



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF HUMAN RIGHTS**

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**DISTRICT OF COLUMBIA  
OFFICE OF HUMAN RIGHTS  
FY 2006 ANNUAL REPORT**

**October 1, 2005 to September 30, 2006**

**Gustavo Velasquez  
Director**

**Adrian M. Fenty  
Mayor**



**DISTRICT OF COLUMBIA  
OFFICE OF HUMAN RIGHTS**

**And**

**COMMISSION ON HUMAN RIGHTS**

One Judiciary Square  
441 4<sup>th</sup> Street, N.W.  
Washington, D.C. 20001

**Gustavo Velasquez  
Director**

**Deborah Wood Dorsey  
Chairperson**

March 1, 2007

Hon. Adrian M. Fenty, Mayor  
Honorable Members of the Council of the District of Columbia  
Citizens of the District of Columbia

The District of Columbia Office of Human Rights (OHR) and the District of Columbia Commission on Human Rights (COHR) are pleased to submit to you our Fiscal Year 2006 report.

In Fiscal Year 2006, the Human Rights Act of 1977, as amended, was expanded to protect individuals in two new categories: genetic information and gender identity or expression. These new categories protect our transgender and transsexual communities from discrimination and protect individuals from providing their DNA information as a condition for employment or obtaining insurance. Already we have seen numerous complaints docketed based on these new protected categories.

Over the course of FY 06, we reduced the inventory of aged cases. In FY 2004, the last year we presented an annual report, OHR had a pending inventory of 240 aged cases; that is cases which are in investigation more than 270 days. At the end of FY 2006, the pending inventory of aged cases was reduced to 103 complaints, or a reduction of 57%.

Mediation has continued to be a successful tool for the disposition of cases for the OHR and COHR. In FY 2006, the mediation unit successfully mediated 110 out of 426 cases. As result, complainants earned more than \$1.3 million dollars in damages. These successful mediations allowed the OHR to dismiss 25.8% of newly docketed cases, saving complainants and agency staff time and expense in pursuing the claims.

In FY 2006, individuals presented 504 complaints to the OHR of which 423 were docketed for investigation. At the beginning of the year there were 416 cases pending in the OHR's inventory; and 363 pending cases remaining at the end of the fiscal year.

During the course of FY 2006, the OHR closed 458 cases. In other words, case closures exceeded the number of cases being docketed.

Our Language Access Program continued to ensure that all government agencies that are mandated to comply with the Language Access Act fulfill their obligations, including but not limited to the translation of vital documents, the hiring of bilingual personnel, and the implementation of diversity and/or multicultural training.

Furthermore, the Human Rights Commission promulgated new rules and regulations that implement the newly enacted “gender identity or expression” amendments to the Human Rights Act. The rules went into effect on October 27, 2006.

The Human Rights Commission also continued with community outreach by sponsoring a Town Forum in recognition of International Human Rights Day and sponsored an information booth at the City’s annual Capital Pride Festival.

The Office and the Commission on Human Rights will continue with its mission of enforcing the District of Columbia Human Rights Act. We will use proactive outreach programs and training for the entire District government. We will continue to act as an agency that investigate the complaints and work with this very diverse and evolving citizenry to achieve the goals mandated under the Human Rights Act, as amended.

We look forward to being at the forefront, as the Nation’s Capital to promote diversity and to eliminate discrimination.

Respectfully submitted,

Gustavo Velasquez, Director  
Office of Human Rights

Deborah Wood Dorsey, Chairperson  
Commission on Human Rights

## TABLE OF CONTENTS

<b>I.</b>	<b>Agency Overview</b>	<b>Page</b>	<b>5</b>
<b>II.</b>	<b>Agency Highlights</b>	<b>Page</b>	<b>6</b>
<b>III.</b>	<b>Reduction of Aged Cases</b>	<b>Page</b>	<b>7</b>
<b>IV.</b>	<b>Budget</b>	<b>Page</b>	<b>7</b>
<b>V.</b>	<b>Newly Docketed Cases</b>	<b>Page</b>	<b>9</b>
	<b>Employment Cases</b>	<b>Page</b>	<b>10</b>
	<b>Housing Cases</b>	<b>Page</b>	<b>11</b>
	<b>Public Accommodation Cases</b>	<b>Page</b>	<b>12</b>
	<b>Education Cases</b>	<b>Page</b>	<b>13</b>
	<b>Family Medical Leave Cases</b>	<b>Page</b>	<b>13</b>
<b>VI.</b>	<b>Mediation</b>	<b>Page</b>	<b>13</b>
<b>VII.</b>	<b>Investigation and Cause Findings</b>	<b>Page</b>	<b>15</b>
<b>VII.</b>	<b>Reconsiderations</b>	<b>Page</b>	<b>15</b>
<b>VIII.</b>	<b>Pending Inventory</b>	<b>Page</b>	<b>17</b>
<b>IX.</b>	<b>Compliance Division</b>	<b>Page</b>	<b>18</b>
<b>X.</b>	<b>Language Access Program</b>	<b>Page</b>	<b>19</b>
<b>XI.</b>	<b>Fair Housing Program</b>	<b>Page</b>	<b>22</b>
<b>XII</b>	<b>Human Rights Commission</b>	<b>Page</b>	<b>24</b>

## **I. AGENCY OVERVIEW**

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 primary mission of the agency is to enforce the District of Columbia Human Rights Act of 1977, the District of Columbia Family and Medical Leave Act of 1990, the District of Columbia Parental Leave Act and the District of Columbia Language Access Act of 2004. In addition to those local laws, the OHR, being a fair employment practice agency and a fair housing assistant program agency, 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 OHR is empowered to do the following:

- 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 the 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, and
- Make recommendations to the Mayor and the Council of the District of Columbia on systematic patterns of discrimination.

The District of Columbia Human Rights Act prohibits discrimination in the following areas (actual or perceived):

### Employment

Race  
Color  
Religion  
National Origin

### Housing and Public Accommodation

Race  
Color  
Religion  
National Origin

### Education

Race  
Color  
Religion  
National Origin

Sex	Sex	Sex
Age	Age	Age
Marital Status	Marital Status	Marital Status
Personal Appearance	Personal Appearance	Personal Appearance
Sexual Orientation	Sexual Orientation	Sexual Orientation
Family Responsibilities	Family Responsibilities	Family Responsibilities
Disability	Familial Status	Disability
Political Affiliation	Disability	Political Affiliation
Matriculation	Political Affiliation	Source of Income
Gender Identity or Expression	Source of Income	Gender Identity or Expression
Genetic Information	Place of Residence or Business	Familial Status
	Gender Identity or Expression	
	Genetic Information	

Contained within the Office of Human Rights is the District of Columbia Commission on Human Rights (COHR). The Commission functions independent of the OHR. It is empowered to conduct public hearings on complaints of discrimination that were investigated by the OHR of which “probable cause” have been found but the parties have failed to reach a settlement through a conciliation process.<sup>1</sup> The Commission is authorized to make final findings of discrimination, issue injunctions and order remedies including compensatory damages and attorney’s fees. This annual report will highlight the activity of both the Office of Human Rights and the Commission on Human Rights.

## **II. HIGHLIGHTS IN FY 06**

### **Expansion of the Human Rights Act**

Already considered as being the most comprehensive civil rights statute in the nation, the Human Rights Act was expanded in FY 06 to include two new protected categories: genetic information and gender identity or expression. In addition, the definition of marital status was expanded to include domestic partnerships.

#### **Genetic Information**

The Human Rights Genetic Information Amendment Act prohibits employers and health insurers from discriminating against an individual on the basis of their genetic information (DNA). No longer are employers able to request, require, or administer a genetic test to employees or applicants as a condition for employment in order to determine if they are susceptible to certain diseases or conditions. In addition, employers will no longer be able to seek or obtain genetic information regarding an employee or applicant except by written consent for either (1) determining the existence of a bona fide occupational qualification, (2) investigating a workers compensation or

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<sup>1</sup> This will be discussed in more detail *infra*.

disability claim, or (3) determining an employee's susceptibility of exposure to potentially toxic substances in the workplace.

