

New Hampshire Commission for Human Rights



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NEW HAMPSHIRE COMMISSION FOR HUMAN RIGHTS COMMISSIONERS' MEETING

August 5, 2021 at 5:00 PM

MINUTES

ATTENDANCE: **Commissioners present: Douglas Palardy, Nancy LeRoy, Alex Samuel, Christian Kim, Elizabeth Asch and Harvey Keye (by phone)**

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

Commissioner Palardy called the meeting to order at 5:13 PM.

1. PUBLIC COMMENT

Commissioner Palardy asked if anyone from the public was present and wished to make public comment. Joseph Haas requested to make public comment. Mr. Haas discussed his desire and request for civil liberties to be added to RSA 354-A and enforced by the NHCHR. He discussed the difficulties he has faced in the NH Court system, which included alleged violations of due process and the NH Constitution. During this discussion, Mr. Haas discussed the NH Constitution, state and federal statutes and the United Nation's Universal Declaration of Human Rights. Mr. Haas also discussed the misadministration of the court system by the Judicial Council. Mr. Haas stated that "Human Rights" should include civil liberties and that given the NHCHR carries "Human Rights" in its name that it should also enforce and ensure civil liberties are not abridged. In sum, Mr. Haas requested the Commissioners pursue legislation that would add civil liberties to the jurisdiction of RSA 354-A. He also stated he would be approaching the Governor's Advisory Council on Diversity and Inclusion with the same proposition and he would seek out legislators he was familiar with to sponsor and introduce legislation in the upcoming session that would add civil liberties to RSA 354-A.

2. APPROVAL OF JUNE MEETING MINUTES

Commissioner LeRoy moved and Commissioner Samuel seconded a motion to approve the June minutes as amended. The motion carried.

3. OFFICE UPDATES

Executive Director Malachi gave the office update. Executive Director Malachi discussed the recently held EEOC National Conference, which the Assistant Director and she attended virtually. She discussed the sessions held over the three days, which included updates of the law and practical sessions such as conducting cognitive interviews.

Executive Director Malachi also discussed that in the past we had attempted to have monthly trainings scheduled for NHCHR staff in various areas, but that many were put on hold due to the national pandemic. As we move forward, Executive Director Malachi stated she is hopeful that we will be able to get back on track with scheduling monthly trainings for staff. She also discussed where we will be able to get the trainings from.

Executive Director Malachi gave a brief legislative update. She stated the omnibus bill that included amendments to RSA 354-A to allow the NHCHR to be considered substantially equivalent to federal laws by HUD has passed and will be signed into law. This means the NHCHR can move forward with completing the process to apply for a federal HUD grant. This process will include completing and submitting administrative rules. Executive Director Malachi also discussed other bills that will likely be introduced or reintroduced during the next legislative session including legislation concerning pregnancy and lactation, the allowance of a respondent to remove a case to court from the NHCHR post-cause finding, and discrimination based on ethnic hairstyles. Executive Director Malachi discussed the NHCHR's involvement in the bills relative to pregnancy and lactation. She also discussed that relative to ethnic hairstyles legislation that the NHCHR already has the ability to take charges based on this type of discrimination as race, religion and/or national origin discrimination. Executive Director Malachi also discussed the language added to RSA 354-A via HB2. Executive Director Malachi said that Assistant Director Burke Cohen and she met with the Attorney General and had input relative to the FAQ issued by the Attorney General's office. Executive Director Malachi stated the information issued by the Attorney General's office was clear on how the new language should be administered by the NHCHR.

