

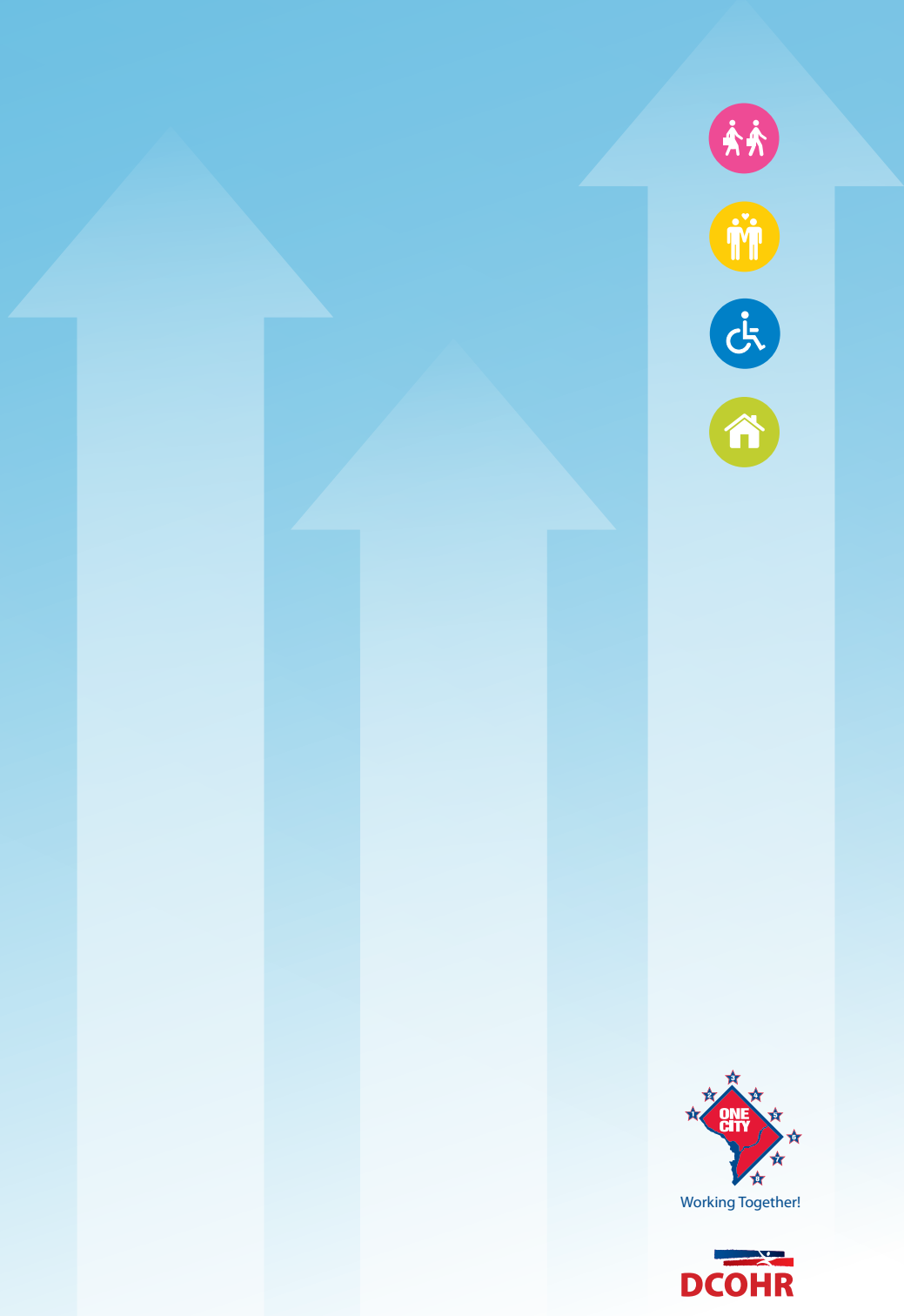
AWARENESS ENFORCEMENT JUSTICE

DC Office of Human Rights: Ensuring Human Rights for All

Housing + Employment + Education + Public Accommodations + Language Access + Mediation + Commission on Human Rights



Annual Report 2011



Working Together!





+ Housing + Employment + Education + Public Accommodations +

+ Language Access + Mediation + Commission on Human Rights +

Every individual shall have an **EQUAL** opportunity to participate fully in the economic, cultural & intellectual life of the district and to have an equal opportunity to participate in all aspects of life...

DC official code §2-1402.01



Working Together!



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Washington, D.C. 20001
202.727.4559

OHR.DC.gov

I commend the DC Office of Human Rights (OHR) and the DC Commission on Human Rights (COHR) for the vital services that they provide to our residents and visitors. The District of Columbia leads the nation in protecting citizens in the areas of employment, housing, public accommodation and public education. Since 1977, the DC Office of Human Rights and DC Commission on Human Rights have not only enforced the DC Human Rights Act, but they have led the city's efforts to ensure that every citizen that visits, works and/or lives in the District is aware of their rights. This report represents people whose lives have been touched by OHR and the COHR; it details the depth and variety of services OHR provides and highlights how these services enhance the quality of life in DC.

The underlying vision of my administration is to achieve One City, in which all District of Columbia residents share in the benefits and progress of this great city, no matter the ward or neighborhood in which they live; and no matter their race, ethnicity, gender or sexual orientation. The Gray administration is working daily to touch more lives and to enhance the services available to residents from our diverse communities and visitors from across the country and around the world. In particular, we are striving to raise awareness about the many protections provided by the DC Human Rights Act. I invite you to learn more about the important work and accomplishments of the OHR and the COHR, as they and other agencies of the D.C. government work with me to build **One City**.

Vincent C. Gray
Mayor



OHR 2011



The DC Office of Human Rights (OHR) and the DC Commission on Human Rights (COHR) are pleased to submit our 2011 Annual Report.

Mayor Vincent C. Gray's vision of *One City* is embedded in the mission of OHR. Washington, DC is one of the most diverse cities in the world. Achieving the **One City** vision requires securing and maintaining livable conditions in which inclusion, human dignity and the inalienable rights of all people are widespread. In the District, these livable conditions in which all individuals enjoy expansive civic and human rights protections are hard to match anywhere the United States and the rest of the world. If you live, work or visit the District, you stand at the forefront of human rights and you become part of a strong foundation for freedom, justice and peace.

Since the administration of Mayor Vincent C. Gray commenced, OHR has improved service delivery, utilized innovative enforcement techniques and developed multi-language education campaigns working with a variety of community groups, and local and federal government agencies. OHR has remained focused on being an intricate part of the city's human support systems that improve the quality of life for all District residents. OHR services strive to ensure that the District is free of discrimination, with fair and equal treatment to all people living, working and traveling within the District; a vision where human dignity sets the tone for inclusive-driven behavior when conducting business in the District, accessing public services, and enjoying everything that the District has to offer.