The amendment to the Act also prohibits health insurers from requesting or requiring genetic testing or using genetic information as a condition of eligibility for obtaining insurance or for setting premium rates.

#### Gender Identity or Expression

In an effort to address the massive discrimination that transgender and transsexuals face in seeking employment, housing, education and public accommodations, the Council of the District of Columbia amended the Human Rights Act to make it unlawful to discriminate against an individual based on their actual or perceived gender identity or expression. The law requires all employers, housing providers, educational institutions and public accommodations respect a person's gender identity or expression by treating that individual on the basis of how they want to appear rather than the presumed gender or sex of that individual.

#### Marital Status

The definition of "marital status" was expanded in the Act to include individuals who are in a domestic partnership. Now such individuals may file a discrimination claim if the alleged act of discrimination is based on someone's marital status. Hence, gay and lesbian couples as well as other individuals in a committed relationship will be on equal footing as persons who are in a "traditional" marriage in challenging unlawful actions based on a marital status.

#### Reduction of Aged Cases

The OHR continued to decrease the pending inventory of aged cases; that is complaints which have been in investigation for more than 270 days. At the end of FY 04, the OHR had a pending inventory of 240 aged cases. At the end of FY 06, the OHR's pending inventory of aged cases was *reduced* to 103 complaints or by 57%.

### **III. BUDGET AND STAFFING**

In FY 06, the Office of Human Rights had an operating budget of \$3,519,037.00 with expenditures amounting to \$3,023,917.76. The total funds increased by \$1,328,037.00 from FY 04 due in part to grants given to the OHR for operating the United States Department of Housing and Urban Development's Fair Housing Training Academy.

## OHR FY 06 Operating Budget

Revenue Source	Appropriated	Expenditures
District Government Funds	\$2,321,678.32	\$2,321,678.32
Federal Grant Funds	\$1,120,002.00	\$702,239.44
<b>Total Funds</b>	<b>\$3,519,037.00</b>	<b>\$3,023,917/76</b>

The operating budget allowed the OHR support 26 full-time employees in the following categories:

- Director
- Deputy Director
- General Counsel
- Legal Advisor
- Chief Hearing Examiner
- Hearing Examiners (2) (Employed last quarter of the year)
- Fair Housing Coordinator
- Language Access Director
- Language Access Assistant
- EEO Supervisors (2)
- Investigators (11)
- Compliance Officer
- Mediation Coordinator
- Support Personnel (1)

#### **IV. PROCESSING OF COMPLAINTS THROUGH OHR**

One of the primary functions of the OHR is to investigate individual complaints of discrimination that has been filed before the agency. The cases may go through a five-step process involving intake (the filing of the complaint), mediation, investigation, conciliation and adjudication.

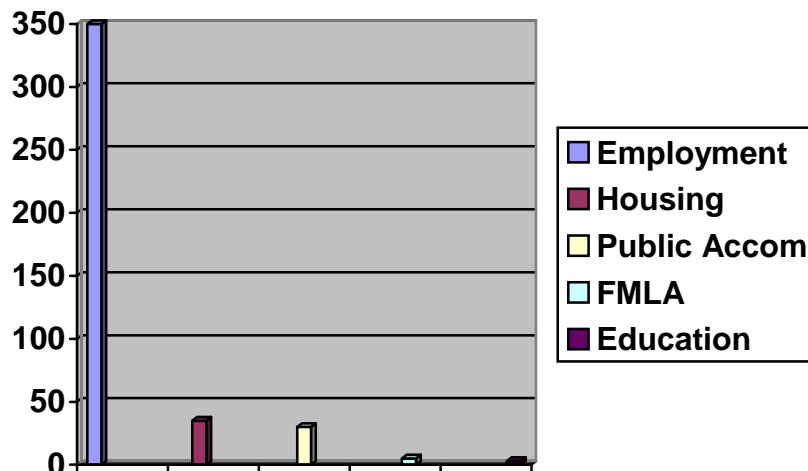


Individuals who believe that they were discriminated against initially file a complaint at the OHR within the statutory prescribed period. An investigator assesses the complaint to determine whether it meets all jurisdictional requirements. The investigator determines whether there is enough information to docket the case and begin an investigation. The intake process includes the following:

- An interview with the Complainant(s); explaining the role of OHR, the investigation and hearing process, mandatory mediation, the applicable discrimination laws, the remedies available and the protected categories.
- The gathering of information pertaining to the charge including copies of documents in the Complainant’s possession at the time of filing.
- The gathering of position statements, rebuttals, documents and preparation of all correspondence with the parties.
- Assigning of a docket number to a complaint, if the facts of the complaint established a cause of action that relief can be granted.
- Forwarding the complaint to the Mediation unit for mandatory mediation.

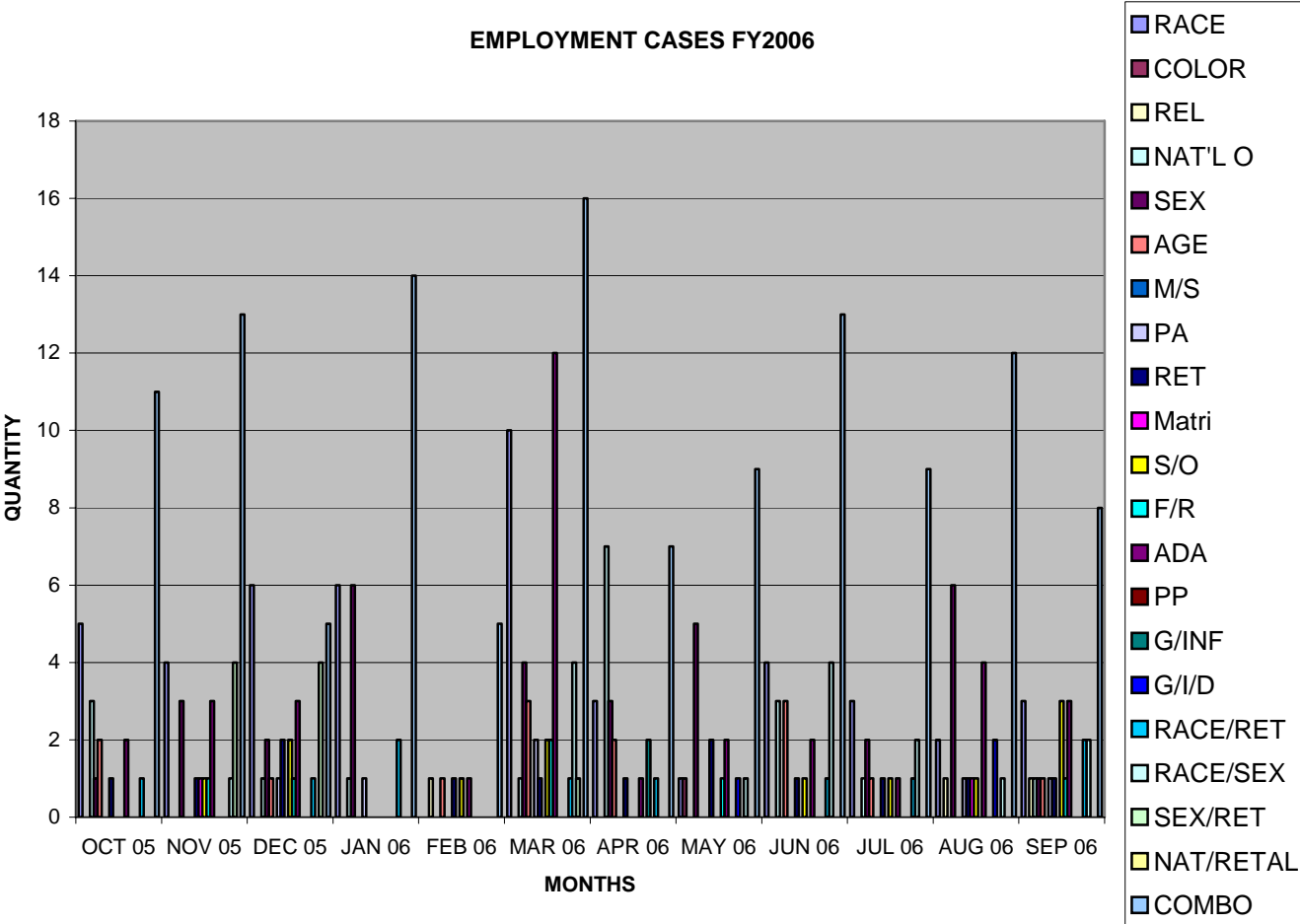
Through the intake process, the OHR in **FY 06 docketed 423 new complaints** of discrimination. The complaints were filed in the following areas:

