTION OF THE AGENDA
- V. ADOPTION OF THE MINUTES: September 9, 2020 Meeting
- VI. REPORT OF THE INTERIM DIRECTOR, OFFICE OF HUMAN RIGHTS
 - Michelle Garcia, Interim Director
 - Legislative Update: Hnin Khaing, General Counsel
- VII. REPORT OF THE CHIEF ADMINISTRATIVE LAW JUDGE
- VIII. REPORT OF THE CHAIR OF THE COMMISSION
- IX. OLD BUSINESS
 - Review of COHR Case Inventory and Commission Assignments
 - Update on Commission Vacancies (Judge Pierson)
 - (Ethical Rules deferred to January 2021 meeting)
- X. NEW BUSINESS
 - December 16, 2020, Virtual Human Rights Event (Judge Ash)
 - Election of Commission Officer: Vice Chair (Commissioner Aizawa)
 - **2021** Commission Meeting Dates (Commissioner Aizawa)

- January 13, 2021
- March 10, 2021
- May 12, 2021
- July 14, 2021
- September 8, 2021
- November 10, 2021

XI. ANNOUNCEMENTS

XII. ADJOURNMENT OF MEETING

Webex Login Information

Bi-Monthly Public Meeting of the Commission on Human Rights

Hosted by Erika Pierson

Wednesday, Nov 18, 2020 6:30 pm | 2 hours |

Meeting number: 172 582 9980

Password: e4fJPpdRk45

<https://dcnet.webex.com/dcnet/j.php?MTID=mf7f2d81b7116bb5991f6ebef2180c513>

Join by phone

+1-202-860-2110 United States Toll (Washington D.C.)

1-650-479-3208 Call-in toll number (US/Canada)

Access code: 172 582 9980



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS
BI-MONTHLY PUBLIC MEETING**

**A * G * E * N * D * A
January 13, 2021, at 6:30pm
Via Webex**

- I. CALL TO ORDER – Commissioner Aizawa, Chair
- II. ROLL CALL – Commissioner Collinson, Secretary
- III. ADOPTION OF THE AGENDA
- IV. ADOPTION OF THE MINUTES: November 18, 2020 Meeting
- V. WELCOME BACK OHR DIRECTOR MONICA PALACIO
- VI. REPORT OF THE CHIEF ADMINISTRATIVE LAW JUDGE
- VII. REPORT OF THE CHAIR OF THE COMMISSION
- VIII. NEW BUSINESS
 - Presentation: Charisma Howell, Georgetown Street Law Clinic
 - IAORA Resolutions Adopted at 2020 Annual Meeting (Judge Pierson)
 - Neil Alexander Award/2021 Gala (Commissioner Aizawa)
- IX. OLD BUSINESS
 - Review of COHR Case Inventory and Commission Assignments
 - Update on Commission Vacancies and Reappointments (Judge Pierson)
- X. ANNOUNCEMENTS
- XI. ADJOURNMENT OF MEETING

NEXT MEETING: MARCH 10, 2021

Webex Login Information

Bi-Monthly Public Meeting of the Commission on Human Rights

Meeting Link:

<https://dcnet.webex.com/dcnet/j.php?MTID=m243723c8788e7f51c17881c702ee318c>

or got to:

<https://dcnet.webex.com/>

Meeting number: 172 034 7664

Password: 3EQpbsuFV45

Join by phone

1-650-479-3208 Call-in toll number (US/Canada)

+1-202-860-2110 United States Toll (Washington D.C.)

Access code: 172 034 7664



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS
BI-MONTHLY PUBLIC MEETING**

**A * G * E * N * D * A
March 10, 2021, at 6:30pm
Via Webex**

- I. CALL TO ORDER – Commissioner Aizawa, Chair
- II. ROLL CALL – Commissioner Simpson, Secretary
- III. ADOPTION OF THE AGENDA
- IV. ADOPTION OF THE MINUTES: January 13, 2021 Meeting
- V. REPORT OF OHR DIRECTOR MONICA PALACIO
- VI. REPORT OF THE CHIEF ADMINISTRATIVE LAW JUDGE
- VII. REPORT OF THE CHAIR OF THE COMMISSION
- VIII. NEW BUSINESS
 - Right to Family Amendment Act of 2021 (Judge Pierson)
- IX. OLD BUSINESS
 - Review of COHR Case Inventory and Commission Assignments
 - Update: Neil Alexander Award/2021 Gala (Commissioner Aizawa)
 - Discussion on Committees
- X. ANNOUNCEMENTS
- XI. ADJOURNMENT OF MEETING

NEXT MEETING: May 12, 2021

Webex Login Information

Bi-Monthly Public Meeting of the Commission on Human Rights

Meeting Link:

Join from the meeting link

<https://dcnet.webex.com/dcnet/j.php?MTID=md7bff91e0bd3d264b27679f18a41905b>

Join by meeting number

Meeting number (access code): 160 768 8913

Meeting password: 7ehUZqrj8U6

Tap to join from a mobile device (attendees only)

[+1-202-860-2110](tel:+1-202-860-2110).,[1607688913](tel:+1-607-688-913)## United States Toll (Washington D.C.)

[+1-650-479-3208](tel:+1-650-479-3208).,[1607688913](tel:+1-607-688-913)## Call-in toll number (US/Canada)

Join by phone

+1-202-860-2110 United States Toll (Washington D.C.)

1-650-479-3208 Call-in toll number (US/Canada)

[Global call-in numbers](#)



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS
BI-MONTHLY PUBLIC MEETING**

**A * G * E * N * D * A
May 12, 2021, at 6:30pm
Via Microsoft Teams**

- I. CALL TO ORDER – Commissioner Aizawa, Chair
- II. ROLL CALL – Commissioner Simpson, Secretary
- III. ADOPTION OF THE AGENDA
- IV. ADOPTION OF THE MINUTES: March 10, 2021 Meeting
- V. REPORT OF OHR DIRECTOR MONICA PALACIO
 - Introduction of new OHR Deputy Director Mamadou Samba
- VI. REPORT OF THE CHIEF ADMINISTRATIVE LAW JUDGE
- VII. REPORT OF THE CHAIR OF THE COMMISSION
- VIII. NEW BUSINESS
 - Problems with dcbc email: please log in at least monthly
 - Update on discussions about Asian American and Pacific Islander (AAPI) hostility (Commissioner Aizawa)
 - Asian Pacific American Heritage Month Presentation: What I Hear When You Say “What Are You?” (PBS) (Judge Pierson)
- IX. OLD BUSINESS
 - Formalize Commission Committees (Commissioner Aizawa)
 - Review of COHR Case Inventory and Commission Assignments (Judge Pierson)
 - **Reminder: Financial Disclosures Due June 15, 2021**
- X. COMMITTEE REPORTS
 - Rules Committee (Commissioner Simpson and Judge Ash)
 - Outreach Committee (Commissioner Mulhauser)

- Awards Committee, Update: Neil Alexander Award/2021 Gala (Commissioner Collinson)

XI. ANNOUNCEMENTS

XII. ADJOURNMENT OF MEETING

NEXT MEETING: July 14, 2021





**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS
BI-MONTHLY PUBLIC MEETING**

**A * G * E * N * D * A
July 14, 2021, at 6:30pm
Via Microsoft Teams**

- I. CALL TO ORDER – Commissioner Aizawa, Chair
- II. ROLL CALL – Commissioner Simpson, Secretary
- III. IN MEMORIAM: Dr. John Robinson, Moment of Silence and Reading of Memoriam
- IV. ADOPTION OF THE AGENDA
- V. ADOPTION OF THE MINUTES: May 12, 2021 Meeting
- VI. REPORT OF OHR DIRECTOR MONICA PALACIO
 - Presentation: Ajan Brown, OHR Community Engagement Specialist
- VII. REPORT OF THE CHIEF ADMINISTRATIVE LAW JUDGE
- VIII. REPORT OF THE CHAIR OF THE COMMISSION
- IX. NEW BUSINESS
 - Commissioner Manual (Judge Pierson)
 - New law effective 5/15/2021: Sexual Orientation and Gender Identity Panic Defense Prohibition Act of 2019 (now known as "Bella Evangelista and Tony Hunter Panic Defense Prohibition and Hate Crimes Response Amendment Act of 2020") (Judge Pierson)
 - New Bill (B24-161): "Criminal Record Accuracy Assurance Act of 2021" (Judge Pierson)
 - Supreme Court Decision: *Fulton v. City of Philadelphia* (Judge Pierson)
- X. OLD BUSINESS
 - Review of COHR Case Inventory and Commission Assignments (Judge Pierson)

XI. COMMITTEE REPORTS

- Rules Committee (Commissioner Simpson)
- Outreach Committee (Commissioner Mulhauser)
- Awards Committee (Commissioner Collinson)

XII. ANNOUNCEMENTS

XIII. ADJOURNMENT OF MEETING

NEXT MEETING: September 15, 2021



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS
BI-MONTHLY PUBLIC MEETING**

**A * G * E * N * D * A
September 8, 2021, at 6:30pm
Via Microsoft Teams**

- I. CALL TO ORDER – Commissioner Aizawa, Chair
- II. ROLL CALL – Commissioner Simpson, Secretary
 - a. Introduction of new Commissioner: Maria Burnett
- III. ADOPTION OF THE AGENDA
- IV. ADOPTION OF THE MINUTES: July 14, 2021 Meeting
- V. REPORT OF OHR DIRECTOR MONICA PALACIO
- VI. REPORT OF THE CHIEF ADMINISTRATIVE LAW JUDGE
- VII. REPORT OF THE CHAIR OF THE COMMISSION
- VIII. NEW BUSINESS
- IX. OLD BUSINESS
 - Review of COHR Case Inventory and Commission Assignments (Judge Pierson)
- X. COMMITTEE REPORTS
 - Rules Committee (Commissioner Simpson)
 - Outreach Committee (Commissioner Mulhauser)
 - Awards Committee (Commissioner Aizawa)
- XI. ANNOUNCEMENTS
- XII. ADJOURNMENT OF MEETING

NEXT MEETING: November 10, 2021



GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS
BI-MONTHLY PUBLIC MEETING

A * G * E * N * D * A
November 10, 2021, at 6:30pm
Via Microsoft Teams

- I. CALL TO ORDER – Commissioner Aizawa, Chair
- II. ROLL CALL – Commissioner Simpson, Secretary
- III. ADOPTION OF THE AGENDA
- IV. ADOPTION OF THE MINUTES: September 8, 2021 Meeting
- V. REPORT OF OHR INTERIM DIRECTOR HNIN KHAING
- VI. REPORT OF THE CHIEF ADMINISTRATIVE LAW JUDGE
- VII. REPORT OF THE CHAIR OF THE COMMISSION
- VIII. NEW BUSINESS
 - **Presentation:** Tipped Wage Workers Fairness Program by Larry Villegas-Perez, Program Manager
 - Conflict of Interest Statement (Commissioners Aizawa and Simpson)
- IX. OLD BUSINESS
 - Review of COHR Case Inventory and Commission Assignments (Judge Pierson)
- X. COMMITTEE REPORTS
 - Outreach Committee (Commissioner Mulhauser)
 - Awards Committee (Commissioner Aizawa)
- XI. EXECUTIVE SESSION: Neil Alexander Award
- XII. ANNOUNCEMENTS
- XIII. ADJOURNMENT OF MEETING