This Annual Report presents numerous accomplishments that the OHR and COHR recently achieved. On the enforcement front, OHR achieved tremendous progress by continuing to improve customer service, enhancing the quality of investigations, maintaining a reduced case backlog, increasing the number of settlements, creating more training opportunities for the District workforce, adjudicating cases more expeditiously, and improving compliance with the laws and policies under our jurisdiction.

In 2011, OHR expanded its enforcement function by using the authority granted to the agency Director under the Human Rights Act, known as the Director's Inquiry, and allocated specific resources to investigate allegations of possible patterns of discrimination in the District. A total of 94 Director's Inquiries were investigated in 2009- 2011 in the areas of employment, housing, and public accommodations. The use of this provision on an ongoing and strategic basis is a first in the agency's history and has resulted in positive outcomes for some of DC's most underrepresented populations, including persons with disabilities and members of the LGBT community.

In 2011, OHR also convened various community forums for Limited English Proficient and Non-English Proficient (LEP/NEP) residents in partnership with several community organizations and local government agencies covered under the DC Language Access Act. The purpose of the forums was to facilitate a multi-sector dialogue among key stakeholders on issues of employment and health and human services. The forums provided an opportunity for community members to discuss the various issues and challenges facing the LEP/NEP community when accessing government services.

OHR also remained focused on community involvement, public participation, awareness and public education by developing several multi-language education campaigns for mass media reaching more than 300,000 people.

This report provides an overview of our vision, mission, work areas, and outlook as we continue to promote, preserve and enforce justice for ALL to truly achieve Mayor Vincent C. Gray's **One City** vision.

Gustavo Velasquez
Director





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Guide: Throughout this Report look for interesting FACTS about our work and impact.

▼ **FACT**

The Office of Human Rights is a **Fair Employment Practice Agency (FEPA)**. The U.S. Equal Employment Opportunity Commission (EEOC) maintains work sharing agreements with FEPAs nationwide to process federal discrimination charges filed against private employers, state and local governments.



Advancing Knowledge; Strengthening OUR Communities

The District of Columbia Office of Human Rights (OHR) was established to eradicate discrimination, increase equal opportunity and protect human rights for persons who live, work, or visit in the District of Columbia. The agency enforces the District of Columbia Human Rights Act, the District of Columbia Family and Medical Leave Act, the District of Columbia Parental Leave Act, and the District of Columbia Language Access Act. In addition to those local laws, the OHR, being a Fair Employment Practice Agency (FEPA) with EEOC, and a Fair Housing Assistance Program (FHAP) Agency with HUD, can investigate and adjudicate complaints of discrimination filed under Title VII of the Civil Rights Act of 1964 (Equal Employment Opportunity Act), Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), the Americans with Disabilities Act, and the Age Discrimination in Employment Act.



the number of protected classes in DC

Regarded as being one of the most comprehensive civil rights statutes in the nation, the intent in enacting the DC Human Rights Act was to secure an end of discrimination in the District of Columbia for any reason other than that of individual merit, including but not limited to, discrimination by reason of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, status as a victim of intra-family violence, genetic information, disability, source of income, and place of residence or business.

Jurisdiction

The Act covers any incident occurring in the District of Columbia in the areas of Employment, Housing, Public Accommodations and Education.

▶▶ *Agency Highlight: OHR docketed **754** employment cases from 2010 through 2011.*



IMPACT!

How We Serve

- ▶ Investigate and process complaints of unlawful discrimination in employment, housing, public accommodations, and educational institutions
- ▶ Protect the equal employment opportunity rights of District government employees
- ▶ Review, approve, and monitor the affirmative action plans of all District government departments and agencies
- ▶ Investigate complaints and conditions causing community tension and conflict which could lead to breaches of peace and public order
- ▶ Conduct hearings on major issues affecting the protection and promotion of human rights
- ▶ Assess local and federal laws and policies with respect to discrimination
- ▶ Provide information on human rights laws and policies to the community at large
- ▶ Make recommendations to the Mayor and the Council of the District of Columbia on systemic patterns of discrimination

Awareness and Education

OHR is committed to educating the public about their rights and responsibilities under the Human Rights Act. OHR's approach to service delivery requires that public education, outreach and awareness are a top priority. Throughout 2010 and 2011, OHR developed innovative education campaigns that increased the ability of the office to achieve its goals. OHR's various multi-language education efforts included television, radio, print and web based campaigns focused on the rights of those that live, work or visit the District.

In 2010 and throughout 2011, OHR partnered with several community organizations including the many members of the DC Language Access Coalition, as well as the Equal Rights Center (ERC), Housing Counseling Services and several local and federal agencies including the Equal Employment Opportunities Commission and the US Department of Housing and Urban Development. These partnerships allowed OHR to increase the reach and impact of its various education campaigns. Education highlights include:

- ▶ OHR streamlined internal investigation and case processing procedures including online complaint filing (more than 60% of cases filed at OHR are now initiated online). The streamlined procedures allow OHR to maintain a significantly reduced case backlog.
- ▶ OHR partnered with the ERC to create an innovative web based education campaign: "What is WRONG with these pictures?" The education campaign focused on the accessibility rights of persons with disabilities and provided an online forum through which people with and without disabilities could learn more about accessibility. The Public Service Announcements campaign created an interactive web-based forum for education.
- ▶ New OHR educational videos and Public Service Announcements (PSAs) focused on language access and disability rights, fair housing and services provided by OHR. The PSAs aired throughout 2010 and 2011 on local cable networks reaching more than 300,000 individuals.

In the area of Equal Employment Opportunity Training, OHR trained a total of **1,454** employees in the District during 2010-2011, including employees from **65** DC government and independent agencies.

Director's Inquiries

Traditionally, the Office of Human Rights, which is charged with enforcing the DC Human Rights Act and other local and federal civil rights laws, had a reactive method of operating. The Office would rely on complaints initiated by those seeking legal resolution of their issues. In 2009, OHR embarked on a pilot initiative to use a powerful tool that District law makes available to the Director of OHR to investigate a situation in the city that may have risen to the level of discriminatory practices or policies. This pilot was conducted in partnership with a range of small and large civil rights groups in the District. The purpose of this initiative was very simple: transform OHR into a proactive civil rights enforcement arm of District government as opposed to a mere complaint processing agency.

