

New Hampshire Commission for Human Rights



COMMISSIONERS

DOUGLAS J. PALARDY, CHAIR
SHERYL L. SHIRLEY, Ph.D
HARVEY KEYE
ALEX SAMUEL
NANCY LEROY
BASRA MOHAMED
CHRISTIAN KIM

2 INDUSTRIAL PARK DR.
CONCORD, NEW HAMPSHIRE 03301-8501
TEL (603) 271-2767
TDD Access: Relay NH 1-800-735-2964
FAX (603) 271-6339
E-MAIL: humanrights@nh.gov
www.nh.gov/hrc

EXECUTIVE DIRECTOR
AHNI MALACHI

ASSISTANT DIRECTOR
SARAH E. BURKE COHEN, ESQ.

INVESTIGATORS
KATRINA E. TAYLOR
NICOLE LEMELIN
DANIEL DEYERMOND
KATE MULLEAVEY
TAMARA SAXBY

ADMINISTRATIVE ASSISTANT
WILLIAM DARLING

SECRETARY
NANCY RODGERS

NEW HAMPSHIRE COMMISSION FOR HUMAN RIGHTS COMMISSIONERS' MEETING

August 6, 2020 at 5:00 PM

MINUTES

ATTENDANCE: Commissioners present: Sheryl Shirley (chaired), Nancy LeRoy, Alex Samuel, Christian Kim and Basra Mohamed (at 5:15 PM)

Commission Staff: Executive Director, Ahni Malachi and Assistant Director, Sarah Burke Cohen

(All participants attended this meeting via Zoom)

Commissioner Shirley called the meeting to order at 5:07 PM.

The Chair of the Commission for Human Rights Commission, Douglas Palardy has requested I convene this meeting as chair in his absence. Further, due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

- a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means: We are utilizing Zoom for this electronic meeting. All members of the Commission have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting by contacting the Commission's office at 271-2767 and receiving the meeting id and passcode.

- b) Providing public notice of the necessary information for accessing the meeting:
We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting telephonically. Instructions have also been provided on the website of the Commission for Human Rights at <nh.gov/hrc>.
- c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access. If anybody has a problem, please call 271-2767 or email at: <humanrights@nh.gov>.
- d) Adjourning the meeting if the public is unable to access the meeting. In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that all votes that are taken during this meeting shall be done by roll call vote.

Let's start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.”

Commissioner Shirley: home, alone; Commissioner Kim: home alone;
Commissioner Samuel: home, alone; Commissioner LeRoy: home, alone; and
Commissioner Mohamed: home, alone

1. PUBLIC COMMENT

Assistant Director Burke Cohen asked if anyone from the public was present and wished to make public comment. There was no response.

2. APPROVAL OF JUNE MEETING MINUTES

Commissioner LeRoy moved and Commissioner Samuel seconded a motion to approve the June minutes. Roll call: Commissioner Shirley – yea; Commissioner Samuel—yea; Commissioner LeRoy - yea; and Commissioner Kim—yea. The motion carried.

3. DIVERSITY & INCLUSION COUNCIL UPDATE

Director Malachi is now the NHCHR's representative on this Council. There was a listening session relative to [REDACTED]. Director Malachi also discussed the LE ACT on which she is serving. The Council submitted some suggestions to LE ACT.

4. OFFICE UPDATES.

Director Malachi discussed the LE ACT and that it has been extended to allow time for completion of the report revolving around recommendations for trainings and community involvement. Director Malachi will sent the Commissioners the report relative to the first area discussed under training.

Director Malachi discussed the status of the office. It continues to be closed to the public. The investigators are going in each one day per week to cover the office and allow for deliveries, etc. Director Malachi also stated Assistant Director Burke Cohen is going in 2 days per week to work with the Intern. The Intern has mainly been working on preparing the NHCHR's Administrative Rules for the JLCAR process.