NEXT MEETING: January 12, 2022

2022 Meeting dates:

January 12

March 9

May 13

July 13

September 14

November 9





**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS
BI-MONTHLY PUBLIC MEETING**

**A * G * E * N * D * A
January 12, 2022 at 6:30pm
Via Microsoft Teams**

(Click [HERE](#) to Join the Meeting)

- I. CALL TO ORDER – Commissioner Aizawa, Chair
- II. ROLL CALL – Commissioner Simpson, Secretary
- III. ADOPTION OF THE AGENDA
- V. ADOPTION OF THE MINUTES: November 10, 2021 Meeting
- VI. REPORT OF OHR INTERIM DIRECTOR, HNIN KHAING
- VII. REPORT OF COHR ADMINISTRATIVE LAW JUDGE, JUDGE ASH
- VIII. REPORT OF COMMISSION CHAIR, MOTOKO AIZAWA
- IX. PRESENTATION – Christy Respress, Exec. Director, Pathways to Housing DC; Recipient, OHR/COHR ‘21 Cornelius R. “Neil” Alexander Humanitarian Award
- X. OLD BUSINESS
 - COHR Case Inventory & Assignments (Chief Judge Pierson/ Judge Ash)
- XI. NEW BUSINESS
 - Officer Elections
 - Commission Rotation Schedule (Chief Judge Pierson/ Judge Ash)
- XII. COMMITTEE REPORTS/ DISCUSSIONS
 - Rules Committee (Commissioner Simpson)
 - Outreach Committee (Commissioner Mulhauser)

- Awards Committee (Chair Aizawa)

XIII. ANNOUNCEMENTS

XIV. ADJOURNMENT OF MEETING

NEXT MEETING DATE: MARCH 9, 2022

2022 Commission Meeting Dates:

January 12, 2022

March 9, 2022

May 11, 2022

July 13, 2022

September 7, 2022

November 9, 2022

**Commission on Human Rights
FY21-22 Performance Oversight Questions
Committee on Government Operations
Councilmember Robert C. White, Jr. (At-Large), Chair**

ATTACHMENT D

Response to Question #12 – 68 pages

NOVEMBER 2020



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS
BI-MONTHLY PUBLIC MEETING**

OFFICIAL COMMISSION MEETING

Via Webex

November 18, 2020

The Meeting Can be viewed HERE:

Commission on Human Rights Bi-Monthly Meeting -20201118 2333-1

<https://dcnet.webex.com/dcnet/ldr.php?RCID=3f2725a8ca3d42e7bb3f03ccb1dcfd3>

ATTENDEES

Commissioners

Motoko Aizawa, Chair
Eleanor Collinson, Vice Chair (elected 11/18/2020)
Anika Simpson, Secretary (elected 11/18/2020)
Karen Mulhauser
Adam E. Maier
Wynter Allen
Brian Griffey

Office of Human Rights Staff

Michelle Garcia, Interim Director
Hnin Khaing, General Counsel
Allison Carlon, Law Clerk

Commission on Human Rights Staff

Erika Pierson, Chief ALJ
Brandes Ash, ALJ

Guests

Bri Perez

MINUTES

I. CALL TO ORDER

- Chair Aizawa called the Commission's Official Meeting to order at 6:33 pm.

II. ROLL CALL

- Commissioner Collinson conducted the roll call.
- A total of 7 commissioners appeared. There was a quorum.
- Commissioner Brian Giffey and ALJ Ash introduced themselves.

III. ADOPTION OF THE AGENDA

- The 11/18/2020 agenda was adopted.

IV. ADOPTION OF THE MINUTES

- The September 9, 2020 meeting minutes were adopted by acclamation.

V. REPORT OF THE INTERIM DIRECTOR

OHR Interim Director, Michelle Garcia, gave the report, highlighting the following:

- There have been 23 positions added to the budget for FY21, and the agency is working hard to bring most of these positions on board. Of note, there is some consideration to give related to the FY22 budget--OHR submitted its proposed FY22 budget to the Mayor last week and, as in typical years, included a proposed reduction. While OHR hopes to get these positions back, they still have several new positions this fiscal year. Interim Director Garcia asked the Commissioners to share these (new) positions, once they're made public, with their respective networks.
- Interim Director Garcia discussed new agency initiatives and provided an update on FY19 Language Access Report. Specifically, the latter Report is undergoing an internal review process, and will hopefully be published by the end of the month.

Interim Director Garcia opened the floor for questions:

- Commissioner Maier asked about budget reductions and next steps.
- Interim Director Garcia shared that the mayor is currently reviewing the budget and will make her final determination before submitting it to Council. Interim Director Garcia further advised that OHR will continue to fulfill its mission despite budget reductions and fiscal changes due to COVID-19.

- Commissioner Maier asked Interim Director Garcia if she thinks a supplemental budget will be submitted. Interim Director Garcia said she does not know if a supplemental budget will be submitted at any point in the future.

VI. REPORT OF GENERAL COUNSEL

General Counsel, Hnin Khaing, gave the report via a Power Point presentation, highlighting the following:

- There are three (3) pending legislations from 2019 and two (2) from 2020 currently before Council. **The 2019 legislations include:**
 - **Fair Tenant Screening Act of 2019 (B23-0149)**
 - Will amend the D.C. Human Rights Act (HRA) to establish certain obligations of housing providers during the application phase (OHR recommended that it be moved to the Rental Housing Act)
 - Will require that housing providers to provide certain information in advance of collecting an application fee:
 - Written screening and admission criteria;
 - Information on available units; *and*
 - Timelines and procedures for processing [an] application.
 - Would require [a] housing provider to provide a notice of prospective tenant's rights and how to file a complaint
 - If [a] housing provider fails to review [an] application, must return application fee
 - When a housing provider denies an application, would have to send a notice of denial with an explanation for the denial along with any supporting information
 - Would limit information a housing provider may require from prospective tenants
 - A housing provider may only inquire about certain past legal housing actions (actions to recover possession, breach of lease, etc.).
 - A housing provider cannot inquire about certain rental history, income levels or credit scores for

tenants seeking to rent with an income-based assisted subsidy.

- Would seek to regulate background screening companies with respect to registered agents.

○ **Intersectional Discrimination Protection Amendment Act (B23-0498)**

- A hearing was held on October 27, 2020 and General Counsel Khaing testified on behalf of OHR.
- Would amend HRA to explicitly prohibit discrimination wholly or partially because of any combination of statutorily protected traits
- OHR currently investigates intersectional claims.

○ **The Michael A. Stoops Anti-Discrimination Amendment Act (B23-0195)**

- A hearing was held on October 27, 2020, and General Counsel Khaing testified on behalf of OHR.
- Would amend the HRA to add homelessness as a protected trait to all enforcement areas (employment; housing; educational institutions; places of public accommodation; government services)

○ **The Creating a Respectful and Open World for Natural Hair Act of 2020 (known as the CROWN Act) (B23-970)**

- A hearing was held on November 18, 2020, and General Counsel Khaing testified on behalf of OHR.
- Would amend the definition of “personal appearance” in the HRA to include “protective hairstyles”
 - “Personal appearance” means the outward appearance of any person, irrespective of sex, with regard to bodily condition or characteristic, manner or style of dress, and manner or style of personal grooming, including, but not limited to, hair styles, protective hairstyles and beards.
 - A “protective hairstyle” is a hairstyle necessitated by or resulting from the immutable characteristics of a hair texture associated with race, including braids, cornrow, locs, across, curls, twists, and knots.

- Note, protective hairstyles are already protected, but this Act will bring more awareness and clarity.
- **The Bella Evangelista and Tony Hunter Panic Defense Prohibition and Hate Crimes Response Amendment Act of 2020 (Omnibus Bill on Hate Crimes) (B23-0409)**
 - **Among other things:**
 - Section 2:
 - Would amend the HRA to include coverage of online forums or other places not explicitly enumerated in the current definition of “place of public accommodation”
 - Section 4:
 - Would amend the Bias-Related Crime Act of 1989
 - The amendment in section 4 would allow the Attorney General to bring civil claims for bias-related crime or discrimination under any laws in the District, including the HRA
 - Would define “discrimination” as differential treatment on the basis of a protected trait described in the HRA
 - Of note, this is an omnibus bill so there will not be a hearing.
- **Questions/Comments:**
 - Commissioner Mulhauser asked if General Counsel Khaing could share her PowerPoint presentation. General Counsel Khaing agreed to share the presentation.
 -

VII. REPORT OF THE CHIEF ADMINISTRATIVE LAW JUDGE

Chief Judge Erika Pierson gave the report for the Commission on Human Rights (Commission) , highlighting the following:

- **Case Management System**

- The Case Management System (system) has been fully migrated to OCTO's servers, and is completely operational internally, but hasn't gone live because OCTO identified a 90-day condition of approval that Synergy needs to fix before the system is open to the public.
 - Synergy reported this week that there is only one vulnerability to fix and once it is repaired, the system can go live.
- **Virtual Hearings**
 - The Commission has started to hold hearings and mediations remotely. Things are going well, albeit a few minor glitches.
- **Staffing Update**
 - ALJ Brandes Ash joined the Commission October 13, 2020.

VIII. REPORT OF THE CHAIR OF THE COMMISSION

- Chair Aizawa shared that she has had a chance to use the system and it seems to work really well. She shared she was able to access all of the documents and files for a case in one place, compared to commissioners having to wait to receive documents in the mail.
- Chair Aizawa also acknowledged Chief Judge Pierson for her stupendous contributions to the Commission, particularly from January 2020 to October 2020 when she worked as the only ALJ at the Commission.

IX. OLD BUSINESS

- **Review of COHR Case Inventory and Commission Assignments**
 - 14 cases were closed in FY 2020—the Commission closed more cases than it received.
 - 2 cases have been closed, thus far, in FY 2021.
 - There are two cases currently open and a few others that will be ready for a tribunal.
 - There are two cases at the Court of Appeals, one that will probably be decided at the beginning of 2021.
 - Commissioner Collinson inquired about any cases that may remain outstanding from when an ALJ left the Commission this year. Chief Judge Pierson is confident that any outstanding orders will be issued soon.

- **Update on Commission Vacancies**
 - There are 5 vacancies. Applications were received and interviews have started. Some applicants didn't respond to the invitation to interview, so Chief Judge Pierson will follow up with a phone call.
 - Chief Judge Pierson, Chair Aizawa and Judge Ash held 3 good interviews.
 - Chief Judge Pierson is hopeful there will be more applicants.
- Will defer the discussion on rules.

X. NEW BUSINESS

- **Human Rights Event**
 - ALJ Ash shared that she and Chief Judge Pierson have been working with OHR's Communications Director, Stephanie Franklin to come up with a virtual event focused on youth and voting rights to celebrate Human Rights Month in December 2020. The event is still in the planning stages, but the idea is to host a program via Instagram Live so as many people as possible, in the District and beyond, can participate. The goal is for youth to understand how important it is for them to exercise their right to vote and, among other things, to provide an open, safe and honest platform for new generation voters to discuss this most recent election as well as other issues they face.
 - Commissioner Mulhauser volunteered to reach out to the UNA—they have a fellow program, high school program, internship program—to help promote the event. Commissioner Mulhauser also suggested using breakout rooms so youth could identify and discuss multiple relevant topics.
 - Chair Aizawa also shared her support and asked Judge Ash to let the Commission know if they could be of any help.
- **Election of Vice Chair**
 - Chair Aizawa called for nominations, including self- nominations.
 - Commissioner Collinson nominated herself to serve as Vice Chair.
 - Motion approved unanimously for Commissioner Collinson to serve as Vice Chair.
- **Election of Secretary** (Commissioner Collinson's former position)

- Chair Aizawa called for nominations.
- Commissioner Simpson nominates herself to serve as Secretary.
- Motion approved unanimously, for Commissioner Simpson to serve as Secretary.