4. REVIEW OF INVESTIGATOR CASE LOAD

Assistant Director Burke Cohen stated the NHCHR staff continue to close in on completing the EEOC contract of 200 cases. She said Commissioners should be prepared to receive cases in the next few and it would be appreciated if they could be processed as promptly as possible to ensure the NHCHR's contract is met. Commissioner Asch inquired about setting up a time for training to allow her to start receiving cases. Assistant Director Burke Cohen and Executive Director Malachi stated they would contact Commissioner Asch directly and schedule a time in the coming weeks. Commissioner

Palardy observed that the NHCHR has the lowest number of total pending cases in two years and congratulated the NHCHR staff on moving cases forward. Assistant Director Burke Cohen concurred with Commissioner Palardy's compliment to the NHCHR staff and added that the staff continue to move cases efficiently and effectively. Assistant Director Burke Cohen added that the NHCHR has received limited new cases in July and expects there to be an uptick in the fall. Commissioners Palardy, Samuel and Keye expressed that they could accept additional cases and have the time for a quick turnaround to ensure contract completion.

5. HEARING SCHEDULE UPDATE

Assistant Director Burke Cohen discussed the hearing scheduling and updated it. She explained that there likely will be no August or September hearing due to settlements or removals to court. She also stated the October panel will likely need to be adjusted if a hearing goes forward because Commissioner Mohamed is listed twice.

6. OTHER BUSINESS

Executive Director Malachi discussed the need for a fee schedule for certain items at the NHCHR including copying costs, training costs and costs of burning a recording to DVD. Executive Director Malachi and Assistant Director Burke Cohen will work on putting together a full fee schedule for the Commissioners to discuss and vote on. In the meantime, Executive Director Malachi said that we need the Commissioners to vote on the fee of charging \$5.00 to burn recordings onto a DVD. This fee and fee schedule as a whole were discussed. Commissioner LeRoy moved and Commissioner Samuel seconded that a fee of \$5.00 be charged to burn requested recordings to a DVD as governed by the NHCHR's rules. The motion carried.

Executive Director Malachi also discussed the upcoming legislative cycle. She said should the Commissioners want to pursue legislative changes that it is possible, but would need to be discussed and proposed soon in order to meet the deadlines of the legislative process. Executive Director Malachi stated Commissioners could contact her directly to discuss further.

The Commissioners inquired to the Executive Director and Assistant Director about other items going forward. Executive Director Malachi discussed the opportunity for the NHCHR to give more trainings in various areas. Assistant Director concurred with this and also wanted to continue networking and completing trainings. Executive Director Malachi also discussed that she had been working with AAG Perlow and Assistant Director Burke Cohen on changing the NHCHR's process to streamline it in hopes of reducing the NHCHR's backlog while still providing appropriate investigations. She is hopeful the process will be solidified in the coming weeks.

Executive Director Malachi also stated she would be recommending training for both Commissioners and NHCHR staff on cultural and ethnic diversity.

7. NON-PUBLIC SESSION

Executive Director Malachi requested the Commissioners enter into non-public session to discuss a personnel matter. Commissioner LeRoy moved that pursuant to RSA 91-A:3, II (a), the Commission enter into non-public session to discuss personnel matters.

Commissioner Samuel seconded the motion. Upon a roll call vote, all were in favor: Commissioner Palardy - yea; Commissioner LeRoy - yea; Commissioner Keye - yea; Commissioner Samuel—yea; Commissioner Asch - yea; and Commissioner Kim—yea. The motion carried. The entered into non-public session at 6:49 PM.

At 7:35 PM, the Commissioners returned to Public Session. Commissioner LeRoy moved and Commissioner Samuel seconded that pursuant to RSA 91-A:3,III to “withhold minutes of the non-public session until such time as the majority of the Commissioners are of the opinion that it was no longer likely that the divulgence of the information in the minutes would affect adversely the reputation of any person not a member of the agency, or render the proposed action ineffective.”

Upon a roll call vote, all were in favor: Commissioner Palardy - yea; Commissioner Asch - yea; Commissioner Keye - yea; Commissioner Samuel—yea; Commissioner LeRoy - yea; and Commissioner Kim—yea. The motion carried.

8. ADJOURNMENT

Commissioner Palardy moved for adjournment and Commissioner Keye seconded. The Commissioner’s meeting adjourned at 7:45 PM.