

New Hampshire Commission for Human Rights

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NEW HAMPSHIRE COMMISSION FOR HUMAN RIGHTS COMMISSIONERS' MEETING

November 2, 2023, at 5:00 PM

MINUTES

ATTENDANCE: Commissioners present: Elizabeth Asch, Nancy LeRoy (Chair),
Adrienne Evans and Basra Mohamed (via Zoom)

Commission Staff: Executive Director, Ahni Malachi
Assistant Director, Sarah Burke Cohen
Intake Coordinator, Erica Rosignol (Secretary)

Commissioner Kim called the meeting to order at 5:17 PM.

1. PUBLIC COMMENT

Executive Director Malachi asked if anyone from the public was present and wished to make public comment.

John Clinch from LRBA Audit Division was present.

2. APPROVAL OF AUGUST & OCTOBER MINUTES

Commissioner Evans moved, and Commissioner Asch seconded a motion to approve the minutes for August.

Upon a roll call vote, the motion carried: Commissioner LeRoy - yea; Commissioner Asch – yea; Commissioner Evans – yea; and Commissioner Mohamed – yea. The motion carried.

Commissioner Asch moved, and Commissioner Evans seconded a motion to approve the minutes for October.

Upon a roll call vote, the motion carried: Commissioner LeRoy - yea; Commissioner Asch – yea; Commissioner Evans – yea; and Commissioner Mohamed – yea. The motion carried.

Upon a roll call vote, the motion carried: Commissioner LeRoy - yea; Commissioner Asch – yea; Commissioner Evans – yea; and Commissioner Mohamed – yea. The motion carried.

3. GACDI UPDATE

Executive Director Malachi discussed the ongoing work of the Governor’s Council on Diversity and Inclusion (“GACDI”). She is currently reaching out to artists for Roger’s Johnson portrait to discuss and make a vote with GACDI. Commissioner Evans asked if the Artist’s council can provide a grant for the portrait. Executive Director Malachi stated that she will ask at the next meeting.

4. OFFICE UPDATES

Executive Director Malachi discussed the Hate Crimes Forum, which took place at the Fire Academy on October 5, 2023. There were about 50 attendees. It was scheduled 8:30 AM to noon. The Attorney General was the Keynote Speaker. Attorney Locke and Executive Director Malachi were both panel moderators. The panel discussions highlighted law enforcement response, public input, and community outreach. Commissioner Evans brought up current events concerning hate crimes to emphasize the importance of such gatherings. There will likely be two more of these forums. Executive Director Malachi showcased a pamphlet created by Attorney Locke which outlines hate crimes, civil rights, and applicable resources. Attorney Locke is currently working on the digital formatting of the pamphlet. Executive Director Malachi offered that the Commissioners are welcome to take extra pamphlets with them for outreach.

Executive Director Malachi informed the Commissioners that going forward, once orders or reports are sent to Commissioners for review, investigators may reach out if the documents are not returned within two weeks. Executive Director Malachi asked about monthly availability of Commissioners. The Commissioners will let her know in the upcoming month.

Open positions were posted following the approval of the lease for the new office. The Commission has posted two investigator positions, a full-time secretary position and a full-time paralegal position. Executive Director Malachi added that Secretary Lara Phillips-Ramovic will begin working full time tomorrow. Commissioner Leroy expressed how this was a positive change for the operations of the Commission. Assistant Director Burke Cohen stated that is the Commission’s goal to eventually reduce to the pending file to cases three months old or younger. New staff will play a huge role in helping to achieve this goal.

Executive Director Malachi discussed moving updates. The lease for the Commission's new office was approved at G&C on October 18, 2023. Secretary Lara Phillips-Ramovic is the moving captain. She has been wonderful as she continues to work diligently in preparation for the move. Commissioner Asch inquired about a specific date for the move. Executive Director Malachi explained that there is no exact date set yet. However, it is anticipated to occur sometime during the week of November 27, 2023. Therefore, the next Commissioners meeting will likely take place at the new office. The website will be updated to reflect the Commission's new address.

Executive Director Malachi discussed updates regarding Ethnic and Racial Disparities Subcommittee of the Juvenile Justice Reform Commission. She attended the quarterly meeting on October 19, 2023, and gave a presentation about the Commission. She expressed that the meeting provided opportunity for good connectivity. She will be meeting with the Office of Child Advocate as well as a new individual who works with children and families with special needs. They plan to discuss overlapping issues regarding the enforcement of 504 plans versus potential discrimination to figure out best way to work synergistically.

On October 27, 2023, Executive Director Malachi gave presentation at the NH School Administrator Association. She talked about GACDI Toolkit and the Commission for outreach. Superintendents from all over New Hampshire attended both in-person and virtually. Executive Director Malachi highly encouraged the attendees to reach out to the Commission for questions, concerns, or resources.