A total of **94** Director's Inquiries were investigated in 2009-2011. The recent use of the provision on an ongoing and strategic basis is a first in the agency's history and has resulted in positive outcomes for some of DC's most underrepresented populations. Recent areas of inquiry have included:

▶ Sexual Orientation Investigation (District Taxicab)

A gay couple was allegedly refused service by a District taxicab driver because of their sexual orientation. After traveling a couple of blocks, the couple alleged a taxicab driver in DuPont Circle area insisted the men get out of the taxi, after he realized they were a couple. The cab company was investigated for alleged discrimination based on sexual orientation, in violation of the DC Human Rights Act.



▶ **“Source of Income” Investigations (District Mortgage Services)**

Some District mortgage servicers were allegedly not participating in the HomeSaver program – a requirement of all mortgage services in the District. These practices would severely affect distressed homeowners that are unable to make mortgage payments, and in the majority of these cases, this is especially true of low income families and communities of color. This inquiry included more than 30 mortgage servicers.

▶ **Sexual Orientation Investigation (District Hospital)**

OHR started an inquiry about discharge procedures at a major District hospital. According to information presented to OHR, a same-sex couple was prevented from obtaining a birth certificate for their son because the couple could not provide a copy of their marriage license. Allegedly, the couple faced this problem because they were a same-sex couple. OHR conducted a full director’s inquiry into the hospital’s policy.

▶ **Disability (Accessibility at District Parking Lots, Taxicabs)**

OHR received information about a number of parking lots in the District that are not accessible to the disabled community. OHR investigated the matter and monitored several lots to ensure that they implemented the required accessible parking spaces. In addition, OHR investigated claims that local taxicab drivers were unwilling to pick up individuals in wheelchairs or with service animals. OHR provided testimony at a recent Taxicab Commission meeting on the topic of accessibility and requested stricter rules be implemented ensuring that this practice is eliminated. OHR will continue to monitor the issue of accessibility of District cabs.

▶ **Age (District Theaters)**

OHR received information that a number of theaters in the District offer reduced ticket prices for individuals under **35** or **30** years of age. After receiving this information, OHR initiated an inquiry into possible age discrimination.

▶ **Language Access Compliance (Audit of District agencies)**

In 2010, OHR used for the first time its authority to audit agencies of District government to bring them into compliance with District laws and regulations, including the DC Language Access Act. As mandated by the Act, OHR has the authority to audit agencies demonstrating systemic language access violations. In 2010, OHR conducted a three and a half month audit of one District agency involving housing issues facing Limited English Proficient/Non English Proficient populations as a result of the agency’s alleged conduct and procedures. The audit resulted in a determination that the agency in question violated the Language Access Act. The determination was followed by a series of corrective actions currently being addressed.

▶ **Gender Identity (District Businesses)**

OHR was alerted to certain practices of District businesses that were discriminatory against transgender persons, in violation of the DC Human Rights Act. A survey conducted by the DC Trans Coalition in 2008 revealed that transgender people experienced significant problems with public bathroom facilities. Out of the 93 transgender and non-conforming District-area respondents: **68%** of respondents have been denied access to, verbally harassed in, and/or physically assaulted in public bathrooms; and **38%** of respondents reported avoiding particular public places due to a lack of safe restroom facilities. By requiring that single-occupancy bathrooms be gender-neutral in the District, we are able to reduce discrimination against and harassment of transgender people seeking to use public facilities. OHR, utilizing Director’s Inquiry, has been working to ensure that small businesses come into compliance, requiring that single-occupancy restrooms have gender-neutral signs.

▼ **FACT**

As a result of OHR’s efforts, more than 100 businesses came into compliance with D.C. Municipal Regulations, Title 4, § 802.2 (2006), which requires that single-occupancy restrooms must have gender-neutral signs, protecting the rights of transgender individuals.



OHR Services

Compliance Training

OHR provides various Equal Employment Opportunity-related training sessions to DC government agencies and private sector entities within the District of Columbia. Training session topics include protections for people with disabilities, sexual harassment, and diversity and inclusion in the workplace. OHR also provides training on compliance with the DC Language Access Act to DC government agencies, including cultural understanding of the many ethnicities and languages spoken in the District. In 2010-2011, OHR conducted training for **76** government and private sector entities for a total **788** employees.

Quality Assurance

OHR established a system for quality reviews of cases investigated by OHR in 2008. OHR secured the participation of six experts from OHR, the Equal Employment Opportunity Commission (EEOC), and from various Human Rights agencies from surrounding jurisdictions. The in-depth quality assurance review ensures that OHR maintains excellence in service delivery. In 2011 **92%** of the total number of reviewed cases scored “very good” or higher.

EEO Compliance in District Government Contracts

OHR is charged with assisting District government agencies in developing, monitoring, reviewing, and enforcing Equal Employment Opportunity policies, procedures and Affirmative Action Plans as set forth in DC Official Code § 1-521.01. As part of this role, OHR reviews Affirmative Action Plans in contracts valued in excess of \$10,000 with the DC government to ensure compliance. In 2010-2011, OHR reviewed **620** contracts.

E-Learning

In 2009, OHR developed an online, interactive, scenario based, Diversity and Equal Employment Opportunity training program, available on OHR’s website. OHR’s effort to identify ways to serve the public more efficiently resulted in a dramatic increase in the number of users in 2010. The online learning courses are accessible free of cost anytime through the agency’s website. In 2011, a total of more than **7,800** users from District government and the private sector participated in the program. OHR’s use of training technology includes courseware on diversity, Equal Employment Opportunity, and language access rights and compliance. The online training maximizes limited human resources, while ensuring that the agency continues to increase awareness and education efforts.

▼ FACT

OHR has conducted annual Know Your Rights campaigns since 2009 in various languages. The education campaigns are distributed via television, radio, print and the web. The annual campaigns educate the community about housing, language access rights and the services of OHR and reach more than **300,000** people.



Enforcement

Processing of Complaints

DC's progressive Human Rights Act, and the extensive list of protected classes, makes the nation's capital an attractive and more livable city since it seeks to eradicate discrimination, and promotes fairness and equality in key areas that improve quality of life: employment, education, public accommodation, and housing. A core function of the OHR is to investigate individual complaints of discrimination filed before the agency.