- Employment 350 Cases
- Housing 035 Cases
- Public Accommodations 030 Cases
- Family Medical Leave 005 Cases
- Education 003 Cases



Employment Cases Docketed in FY 06

Of the employment cases docketed in FY 06, complaints involving race (47 complaints) was the most single issue docketed. Following were cases involving disability (34 cases), sex (33 cases), and national origin (18). In other categories, there were 12 cases dealing with sexual orientation, 3 for gender identity or expression and 2 for genetic information.



The employment cases are filed according the following protected classes:

- Race 47 Cases
- Disability 34 Cases
- Sex 33 Cases
- National Origin 18 Cases
- Age 14 Cases
- Retaliation 13 Cases
- Sexual Orientation 12 Cases
- Personal Appearance 06 Cases
- Family Responsibility 06 Cases

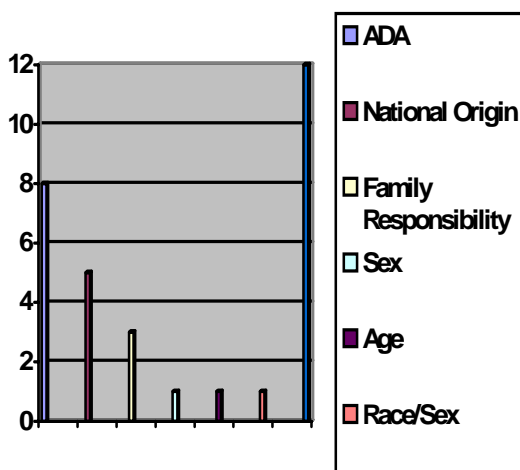
- Religion 03 Cases
- Gender Identity or Expression 03 Cases
- Genetic Information 02 Cases
- Matriculation 02 Cases
- Color 01 Case
- Race/Retaliation 10 Cases
- Race/Sex 15 Cases
- Sex/Retaliation 09 Cases
- Various Combinations 122 Cases

In FY 04, the OHR docketed 381 employment complaints, which are 31 more complaints than in FY 06. Compared to FY 04, employment complaints involving sexual orientation has increased. In FY 04 there were 5 sexual orientation cases while in FY there were 12 cases, a 120% increase. For all other protected the classes, the amount of cases filed is generally the same.

Housing Cases Docketed in FY 06

There were 34 housing discrimination complaints filed before the OHR in FY 06. They were filed under the following basis:

- Disability 08 Cases
- National Origin 05 Cases
- Race 03 Cases
- Family Responsibility 03 Cases
- Age 01 Case
- Sex 01 Case
- Race/Sex 01 Case
- Various Combinations 12 Cases



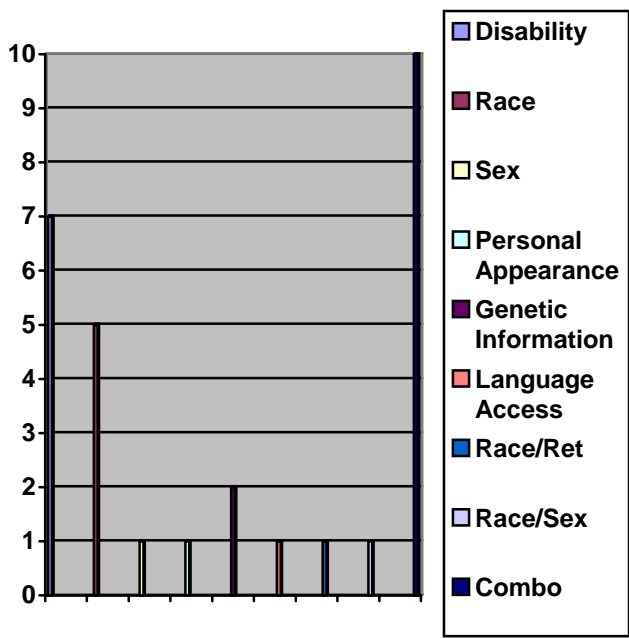
**Housing Cases Docketed in FY 06**

Compared to FY 04, less housing complaints were filed in FY 06 than in FY 04 when 43 cases were filed. Corresponding with the less complaints, OHR docketed less housing complaints filed under the national origin and race protected categories in FY 06 than in FY 04 when 17 and 12 cases respectively were filed. Disability complaints generally remained the same between the two years.

Public Accommodations Cases Docketed in FY 06

Thirty public accommodations cases were docketed before OHR in FY 06. Included in the docketed complaints is a filing based on a violation of the Language Access Act. The complaints are categorized in the following manner:

- Disability 07 Cases
- Race 05 Cases
- Sex 01 Case
- Personal Appearance 01 Case
- Genetic Information 02 Case
- Language Access Act 01 Case
- Race/Retaliation 01 Case
- Race/Sex 01 Case
- Various Combinations 10 Cases



**Public Accommodations Docketed Cases FY 06**

### Education Cases Docketed in FY 06

Three education discrimination cases were filed before the OHR in FY 06. Each of the complaints involved an issue concerning the complainant's disability.

### Family Medical Leave Act Docketed in FY 06

Five Family Medical Leave Act cases were docketed before the OHR in FY 06.



