

ARLINGTON COUNTY, VIRGINIA

HUMAN RIGHTS COMMISSION
2100 Clarendon Boulevard, Suite 318
ARLINGTON, VIRGINIA 22201
Fax (703)-4390 TTY (703) 228-3446

December 14, 2023

VIRTUAL MEETING

7 PM

AGENDA

I. Call to Order

- Members present included Chair Helen Connolly, William Rice, Stephan Kline, Walter Sargent, Steven Krieger, Roland Watkins, Carole Lieber, and Fatima Argun, and Wanda Younger. Executive Director Gurjit Chima and Assistant Manager for the Investigations Lead Anna Maynard were present on behalf of the Office of Human Rights (OHR). There was one member of the public present, Angela Malone.

II. Discussion with Outgoing Board Liaison Christian Dorsey

- Ordinance matters
 - i. Two things that are still open:
 1. First Thing: The substantive issue – incorporation of Arlington public schools within purview of the ordinance
 - a. Need for more discussion for inclusion of the schools
 - b. Board Liaison Dorsey Thanked commission for providing examples of how other localities do it (like Alexandria)
 - c. Public schools not interested in this type of change (not permanently uninterested). Would prefer if this were a collaborative effort to undertake this change.
 - d. Room to look at what is the conversation that will need to take place.
 2. Second Thing: Technical definition changes that are going through the legal review process (to Board Liaison Dorsey's understanding, this is nearing completion)
 - ii. So what to do with ordinance?
 1. Board Liaison Dorsey said let's move forward with what we have. Take time to work on the other substantive issue in the meantime.
 2. Don't want to review and edit ordinance every couple of months but no reason why we can't do it twice within a year
 3. Don't need to wait for one shot to do everything we (the commission) wants to do

- Succession Planning – Next Chair of HRC
 - i. Looking at who successor is going to be. Not yet at that point to announce what succession plan will be. Will be finalized soon. By the time we meet next we will hear offline what Board is intending.
- Board Liaison Dorsey elaborated: Doesn't seem like anyone is categorically opposed to the schools being included under the ordinance. Just hasn't been an urgent interest to do so. Schools were not interested in it. But would take more than just putting words on a page. Would require working together with another public entity.
- QUESTIONS FROM COMMISSIONERS
 - i. Commissioner Watkins: What is Board Liaison Dorsey's role between Dec. 15 and Jan. 1st?
 - 1. Answer: Transition period to the new board members. New Board Members sworn in on Dec. 15 but have no power until Jan 1st. But Board Liaison Dorsey will stay until Dec. 30 to cover that time period and help transition new board members.
 - ii. Commissioner Kline: Is there a sense of who might be the next liaison to the committee?
 - 1. A: No but Board Liaison Dorsey will follow up offline to see who that might be.

III. Chair Update

- Succession planning discussion
- Commissioner Connolly is remaining on commission but stepping aside for new person to take on Chair role.
- Updates:
 - Last meeting we approved a letter to go to the internal HR department to Marcy Foster. That went out. Haven't heard a response back on that. To consider in 2024 whether chair of commission or chair of EEO Committee might want to engage in some follow up to look at that letter
 - Aligned on our consensus to keep the current meeting cadence on second Thursday of the month, same time. When new chair is in that would be the appropriate time to designate which meetings in 2024 will be virtual (can only be 3)

IV. Approval of Minutes

- Deferring to January meeting

V. Public Comments

- Angela Malone interested in joining the committee

VI. Executive Director's Report

- Looking at ways of partnering with vendor on AAP
- Two Extensions

VII. Statistical Report

- Commissioner Kline Questions:

- i. Most of the complaints filed are dismissed. Of those not dismissed, once they are investigated most are found to not be valid. What's the point of the complaint process? When something is dismissed, there's virtually no appeals to us. They are apprised of their right to appeal but usually do not. November report – 4 filed but only 1 accepted; Fiscal year so far, 11 filed but only 1 accepted
 - 1. ANSWER: The reason there are not many appeals is that OHR does a painstaking deal in making sure its decisions are well supported. Very thorough in work that they do. They also speak to both parties and make sure they understand.
 - 2. Process starts with online submission from complainant. Within 2 business days the OHR looks at complaint with the complainant and look at what they presented. Intake calls are 45 minutes or an hour. If everything looks good, OHR will draft a complaint, send it to complainant to see if it's accurate. That's when we have a formalized complaint that is then submitted to respondent. Reasons why OHR may not get to the point of having a complaint: may not have actually occurred in Arlington, happened 3-4 years ago, or just isn't discrimination (like dispute with neighbor). Sometimes there's failure to cooperate: often times these are where complainant don't respond or doesn't show up to meeting.
- ii. Question: Was it always the case that it wasn't viewed as filing of complaint until the investigators create the complaint and get complainant to sign?
 - 1. A: Yes this was always the case. And this definition of formalized complaint comes from the ordinance itself.
- iii. Question: what is process of debrief? Is there a script? How is appeal process described?
 - 1. No script because the office has already usually developed a rapport with the person. They explain the reasoning to complainant and findings. Explain what is said in the letter of what their rights of appeal are. If employment complaint they are told they can also ask EEOC. They do not tell them the percentage or chances of success on appeal.
- iv. Question: Seems like there are almost no findings of cause in recent years. Any instances further back? Is that consistent with other commissions here?
 - 1. Can't speak to other commissions. Not impossible that we have had them in the past but haven't had any recently.
 - 2. Also usually complainants are pro se but respondent is represented. So settlement becomes more likely.

VIII. Extensions

- First: trouble connecting with complainant to complete the rebuttal but now have connected with them and should have that one done by end of January

- Second: where parties were seeking to come to resolution but that did not ultimately work out. Going to complete the investigation and issue a determination on that.

IX. Members' Reports

- Commissioner Argun: Peaceful protest supporting Palestinians in Rockville. Another group of protestors came up and tried to drown them out. Police were called and didn't do very much. Montgomery County Human Rights Commission issued statement about it. Giving Commission awareness report on this in case the commission wants to sign on to it.
- Commissioner Lieber:
 - i. VA Human Rights Commission decided to disband
 - ii. Issue with including schools within purview of the ordinance is implications for union contract/agreement
 - 1. Chair understands that argument for inclusion of workforce but not inclusion of schools themselves
 - iii. Action: Roland, Carol, and Steven will be speaking with Superintendents
- Commissioner Younger:
 - i. Renewed request from NAACP to write or sign on to letter about deaths in Arlington jails.
 - ii. Inviting Sheriff Jose Quiroz to next meeting (in January 2024) to speak to this issue and answer questions.
 - iii. Commissioner Kline taking a look at the ordinance and seeing where our intersection is here.
 - 1. Commissioners Kline and Younger working to put together questions for the sheriff

X. Adjourn

Arlington County Government provides accommodations for individuals with disabilities as described in the Americans with Disabilities Act. To arrange for an accommodation, please call 703-228-3446 or 703-228-7096 (voice/TTY). Please provide as much notice as possible. Requests for sign language interpreters should be made at least five (5) business days before the meeting. Arlington County website www.arlingtonva.us