The cases may go through a 6 step process involving:

1. Intake (the filing of the complaint)
2. Mandatory mediation
3. Investigation
4. Administrative issuance review and legal analysis
5. Conciliation
6. Adjudication

Intake

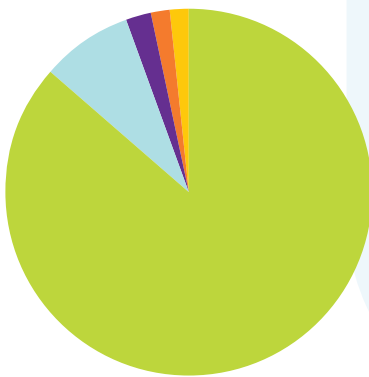
Individuals who believe that they were discriminated against must initially file a complaint at the OHR within the statutory prescribed period. An Intake Officer determines whether there is enough information to formally file the case and begin an investigation. The intake process includes the following:

- ▶ An interview with an Intake Officer explaining the role of OHR, the protected categories, the investigation and hearing process, mandatory mediation, the applicable discrimination laws and remedies available.
- ▶ The gathering of all documents to support the allegations.
- ▶ Forwarding the complaint to the Mediation unit for mandatory mediation.

▶▶ *Agency Highlight: In 2010 and 2011 OHR processed **855** new complaints of discrimination.*

Enforcement Highlights

The complaint categories for 2010 and 2011 were:

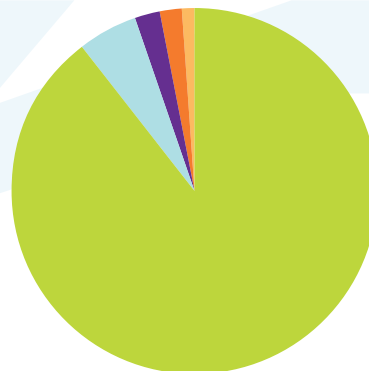


2011

- ▶ Employment - **339** Cases
- ▶ Housing - **32** Cases
- ▶ Public Accommodations - **9** Cases
- ▶ Language Access - **6** Cases
- ▶ Education - **6** Cases

2010

- ▶ Employment - **415** Cases
- ▶ Housing - **24** Cases
- ▶ Public Accommodations - **11** Cases
- ▶ Language Access - **9** Cases
- ▶ Education - **4** Cases



Public Accommodation

There were a total of **9** Public Accommodation cases processed in 2011. The primary basis for the cases was disability. The bases for other cases included race, retaliation, color and national origin.

Education

In 2011 OHR processed a total of **6** education cases. The majority of the bases for the cases included race, sex and disability. From 2010 to 2011 there was an increase of **50%** in education cases.

DC FMLA

OHR enforces several District laws in addition to the Human Rights Act, including the DC Family Medical Leave Act (DC FMLA). The Act ensures that families have the protections needed to care for themselves and family members and provides that: employers covered under the Act must grant an eligible employee 16 workweeks of family leave and 16 workweeks of medical leave during any 24-month period for one or more of the following reasons:

- ▶ for the birth and care of the newborn child of the employee;
- ▶ for placement with the employee of a son or daughter for adoption or foster care;
- ▶ to care for an immediate family member (spouse, child, or parent) with a serious health condition; or
- ▶ to take medical leave when the employee is unable to work because of a serious health condition.

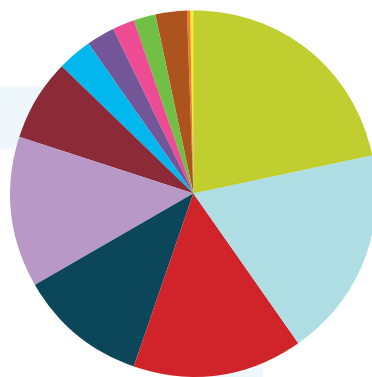
In 2011, OHR processed a total of **32** DC FMLA cases. More than 100 visits occur monthly on OHR's DCFMLA section of OHR's Facebook page from people interested in learning more about their rights.

Employment

In keeping with Mayor Vincent C. Gray's One City vision, a vibrant workforce is important to the future success and vitality of the District. The District has one of the most diverse workforce populations in the U.S. OHR continues to work to ensure that all employers adhere to the requirements of the Human Rights Act. In 2011, OHR docketed 339 employment cases. Of those cases, complaints involving retaliation (**129** complaints), race (**109** complaints), sex (**89** complaints), disability (**78** complaints), age (**67** complaints) and National Origin (**43** complaints) made up over **87%** of the cases. In 2010 and 2011, OHR docketed a record **754** employment discrimination cases, an increase of **18%** from 2008. Employment discrimination cases are organized as follows:

Employment Cases

- ▶ Retaliation **129**
- ▶ Race **109**
- ▶ Sex **89**
- ▶ Age **67**
- ▶ Disability **78**
- ▶ National Origin **43**
- ▶ Sexual Orientation **18**
- ▶ Family Responsibilities **15**
- ▶ Color **12**
- ▶ Religion **11**
- ▶ Personal Appearance **17**
- ▶ Marital Status **0**
- ▶ Political Affiliation **1**
- ▶ Matriculation **0**
- ▶ Gender ID/Expression **0**
- ▶ Familial Status **0**
- ▶ Genetic Info **1**
- ▶ Source of Income **0**





The human right to adequate housing is the right of everyone to acquire and sustain a secure home and community in which to live in peace and dignity. The right to housing is codified as a human right in the Universal Declaration of Human Rights:

Everyone has the right to a standard of living adequate for the health & well-being of himself and of his family, including food, clothing, housing and medical care & necessary social services, and the right to security in the event of unemployment, sickness, disability... (article 25(1))

▶▶▶ *Agency Highlight: In 2011 OHR housing cases increased by more than **30%**.*

▼ **FACT**

OHR is a Fair Housing Assistance Program (FHAP) agency. The U.S. Department of Housing and Urban Development (HUD) maintains work sharing agreements with FHAPs nationwide to process federal fair housing discrimination charges.

Fair Housing



Fair & Inclusive Housing

Impediments to fair housing choice remains an issue in the District. In 2011, a report was released by the District of Columbia Advisory Committee to the U.S. Commission on Civil Rights. The report, *Affirmatively Furthering Fair Housing in the District of Columbia*, coincided with the District's development of its 2011 Analysis of Impediments to Fair Housing Choice (AI). The District is required by HUD to conduct the analysis every five years.

OHR participated in a fact finding forum in 2010 on which the report was based. OHR also worked with the team of consultants developing the 2011 AI Report to provide detailed information about OHR's housing cases. OHR, in working with the Advisory Committee and assisting with the development of the 2011 AI report, will ultimately help the District to create more effective processes to address lingering impediments to Fair Housing Choice.

In 2010-2011, OHR also implemented an aggressive outreach and awareness campaign focused on housing disability rights that was targeted to all four quadrants of the District of Columbia. The campaign included WMATA bus and metro ads, newspaper ads, an educational video that aired on local cable channels. The campaign was estimated to reach in excess of 300,000+ individuals.