### Mediation

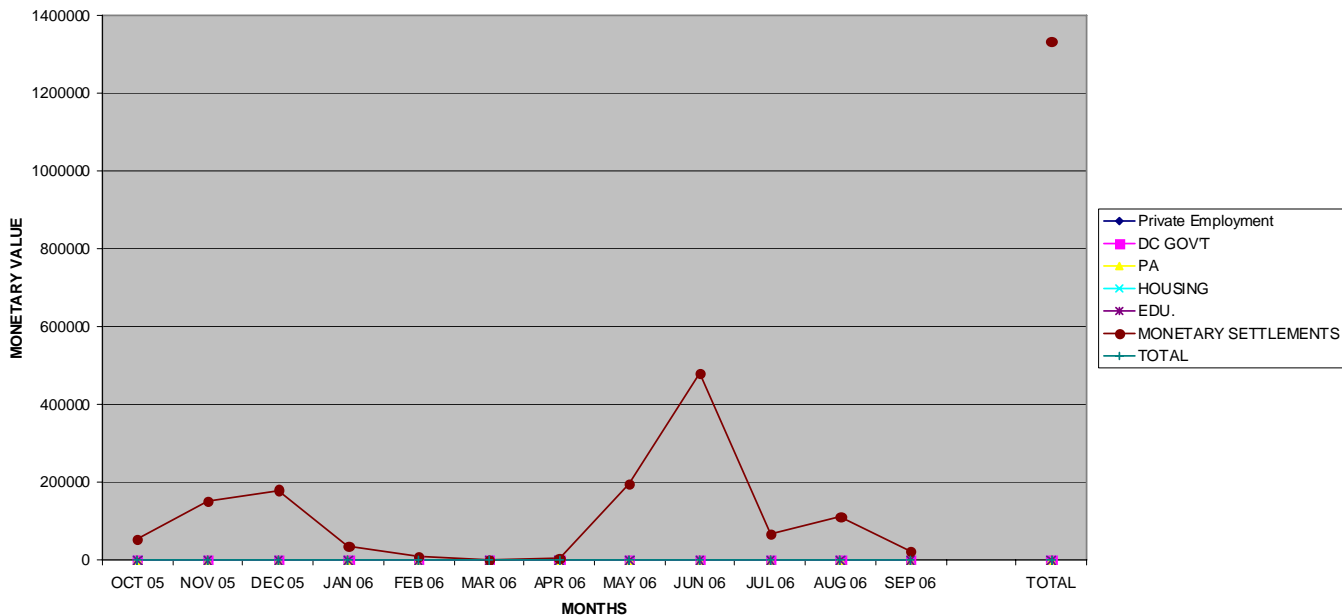
Once a case has been docketed, the complaint is transferred to the mediation unit. Mediation is a required alternative dispute resolution (ADR) program that occurs 45 days after the docketing of the complaint. The mediation division's goal is to try to resolve the alleged unlawful discriminatory practice before a full investigation begins. A successful mediation reduces the case processing time by up to 270 days. Certified OHR staff and ADR professionals conduct mediation sessions. During the sessions, the parties are not required to submit evidence or testimony from witnesses. The mediator's role is to assist the parties in finding a mutually acceptable resolution of a complaint. Mediation is not a legal process. Legal representation is permitted only in an advisory capacity. All mediations are confidential. No aspect of mediation can be used in subsequent litigation of the complaint. OHR dismisses all complaints that are successfully mediated. The EEOC and HUD also dismissed cross-filed complaints that were resolved by mediation.

In FY 06, the OHR **successfully mediated 110 out of 426 cases** that resulted in complainants earning \$1,332,873.00 in monetary benefits. These successful mediations allowed the OHR dismiss **25.8%** of newly docketed cases. The most settlements occurred in June 2006 when 26 cases were successfully mediated bringing \$481,235.00 in benefits to complainants.

### Successful Mediations by Month in FY 06

	Amount of Cases Mediated	Cases Settled
<b>October</b>	<b>27</b>	<b>7</b>
<b>November</b>	<b>29</b>	<b>7</b>
<b>December</b>	<b>36</b>	<b>9</b>
<b>January</b>	<b>30</b>	<b>9</b>
<b>February</b>	<b>31</b>	<b>4</b>
<b>March</b>	<b>38</b>	<b>1</b>
<b>April</b>	<b>18</b>	<b>3</b>
<b>May</b>	<b>21</b>	<b>11</b>
<b>June</b>	<b>49</b>	<b>26</b>
<b>July</b>	<b>42</b>	<b>6</b>
<b>August</b>	<b>42</b>	<b>16</b>
<b>September</b>	<b>63</b>	<b>11</b>

FY 2006 MEDIATION SETTLEMENTS





## **Investigation**

If mediation fails, the complaint moves forward to a full investigation. It is a thorough inquiry by the investigator into the allegations contained in the complaint and the Respondent's position regarding those allegations. The investigation process includes:

- A developed investigation plan that identifies the appropriate parties and witnesses to interview; gathering of relevant documents; and preparing interrogatories and interview questions.
- Determining what facts are pertinent to the disposition of the case.
- Reviewing the statutory provisions germane to the allegations contained in the complaint.
- Analyzing all submitted information.
- Submission of a proposed Letter of Determination to the Legal Unit in preparation of drafting the final Letter of Determination.

At the end of the investigation phase, the OHR will issue a Letter of Determination to the parties indicating to them there is a possibility that discrimination may have occurred (a probable cause determination) or that there is no violation of the law (a no probable cause determination). In FY 06, the OHR issued **19 probable cause determinations** and **261 no probable cause determinations**. Compared to FY 04, the OHR then issued 9 probable cause determinations and 256 no probable cause determinations.



## **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. In FY 06, there were 39 requests for reconsiderations of no probable cause determinations. Of those requests only one case was reversed from a no probable cause determination to a probable cause determination. There was one probable cause that was reversed to a no probable cause.

With regard to petitions for review of no probable cause determinations that were filed in D.C. Superior Court, seven cases were filed in FY 06. During the fiscal year, the D.C.

Superior Court affirmed two no probable cause determinations and dismissed three cases. The Court did not reverse any no-probable cause determinations. However, the Court remanded one case back to OHR for further review.

### Status of Cases in D.C. Superior Court

Plaintiff	Date Filed	Date Closed	Court Order
Bagentose	7/18/05	7/5/06	OHR Affirmed
Baiden	10/16/06	Open	
Easley	8/7/06	Open	
Gill	5/2/06	11/14/06	Dismissed
Kirby	10/26/05	Open	
McVea	11/18/05	7/14/06	Dismissed
Parks	8/11/04	1/25/06	OHR Affirmed
Washington	7/18/06	Open	
Williams, L.	6/2/06	Open	
Woods	8/18/06	Open	
Murray, Lucy	10/31/03	Open	
Outten	5/31/05	1/31/07	Remand to OHR
Rice	9/13/04	Open	
Spence	7/12/04	10/20/05	Dismissed



### Conciliations

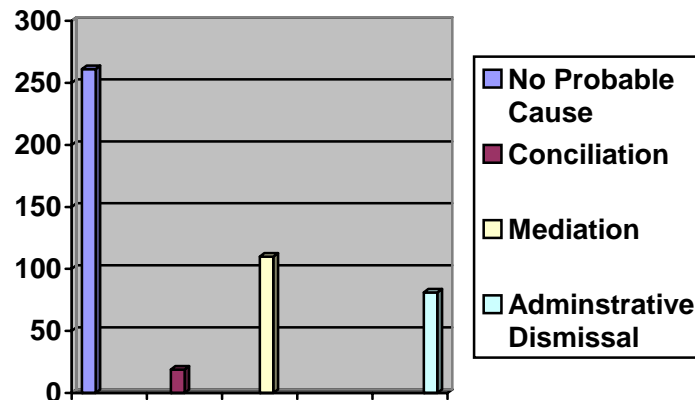
When a probable cause determination is issued, the parties are invited within 30 days of the issuance of the letter of determination to resolve the complaint through a conciliation conference. This is an attempt to resolve the allegations of the alleged unlawful discrimination prior to the case being transferred to the Human Rights Commission for a public hearing for private sector cases or an independent hearing examiner for the D.C. government employee cases. In contrast to mediation, the conciliation conference is not mandatory. Compared to mediation, the parties in a conciliation have the benefit of the investigation by knowing what evidence OHR relied on in making its determination. In FY 06, **six cases** were settled during the conciliation conference.



## Pending Inventory and Case Closures

At the beginning of FY 06, the OHR had 416 cases pending in its inventory. At the end of the fiscal year, the OHR had **363 cases pending**. During the year, 423 new cases were docketed, but 458 cases were closed.<sup>2</sup> Consequently, OHR was closing cases faster than cases being docketed. Of the case closures, 261 cases were closed because of findings of no probable cause, 110 cases closed because of mediation, 6 were closed because of successful conciliations, and 81 closed due to administrative closures.<sup>3</sup>

**Case Closures in FY 06**



## Hearings

If conciliation fails, then the private sector complaints are certified to the District of Columbia Commission on Human Rights for a public hearing. The Commission will issue a final decision and order determining whether discrimination has occurred and order the appropriate remedy, if any. Details about the Commission may be found in Section VI of this report.