XI. ANNOUNCEMENTS

- Chair Aizawa reminds everyone the next meeting will be January 13, 2021.
- Commissioner Maier shares that he invited Bri Perez to join the November 18, 2020 meeting. Bri works with Commissioner Maier at Pathways.
 - Bri introduces herself to everyone at the meeting and describes her role at Pathways, working on various initiatives including voting rights and language access initiatives.

XII. ADJOURNMENT OF MEETING

- Chair Aizawa adjourned the meeting at 7:28 pm.

Webex Login Information

Bi-Monthly Public Meeting of the Commission on Human Rights

Hosted by Brandes Ash

January 13, 2021 6:30 pm | 2 hours |

Meeting Number: 172 034 7664

Password: 3EQpbsuFV45

<https://dcnet.webex.com/dcnet/j.php?MTID=m243723c8788e7f51c17881c702ee318c>

Join by Phone:

+1-202-860-2110 United States Toll (Washington D.C.)

1-650-479-3208 Call-in toll number (US/Canada)

Access Code: 172 034 7664

JANUARY 2021



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS
BI-MONTHLY PUBLIC MEETING**

OFFICIAL COMMISSION MEETING

Via Webex

January 13, 2021

ATTENDEES

Commissioners

Motoko Aizawa, Chair
Eleanor Collinson, Vice Chair
Anika Simpson, Secretary
Wynter Allen
Brian Griffey
Adam E. Maier
Karen Mulhauser
Teri Quinn
Timothy Thomas

Office of Human Rights Staff

Monica Palacio, Director

Commission on Human Rights Staff

Erika Pierson, Chief ALJ
Brandes Ash, ALJ

Guests

Charisma Howell
Lamonica Jeffries

MINUTES

I. CALL TO ORDER

- Chair Aizawa called the Commission's Official Meeting to order at or around 6:34 pm.

II. ROLL CALL

- Commissioner Simpson conducted the roll call.
- A total of 9 commissioners appeared. There was a quorum.

III. ADOPTION OF THE AGENDA

- The 01/13/2021 agenda was adopted.

IV. ADOPTION OF THE MINUTES

- The November 18, 2020 meeting minutes were adopted by acclamation.

V. REPORT OF THE DIRECTOR

- Chair Aizawa extended a warm welcome to Monica Palacio, who has resumed her role as OHR Director. Chair Aizawa also expressed gratitude for Michelle Garcia, and her work as the former Interim Director of OHR.
- Director Palacio shared that she is excited to be back and thanked Michelle Garcia for her leadership. Director Palacio will have a more detailed report for the Commission's next bi-monthly meeting in March 2021.

VI. REPORT OF THE CHIEF ADMINISTRATIVE LAW JUDGE

Chief Judge Erika Pierson gave the report for the Commission on Human Rights (Commission), highlighting the following:

- **Case Management System**
 - The Case Management System (system) has been fully migrated to OCTO's servers and remains operational internally. However, the Commission remains hopeful that we will get the 'green light' from OCTO this week to open the system to the public. All system vulnerabilities have been resolved.
- **Virtual Hearings**
 - The Commission continues to hold hearings and mediations remotely.

- **Staffing Update/ Fellowship Position**
 - The Commission hopes to offer a one-year fellowship position that is jointly funded with Georgetown University Law Center, pending budget approval.
- **Welcome Packets for New Commissioners**
 - At Commissioner Griffey's suggestion, Chief Judge Pierson is working on creating Welcome Packets that will, among other things, provide future Commissioners with helpful information related to their duties.
- **International Association of Human Rights Agencies ("IAORA") Resolutions**
 - Chief Judge Pierson discussed the following five (5) resolutions passed at the IAORA 2020 Annual Meeting:
 - **Bias Training, Courts & Schools--** IAOHRA stands with the NAACP to address the disproportionate number of suspensions and expulsions of African American students. IAOHRA recommends mandatory, ongoing implicit bias, cultural competency, and bias disruption training for all faculty, judges, prosecutors and law enforcement agents.
 - **Hair Discrimination is Race Discrimination --** IAOHRA stands with the NAACP that discrimination based on hair texture is a form of social injustice that specifically targets black people. IAOHRA commits to advocate for federal, state, and local legislation and public policy recognizing that hair discrimination is racial discrimination. The resolutions notes that D.C. is one 8 local governments that has recognized this via its act, The Creating a Respectful and Open World for Natural Hair Act of 2020 (also known as the CROWN Act ((B23-970)).
 - **Discriminatory effects of the HUD Disparate Impact Regulation --** IAOHRA joins the NAACP in being deeply troubled by the Housing and Urban Development's ("HUD") regulatory changes on disparate impact cases under the Fair Housing Act which has created new standards that are essentially impossible to prove. IAOHRA will advocate for these changes to be repealed.
 - **Mandatory Arbitration Agreements Antithetical to Civil Rights --** IAOHRA opposes mandatory arbitration clauses in employment contracts for claims of discrimination and business-consumer transactions. A 2015 study found that arbitration procedures prevent employees from filing formal complaints against employers and favors employers in almost every regard. In addition, circuit courts

are split on whether arbitration clauses bar Title VII claims. IAORA is advocating for all jurisdictions to follow the 9th Circuit Court of Appeals (San Francisco) which precludes the use of such agreements as a mandatory condition of employment.

- **Racial Discrimination in Rideshare Services--** Some ridesharing platform policies enable drivers to decline trips to low-income and minority neighborhoods. Studies have also shown a higher cancellation rate for minority passengers once personal information was provided. IAOHRA will advocate for federal, state, and local legislation and public policy prohibiting ridesharing services from providing information to drivers that indicates the race of the rider, or the destination, which can lead to discrimination.
- **Commissioner Vacancy Updates**
 - There are currently five (5) vacancies on the Commission. Anyone who wants to apply should submit his/her/their application through the Mayor's Office of Talent and Appointments ("MOTA") website.
 - The Chief Judge recently recommended three (3) applicants to MOTA. The vetting process will begin at some point in the near future.
 - Commissioners are still free to raise nominations with Chief Judge Pierson and/or Chair Aizawa.
- **Award**
 - Chief Judge Pierson congratulated Judge Ash for recently receiving a Rising Star Award from the Greater Washington Area Chapter of the National Bar Association's Women Lawyers Division.

VII. REPORT OF THE CHAIR OF THE COMMISSION

- Chair Aizawa informed the Commissioners that they will need to clarify pending committee work and start discussions surrounding the creation and assignment of new committees in the immediate future. Chair Aizawa asked the Commissioners to be prepared to further discuss and formalize committees at the next bi-monthly meeting scheduled for March 10, 2021. (See WebEx meeting login details below.)
- Director Palacio recalled that in years past, there was a Nominations Committee that identified potential recipients of human rights awards, as well as a Rules Committee.

- Commissioner Mulhauser suggested that the Commission create a committee that, among other things, works to educate the community about the D.C. Human Rights Act.
- Chair Aizawa also acknowledged Chief Judge Pierson for her stupendous contributions to the Commission, particularly from January 2020 to October 2020 when she worked as the only ALJ at the Commission.

VIII. NEW BUSINESS

- **Presentation: Charisma Howell, Esq., Georgetown Street Law Program**
 - The Georgetown Street Law Program (“GSLP”) is a law and trial advocacy program that provides law students with opportunities to teach a practice law course to high school students and juvenile and adult learners who may be under court ordered probation or reside in detention facilities or transitional housing. (See <https://www.law.georgetown.edu/experiential-learning/clinics/dc-street-law-program/>)
 - In prior years, the Commission worked alongside GSLP via a D.C. Human Rights Act Youth Ambassador Program where Georgetown law students teach a course on the D.C. Human Rights Act.
 - Currently, GLSP is in need of volunteers (judges and scorers) for two (2) opportunities: the Annual Citywide Mock Trial Competition (Round One on March 31, 2021 and Round 2 on April 5, 2021); and the D.C. Human Rights Act Capstone Mock Trial tentatively scheduled for November 3, 2021.
 - If interested in these and/or other opportunities with GLSP, please email Charisma at ch329@georgetown.edu and/or feel free to reach out via LinkedIn. Charisma will also send additional volunteer information to the Commissioners following the January 13, 2021 bi-monthly meeting.
- **Neil Alexander Award/2021 Gala and Congresswoman Eleanor Holmes Norton Human Rights Achievement Award**
 - The Commission intends to award the Neil Alexander Award this year. (It was not awarded last year, and there was no gala in light of the COVID-19 pandemic.) However, the format of the related award ceremony--- virtual or in-person---has not been confirmed.
 - Commissioner Griffey asked about the nominations process. Chair Aizawa explained that, ultimately, nominations are submitted to the Nominations Committee and thereafter the award recipient is announced. (Commissioner Griffey shared that details about the nomination process

can also be found in the Commission's bi-monthly meeting minutes that have been uploaded to the Office of Human Rights' website.)

- Director Palacio shared that historically there have been two (2) awards—a rising star award and an award given to a longtime human rights champion.
- Commissioner Quinn noted that the rising star award, a human rights achievement award, is named after Congresswoman Eleanor Holmes Norton. Chief Judge Pierson further noted that previously the Commission selects the recipient of the Neil Alexander Award and the Office of Human Rights selects the recipient of the award named after Congresswoman Holmes Norton.
- Commissioners Collinson, Griffey and Mulhauser volunteered to talk further via Zoom or any agreed upon platform – before the March 10, 2021 bi-monthly meeting-- about the awards and nomination process, and to also resume a discussion about possibly creating an award for youth.

IX. OLD BUSINESS

- **Review of COHR Case Inventory and Commission Assignments**

- Chief Judge Pierson provided a report before the meeting that noted the following:
 - There are 15 open cases with the Commission;
 - The Commission received 4 cases in FY 2020 and closed 14;
 - 2 cases have been closed, thus far, in FY 2021;
- Moreover, a tribunal recently concluded one case and another matter will be ready for a tribunal in the very near future.

- **Update on Expiring Commissioners' Terms**

- The terms of three (3) Commissioners expired December 31, 2020. All 3 Commissioners seek reappointment and resolutions regarding their reappointment have already been introduced.

X. ADJOURNMENT OF MEETING

- Chair Aizawa adjourned the meeting at 7:46 pm.

WebEx Login Information

Bi-Monthly Public Meeting of the Commission on Human Rights

Hosted by Brandes Ash

March 10, 2021 6:30 pm | 2 hours |

Meeting Number: 180 632 9780

Password: XpnnD2hCj63

<https://dcnet.webex.com/dcnet/j.php?MTID=m9aa0a2926eca928c6e0733c35ce41a60>

Join by Phone:

+1-202-860-2110 United States Toll (Washington D.C.)