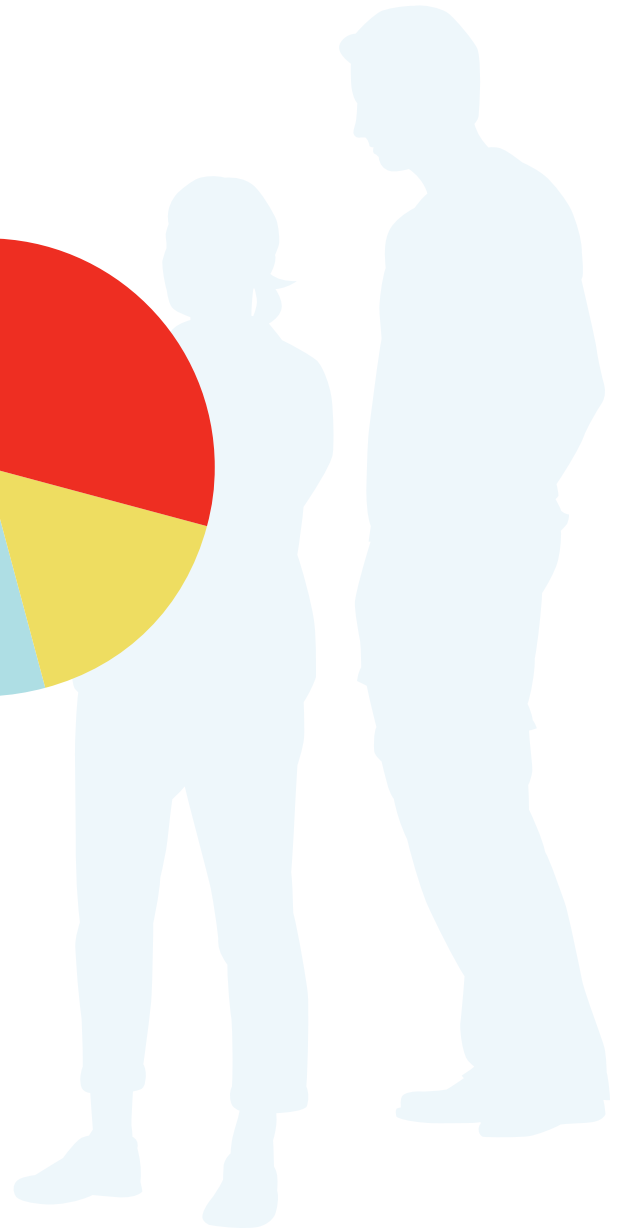
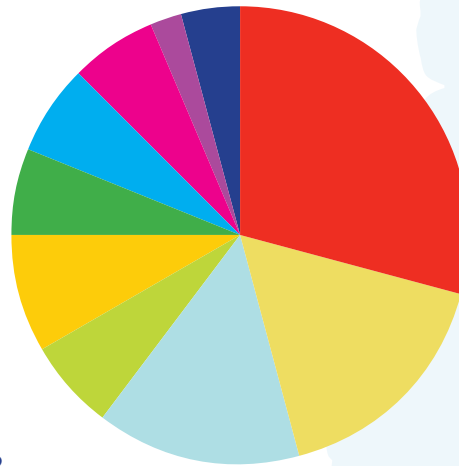


Fair Housing workshops and trainings were held in partnership with the Housing Counseling Services. OHR also convened its annual Fair Housing Symposium in 2011 partnering with the DC Department of Housing and Community Development (DHCD) and the Equal Rights Center (ERC) on April 28th, 2011. The annual event is an educational forum for public and private fair housing advocates, community-based organizations, residential rental professionals, residential lending professionals, fair housing advocates, government and non-government direct service providers, and all those interested in learning more about fair housing. Held in recognition of National Fair Housing Month, and in celebration of the 10th anniversary of the Symposium, the 2011 theme was “One City, One Community.” Mayor Vincent Gray delivered opening remarks and Assistant Attorney General for the Civil Rights Division of the United States Department of Justice, Tom Perez, delivered the keynote address. Sessions explored the state of fair housing and current issues such as advocacy, legislation, discrimination statistics and the impact of regional housing issues on the District.

Fair Housing outreach and awareness included education campaigns and OHR’s attendance of several community events increased.

Fair Housing Cases

- ▶ Disability **14**
- ▶ Race **8**
- ▶ Source of Income **7**
- ▶ Age **0**
- ▶ Retaliation **0**
- ▶ Sex **3**
- ▶ National Origin **4**
- ▶ Religion **3**
- ▶ Personal Appearance **0**
- ▶ Family Responsibilities **0**
- ▶ Familial Status **3**
- ▶ Political Affiliation **0**
- ▶ Sexual Orientation **3**
- ▶ Marital Status **0**
- ▶ Color **1**
- ▶ Genetic Information **0**
- ▶ Gender Identity or Expression **2**
- ▶ Matriculation **0**
- ▶ Status as a victim of intra-family violence **0**





2011 Education Campaign



what is WRONG with these pictures?

Discrimination against people with disabilities happens all around us and on a daily basis. Thousands of District of Columbia residents and visitors face barriers while on their morning commute, visiting friends and relatives, and running errands. Take a look at the 3 photos and tell us

"What is Wrong with these Pictures?"

Take our online quiz at www.disabilitygame.org



[human rights for ALL]



Mediation:

A Process of Assisted Negotiations

Mediation is an alternative dispute resolution (ADR) program implemented by OHR that typically occurs within 45 days after processing of the complaint. DC's Human Rights Act requires that all cases are mediated. The goal of mediation is to resolve the complaint before a full investigation begins. A successful mediation reduces the case processing time by up to 180 days and saves the parties litigation costs. Since mediation is a priority within OHR's enforcement process, once a case has been docketed, the complaint is immediately transferred to the mediation unit.

Both certified OHR staff and ADR professionals conduct the mediation sessions. The main role of the mediator is to assist the parties in finding a mutually acceptable resolution of a complaint. While mediation is not a legal process, OHR allows legal representation in an advisory capacity during the sessions. As with national standards of practice, all OHR mediations are confidential and no aspect of the mediation can be used in any subsequent litigation of the complaint.