Executive Director Malachi has been invited to participate in NH Songa in mid - November 2023. NH Songa is for one-day conference that focuses in on immigrants in New Hampshire's workforce. Executive Director Malachi will be sitting on session 4, "Benefits of DEIJ Notions for Employers and Workers Towards an Inclusive Workplace." Likewise, Eva Castillo, the Director for Immigrants and Refugees will also be on the panel in addition to a variety of other leaders in the region.

Executive Director Malachi will be attending the Business and Industry Association's ("BIA") 9th Annual Leadership Summit at Mountain View Grand Resort in Whitefield. The two-day summit will take place December 3 and 4, 2023. Dinner, networking, legislators, and commissioners. The summit brings together New Hampshire's elected and appointed policy leaders with business leaders to discuss the top legislative issues concerning the state's business community. Executive Director Malachi noted that the Summit is a good opportunity to network and participate in workshops. She will report back in the January 2024 Commissioner's meeting about the outcome of the event.

Commissioner Leroy expressed concerns relative to legislative sessions. Executive Director Malachi assured her that accurate depictions of issues faced by the Commission that inhibit the process timeline have been and will continue to be communicated to those outside of the agency for deeper understanding.

5. REVIEW OF INVESTIGATOR CASE LOAD

Assistant Director Burke Cohen provided the updated contract number with EEOC for FFY2024; 200 cases. Fifteen cases have been closed already. However, Intake remains busy with constant openings. As a result, the cases filed than closed in October. The Investigators continue to strive for thorough investigations, with stricter adherence to timelines. They remain at a caseload of 25 each per investigator. Assistant Director Burke Cohen reiterated that receiving orders and reports back from Commissioners in two weeks or less will help with timelines.

Assistant Director Burke Cohen discussed the Commission's mediation program. Investigator Katrina Taylor has thirteen mediations scheduled up through December 2023, plus eight in the pipeline. The mediation program has an approximately 80% success rate currently. Assistant Director Burke Cohen explained that mediation is a great opportunity for resolution before a case gets to investigation. Commissioner Leroy suggested sending thank you notes to mediators. Assistant Director Burke Cohen agreed that thank you notes would be an appropriate gesture. Executive Director Malachi explained that the Commission used to put on a reception for volunteer mediators as a "thank you" and thinks new space will allow for an event like that in the future. She also suggested this can be done potentially in combination with an open house for the new office. Commissioner Asch said that is a great idea especially in terms of outreach in showing gratitude for their generosity and hard work.

6. HEARING SCHEDULE UPDATE

Assistant Director Burke Cohen discussed the public hearing schedule for 2024. Not assigned for January yet. No December 2023 hearings (settled or not removed). Hearings scheduled out to April 2024.

7. OTHER BUSINESS

Rules- Working app on fair housing to become FHAP. Amended rules in limited areas. Assistant Director Burke Cohen discussed the following changes to the 200s rules: Page 1, part G, added in "HUD" to language; Page 2, part P. HUD is defined; Page 5, designated section for housing discrimination complaints as there will be a separate charge document for housing claims under a contract with HUD; Page 10, changes to the filing procedure; Page 16, "designee" added into language; Page 20, additional language regarding interview and attendance etiquette. Specifically, others present during investigator interviews cannot speak for parties unless they are from legal counsel; Page 26, housing discrimination complaint language regarding final disposition in cases within one year; Page 34, certified records request; Page 47, processing of court remanded cases. Assistant Director Burke Cohen clarified that remanded refers to cases appealed to court, where the Commission's decision is reversed and sent back for further investigation.

Commissioner Asch moved, and Commissioner Evans seconded a motion to approve the changes to amend the 200s rules.

Upon a roll call vote, the motion carried: Commissioner LeRoy - yea; Commissioner Asch – yea; Commissioner Evans – yea; and Commissioner Mohamed – yea. The motion carried.

Assistant Director Burke Cohen discussed the following changes to the 300s rules: Page 7 and 8, HUD language about conciliations. Assistant Director Burke Cohen explained that the Commission would represent pro se Complainants for housing cases removed to court. HUD’s preference is that cases are removed to court. Attorney Locke would likely be the representation for these cases. Commissioner Leroy raised concerns regarding compensation for the representation. Asch expectations for the changes. Executive Director Malachi elaborated that this process will be gauged for the first three years as HUD provides a flat rate during this time, not necessarily reimbursement. HUD gets approximately 42-43 cases a year from New Hampshire now. She explained that the three years after entering into a contract with HUD will provide a window of time to reform processes internally according to how investigations unfold with new contract. Thus, it is not a present concern as the Commission does not have a contract with HUD currently.

Commissioner Evans moved, and Commissioner Asch seconded a motion to approve the changes to amend the 300s rules.

Upon a roll call vote, the motion carried: Commissioner LeRoy - yea; Commissioner Asch – yea; Commissioner Evans – yea; and Commissioner Mohamed – yea. The motion carried.

8. NON-PUBLIC SESSION

None.

9. ADJOURNMENT

Commissioner Leroy moved for adjournment. The Commissioner’s meeting adjourned at 6:15 PM.