1-650-479-3208 Call-in toll number (US/Canada)

Access Code: 180 632 9780

MARCH 2021



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS
BI-MONTHLY PUBLIC MEETING**

OFFICIAL COMMISSION MEETING

Via Webex
March 10, 2021

ATTENDEES

Commissioners

Motoko Aizawa, Chair
Eleanor Collinson, Vice Chair
Anika Simpson, Secretary
Wynter Allen
Brian Griffey
Adam E. Maier
Karen Mulhauser
Teri Quinn
Timothy Thomas

Office of Human Rights Staff

Monica Palacio, Director

Commission on Human Rights Staff

Erika Pierson, Chief ALJ
Brandes Ash, ALJ

Guests

Al Santiago
Arnolda Beaujuin
Eileen Megias
Jason Pleasants
Larry Williams
Erica (Broadus) Walls, PhD
*unidentified caller(s), including students from George Washington University

MINUTES

I. CALL TO ORDER

- Chair Aizawa called the Commission's Official Meeting to order at 6:34 PM.

II. ROLL CALL

- Commissioner Simpson conducted the roll call.
- A total of 9 commissioners appeared. There was a quorum.

III. ADOPTION OF THE AGENDA

- The 03/10/2021 agenda was adopted.

IV. ADOPTION OF THE MINUTES

- The 01/13/2021 meeting minutes were adopted by acclamation.

V. REPORT OF THE DIRECTOR

- Director Palacio discussed OHR's preparation for the 2020-2021 fiscal year Performance Oversight Hearing held on Friday, March 5, 2021. Director Palacio thanked OHR, Commissioner Aizawa, and the Administrative Law Judges for their assistance.
- Director Palacio provided a few updates on behalf of OHR, including the following:
 - OHR continues to work diligently on its Street Law program;
 - OHR is working to fill the second Commission ALJ vacancy;
 - OHR is hiring for approximately 20 positions– Director Palacio will make sure the Commission and Chief Judge Pierson receive details;
 - OHR is almost fully staffed with a new enforcement team structure, a project that started in late 2019 but had to be suspended due to the hiring freeze and pandemic. Specifically, four new enforcement positions have already been filled and, in the immediate future, four to six more positions will be filled. OHR has also hired two new attorney advisors who are currently in the process of being fully onboarded and trained.

- Chair Aizawa asked if Director Palacio could share her testimony from the Performance Oversight Hearing with the Commissioners as well as her power point presentation (“Introduction to OHR + Key Priorities”). Director Palacio agreed.

VI. REPORT OF THE CHIEF ADMINISTRATIVE LAW JUDGE

Chief Judge Erika Pierson gave the report for the Commission on Human Rights (Commission), highlighting the following:

- **Case Management System**
 - OCTO and the Commission’s case management system vendor, Synergy, have seemingly reached impasse. Consequently, the Commission has not been able to go live for outside filers.
 - The Commission will meet with higher ups within OCTO and Synergy next week about next steps. Ultimately, the Commission may need to explore using a different system.
- **Commission Operations Update**
 - The Commission continues to operate remotely and successfully hold hearings and mediations remotely via WebEx.
- **Staffing Update/ Georgetown Fellowship Position**
 - More than 40 applications have been received for the Georgetown Fellowship. Interviews will take place in the near future.
 - There will be a posting for a 2nd ALJ position in the coming weeks.
- **Virtual OHR/Commission Event: “Navigating Hate: Unity & Healing Through the Community”**
 - The event was held on February 25, 2021 from 5:30 PM to 7:30 PM and focused on the impact of the events of January 6, 2021 at the Capitol and the roles youth play in shaping the future.
 - There was a great turnout and the moderator—Benjamin Banneker High School senior **Cedric Missouri**—did a phenomenal job. Other event participants included: **Sgt. Nicole Brown**, MPD Special Liaison who focuses on LGBTQ, Latino, Asian, Jewish, Islamic and interfaith affairs; **Briana Strachan Cleveland**, Director of Community Support, Martha’s Table; **Shyheim Snead**, Manager, Strategy and Partnerships, United Way;

Linda Litweiler, DCPS Mental Health Professional; **Coach George Rice**, Founder, The Rebound 4 Success Institute.

- Navigating Hate: Unity & Healing Through the Community will be posted on OHR's website.

- **Financial Disclosures Packets for Commissioners**

- The packets will be mailed to Commissioners' homes and emailed to their respective Commission email addresses. All Commissioners are required to file Financial Disclosures.
- Typically, filings are due in or around July. Commissioners will be informed of this year's deadline.

VII. REPORT OF THE CHAIR OF THE COMMISSION

- Chair Aizawa discussed the Performance Oversight Hearing:
 - The hearing was a joint hearing with OHR and the Office of Risk Management, with live testimonies from several witnesses. The hearing lasted a little more than seven hours.
 - D.C. Council Government Operations and Facilities Committee Chair, Robert White ("Councilman White"), led the hearing and was very interested in understanding how both OHR and the Commission work. Councilman White was particularly concerned with the delays in and backlogs of cases. Among other things, the Government Operations and Facilities Committee ("Committee") requested metrics from OHR and the Commission.
 - The Committee expressed interest in continuing to work with the Commission in the future.

VIII. NEW BUSINESS

- **Chief Judge Pierson discussed the Right to Family Amendment Act of 2021**
 - The Right to Family Amendment Act of 2021 was discussed during the Performance Oversight Hearing held on March 5, 2021. It is a fairly new bill and has not yet been assigned a bill number. Multiple witnesses testified in support of the bill at the hearing.
 - Supporters of the bill are seeking to add a new protected class to the D.C. Human Rights Act—"relationship structure"—in order to protect non-traditional families (e.g. polyamorous families) from discrimination. (Witnesses discussed their experiences with, among other things,

discrimination in housing and obtaining health and life insurance, and other death benefits.)

- Commissioner Griffey asked whether some discriminatory acts experienced by non-traditional families are covered under the protected class “familial status”. Director Palacio explained that the familial status protected class does not cover all of the challenges faced by non-traditional families.
- Commissioner Maier asked whether there was any mention of the reintroduction of the **Michael A. Stoops Anti-Discrimination Amendment Act of 2019** at the Performance Oversight Hearing? (This bill would amend the DCHRA to add “homelessness” as a protected act.) Director Palacio shared that one witness appeared at the hearing and asked that the bill be reintroduced and passed.

IX. OLD BUSINESS

- **Commission on Human Rights’ Case Inventory and Commission Assignments**
 - Chief Judge Pierson shared the following:
 - The Commission recently received four new cases – three of them being housing cases.
 - There are also several cases that are in their last stages—for instance, two Proposed Orders and Decisions are being shared with parties in the immediate future and two others are headed to the Commission.
- **Human Rights Award/Gala**
 - Chair Aizawa shared that on February 10, 2021, a group of volunteers—Chair Aizawa, Commissioner Collinson, Commissioner Mulhauser, Commissioner Griffey, Chief Judge Pierson, and Judge Ash—discussed this year’s Human Rights awards and a possible gala.
 - After the February 10th meeting, a decision was made to consider hosting a virtual event surrounding the 50th anniversary of the establishment of the Commission on Human Rights, which will be on or around July 8, 2021.
 - Ultimately, there will need to be agreement on awardees and the number of awards. Volunteers at the February 10th meeting discussed honoring essential workers during the pandemic and emerging (young) leaders.
 - At tonight’s Commission meeting, Chair Aizawa asked for input and suggestions regarding a virtual event in July:

- Director Palacio shared that OHR will gladly support the Commission and its decision(s) regarding awards and events.
- Commissioner Mulhauser and Commissioner Quinn shared their concerns about hosting a virtual event in July 2021 and offered suggestions related to continuing with the Commission's tradition of holding a celebration/gala in December 2021.
- After further discussion, the Commissioners agreed to hold an event in December 2021, and to incorporate the 50th anniversary of the Commission. The Commission will later decide whether the December event will be in-person or virtual. Director Palacio suggested a 50th anniversary video that could be completed by July 2021 and shared at later events, including a gala in December 2021.
- Commissioners Griffey, Mulhauser, Maier, and Collinson volunteered to be on a planning committee for the December 2021 event. All other Commissioners are open to volunteer at any time.

- **Commission Committees**

- Chair Aizawa suggested that the Commission continues to work on organizing and utilizing its committees, including resurrecting the Rules Committee. There has also been discussion about establishing an Outreach Committee and a Governance Committee. (Rules and Governance committees could also be combined so there aren't too many committees.)
- Commissioner Mulhauser brought up the idea of a Public Education Committee, to help educate the D.C. community about the District of Columbia Human Rights Act. (Commissioner Quinn suggested that the Public Education could easily be a part of the Outreach Committee.)
- A motion passed to adopt the aforementioned committee structure (Rules, Outreach and Governance Committees).
- Chair Aizawa will circulate a Committee sign-up sheet to Commissioners. Chair Aizawa asked that Chief Judge Pierson and/or Judge Ash help with the Rules Committee.

X. ANNOUNCEMENTS

- Chair Aizawa thanked everyone for attending the Commission meeting, including George Washington University students.

- George Washington University Professor, Dr. Erica Walls, thanked Commissioner Maier for inviting her and her students from George Washington's Social Justice program to tonight's Commission meeting.
- Chair Aizawa reminded everyone that the next Commission meeting will take place on May 12, 2021.

XI. ADJOURNMENT OF MEETING

- Chair Aizawa adjourned the meeting at 7:45 pm.

MAY 2021



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS
BI-MONTHLY PUBLIC MEETING**

**OFFICIAL COMMISSION MEETING
Via Microsoft Teams
May 12, 2021**

ATTENDEES

Commissioners

Motoko Aizawa, Chair
Eleanor Collinson, Vice Chair
Anika Simpson, Secretary
Wynter Allen
Brian Griffey
Adam E. Maier
Karen Mulhauser
Teri Quinn
Timothy Thomas

Office of Human Rights Staff

Monica Palacio, Director
Mamadou Samba, Deputy Director

Commission on Human Rights Staff

Erika Pierson, Chief ALJ
Brandes Ash, ALJ

MINUTES

I. CALL TO ORDER

- Chair Aizawa called the Commission's Official Meeting to order at 6:34 PM.

II. ROLL CALL

- Commissioner Simpson conducted the roll call.
- A total of 9 commissioners appeared. There was a quorum.

III. ADOPTION OF THE AGENDA

- The 03/10/2021 agenda was adopted.

IV. ADOPTION OF THE MINUTES

- The 03/10/2021 meeting minutes were adopted by acclamation.