With regard to complaints involving District of Government employees who alleged that their agency engaged in discriminatory conduct, those complaints are retained at the OHR for a hearing. The D.C. Government employee who has received a probable cause determination has the option to request the Director to issue a Final Summary

<sup>2</sup> During the year, 504 complaints were presented but only 423 complaints were docketed that met OHR's threshold requirements.

<sup>3</sup> OHR determined that they did not either have jurisdiction to invest the cases or that the complainant failed to state a claim for which relief could be granted.

Determination or request to have a hearing. Most employees opt for the summary determination. When the employee selects adjudication, the hearings are before an independent hearing examiner assigned by the Director of the OHR. The hearings are limited. The successful complainant can only receive remedial relief from the alleged act of discrimination and back and front pay. D.C. Government employees may not receive compensatory damages or attorney's fees. In FY06, an independent hearing examiner for OHR issued a proposed decision and order on damages in *Bryant v. D.C. Dep't of Corrections*, recommending a backpay amount for a series of promotions that were denied because of the complainant's sex.

## V. PROGRAMS WITHIN THE OFFICE OF HUMAN RIGHTS



### Compliance Division

The Compliance Division was established in the OHR to ensure that all entities in the District of Columbia including District government agencies comply with all local and federal EEO laws. The Compliance Officer works with all District agency EEO Counselors and Officers by providing training to them on all changes in the law. The Compliance Division offers training to District government agencies as well as private entities that come within the jurisdiction of the Human Rights Act. In FY 06, the Compliance Division provided training to 1,588 employees in 59 agencies. The following training was performed:

- EEO Counselor Training  
125 employees in 42 agencies that are under the Executive Office of the Mayor (EOM)
  
- Sexual Harassment Training  
540 employees at the Department of Youth and Rehabilitation Services  
  
120 employees at the Department of Health  
  
130 employees at the D.C. Public Library
  
- Americans with Disabilities Act Training  
30 employees that were in 10 EOM agencies

- Diversity Training

255 employees in the Department of Motor Vehicles

30 employees in the Department of Insurance and Banking

75 employees in the D.C. Energy Office

238 employees in the D.C. Public Library

- EEO Managers Training

45 employees at the Public Service Commission



### **Language Access Program**

The Language Access program was created by the D.C. Language Access Act of 2004. The mission of the program is to provide greater access and participation in public services, programs, and activities for residents of the District of Columbia who has limited or no-English proficiency. The Language Access Act requires all District government programs, departments and services 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. The program requires all District government programs that have major contact with the public establish a language access plan and designate a language access coordinator.

The program works in consultation with government offices that conduct outreach to communities, such as the Mayor’s Offices of Asian and Pacific Islander Affairs (OAPIA) and Latino Affairs (OLA) as well as the D.C. Language Access Coalition (the “Coalition”). The Coalition, an alliance of diverse community based organizations, serves as a consultative body to the Program Director in the following areas: data collection, development of language access plans, identification of additional covered entities to be name under the program, and overall implementation of the Act.

The Council of the District of Columbia identified five languages spoken largely by the immigrant community: Spanish, Chinese, Vietnamese, Korean and Amharic. District Government agencies with major public contact must translate their vital documents into these languages. The OHR provides central coordination and technical assistance to the government agencies, programs and services that must comply with the Language Access Act. The

OHR is also charged with tracking, monitoring and investigating public complaints of language access violations.

### Compliance with the Language Access Act

The enforcement of the Language Access Act is based on a “phase implementation.” In FY 04, eight government agencies came into compliance with the Language Access Act by (1) identifying a Language Access Coordinator, (2) submitting three baselines assessments,<sup>4</sup> (3) submission of agency Biennial Language Access Plan, (4) mandatory meetings with the Director of OHR and the Language Access Director and (5) translation of vital documents. In FY 05, an additional eight government agencies came into compliance. In FY 06, the following agencies came into compliance:

- D.C. Office of Personnel (Scheduled for Compliance in FY 06 but came into compliance by FY 05)
- D.C. Public Library (Scheduled for Compliance in FY 06 but came into compliance by FY 05)
- Department of Parks and Recreation
- Office of Aging
- Office of Contracting and Procurement
- Department of Corrections
- Department of public Works
- Office of Tax and Revenue

By the end of FY 06, 22 of the 25 identified agencies came into compliance with the provisions of the Language Access Act. For FY 07, the following agencies are scheduled to come into compliance:

- D.C. Housing Authority
- D.C. Emergency Management Agency
- Office of the People’s Counsel

### Violations of the Language Access Act

On June 13, 2005, The Equal Rights Center and the Washington Lawyer’s Committee jointly filed a complaint of noncompliance of the Language Access

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<sup>4</sup> Data collection, translated materials and Language Access translation budget. In addition the agency identifies bilingual employees in public contact positions, oral language services, cultural competency, and language access oral language services budget. Also community outreach, community partnership and language access community outreach budget.

Act against the Income Maintenance Administration. The complaint was investigated during FY 06 and its findings will be released in March 2007.<sup>5</sup>

### Educational Outreach

In FY 06, the Language Access Program conducted several outreach programs for the community. One such program was the “Translated Document Drive.” This program involved gathering translated vital documents from the 22 government agencies in compliance with the Language Access Act for community-based organizations. These organizations were asked to “register” for the drive by selecting which participating agencies they would like to receive translated vital documents from and in which languages. OHR coordinated all efforts and delivered the requested material to all participating organizations. The benefits of this program were to provide vital translated material to the clientele of the community-based organizations and enhance access to District government services.

In addition to the document drive, the OHR conducted orientation and training sessions for:

- New Language Access Coordinators
- EEO Counselors
- District agencies employees

Also, the OHR continued its outreach by:

- Continuing to meet with the Language Access Coalition on the progress of the law
- Continuing to participate in the intergovernmental access meetings sponsored by Fairfax County, Virginia Government

Presentations regarding the Language Access Program was conducted at:

- The American University Washington College of Law
- The D.C. Equal Access to Justice Commission
- The D.C. Latino Community Development Commission
- The Columbia Heights/Shaw Family Collaborative
- The Legal Service Providers’ Consortium for the District
- Columbia Union College

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<sup>5</sup> Due to staff turnover and reassignment of the complaint, the investigation was not completed until February 2007.



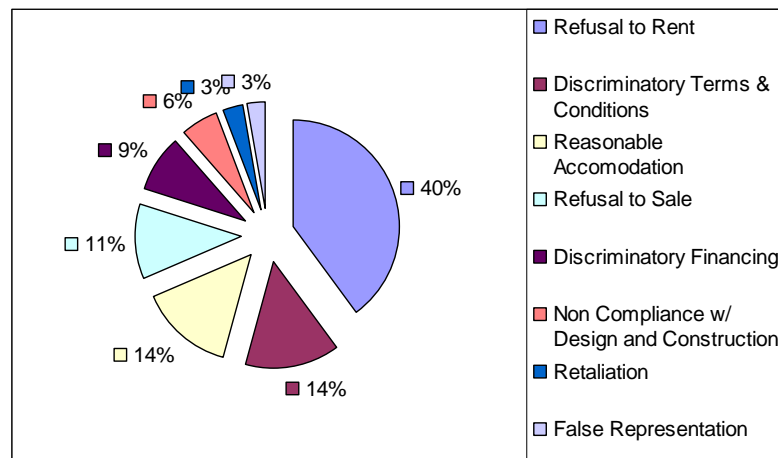
## Fair Housing Program

OHR's Fair Housing Division was established in 1999 pursuant to the 1998 amendments to the Human Rights Act, which made the Act substantially equivalent to federal fair housing laws. The amendments allowed OHR to seek certification from the U.S. Department of Housing and Urban Development (HUD) to process fair housing claims under Title VIII of the Civil Rights Act of 1968. The certification process included a three-year capacity building grant by HUD. This process required that OHR ensure that its local laws and regulations were substantially equivalent to the Fair Housing Act and to build the capacity of the agency.