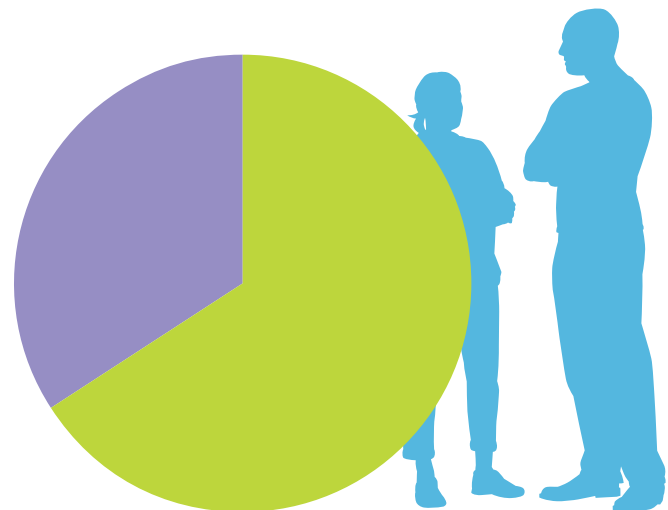
In 2011, OHR mediated 332 cases, with a combined settlement amount of **\$2,125,035** representing more than a **26%** increase in settlement amounts as compared to 2010.

OHR's Pro Bono Mediator Program

In 2010, OHR implemented a Mediation Stipend Program to address the demand for mediations. The stipend program allows OHR to contract with experienced mediators to mediate OHR cases. OHR's mediation program is highly regarded and the success rate of settlements annually is approximately **40%**.

▶▶ *Agency Highlight: Since 2009, OHR has settled hundreds of cases for a combined settlement total of over **\$5,000,000***

- ▶ Total number of mediations conducted in 2011 **(332)**
- ▶ Total number of mediations settled in 2011 **(127)**



Legal Review



OHR is committed to resolving conflicts and removing tensions that cause disorder in our communities. OHR works diligently to have successful mediations, but if mediation fails, the complaint moves forward to a full investigation. At the end of the investigation phase an OHR attorney reviews the investigation and drafts a proposed finding. After OHR Director's approval, the OHR issues a Letter of Determination to the parties indicating either that discrimination has been demonstrated or there is no apparent violation to the law.

Reconsiderations of No Probable Cause Determinations

When the OHR issues a no probable cause determination on an issue contained in the complaint, the Complainant may make a request to the Director of the OHR for a reconsideration of the decision. If the no probable cause determination is affirmed, the Complainant may seek a Petition for Review in the District of Columbia Superior Court.

Any party can challenge a determination in Superior Court for the District of Columbia through a Petition for Review. In 2011, there were a total of **62** cases appealing an OHR decision and OHR's decisions prevailed in more than 90% of those court reviews.

Conciliations

When a private sector probable cause determination is issued, the parties are invited within **30** days of the issuance of the Letter of Determination to resolve the complaint through a conciliation conference. This conciliation is an attempt to resolve the allegation of the unlawful discrimination prior to the case being transferred to the Commission on Human Rights for a public hearing. In contrast to mediation, conciliation is not mandatory and the parties may inquire into information obtained during the investigation to clarify what evidence OHR relied on in making its determination. In 2011, there were **14** cases settled in conciliation.

Pending Inventory and Case Closures

In 2010, OHR reduced the historic number of "aged" or "backlogged" cases. The intake, mediation and investigation divisions were streamlined to discharge cases according to the new and improved guidelines.

Public Hearings

If conciliation fails, the private sector complaints are certified to the District of Columbia Commission on Human Rights for a public hearing. The Commission issues a final decision and order determining whether discrimination has occurred and the appropriate remedy, if any.

▼ FACT

In 2011, in an effort to improve internal operations, OHR issued a revised Standard Operating Procedures Manual that can be found at ohr.dc.gov.

Language Access in the District





**District
Government**



**Community
Advocates**



**LEP/NEP
Community**

I speak

中文

Español

The Language Access program was created by the DC Language Access Act of 2004. The legislation was enacted to provide greater access and participation in public services, programs, and activities for residents of the District of Columbia with limited or no-English proficiency (LEP/NEP).

Languages Covered by the DC Language Access Act and Required Activities

The Council of the District of Columbia identified six languages spoken largely by DC's immigrant community to be covered under the Act: Spanish, Chinese, Vietnamese, French, Korean and Amharic. The Office of Human Rights, which oversees and implements the Language Access Program, is required under the Act to:

- a) Provide oversight, central coordination, and technical assistance to covered entities in their implementation of the DC Language Access Act;
- b) Ensure that the provision of services by District agencies meets acceptable standards of translation and interpretation;
- c) Review and monitor each agency's language access plan for compliance with the law;
- d) Track, monitor, and investigate public complaints regarding language access violations at District agencies and, where necessary, issue written findings of noncompliance to agencies regarding failure to provide language access; and
- e) Review and monitor the Language Access Coordinators with respect to their performance of responsibilities under the law.

Program Partners

The Language Access program works in consultation with a variety of government offices that conduct outreach to specific communities, including the Mayor's Offices of Asian and Pacific Islander Affairs (OAPIA), Latino Affairs (OLA) and African Affairs (OAA). The Program also works with the DC Language Access Coalition (the "Coalition")—an alliance of diverse community-based organizations who work to ensure that civil rights of immigrant and LEP communities are protected by advocating for meaningful language access within the District. The Coalition is a nongovernmental and non-Mayoral appointed group that is written by name into the DC Language Access Act.

Agencies Covered Under the Act

There are **34** agencies that because of their level of contact with constituents, are called "covered agencies with major public contact." The Language Access Program works with Language Access Coordinators (LACs) from these agencies to monitor the implementation of the Act's requirements. The covered agencies are:

▼ FACT

The District has observed a **9%** increase in overall average compliance scores since 2009.

Français

Tiếng Việt

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한국어

Covered Agencies

1	Department of Health
2	Department of Human Services
3	Department of Employment Services
4	Metropolitan Police Department
5	D.C. Public Schools
6	Office of Planning
7	Fire and Emergency Medical Services
8	Office of Human Rights
9	Department of Housing and Community Development
10	Department of Mental Health
11	Department of Motor Vehicles
12	Child and Family Services Agency
13	Alcoholic Beverage Regulation Administration
14	Department of Consumer and Regulatory Affairs
15	Department of Parks and Recreation
16	Office on Aging
17	D.C. Public Library
18	Department of Human Resources
19	Office of Contracting and Procurement
20	Department of Corrections
21	Department of Public Works
22	Office of Tax and Revenue
23	Office of the People's Counsel
24	D.C. Housing Authority
25	Homeland Security and Emergency Management Agency
26	Department of Disability Services
27	Department of Transportation
28	Office of Unified Communications
29	Department of the Environment
30	Office of the State Superintendent for Education
31	Department of Small and Local Business Development
32	Office of Zoning
33	Office of the Tenant Advocate
34	D.C. Lottery and Charitable Games Control Board

▼ **FACT**

13% of the resident population in the District of Columbia is foreign born, and **7%** of the District's resident population speaks English "less than very well." The DC Language Access Act of 2004 provides District residents who have difficulty or are unable to communicate in English the right to receive oral and written language services in their language from the District government.