V. REPORT OF THE DIRECTOR

- Director Palacio introduced OHR's new Deputy Director, Mamadou Samba to the Commission. Deputy Director Samba formerly served as Chief of Staff for D.C. Government's Office of Labor Relations and Collective Bargaining. He was also appointed by Mayor Bowser as Executive Director of the Mayor's Office of African Affairs.
 - Deputy Director Samba shared that he looks forward to working with the Commission.
 - Chair Aizawa extended a warm welcome, on behalf of the Commission, to Deputy Director Samba.
- Director Palacio shared the following updates:
 - The office remains in a continued period of expansion:
 - OHR has been busy diligently tackling its backlog of cases—thus far, there have been 5 contractors hired to address this issue;
 - A manager has been hired to launch and build the Tipped Wage Workers Program, a program recently funded by D.C. Council, in which OHR will reach out to restaurants located in the District to, among other things, ensure their compliance with sexual harassment policies;
 - OHR is actively working to hire a racial equity training specialist (for District Government employees);

- There are discussions about conducting a study with an outside assessment group, in or around 2022, to better help OHR implement benchmarks and goals;
 - Thanks to Deputy Director Samba, the case management system will launch on June 4, 2021.
- Lastly, Director Palacio shared that she has attended events celebrating Asian American & Pacific Islander Heritage (“AAPI”) month, and addressing trends related to the troubling attacks against persons in the AAPI community.
 - Chair Aizawa and Commission Maier commended Director Palacio on her performance at the Performance Oversight Hearing.

VI. REPORT OF THE CHIEF ADMINISTRATIVE LAW JUDGE

Chief Judge Erika Pierson gave the report for the Commission on Human Rights (Commission), highlighting the following:

- **Case Management System**
 - Director Deputy Samba has been very helpful—the case management system is set to go live on June 4, 2021.
 - Nonetheless, OCTO and the Commission’s case management system vendor, Synergy, have remained at impasse on some issues.
 - Synergy has indicated it is not able to correct the issues that OCTO has identified as security issues. Synergy believes these are “false positives.” Synergy maintains they cannot correct these issues because they depend on other third-party applications which Synergy cannot modify.
 - To that effect, Deputy Director Mamba and OHR contractor, Jaime Lopez, have requested a waiver of certain security vulnerabilities. If a waiver is not provided, one option is to employ a 3rd party platform to host the case management system, but this will be very expensive-- \$30K/ year plus the cost for Synergy to monitor the system (also \$30K).
 - As next steps, there will be further discussion with OCTO regarding building onto OHR’s new case management system for the Commission.

- **Georgetown Fellowship Position / Staffing Updates**
 - Due to COVID-related budget cuts, and needing to fill the 2nd ALJ vacancy, the Commission is planning to offer the Georgetown Fellowship position as a contractor position under Georgetown's Bridges program. The Bridges program is for recent Georgetown graduates and provides participants a quarterly stipend. The Commission would also provide a quarterly stipend. Georgetown will start advertising the position now.
 - The posting for the 2nd ALJ vacancy will be released at the end of May. (DCHR still needs to approve.)
- **Commission Website**
 - **Decisions /Orders Uploaded to the Commission Website**
 - Thanks to OHR law clerks, Commission decisions and orders have been uploaded to the Commission website, fulfilling the Commission's commitment to City Council to post 20 Commission decisions on the website within 30 days of the performance oversight hearing.
 - The decisions are categorized according to case type (Housing cases, Public Accommodation cases, etc.)
 - All decisions and orders will be posted within 30 days of time for the deadline for reconsideration. Or, if there has been a request for reconsideration, decisions and orders will be posted within 30 days of a decision regarding reconsideration.
 - **Commission Forms**
 - New litigation forms have been uploaded to the website.
 - The Commission has been diligently working to, among other things, make litigation forms more accessible and user friendly. The following forms are available on the Commission website:
 - A standard Exhibit List;
 - Prehearing Statement (pre-fillable);
 - Standing Order that explains the Prehearing Statement;
 - Subpoena Duces Tecum (pre-fillable);
 - Subpoena (pre-fillable).
 - The Commission is working on a litigation manual for ALJ's and to share with the general public and Commissioners.

- **DocuSign**
 - OHR has invested in DocuSign for Commissioners' use/ signature on Final Decisions and Orders.
 - Rather than sign via DocuSign, Commissioners can create free digital e-signatures at <https://signaturely.com/online-signature/>.
- **Phone Number for Commission ((202) 741-8854)**
 - A new phone line and voicemail has been created for the general public to access Commissioners, namely the Commissioner Chair. (For example, members of the general public can leave a message for Chair Aizawa, who has access to and receives voicemails via her email.)
 - The new phone number is included in the call tree. A caller who accesses the menu can push "9" to contact the Chair of the Commission.
- **New OHR Letter for Cases Certified to the Commission**
 - Once a case is certified to the Commission, parties are now receiving a letter from OHR that clarifies OHR's role going forward.
- **Commissioner Reappointments-- Upcoming Round Table**
 - The reappointment hearing is scheduled for May 26th for Commissioners Maier, Simpson and Allen.
 - By now, Commissioners Maier, Simpson and Allen should have heard from MOTA, or will in the near future.
- **Financial Disclosures Packets for Commissioners**
 - All Commissioners are required to file Financial Disclosures.
 - The packets have been sent out via email and mail. (Any Commissioner who has not received a packet should let Chief Judge Pierson know.)
 - Filings are due by June 15th.
- **D.C. Government Reopening**
 - D.C. Government operations will reopen 100% July 12, 2021.

- All staff are expected to report to work on that date, but it is not clear whether the Marion S. Barry, Jr. Building (441 4th Street, NW) will be open to the public or if in-person meetings will be permitted nor do we know the status of the hearing rooms at OAH. (Note, the name of 441 4th Street, NW has changed from Judiciary Square to the Marion S. Barry, Jr. Building.)
- More guidance to come from DCHR in the coming weeks.
- **Miscellaneous**
 - Chief Judge Pierson shared that the National Center for State Courts recently issued a report on implicit bias, and namely the effects of implicit bias training.
 - “The Evolving Science on Implicit Bias: An Update Resource for the State Court Community” is approximately 51 pages and can be found at the following website: <https://ncsc.contentdm.oclc.org/digital/collection/accessfair/id/911/rec/1re>
 - On March 30, 2021, the Executive Office of Mayor Muriel Bowser held the “Washington Women of Excellence Awards.” The Mayor’s Office on Women’s Policy and Initiatives, and the District of Columbia’s Commission for Women honored leaders who made a difference during the fight against COVID-19, “Sheroes in Healthcare” and “Sheroes in Public Service Excellence.”

VII. REPORT OF THE CHAIR OF THE COMMISSION

- Chair Aizawa noted that the month of May is Asian American & Pacific Islander Heritage (“AAPI”) month.
 - On May 6, 2021, Chair Aizawa participated in an EEOC dialogue on bias against members of the AAPI community. Available federal and local resources were comprehensively introduced at the event. Director Palacio, the Mayor’s Office, and members of the United States of America--Chinese Chamber of Commerce, among others, participated in the event.

VIII. NEW BUSINESS

- a. **Email Accounts.** Many Commissioners have had trouble accessing their respective Commission email accounts. Chief Judge Pierson shared that Commissioners with inactive email accounts, for at least 30 days, will be locked out of their accounts. If problems persist, Commissioners are to contact Chief Judge Pierson who can reset email accounts and/or provide the contact information for service support.

- b. **AAPI Month.** In honor of AAPI month, Chief Judge Pierson shared a presentation shown during OHR's All Staff meeting on May 12, 2021. The presentation was part of PBS series' on Racism in America and AAPI month, which can be viewed at the following websites:
- a. <https://www.pbs.org/specials/asian-pacific-american-heritage-month/>;
 - b. <https://www.pbs.org/articles/2020/06/racism-in-america/>

IX. OLD BUSINESS

- **Commission on Human Rights' Committees**

- Chair Aizawa noted that committees convened prior to the May 12th Commission Meeting and that Commissioners Collinson, Simpson and Mulhauser volunteered to serve as Committee Chairs.
- Chair Aizawa suggested formalizing Commission committees and moved that Commissioners Collinson, Simpson and Mulhauser serve as Chairs of each committee (Awards, Rules and Outreach, respectively). Motion seconded by Commissioner Maier. Motion passed unanimously.
- Chair Aizawa invited Commissioners Collinson, Simpson and Mulhauser to summarize committee objectives.
 - **Commissioner Ellison (Awards Committee):** The Awards Committee met on May 11, 2021. The committee discussed, primarily, the criteria for awards and less about planning events (where the awards will be distributed). The committee will work out the logistics of the latter in collaboration with OHR. OHR will provide financial resources and, in the past, has been helpful finding venues, etc.
 - **Commissioner Simpson (Rules Committee):** The Rules Committee is focused on three main objections—a) collaborating with OHR, and continuing the work of revising Chapter 4 (Procedures for Contested Cases) of Title 4 of the District of Columbia Municipal Regulations ("DCMR"); b) developing bylaws or protocol for the Commission to reflect the roles of the Commissioners; c) establishing protocol to avoid potential conflicts of interest for a tribunal.
 - **Commissioner Mulhauser (Outreach Committee):** The Outreach Committee will work to help OHR educate people throughout the District on Human Rights and the role of OHR, including reaching out to persons in community, defining and explaining the 21 protected traits, etc. Once the Committee's objectives and protocol

are better defined, the work of the Outreach Committee can be shared amongst everyone on the Commission.

- Commissioner Aizawa called for a vote to affirm these committee objectives. Motion seconded by Commissioner Mulhauser. Motion passed unanimously.
- Commissioner Ellison commended Chair Aizawa for creating space for more structure and focus on the Commission's Committees.

- **Commission Case Inventory**

- Chief Judge Pierson shared that case inventory is moving along very well. Many older cases have been closed. There are approximately 20 cases pending before the Commission.
- Judge Ash asked for volunteers for a tribunal for three cases. Chair Aizawa, Commissioner Gaffey and Commissioner Quinn volunteered.

- **Report of Committee Chairs**

- **Rules Committee:**

- Commissioner Simpson discussed the Notice of Proposed Rulemaking related to Chapter 4, and primarily Rule 408.
- Judge Ash summarized the Emergency Rulemaking meeting held Monday, May 11, 2021 with OHR General Counsel, Hnin Kaing, Chair Aizawa, Chief Judge Pierson, Judge Pierson and OHR Attorney Advisor, Thomas Deal.
- Chief Judge Pierson shared that the impetus for this emergency request to amend Rule 408 is that there is a case currently pending before the D.C. Court of Appeals regarding the application of Rule 408. The Commission and OHR have been working with OAG on the brief. While OHR and the Commission have independent rule making authority, independent of each other, ideally, OHR wants to move forward with its request to amend the rule jointly with the Commission. Lastly, the proposed emergency bill is temporary, and will only be effective for 180 days. So there is still time to make permanent changes as they come.
- The Rules Committee is scheduled to meet on May 13, 2021 about the emergency rule. In the interest of time, Chair Aizawa will inform the Commission about whatever recommendations come from the meeting.

○ **Outreach Committee:**

- The Outreach Committee has been in touch with Ajan Brown who is in charge of outreach at OHR. Ajan is ecstatic that the Outreach Committee wants to assist OHR's outreach operations.

○ **Awards Committee:**

- Discussed not wanting to refrain from issuing awards because of the uncertainty surrounding in-person versus virtual events.
- The Committee will take care not to duplicate the efforts of OHR with respect to giving awards (e.g. OHR's Eleanor Norton Award ("EN Award"))
 - Director Palacio shares what she recalls as the motivation behind the EN Award and suggests that the Outreach Committee consider the meaning of the word "pioneer" in coming up with any similar award. Director Palacio says OHR is happy to help the Outreach Committee.)
- The Award Committee discussed not being hemmed into giving out awards every year—the committee would rather be selective and intentional about awards. They will continue to work together to work out details and criteria related to awards.
- The committee may be interested in adding an award category (e.g. a DC inclusive/ hero award).
- The committee discussed a possible partnership with the Mayor's Office on Asian and Pacific Islander Affairs ("MOPIA").
- The committee wants to continue to award the Neal Alexander Award, but will take a look at the process surrounding nominations.
- The committee will meet some time during the week of May 18, 2021 to further clarify their objectives and next steps.