OHR completed its capacity building on September 30, 2002. Since October 1, 2002 to the end of FY 06, OHR has processed two hundred (200) formal housing complaints and provided more than forty (40) outreach events since the inception of the program.

In FY 06, OHR docketed 34 fair housing complaints. Forty percent of those complaints involved refusal to rent while issues involving reasonable accommodations and discriminatory terms and conditions represented 14% for each. Charted below is the basis of the complaints:

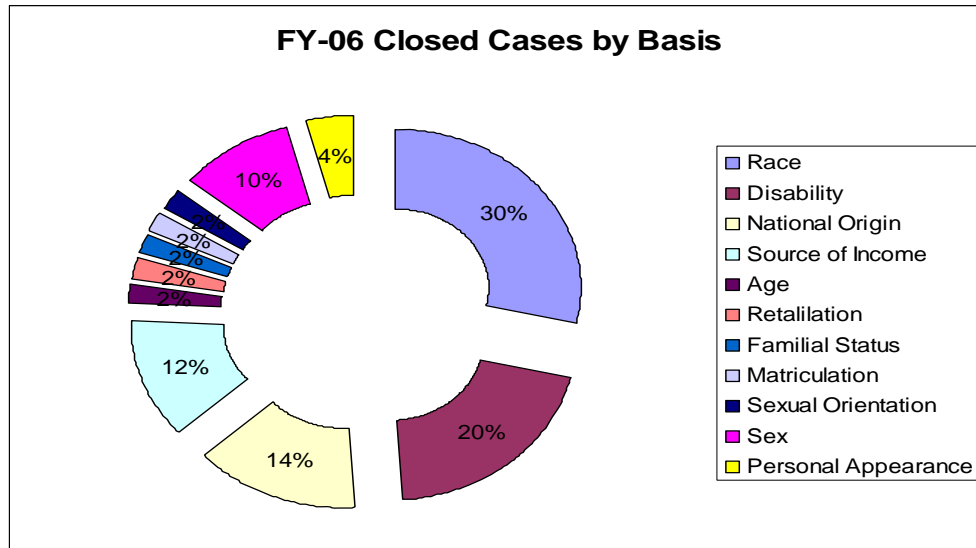
**FY 06 Housing Issues Docketed**



### Case Closures and Dollar Amounts

In FY 06, the Fair housing division succeeded in achieving \$18,790 in settlements for cases that either settled during the mediation period or during the investigation

of the complaints. The division also closed two cases that were settled after the investigation was completed and when the parties were in conciliation.



**Housing Case Closures**

### Educational Outreach

In FY 06, the OHR conducted eleven (11) outreach events for consumers and fair housing providers. One such event was a six (6) hour training seminar for housing providers who needed information on complying with federal and local laws regarding persons with disabilities. Other OHR sponsored events included a mini workshop series on “Knowing Your Fair Housing Rights” for consumers and community based organizations in the District of Columbia. In addition, the OHR disseminated an extensive amount of fair housing literature during these events; specifically on knowing your disability rights, equal access to housing and ensuring fair lending in the District of Columbia. The outreach events for FY 06 were:

- The D.C. Center for Independent Living-3<sup>rd</sup> Annual Consumer Forum  
-Date: October 21, 2005
- Operation Fight Back-D.C. Ward 7 Neighborhood Service Coordinator  
-Date: November 17, 2005
- Carecen-Conosca Derechos  
-Date: March 18, 2006
- Gelman Property Management Training  
-Date: March 29, 2006

- Annual Fair Housing Symposium-in conjunction with D.C. Department of Housing and Community Development  
-Date: April 20, 2006
- Fair Housing Seminar-Disability  
-Date: May 11, 2006
- Are You a Victim of Housing Discrimination  
-Date: August 17, 2006
- Fair Housing Law for the People-Howard University Fair Housing Clinic  
-Date: September 23, 2006
- Marshall Heights Community Development Center  
Date: September 23, 2006



**Fair Housing Seminar-Disability  
April 10, 2006**



**Fair Housing Law for the People  
September 23, 2006**



**VI. COMMISSION ON HUMAN RIGHTS**

The District of Columbia Commission on Human Rights is an independent functioning agency that conducts hearings on private sector discrimination

complaints certified to it from the Office of Human Rights.<sup>6</sup> While the OHR is responsible for making a “cause” finding (an administrative indictment that determines the likelihood of discrimination), the Commission is the agency that makes the ultimate finding of discrimination. Upon such a finding, the Commission may issue injunctive relief, affirmative action; award damages including back and front pay, compensatory damages, civil penalties and attorney’s fees. The hearings are in a “trial-type” setting conducted generally before a hearing examiner and in some cases before a panel of Commissioners.

In addition to its adjudicative function, the Commission may undertake public investigations or hearings concerning various patterns of discrimination and make recommendations to the Mayor or the Council of the District of Columbia. The Commission also has rulemaking authority, which allows it to promulgate rules, regulations and procedures that implement various portions of the Human Rights Act.

#### Adjudicative Function

The Commission’s hearing process operates under the District of Columbia Administrative Procedure Act as well as the Commissions Rules of Procedure, 4 DCMR § 400 *et seq.* (1995). It is a “trial” type *de novo* proceeding that allows the parties to full discovery, full motion practice and full evidentiary hearing with introduction of documents and testimony giving by witnesses who are subject to cross-examination. All hearings are public and they are recorded and transcribed by a court reporter. Once a hearing examiner completes the adjudication of a hearing, he or she reviews the record and issues a proposed decision and order with findings of fact and conclusions of law with a recommendation to the Commission. The Commission reviews the proposed decision and any exceptions (appeals) from the parties and issue a final decision that either affirm, modify or reject the hearing examiner’s recommendation. Final decisions of the Commission are appealed to the District of Columbia Court of Appeals.

#### Commissioners

The Commission is a 15-member volunteer body appointed by the Mayor for a term of three years. The Mayor appoints the Chairperson while the Commissioners elect the Vice-Chairperson and Secretary. The following individuals served as Commissioners in part or in whole during FY 06:

Deborah Wood Dorsey, Chairperson (Ward 3)  
-An attorney and lobbyist

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<sup>6</sup> Although the Human Rights Commission is a division within the Office of Human Rights, the Commission functions independent of the Office in order to adjudicate cases in an impartial manner.

Mario Acosta-Velez, Vice-Chairperson (Ward 2)  
-A consultant

Reverend Susan Blue (Ward 2)  
-Clergy

Pierpont Mobley (Ward 5)  
-EEO Consultant

Monica Palacio-Secretary (Ward 2)  
-An attorney

Darryl Ross (Ward 8)  
-Auditor

Warner Session (Ward 2)  
-An attorney

Richard Tagle (Ward 2)  
-Consultant

Michael Ward (Ward 6)  
-An Attorney

Christine Warnke (Ward 3)  
-Law firm executive

Michael Woodard (Ward 2)  
-EEO Consultant

#### New Cases Certified in FY 06

In FY 06, the OHR certified to the Commission seven cases for a public hearing. They are as follows:

*-Beckford v. Hyatt Regency Hotel*, Docket Number 04-088-P (CN)

This is an employment discrimination case involving the Complainant alleging that her employer subjected her to disparate treatment on the basis of her gender (female-pregnancy) when she was terminated in January 2003.

*-Craig v. Borger Management, Inc., Docket Number 05-214-(H)*

This is a housing discrimination complaint, which Complainant alleges that the apartment management company discriminated against him on the basis of his disability (Post Traumatic Stress Disorder) when a 30-day Notice to Quit issued to Complainant because he used loud obscenities in the lobby of the apartment.

*-Fahim v. George Washington University, Docket Number 02-179-P (CN)*

In this case, the Complainant alleges that she was subjected to a hostile work environment (race, sex, national origin and religion) during her employ with the Respondent.