Requirements under the Act for Agencies with Major Public Contact

The Language Access Act requires all District government programs, departments and services that have major contact with the public:

- ▶ assess the need for and offer oral language services,
- ▶ provide written translations of vital documents into any non-English language spoken by a limited or no-English proficient population that constitutes **3%** or **500** individuals, whichever is less of the population served,
- ▶ establish a language access plan and designate a Language Access Coordinator.

Enforcement

OHR is charged with tracking, monitoring and investigating public complaints of language access violations. By law, the OHR may investigate complaints of alleged non-compliance made against any District agency. The OHR may issue written findings of non-compliance to agencies should an investigation prove that agencies are not providing adequate language access services to LEP/NEP customers. Should the agency not provide the services as required by OHR within the designated timeframe, the agency's actions will be reported to the Office of the City Administrator (OCA) for further action. To increase efficiency in reporting, in 2008, OHR implemented a reporting system under which covered agencies self-report quarterly on the progress of their plans. In 2011 there were seven (7) language access complaints filed with OHR. Two (2) of those complaints were determined to be violations of the Act resulting in a twenty-nine percent (29%) violation rate.

Foreign-Language Testing

OHR also tests for compliance and reviews customer service standards within covered agencies. All covered agencies are tested on their quality of customer service and efficiency of service provision to constituents who communicate in a non-English language. Agencies are tested telephonically and in-person in the six (6) most commonly spoken non-English languages identified in the District: Amharic, Chinese, French, Korean, Spanish and Vietnamese. The testers use *courtesy, knowledge of language access resources, and quality of service provision* as their criteria for rating an agency.

OHR issues an annual compliance report outlining recommendations to improve services for District residents who are LEP/NEP. Numerically speaking, the District scored an average compliance rating of **1.42**.



▼ **FACT**

In order to meet the compliance goals of the Program, OHR conducts regular training for District personnel who fill a “public contact position” on the city's language access requirements.

The “Know Your Rights” Campaign

In June 2011, OHR launched its annual language access awareness and education campaign to inform every LEP/NEP resident in the District of their rights under the DC Language Access Act of 2004. The campaign incorporated media across platforms including radio, television, print, public ad space and community events. In order to increase awareness the “Know Your Rights” communications strategy included the following components:

- ▶ Multi-language graphics
- ▶ Print ads in various languages in local ethnic newspapers
- ▶ Television Public Service Announcements (PSAs) – OHR partnered with DCTV to create PSAs in English and Spanish. The PSAs aired throughout 2011.

Community Forums

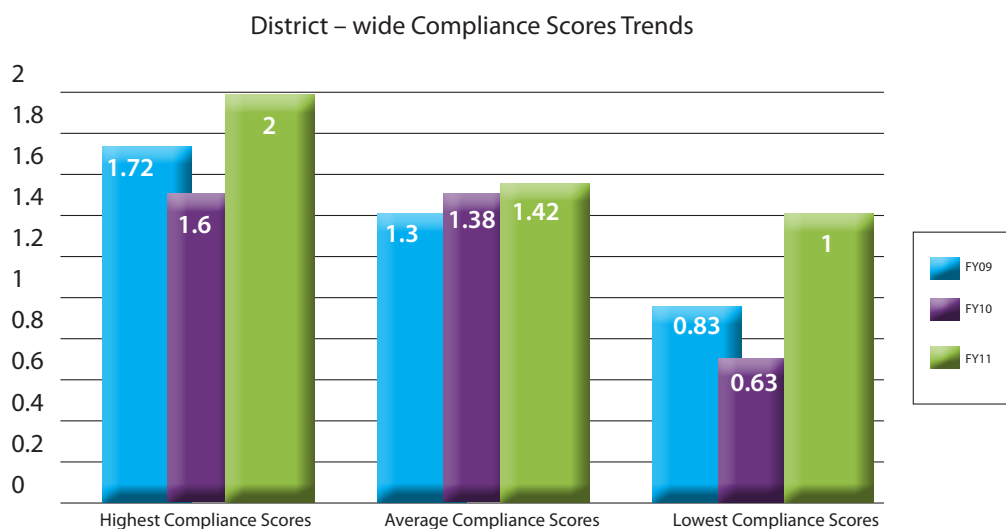
OHR developed an aggressive community outreach plan working in partnership with the DC Language Access Coalition. In 2011 OHR, in partnership with the OAA, OAPIA, OLA, and a variety of CBOs, hosted two public language access forums for the LEP/NEP community. The purpose of the language access forums was to facilitate a dialogue among key stakeholders on issues of employment and health and social services. The forums provided community members the opportunity to discuss the various issues the LEP/NEP community face accessing government services, to generate new ideas, solutions, and make recommendations that could be used to increase access to services.

Self-Reporting System Automated

In 2011 OHR, in collaboration with Office of the Chief Technology Officer (OCTO), worked to develop a process for automating agency language access quarterly reports and biennial language access plans. The goal of this initiative is to both reduce the use of paper and to make use of staff time for reporting more efficient across the **34** agencies designated as having "major public contact" under the the Act.

▼ **FACT**

In FY 11, for the first time in the history of the Language Access Program, the OHR observed two (2) agency compliance scores reach a perfect rating of **2.00** (Exceptional Compliance). The statistical results reveal gradual increases in overall compliance scores (see chart).



DC Commission on Human Rights

Overview

The District of Columbia Commission on Human Rights conducts hearings for private sector discrimination complaints certified from the Office of Human Rights. The Commission on Human Rights operates independently of the Office in order to adjudicate cases in an impartial manner.

While OHR is responsible for making a finding of “probable cause” (an administrative indictment of the likelihood of discrimination), the Commission makes the ultimate ruling on the allegation. Upon a finding of discrimination, the Commission may issue any of the following: injunctive relief, affirmative action, award damages, civil penalties and attorney fees. The Commission hearings are held in a “trial-like” setting before a DC Commission on Human Rights administrative law judge and in some cases before a panel of the DC Human Rights Commissioners. The Commission may also undertake public investigations or hearings concerning patterns of discrimination that have taken place in the District of Columbia and make recommendations to the Mayor and/or the City Council of the District of Columbia. The Commission also has rulemaking authority, which allows it to promulgate rules, regulations and procedures that help to implement the Human Rights Act.