X. ANNOUNCEMENTS

- Chair Aizawa acknowledged and thanked those who recently participated in the annual street law mock trial competition.

- Chair Aizawa reminded everyone that the next Commission meeting will take place on June 14, 2021. At this time, it is not clear if the June 2021 meeting will be held virtually or in person.

XI. ADJOURNMENT OF MEETING

- Chair Aizawa adjourned the meeting at 8:21 pm.

JULY 2021



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS
BI-MONTHLY PUBLIC MEETING**

**OFFICIAL COMMISSION MEETING
Via Microsoft Teams
July 14, 2021**

ATTENDEES

Commissioners

Motoko Aizawa, Chair
Eleanor Collinson, Vice Chair
Anika Simpson, Secretary
Adam E. Maier
Karen Mulhauser
Teri Quinn
Lauren Lowery** (will be sworn in as a Commissioner on July 20, 2021)

Office of Human Rights Staff

Monica Palacio, Director
Ajan Brown, Community Engagement Specialist

Commission on Human Rights Staff

Erika Pierson, Chief ALJ
Brandes Ash, ALJ

Guests

Hon. J.P. Howard, DC Office of Administrative Hearings (former ALJ, DC COHR)
Jen Jenkins

MINUTES

I. CALL TO ORDER

- Chair Aizawa called the Commission's Official Meeting to order at 6:35 PM.

II. ROLL CALL

- Commissioner Simpson conducted the roll call.
- A total of 6 commissioners appeared. There was a quorum.

III. ADOPTION OF THE AGENDA

- The 07/14/2021 agenda was adopted.

IV. ADOPTION OF THE MINUTES

- The 05/12/2021 meeting minutes were adopted.

V. REFLECTIONS/ MOMENT OF SILENCE FOR DR. JOHN D. ROBINSON

- Chair Aizawa shared that former Commissioner, Dr. John D. Robinson—a person of significant achievements, including being the first African American psychologist in both the U.S. Air Force and U.S. Navy—died on July 4, 2021.
- Chair Aizawa read a beautiful tribute to Dr. Robinson, from the Williams James College website.
 - <https://www.williamjames.edu/news/Celebrating-the-Life-of-Dr-John-D-Robinson.cfm>
- The Honorable J.P. Howard shared fond memories of Dr. Robinson.
- Meeting attendees observed a moment of silence in remembrance of Dr. Robinson.

VI. REPORT OF THE DIRECTOR

- Director Palacio shared the following updates:
 - OHR staff began returning to their offices on July 12, 2021.
 - The office is preparing to welcome customers sometime in the future and will continue to offer online services as well.
 - Some OHR employees will continue to work at the Marion S. Barry, Jr. Building, located at 441 4th Street,

NW. Other employees will work out of OHR's new site, located at 655 15th Street, NW;

- OHR continues to actively hire to address its backlog, including recently identifying two new investigators and attorney advisors;
- OHR Community Engagement Specialist, Ajan Brown, discussed various outreach opportunities and potential collaboration with the Commission's Outreach Committee. Outreach opportunities include:
 - Office hours at D.C. libraries, where persons from the general public can ask questions and even file a complaint for discrimination on the spot.
 - The Community Engagement Office has also thought about conducting "train the trainer" sessions, for commissioners who may want to give presentations.
- The Community Engagement Office has continued to host Human Rights Liaison trainings – with the next one occurring September 14-15, 2021.
- Commissioners are encouraged to sign up for trainings.

VII. REPORT OF THE CHIEF ADMINISTRATIVE LAW JUDGE

Chief Judge Erika Pierson gave the report for the Commission on Human Rights (Commission), highlighting the following:

- **Case Management System**
 - The migration of the Case Management System (CMS) to OCTO's server is complete and OCTO has granted OHR a waiver for the issues that were impending the migration.
 - The Commission is currently testing the system to make sure there are no issues and, thereafter, will be ready to open the system to outside filers.
 - The Commission is still exploring a replacement system.
- **Staffing Updates**
 - DCHR posted the ALJ vacancy last week. However, it was posted at the wrong salary grade, so it was taken down. DCHR will repost the position.

- A full-time law clerk is set to start on July 26, 2021.
- The law clerk will join the Commission through Georgetown's Entry into Practice (EIP) program, a program for recent grads who have not yet found full time employment.
- There will be two new Commissioners joining us soon.
 - The Resolutions were presented to the Committee of the Whole on July 13, 2021 and added to the Legislative Agenda the same day:
 - PR24-220 Adam Maier
 - PR24-239 Wynter Allen
 - PR24-239 Anika Simpson
 - PR24-242 Maria Burnett
 - PR24 -241 Lauren Lowery
- Commissioner Collinson's appointment is expiring in December 2021. The reappointment process should begin soon.
- D.C. Government is back open, staff have the option of teleworking two days a week.
- **Commissioner Manual**
 - The Commissioner Manual is completed. Chief Judge Pierson welcomes any feedback on things to add to the manual and hopes to provide everyone with a hard copy at some point. In the meantime, Chief Judge Pierson emailed materials to the Commissioners.
 - Chief Judge Pierson will conduct a training for new Commissioners once they are sworn in. However, all Commissioners are welcome to attend.

VIII. REPORT OF THE CHAIR OF THE COMMISSION

- Chair Aizawa encouraged everyone to read the July 1, 2021 Committee on Government Operations and Facilities Report, and particularly the section dedicated to OHR.
- Previously, the Commission discussed putting together a video presentation on or before July 8, 2021, commemorating the 50th anniversary of the Commission. Despite the passing of the July 8th date, Chair Aizawa mentioned that the video could always be incorporated into the Gala event this December. Moreover, the video is not only a commemorative tool but also another handy way to explain to the general public what the Commission does.

- Commissioner Quinn asked what is necessary to create the video presentation.
- Director Palacio said that the video would be 2-3 minutes long and discuss, among other things, the history of the Commission. The Commission could help with coming up with video content, selecting the vendor, and helping guide and bring the video to fruition.
 - Currently, there is FY21 funding for the video.

IX. NEW BUSINESS

- a. Chief Judge Pierson discussed the following:
 - i. Bella Evangelista and Tony Hunter Panic Defense Prohibition and Hate Crimes Response Amendment Act of 2020:
 - 1. Affects the Commission in that it does change the definition of public accommodation.
 - a. Clarifies that hatred doesn't have to be the sole factor in an assault, it can be a motivating factor, for instance.
 - b. Chair Aizawa asked whether there has been any discussion about hospitals serving as public accommodations?
 - i. Director Palacio stated the Office can look into this.
 - ii. Pending before City Council is the Criminal Record Accuracy Assurance Act of 2021, which prohibits companies that report criminal background information from releasing expunged/sealed information.
 - iii. *Fulton v. City of Philadelphia* (Supreme Court case)
 - 1. City of Philadelphia barred Catholic Social Services (CSS) from placing children in foster homes because of the agency's policy of not licensing same-sex couples to be foster parents.

X. OLD BUSINESS

- **Commission on Human Rights**
 - Chief Judge Pierson shared that four new cases had been certified to the Commission since the last meeting.
- **Commission on Human Rights' Committees**
 - **Rules Committee:**
 - Chair Simpson shared that the Committee was set to meet last week, but is in the process of rescheduling their meeting.
 - The Committee will continue to work on revisions to Chapter 4, Title 4.
 - **Awards Committee:**
 - Commissioner Collinson (former Chair) shared that the Committee is in the process of scheduling time to meet.
 - Commissioner Collinson asked that another Commissioner consider serving as Chair given, among other things, demands from her new job.
 - Chair Aizawa agreed to serve as Acting Chair.
 - **Outreach Committee:**
 - Chair Mulhauser shared that the Committee is looking to meet soon.

XI. ADJOURNMENT OF MEETING

- Chair Aizawa adjourned the meeting at 7:51 PM.

SEPTEMBER 2021



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS
BI-MONTHLY PUBLIC MEETING**

**OFFICIAL COMMISSION MEETING
Via Microsoft Teams
September 8, 2021**

ATTENDEES

Commissioners

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

Office of Human Rights Staff

Mamadou Samba, Deputy Director

Commission on Human Rights Staff

Erika Pierson, Chief ALJ
Brandes Ash, ALJ

Guests

**Chair Aizawa noted a possible virtual attendee, identified solely as “Guest”, but there was no actual response when prompted.*

MINUTES

I. CALL TO ORDER

- Chair Aizawa called the Commission's Official Meeting to order at 6:33 PM.

II. ROLL CALL

- Commissioner Simpson conducted the roll call.
- A total of 10 commissioners appeared. There was a quorum.

III. INTRODUCTION OF NEW COMMISSIONERS

- a. Chair Aizawa shared that the Commission is excited to have new Commissioners Maria Burnett and Lauren Lowery on board.
- b. Commissioners Burnett and Lowery introduced themselves to their fellow Commissioners and meeting attendees.

IV. ADOPTION OF THE AGENDA

- The 09/08/2021 agenda was adopted.

V. ADOPTION OF THE MINUTES

- The 07/14/2021 meeting minutes were adopted.

VI. REPORT OF THE DIRECTOR

- Due to a last minute conflict, Director Palacio could not attend the meeting. Deputy Director Samba attended on her behalf and provided the following report and updates:
 - OHR closed 15 cases in August 2021. 27 cases are currently pending closure. Moreover, OHR is on track to closing a number of cases by the end of the fiscal year. (Director Palacio set a goal of closing 220 cases and the agency is on track to doing so.)
 - OHR will continue to work on case management system, which launched in June 2021.
 - The agency is also looking to implement Phase 2 of the case management system, a system that will be more robust than the original, including allowing persons to file complaints online and follow up on their respective cases.

- The agency is waiting for the greenlight to proceed with next steps. As of now, the official kick off date is October 18, 2021.
- OHR continues to recruit for vacancies. The agency recently had very good candidates turn down offered positions at the last minute, so they are currently in the process of hiring more attorney advisors, among others, with the goal of taking on and closing more cases.
- Chair Aizawa asked about OHR's study of statutory compliance, particularly relating to the agency's intake process, and whether the terms of reference for the study will be shared with the Commission.
 - Deputy Director Samba shared that this study (also referred to as an "assessment project" or "project") will start in FY22, and that there are funds (\$100,000.00) earmarked for the project.
 - Among other things, the project will provide opportunities for OHR to observe jurisdictions similar to the District, and namely their respective Offices of Human Rights, in order to inform the Council of the life cycle of other jurisdictions' cases, compared to the District's.
 - Deputy Director Samba Mamadou said that once the work starts, perhaps either persons from the agency or contractors assigned to work on the project, can provide regular updates to the Commission as well as share any scope of the study and report resulting from the project. (Any such report will also be public knowledge.)
- Commissioner Maier asked if the project will also consider the responsibilities OHR has compared to other jurisdictions.
 - Deputy Director Samba says the agency is not limiting to just considering other agencies' responsibilities, as there are many components that may be included in the project.