Director Malachi has discussed the HUD process including statutory changes with the Governor's Office. The goal is to propose the statutory changes in the next legislative cycle. Director Malachi explained the goal is to add any new administrative rules to the process

5. REVIEW OF INVESTIGATOR CASELOAD

Assistant Director Burke Cohen discussed caseload. She stated the NHCHR has completed its EEOC contract. The NHCHR is now at 110% percent of our contract as our contract was to close 170 cases and the NHCHR has now closed 187 cases. Director Malachi and Assistant Director Burke Cohen has requested an upward modification of 30 cases to the EEOC. We have not yet heard back from the EEOC. We requested 20 cases last year and received 8. Assistant Director Burke Cohen and Director Malachi expressed their gratitude toward the staff who have been working really hard to process their cases. Assistant Director Burke Cohen also stated she was impressed that the NHCHR was able to ask for an upward modification of 30 cases this year given in the past the NHCHR has struggled in the past to make contract.

6. HEARING SCHEDULE UPDATE RELATIVE TO OFFICE RE-OPEN

Assistant Director Burke Cohen stated there are two scheduled hearing dates on October 28, 2020 and November 18, 2020. She stated the hearing date scheduled for October will definitely go forward and sought volunteers. Commissioners Mohamed and Kim volunteered. Commissioner LeRoy was disqualified because she was the Investigating Commissioner. I stated we needed one more volunteer. There were none. Assistant Director Burke Cohen said she would circle back again and inquire if Commissioner Palardy was available. With regard to the November 18, 2020 date, Commissioners Samuel, Kim, Mohamed and LeRoy volunteered. Commissioner LeRoy could be disqualified depending on what case is heard because she was an Investigating Commissioner.

Assistant Burke Cohen also discussed that the October hearing is currently scheduled for an in-person hearing. She explained that Director Malachi and she are watching statistics

and tracking guidance relative to in-person hearings and/or virtual due to the COVID-19 pandemic. Assistant Director Burke Cohen and Director Malachi are working with the Attorney General's Office on guidance should the hearing be virtual and looking to other boards who have conducted public hearings virtually to ensure it meets all statutory requirements.

7. OTHER BUSINESS

A. BIAS TRAINING

Director Malachi said the NHCHR gets requests for a variety of trainings. We have lately had requests for bias trainings. Currently, the NHCHR has had request and been providing sexual harassment trainings. The training is done by Assistant Director Burke Cohen and talks about the NHCHR generally and drills down to sexual harassment. Director Malachi asked if the Commissioners might be interested in having this training provided by NHCHR staff. Director Malachi stated a curriculum would need to put together. Commissioner Shirley stated she believed it may have been offered in the past. Commissioner Samuel shared concerns about resources given the amount of cases the NHCHR needs to process. Commissioner Mohamed expressed that this would be a good undertaking. Commissioner LeRoy asked if it had been done before. Commissioner Shirley stated she believe it may have been done in the past by the former Executive Director. She said this is important and she sees it as part of the NHCHR's role and statute. Commissioner Samuel agreed and said any further education would assist with limiting the number of new complaints coming in. Director Malachi stated that indeed the NHCHR charges for the training it provides. The rate is \$200.00 per hour and the training roughly lasts 1.5 hours. Director Malachi said she Commissioner LeRoy asked if we have the qualifications to teach. Director Malachi stated, in her opinion, that we do have the qualifications given that we are the enforcement agency. However, she said we would need to tailor the training to be relevant to the areas that we enforce. Commissioner Kim echoed the other comments relative to bandwidth of the staff as the topic is cohesive with the objective and revenue is also a positive aspect of offering additional trainings. Director Malachi inquired if this needed to be voted on. Commissioner Shirley stated she did not think so as it would be something that already falls under the NHCHR's objective. Director Malachi stated she would begin research into curriculum and logistics. She said she would bring it back to the Commissioners once she compiled more information.

8. NON-PUBLIC SESSION

None.

9. ADJOURNMENT

Commissioner LeRoy motioned for adjournment and Commissioner Mohamed seconded. The Commissioner's meeting adjourned at 5:46 PM.