Adjudicative Function

The Commission’s hearing process operates under the District of Columbia Administrative Procedure Act, as well as the Commission’s Rules of Procedure. The *de novo* proceeding allows the parties, similar to any civil litigation, discovery, motion practice and a full evidentiary hearing with introduction of documents and testimony of witnesses subject to cross-examination. All hearings are public, recorded and transcribed by a court reporter. Once an administrative law judge completes the hearing, they review the record and then issue a proposed decision and order with findings of fact and conclusions of law. The parties are given 15 days from the date of the proposed decision to file exceptions to the proposed decision and order. The administrative law judge then prepares a draft of a final decision and order which is submitted to a tribunal of commissioners assigned to the case. The commissioners review the final decision and order, as well as any exceptions filed by the parties and then issue a final decision that either affirms, modifies or rejects the administrative law judge’s recommendation. Final decisions of the Commission may be appealed to the District of Columbia Court of Appeals.

Youth Human Rights Ambassador Program

In 2011, the Commission developed an initiative aimed at introducing District high school students to human rights. The initiative will include a Youth Human Rights Ambassador contest for high school-aged students. The initiative includes members of the Commission conducting training for youth participants specifically focusing on international human rights protections and the DC Human Rights Act. Once trained, the students will develop and submit a creative piece relating to an issue concerning human rights. This creative piece could take the form of an essay, video, poem, visual work of art, song or some other type of presentation medium.

The topic which students will focus their creative pieces is “Know Your Rights.” The Commission partnered with the Georgetown University Law Center’s Street Law Clinic, the Youth Build Public Charter School operated under the Latin American Youth Center and the Sexual Minority Youth Assistance League to participate in this Youth Human Rights Ambassador program. The Georgetown Street Law Clinic is active in 15 high schools in the District reaching some 400 students. The Youth Build Public Charter School serves as an alternative educational facility that not only provides high school equivalence certification, but also teaches its students a marketable skill in the construction trade. Many of the Youth Build Public Charter School participants are older students who did not complete traditional high school with some having limited or no proficiency in the English language. In addition to developing leadership skills and learning about human rights, the students who participate in this contest will receive special recognition as District of Columbia Youth Human Rights Ambassadors.





**Learn more
about your
rights at:**

OHR.DC.gov

▼ FACT

In 2010-2011 OHR reviewed 763 allegations of civil rights violations and formally accepted 392.

In the Community

In 2011, the Commission continued to participate in a wide range of forums throughout the Washington Metropolitan area in an effort to educate the public about the Commission, the OHR, the Human Rights Act and Regulations. In the spring and summer of 2011, the Commission hosted several international meetings, including fact finding delegations from Eastern Europe, Korea and Africa.

Additionally the Commission participated at annual GLBT events including the Capital Pride Festival and the Trans Pride Day.

Anniversary of the Universal Declaration of Human Rights

In December 2010, OHR co-sponsored a special event in honor of Human Rights Day, in partnership with the United Nations Association of the National Capital Area. Dr. Frank Kameny, a human rights activist and one of the founders of the gay, lesbian, bisexual and transgender affairs civil rights movement both nationally and locally, was the recipient of the Third Annual Cornelius R. "Neil" Alexander Humanitarian Award.

The Award

The Cornelius R. "Neil" Alexander Humanitarian Award celebrates the efforts and accomplishments of individuals who have made significant contributions in the field of human or civil rights and to improving the quality of life in the District of Columbia. Neil Alexander was the Chief Hearing Examiner for the DC Commission on Human Rights, from 1987 until his untimely death in 2007. Neil was widely recognized as an expert in discrimination law and a leader in the fight for social justice. With an extensive knowledge of discrimination law, he wrote numerous legal decisions in cases that received regional and national attention.

The 2011 recipient of the Cornelius R. "Neil" Alexander Humanitarian Award, will be announced at the inaugural Human Rights' Award Gala in December 2011. Past recipients include Wade Henderson (President and CEO of The Leadership Conference on Civil and Human Rights), Dr. Frank Kameny (GLBT Rights Pioneer) and Johnny Barnes (Executive Director, ACLU of the Nation's Capital).

2011 Education Campaign

Commissioners

The Commission is a 15-member volunteer body appointed by the Mayor for a term of two years. The Mayor appoints the Chairperson and the Commissioners elect the Vice-Chairperson as well as the Secretary. The following individuals served as Commissioners in 2010-2011:

Christopher Dyer Ward 2

Thomas Fulton Ward 3

Nimesh M. Patel, Esq. Ward 2

Nkechi Taifa, Esq. Ward 4

Michael E. Ward, Esq. Ward 6

New Cases Certified to the Commission in FY11

The new number of cases certified to the Commission in FY11 was five (5).

Case Closures & Monetary Relief Amounts for FY11

The total Commission cases closed in FY11 was five (5). Total number of Commission cases for which Proposed Decisions and Orders were served upon the parties for the filing of any exceptions was three (3).

Criminal Background Cases

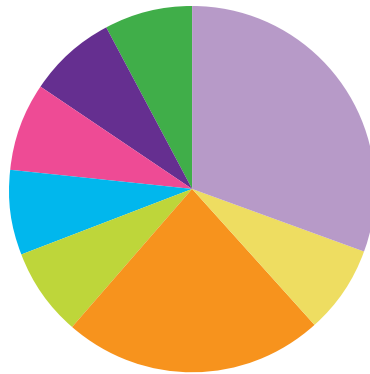
A total of 39 Criminal Background Check cases were filed with the Commission in FY11 and a total of 30 Check Orders were issued during the same period.

Pending Inventory in FY11

The Commission presently has 54 pending cases in its inventory. By protected classes under the Human Rights Act, the cases at the Commission are organized as follows:

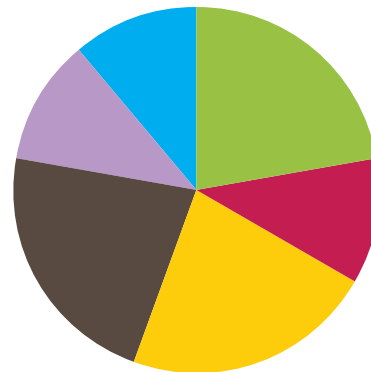
A. Commission Cases - (10)

- ▶ Gender: 4
- ▶ Religion: 1
- ▶ Race: 3
- ▶ Sexual Orientation: 1
- ▶ National Origin: 1
- ▶ Age: 1
- ▶ Disability: 1
- ▶ Family Responsibility: 1



B. Office of Human Rights Cases - (5)

- ▶ Gender: 2
- ▶ Religion: 1
- ▶ Race: 2
- ▶ National Origin: 2
- ▶ Age: 1
- ▶ Color: 1





**Learn more
about your
rights at:**

[OHR.DC.gov](https://www.ohr.dc.gov)