- Commissioner Thomas asked to be updated on any updated and/or new agency procedures so that, for example, when he and his fellow Commissioners speak to D.C. residents, they can keep them informed.
 - Deputy Director Samba says any such updates can be shared with the Commission.
 - Along these lines, Deputy Director Samba advised that OHR reports are also a good way to stay abreast of updated and/or new procedures.

VII. REPORT OF THE CHIEF ADMINISTRATIVE LAW JUDGE

Chief Judge Erika Pierson provided a report for the Commission, highlighting the following:

- The migration of the Case Management System (CMS) to OCTO's server is complete and OCTO has granted OHR a waiver for the issues that were impending the migration.
 - Testing of the system is complete and it will be opened to outside filers this month.
 - Also, as of now, there is no mandate that unrepresented persons must use the system. Attorneys, on the other hand, will be required to use the system.
- DCHR posted the third ALJ vacancy for two weeks and it has now closed.
 - We are now waiting for DCHR to forward the applicants.
- We continue to hold hearing remotely as OAH has not reopened and will not reopen before January 2022.
 - At the same, time, we are exploring getting our own hearing room.
 - The Board of Elections has moved out of the building and their former hearing room is next door to the Commission offices. This new space could become our new hearing room in the future.

- There are a few upcoming Conferences:
 - The National Association of Administrative Law Judges (NAALJ) will hold its annual conference (in person) from October 3-6, 2021 at the D.C. Hilton, Capitol Hill.
 - The National Association of Women Judges (NAWJ) is holding its conference (in person) from October 6-9, 2021 in Nashville, TN.
 - The International Association of Hearing Officials (IAOHRA) will hold a virtual conference December 7-8, 2021
- One case to keep an eye on is *Chambers v. District of Columbia*, No. 19-7098, a D.C. Circuit Court of Appeals (En Banc) matter in which oral arguments will occur on October 26, 2021, at 9:30 AM.
 - You can listen to oral arguments from the Court of Appeals website.

VIII. REPORT OF THE CHAIR OF THE COMMISSION

- Chair Aizawa shared there is no “New Business” to discuss and advised that the meeting will progress with “Old Business” and Committee Reports.

IX. OLD BUSINESS

a. Commission on Human Rights

- i. Chief Judge Pierson shared that 8 cases have been closed and two more are set to close at the end of this week.
- ii. New attorney advisors have been hired at OHR to help spread the workload.
- iii. There are still two really old cases that are being handled.
- iv. four new cases had been certified to the Commission since the last meeting.

b. Commission on Human Rights’ Committees

i. Rules Committee (Commissioner Simpson, Chair):

1. The Rules Committee met on August 23rd and reviewed the Commissioner's Manual- the manual will remain online and copies will be provided to Commissioners Lowery and Burnett.
2. At the next Rules Committee meeting, the committee will discuss the conflict of interest form and plot out their strategy for addressing rules.

ii. Outreach Committee (Commissioner Mulhauser, Chair):

1. Commissioner Mulhauser is thrilled to have all Outreach Committee members participating in the September 8, 2021 meeting—Commissioners Lowery, Burnett, Thomas and Quinn.
 2. Chair Aizawa, Commissioner Mulhauser and Ajan Brown (Community Engagement Specialist, OHR) met to discuss how the Outreach Committee can assist OHR, including identifying various communities that could benefit from online training (e.g. information about the protected traits, what OHR does, how to file a Complaint, etc.)
 - a. Commissioner Mulhauser encourages every Commissioner to think about communities that could benefit from this information as well.
- ii. Next week (September 14th and 15th) OHR will provide a virtual training.
1. Commissioner Mulhauser encourages all Commissioners to attend. (The meeting will be recorded.)
- iii. Commissioner Mulhauser is hopeful that the Outreach Committee can meet in person—outdoors if possible—with Ajan Brown after the Commissioners have participated in training.
- iv. Commissioner Lowery inquired about OHR's current outreach strategy, the tools the agency uses and the communities in which they engage, so that the Commission's efforts, whenever they begin, won't be duplicative.

- v. Chair Aizawa shared that OHR staff has been visiting MLK Library once a month, to discuss the role of OHR and even help persons file Complaints.
 - 1. Commissioner Mulhauser will let the Commission know about future meetings at the library, etc., and will also send out a Doodle Poll to plan for the next Committee meeting.

iii. Awards Committee (Chair Aizawa, Interim Chair):

- 1. Chair Aizawa asks if anyone is interested in serving as Chair of the Awards Committee to let her know.
- 2. Commissioners Maier and Griffey created a Nomination Form.
- 3. The Awards Committee discussed a new award—the Emerging Human Rights Leader Award— designated for persons aged 30 or younger. (Perhaps up to three persons could receive the award.)
- 4. Chair Aizawa discussed holding the annual Gala in person (at 655 15th Street, NW).
 - a. One part of the building can accommodate up to 100 people—it is “lounge like” and located on the ground floor.
 - b. The space is offered for a fee of \$500.00.
 - i. If, for some reason, it isn’t possible to hold the Gala—perhaps due to another COVID surge— the Commission can discuss canceling the event with building staff.
- 5. Potential Gala dates are December 7 and December 9th— International Human Rights Day is Friday, the 10th.
 - a. Commissioner Quinn shared that December 7, 9 may be a bit early for scheduling (for her personally) given that people (possible attendees)

will have likely been traveling for the holidays just a few weeks prior.

- b. Chair Aizawa shared that, among other things, historically, the Gala has always been held the week of International Human Rights Day.
- 6. Commissioner Quinn asked about the Eleanor Holmes Norton award, and whether it would be given this year?
 - a. Commissioner Griffey shared that he recalls the award was historically given by OHR.
 - b. Chief Judge Pierson said the award was only given once, and Eleanor Holmes Norton was the selected designee.
- 7. Chief Judge Pierson asked if there was any consideration for sending the award criteria to respective community organizations, in addition to posting on OHR's /the Commission's website?
 - a. Chair Aizawa responded that this is the goal.
- 8. Commissioner Griffey asked if the form and related award criteria that he and Commissioner Maier put together is acceptable and, if so, whether it can be disseminated via a link as opposed to the form itself? And could there be some way to keep track of who is reaching out to whom?
- 9. Ultimately, the Commission agreed to hold the Gala on Thursday December 9, 2021, starting at or around 5:30 PM and lasting until 7:30 PM.
 - a. Chair Aizawa will reach out to Stephanie regarding uploading the award criteria to OHR's website and the Commission can begin disseminating the information throughout various communities.
 - b. Commissioner Griffey and Commissioner Mulhauser discussed a web-option as an alternative for persons who do not wish to attend the Gala in person.

10. Chief Judge Pierson suggested getting a budget for the Gala to Director Palacio as soon as possible.

X. ADJOURNMENT OF MEETING

a. Chair Aizawa adjourned the meeting at 7:48 PM.

** The next meeting will take place on **Wednesday November 10, 2021 at 6:30 PM.**

NOVEMBER 2021



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS
BI-MONTHLY PUBLIC MEETING**

**OFFICIAL COMMISSION MEETING
Via Microsoft Teams
November 10, 2021**

ATTENDEES

Commissioners

Motoko Aizawa, Chair
Anika Simpson, Secretary
Adam E. Maier
Karen Mulhauser
Brian Griffey
Teri Janine Quinn
Lauren Lowery
Maria Burnett

Office of Human Rights Staff

Hnin Khaing, Interim Director
Larry Villegas-Perez, Program Manager

Commission on Human Rights Staff

Erika Pierson, Chief ALJ

MINUTES

I. CALL TO ORDER

- Chair Aizawa called the Commission's Official Meeting to order at 6:34 PM.

II. ROLL CALL

- Commissioner Simpson conducted the roll call.
- A total of 8 commissioners appeared. There was a quorum.

III. ADOPTION OF THE AGENDA

- The 11/10/2021 agenda was adopted.

IV. ADOPTION OF THE MINUTES

- The 09/08/2021 meeting minutes were adopted.

V. REPORT OF THE INTERIM DIRECTOR

- Interim Director Khaing provided the following report and updates:
 - OHR is working on the FY 2023 budget.
 - October is Domestic Violence Awareness month. OHR worked with the Humane Rescue Alliance to determine how OHR can further assist in their work. The HRA maintains a shelter for pets for victims of domestic violence.
 - Interim Director Khaing sought to ensure that all Commissioners are receiving the OHR newsletter.
 - OHR is working to create a back log team. This small team will address older cases. The OHR Deputy Director alongside the Interim Director is on this endeavor.
 - OHR is determining ways to engage Commissioners more fully with OHR. Commissioners have expressed interest in doing more than serving on tribunals.

VI. REPORT OF THE CHIEF ADMINISTRATIVE LAW JUDGE

- Chief Judge Erika Pierson provided a report for the Commission, highlighting the following:
 - We are reviewing applications for ALJ interviews.
 - Georgetown Street Law Capstone Moot Court was held last week on 4 November. They experienced difficulty finding a venue due to Covid and this impacted Commissioner participation. The Moot Court was held at the Hyatt Regency. Approximately 150 students were in attendance.
 - On November 1, a training for new Commissioners was held. The training was recorded and is available for viewing.

- Judge Gwen D’Souza and the Chief Judge recorded a podcast with women prisoners at the Department of Corrections on the topic of pay equity and the Fair Criminal Records Screening Act. Prisoners interviewed judges.
- 4 applications have been received for Commissioner vacancies. It is anticipated that this process will be completed by January.
- There is a new bill pending - Human Rights Enhancement Amendment Act of 2021. Interim Director Khaing testified. There is much public interest in the bill.
- Chair Aizawa asked about pending cases. Chief Justice Pierson noted that there have been 3 tribunals in last 6 weeks. One more case will be ready for tribunal soon. Other cases are pending or awaiting final decision.

VII. REPORT OF THE CHAIR OF THE COMMISSION

- Chair Aizawa shared there is no “New Business” to discuss and advised that the meeting will progress with the agenda as written.

VIII. NEW BUSINESS

a. Tipped Wage Workers Fairness Program Presentation

- i. Villegas-Perez shared that the Tipped Wage Workers Fairness Amendment Act of 2018 has been funded and work has begun.
- ii. The law aims to inform people who receive tips as part of their salary of their rights, benefits, anti-sexual harassment training.
- iii. Who has to take the anti-sexual harassment training? All employees at business with 1 or more tipped wage workers; and managers, owners, operators must attend every 2 years.
- iv. OHR will maintain a tracking system and records will be kept for 5 years.
- v. OHR will collect sexual harassment documentation and reports.
- vi. OHR has created a QR code with tips/information about TWWFAA, along with an employee fact sheet
- vii. OHR created a Working Group. This group will create content, consult with groups, and provide training.
- viii. Commissioner Mulhauser asked if people could file a complaint with management or OHR? Why not encourage employees to file with OHR?

Villegas-Perez stated that management must tell employees how to file a claim to them or OHR as mandated by law. Employees are encouraged to contact OHR.