*-Johnson v. Howard University Hospital, Docket Number 04-051-P (CN)*

In this employment case, the Complainant alleges that Howard Hospital retaliated against her after she filed a discrimination complaint that was dismissed. After the discharge the previous charge, Complainant alleges that her supervisor began to take retaliatory action against her.

*-Puerta v. H&M Enterprises, et al., Docket Number 04-373-P (H)*

This is a housing discrimination complaint which Respondent's manager created a living hostile environment by sexually harassing the complainant.

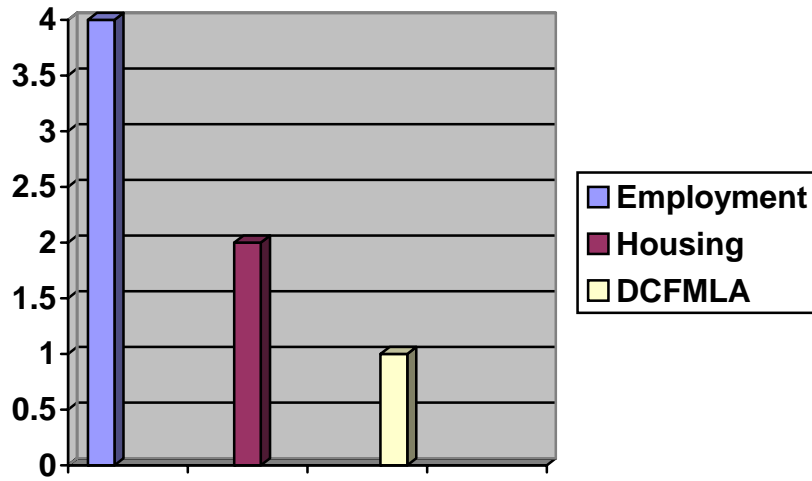
*-Smallwood v. Amtrak, Docket Number 05-110-P (CN)*

The Complainant alleges that Amtrak violated the D.C. Family Medical Leave Act when it approved Complainant's leave for doctors' appointments and treatments but failed to approve Complainant's leave for surgery.

*-Winton v. American Institute of Certified Public Accountants, Docket Number 06-076-P (CN)*

This complaint involves the Complainant alleging that the Respondent subjected her to a hostile work environment on the basis of her gender when she was assigned to a higher volume of work and was more critical of her work than that of her male employees.

## Cases Certified in FY 06



### Public Hearings

In FY 06, the Commission conducted three public hearings in the following cases:<sup>7</sup>

*-Lucas v. Greyhound Lines*, Docket Number 98-134-P (CN)

Ms. Lucas alleged that she was sexually harassed and subjected to a hostile work environment while employed at the Washington Terminal of Greyhound Lines.

*-Gresham v. Back Door Pub, Inc.*, Docket Number 00-200-PA

Complainant alleged that she was subjected to disparate treatment because of her sex in being denied entry to Respondent's establishment.

*-Petropoulos v. Dorchester Apartments*, Docket Number 03-008-H (CN)

The Complainant alleged that the Respondent attempted to evict him and his wife from their apartment because they had a young child. Respondent argued that there were too many people living in the efficiency apartment, which they believed was against District regulations.<sup>8</sup>

<sup>7</sup> Because there was only one hearing examiner employed during most of the fiscal year, very few cases hearings could be conducted.

<sup>8</sup> This case settled on the first day of the hearing.

## Case Closures and Dollar Amounts

In FY 06, the Commission closed five cases earning \$56,500.00 for complainants through settlements. The cases are:

*Petropoulos v. Dorchester Apartments*, Docket Number 03-008-H

In this case, the Complainant alleged that the Respondent attempted to evict him and his wife from their apartment because they had a young child. Respondent argued that there were too many people living in the efficiency apartment, which they believed was against District regulations. The parties entered into a non-public settlement agreement after the first day of hearings.

*Ford v. Intercon UPSP Services*, Docket Number 99-121-P (CN)

Complainant alleged that Respondent engaged in disparate treatment based on sex when she was terminated for “excessive absences.” Specifically, Complainant argued that Respondent did not terminate male employees who were “similarly situated.” The parties entered into a non-public settlement agreement at the beginning of the hearing.

*Leigh v. Marriott International*, docket Number 04-141-P (CN)

Complainant, an African-American security officer for Marriott, alleges that the Respondent engaged in disparate treatment when he was terminated from his employment when he violated a hotel employee policy that states no security guards could enter a guest room without prior authorization. The complainant alleged that other security guards who were not African-American have entered rooms without prior authorization and they were not terminated. The parties entered into a non-public settlement agreement just prior to the hearing.

*Thompson v. Randstad US*, Docket Number 98-45-P (CN)

Complainant, the only male employee in his section, alleges that he was subjected to a hostile work environment and was assigned a disproportionate amount of assignments than his female counterparts. The parties entered into a non-public settlement after the close of discovery.

*Ammen v. Facilities Management*, Docket Number 01-111-P

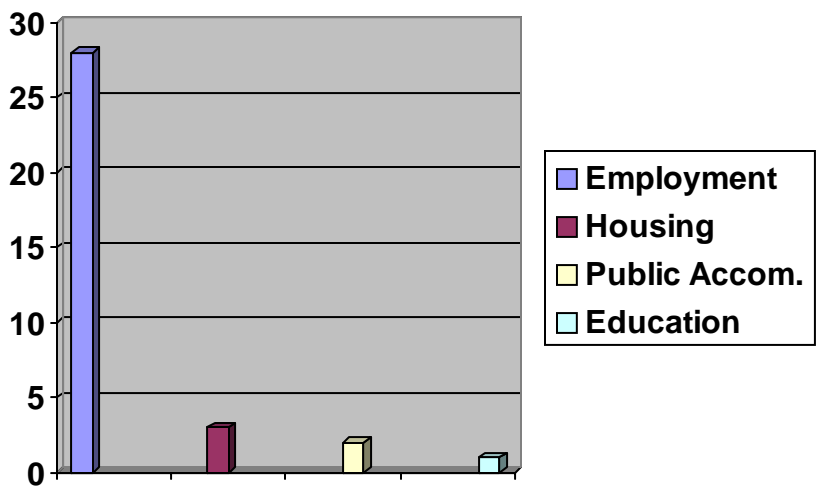
The Complainant alleged that she was subjected to disparate treatment on the basis of her sex (female-pregnancy) and DCFMLA when Respondent declared that Complainant had resigned from her position when she alleged that she was going on leave to give birth to her child. The

Respondent declined to reinstate her after the maternity leave ended. The Commission dismissed this complaint after it was terminated that the Respondent filed bankruptcy and ceased to exist leaving no entity or assets to pursue.