- ix. Interim Director Khaing noted that there is a distinction between reporting sexual harassment complaints and filing a legal complaint at OHR. Employers must have a robust policy and process for addressing sexual harassment because employers often say “we didn't know” as a way to circumvent responsibility.
- x. Commissioner Maier asked if this will be a part of new employees orientation? Villegas-Perez replied yes. They have 90 days to complete the program

b. Conflict of Interest Statement (Commissioners Aizawa and Simpson)

- i. Chair Aizawa noted that the Conflict of Interest statement will provide assurance that Commissioners are free from conflict in the tribunals. The Rules Committee held responsibility for developing the Conflict of Interest statement.
- ii. Commissioner Simpson reviewed the Conflict of Interest statement.
 - 1. Chair Khaing asked if Commissioners needed to sign the statement. Commissioners Simpson and Aizawa stated that the statement will not require a signature. It will be reviewed by Commissioners before accessing documents related to assigned tribunals.
- iii. A vote was held to adopt the Conflict of Interest statement. The adoption passed with no nays or abstentions.

IX. OLD BUSINESS

- Review of COHR Case Inventory and Commission Assignments (Judge Pierson)
 - Judge Pierson reported that the cases are moving along well.

X. COMMITTEE REPORTS

i. Outreach Committee (Commissioner Mulhauser, Chair):

- 1. Commissioner Mulhauser shared that the mission of the committee is to support OHR in community outreach, which is a worthwhile mission.
- 2. Commissioner Mulhauser shared that there is a need to schedule another training with committee members and outreach committee members to support their work.

3. Interim Director Khaing shared that she will assist in securing training materials for the outreach committee.

ii. Awards Committee (Chair Aizawa, Interim Chair):

1. Chair Aizawa stated that the report will be given during Executive Session.
2. Interim Director Khaing inquired about the date for the Neal Alexander Award ceremony. Chair Aizawa noted that it will be held on December 7th at OHR's new office.

XI. ANNOUNCEMENTS

- a. There were no announcements.

XII. ADJOURNMENT OF MEETING

- a. Chair Aizawa adjourned the meeting at 7:29 PM.

XIII. EXECUTIVE SESSION – NEAL ALEXANDER AWARD

**** The next meeting will take place on Wednesday, January 12, 2022 at 6:30 PM.**

JANUARY 2022



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS
BI-MONTHLY PUBLIC MEETING**

**OFFICIAL COMMISSION MEETING
Via Microsoft Teams
January 12, 2022**

ATTENDEES

Commissioners

Motoko Aizawa, Chair
Maria Burnett
Eleanor Collinson
Brian Griffey, newly-elected Vice Chair
Lauren Lowery
Adam E. Maier
Karen Mulhauser, newly-elected Secretary
Anika Simpson
Teri Quinn

Office of Human Rights Staff

Hnin Kaing, Interim Director
Charles Abbott, Esquire, Attorney Advisor
Alana Burnett, Esquire Attorney Advisor

Commission on Human Rights Staff

Brandes Ash, ALJ

Guests

Kency Nittler (OHR Intern)
Kennedy Olivia

MINUTES

I. CALL TO ORDER

- a. Chair Aizawa called the Commission's Official Meeting to order at 6:33 PM.

II. ROLL CALL

- a. Commissioner Simpson conducted the roll call.
- b. A total of 9 commissioners appeared. There was a quorum.

III. ADOPTION OF THE AGENDA

- a. The 01/12/2022 agenda was adopted.

IV. ADOPTION OF THE MINUTES

- a. The 11/10/2021 meeting minutes were adopted.

V. REPORT OF THE INTERIM DIRECTOR

Before providing her report, Interim Director Khaing congratulated Chair Aizawa, members of the Awards Committee, Chief Judge Pierson and outgoing OHR Director of Communications and Community Engagement, Stephanie Franklin, for their work on last month's COHR Award Gala.

Thereafter, Interim Director Khaing provided the following updates to the Commission:

- a. Stephanie will be leaving OHR, her official last day is this week.
 - i. The agency will be looking for Stephanie's replacement.
 - ii. Interim Director Khaing looks forward to working with the Commission's Outreach Committee.
 - iii. OHR Community Engagement Specialist, Ajan Brown, will likely still be the Outreach Committee's point of contact.
- b. Some of OHR's litigation team is in attendance—Charles Abbott, Esquire and Alana Burnett, Esquire.
 - i. Attorney Abbott and Attorney Burnett introduced themselves to Commissioners and meeting attendees, and shared their background and experience.
- c. The job announcement for OHR's General Counsel position was posted on or around January 7, 2021.

- i. Position requirements include extensive litigation and civil rights experience.
- d. There have been several legislative updates, of which more information will be shared as legislation is passed, including:
 - i. Eviction Records Screening Amendment Act
 - ii. Cannabis Employment Protection Amendment Act of 2021---B24-109
- e. Commissioner Quinn inquired about additional OHR Human Rights Liaison training:
 - i. Interim Director shared the next (virtual) training will be held via WebEx on Wednesday, January 26, 2022 from 10 AM-3:30 PM.
 - ii. Interim Director Khaing stated she is also willing to conduct a training for Commissioners.

VI. REPORT OF ADMINISTRATIVE LAW JUDGE

Judge Brandes Ash provided a report for the Commission on Human Rights (Commission), highlighting the following:

a. Commission Vacancies

- i. Interviews for Commission vacancies began in November 2021, shortly before the Thanksgiving holiday. We are coordinating with MOTA to complete interviews.
- ii. Judge Ash also pointed out that Commissioner Collinson is up for re-appointment.

b. Staffing Update

- i. The first round of interviews for the ALJ vacancy was conducted last month, with four applicants interviewed on December 17, 2021 and five applicants interviewed on December 20, 2021.
- ii. The second round of interviews was conducted last week, with each of the top two candidates interviewed on January 4th and January 5th respectively.
- iii. We anticipate that the ALJ vacancy will be filled in the immediate future.

VII. REPORT OF THE CHAIR OF THE COMMISSION

- a. Chair Aizawa began her report by commenting on the Commission's very successful COHR Awards Gala, that more than 60 people attended, including the D.C.'s Deputy Mayor and City Administrator.
 - i. Chair Aizawa especially thanked Commissioner Griffey, Commissioner Maier and Commissioner Mulhauser, for their planning activities and hard work the day of the Gala.
 - ii. Chair Aizawa also recognized and thanked Interim Director Khaing and OHR Tipped Workers Fairness Program Manager, Larry Villegas-Perez, for their significant contributions to the Gala.
- b. COHR Award Gala 2021 Cornelius R. "Neil" Alexander Humanitarian Award recipient, Christy Repress, planned to attend tonight's meeting but, unfortunately, had a family emergency. Chair Aizawa discussed inviting Christy to the March 2021 Commission meeting.
- c. Chair Aizawa, Commissioner Griffey, Commissioner Maier, Commissioner Mulhauser, Interim Director Khaing, Chief Judge Erika Pierson, Judge Ash and outgoing OHR Director of Communications and Community Engagement, Stephanie Franklin, participated in a COHR Award Gala Debrief on December 28, 2021. Consequently, Stephanie created a very comprehensive planning toolkit to use for next year's Gala.

VIII. OLD BUSINESS

- a. Judge Ash shared that there are currently around 15 cases pending before the Commission. Moreover, 4 cases have been closed since the start of FY22.
- b. Chair Aizawa reminded Commissioners of the priority to close out cases, particularly those that have been unresolved for several years.
- c. Chair Aizawa offered to share with Commissioners two recent final decisions from FCRSA cases, once the decisions become public, because they involve important issues of which everyone should be made aware.
 - i. The Tribunals for these two cases consisted of Chair Aizawa, Commissioner Allen and Commissioner Griffey. Judge Ash was the assigned Administrative Law Judge.

IX. NEW BUSINESS

a. Officer Elections (Vice Chair and Secretary positions, to take effect immediately)

i. Chair Aizawa opened the floor for Vice Chair nominations:

1. Commissioner Mulhauser nominated Commissioner Griffey.
2. Commissioner Griffey accepted the nomination.
3. Motion for Commissioner Griffey to serve as Vice Chair on the floor; Commissioner Maier seconded the motion.
4. Motion passed.

ii. Chair Aizawa opened the floor for Secretary nominations:

1. Commissioner Griffey nominated Commissioner Mulhauser for Secretary.
2. Commissioner Mulhauser accepted the nomination.
3. Motion for Commissioner Mulhauser to serve as Secretary on the floor; Commissioner Maier seconded the motion.
4. Motion passed.

b. Chair Aizawa thanked Commissioner Collinson for serving as Vice Chair and Commissioner Simpson for serving as Secretary.

- i. Of note, Commissioner Simpson was recently elected Co-Chair of the National LGTBQ Taskboard. Due to her workload, she decided not to continue as Secretary.

c. Proposed Commission Tribunal Rotation Schedule

- i. Up until now, Commission Tribunals have been staffed on a voluntary basis only. Accordingly, Judge Ash explained that the proposed rotation schedule is intended to provide equal opportunities to Commissioners to serve on Tribunals and, among other things, help spread Tribunal work more evenly.
 1. Commissioner Lowery expressed concern over newer Commissioners participating in the proposed schedule absent sufficient guidance from training materials/working alongside experienced Commissioners.

2. Commissioner Lowery also asked whether the proposed schedule will be rotating?

a. Commissioner Collinson shared that it may make sense to pair newer commissioners with more experienced ones before implementing the proposed schedule.

ii. In response, Chair Aizawa shared that for the next few tribunals, newer Commissioners –namely those who have not ever served on a tribunal—will be intentionally paired with experienced ones. Once newer Commissioners have had the opportunity to get their feet wet, we will adopt the proposed rotation schedule.

X. COMMITTEE REPORTS/ DISCUSSIONS

a. Chair Aizawa shared that she thinks it would be a good thing for Committee Chairs, in addition to the officers of the Commission, to form an Executive Committee.

b. **Rules Committee** (Commissioner Simpson, Former Chair)

i. Commissioner Simpson shared that the Rules Committee needs a new Chair.

ii. The Committee started out with three goals, two of which have been accomplished.

1. The primary objective now is revising D.C. Municipal Regulations Chapter 4-4, Procedure for Contested Cases.

iii. Chair Aizawa asked Commissioners to keep this (Chair) vacancy in mind.

XI. **Outreach Committee** (Commissioner Mulhauser, Chair)

a. Committee has not yet met, but Chair Mulhauser encouraged everyone to attend OHR's Human Rights Liaison training on January 26th.

b. The January 26 training will be recorded. Previous Human Rights Liaison training[s] are also available and can be circulated.

XII. **Awards Committee** (Commission Chair Aizawa, Interim Chair)

a. Given last month's COHR Award Gala, there is no report.

- b. Chair Aizawa asked Commissioners to keep in mind a Chair is needed for this committee as well.

XIII. ADJOURNMENT OF MEETING

- a. Chair Aizawa adjourned the meeting at 7:34 PM.

**** As of now, the next Commission meeting will take place via Microsoft Teams on Wednesday March 9, 2022 at 6:30 PM.**

Link to join Meeting on March 9, 2022:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NThiMWUyYWYtNTgzZS00OWQxLWI4NjMtODdhN2M0NjM3Yjk1%40thread.v2/0?context=%7b%22Tid%22%3a%228fe449f1-8b94-4fb7-9906-6f939da82d73%22%2c%22Oid%22%3a%22cb0bdb1e-3fc7-45a3-b71c-0be90c7ea4c9%22%7d