Pending Inventory in FY 06

At the end of FY 06, the Commission had 34 cases pending in its inventory. Most of the cases were in the employment arena followed by public accommodations. The following diagram illustrates the breakdown of cases by arena:

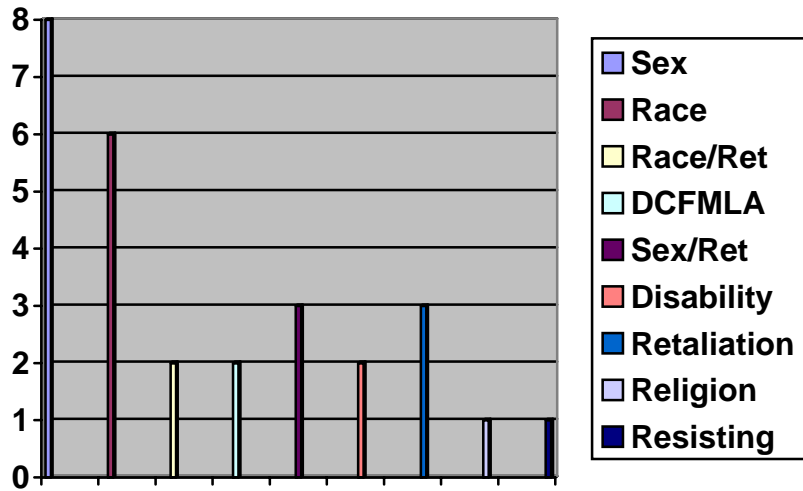
**Pending Cases at the Commission in FY 06 By Arena**



By protected classes under the Human Rights Act, the cases at the Commission are:

- Sex 08 Cases
- Race 06 Cases
- Retaliation 03 Cases
- Sex/Retaliation 03 Cases
- Race/Retaliation 02 Cases
- DCFMLA 02 Cases
- Disability 02 Cases
- Religion 01 Case
- Resisting the Comm. 01 Case

### Pending Cases at Commission in FY 06 By Basis



### Rulemaking

On March 8, 2006, the Human Rights Act Clarification Act of 2005 went into effect. This Act amended the Human Rights Act to include “gender identity or expression” as a protected class. Its effect is to protect transgender and transsexual individuals from discrimination in employment, housing, education, and public accommodations. Pursuant to its rulemaking authority, the Commission on Human Rights promulgated rules and regulations that implemented the Act. In the rulemaking process, the Commission invited members from the transgender community, specifically the National Gay and Lesbian Task Force and the Coalition to Clarify the Human Rights Act, to help draft the regulations. As a result, the Commission published its proposed rulemaking on June 9, 2006. After receiving comments from the public, the Commission on October 3, 2006 adopted in final a new Chapter 8 of Title 4 of the District of Columbia Municipal Regulations (DCMR) entitled “Compliance Rules and Regulations Regarding Gender Identity or Expression.” See Appendix A. The regulations provide guidance to employers, housing providers, businesses, organizations, educational institutions and District of Columbia government agencies on the requirements of the law. They also ensure that transgender individuals are treated in a manner that is consistent with their identity or expression, rather than according to their presumed or assigned sex or gender. The rules became effective on October 27, 2006. The District of Columbia joined approximately sixty-five other jurisdictions in extending protection from discrimination to transgender individuals. Highlights of the regulations include the following:

- Prohibit all aspects of discrimination in employment, housing and commercial space, public accommodations, educational institutions, and services or programs of the District of Columbia government

- Single-occupancy restrooms must use gender neutral signage
- Employers must make reasonable accommodations for transgender related health care needs that are consistent with other medical needs
- No entity can require an individual to dress or groom themselves in a manner inconsistent with their sex or their gender identity or expression
- Harassment and actions that create a hostile environment based on gender identity or expression is prohibited
- Gender-specific facilities where nudity in the presence of other people is customary must make reasonable accommodations to allow an individual access to and use of the facility that is consistent with that individual's gender identity or expression.

### Community Outreach

The Commission was able to continue with its community outreach programs that are organized by the Vice-Chairperson of the Commission, Mario Acosta-Velez. For the third consecutive time, the Commission held a Town Forum in celebration of International Human Rights Day. On December 8, 2005, the forum focused on issues dealing with gender identity or expression and the amendment to the Human Rights Act. Panelist from the Coalition to Clarify the DC Human Rights, the Pennsylvania Human Relations Commission, the National Center for Transgender Equality and the Metropolitan Washington Employment Lawyers Association gave presentation on the importance of having equal opportunity for the transgender community. Approximately 60 individuals attended the town forum, which was held in the Mayor's Press Briefing Room in the John Wilson Building, 1350 Pennsylvania Ave., NW, Washington, D.C.

The Chief Hearing Examiner of the Commission and the OHR Director taped a television program for the University of District of Columbia Law School's "Sound Advice" series, providing information about the Human Rights Act, the Commission and the Office of Human Rights. Sound Advice is a community service program that reaches 175,000 residents in the District of Columbia. Specific topics discussed included the new amendments to the Human Rights Act, mediation program, language-access and how the Human Rights Act covers more protected classes than federal law.

The Commission continued to participate in the city's annual Capital Pride Festival, which is a celebration of the region's gay, lesbian, bi-sexual and transgender community. Commissioners and staff distributed informational brochures regarding the Office of Human Rights and the Commission on Human Rights. The festival attracts more than 100,000 individuals of which more than 500 individuals visited the Commission's booth.



**Capital Pride Festival  
June 11, 2006**

Attorney Representation for Pro Se Litigants

The Human Rights Act requires that the OHR represent the “complaint” before the Commission. Essentially this means that the Office of Human Rights must represent the complainant at the public hearing. Until a few years ago, this was not a problem for the OHR. Most complainants would find attorneys from the private bar to represent them. The few complainants who could not retain an attorney would have their complaints represented by legal staff within OHR. However, in recent years, the private bar has stopped representing many complainants on a fee contingency basis. To counter this trend the OHR and the Commission contacted various law firms in the city who had pro bono programs to determine if they would represent any of the pro se litigants. The results were not encouraging because most of the firms contacted indicated that winning the cases was low and very time-consuming. The same was true with the area law schools. In 2005, several attorneys at the D.C. Office of the Attorney General (OAG) volunteered their time in representing several complainants. It was difficult for them to represent the complainants and maintain their normal docket load. In early 2006, the OHR and the Commission requested the OAG to take the cases as part of their regular docket. That did not occur in the fiscal year. As a consequence nine cases are on the Commission docket that are not being adjudicate. This lack of movement is creating a growing inventory of cases that must be addressed in FY 07.

**APPENDIX A**

D.C. OFFICE OF HUMAN RIGHTS  
AND  
COMMISSION ON HUMAN RIGHTS

**NOTICE OF FINAL RULEMAKING**

The Office of Human Rights and the Commission on Human Rights, pursuant to section 301(c) of the Human Rights Act of 1977 (Act), effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1403.01(c)) adopts new Chapter 8 of Title 4 of the District of Columbia Municipal Regulations (DCMR) entitled “Compliance Rules and Regulations Regarding Gender Identity or Expression.” Final action to adopt these rules was taken at the Commission’s meeting on October 3, 2006. Notice of Proposed Rulemaking was published on June 9, 2006 at 53 DCR 4572. Comments were received by the public and considered by the Commission. Changes were made to the text of the proposed guidelines.

Title 4, DCMR is amended by adding a new Chapter 8 to read as follows:

**CHAPTER 8 COMPLIANCE RULES AND  
REGULATIONS  
REGARDING GENDER IDENTITY OR  
EXPRESSION**

**800 Purpose**

800.1 In order to meet the obligations to prohibit discrimination based on gender identity or expression as set forth in the Act, the Office and the Commission adopt this chapter for the following purposes:

- (a) To implement the provisions of the Act regarding discrimination based on gender identity or expression in employment, housing, public accommodations, or educational institutions, including all agencies of the District of Columbia government and its contractors;
- (b) To provide guidance with regard to the requirements of the law to all employers, housing providers, businesses, organizations, educational institutions, and District government agencies and contractors in seeking compliance with the law;
- (c) To educate the public on the behaviors, conduct, and actions that

constitute unlawful discrimination based on gender identity or expression;

- (d) To ensure that transgender people are treated in a manner that is consistent with their identity or expression, rather than according to their presumed or assigned sex or gender; and
- (e) To guide the internal processing of complaints filed with the Office or cases heard by the Commission.

## 801 GENERAL PROHIBITIONS OF GENDER IDENTITY OR EXPRESSION DISCRIMINATION

801.1 It shall be unlawful for any person or entity, including agencies of the District of Columbia government and its contractors, to discriminate against a person in employment, housing, public accommodations, or educational institutions on the basis of that person's actual or perceived gender identity or expression. Such unlawful discriminatory practices shall include but not be limited to the following in:

- (a) **EMPLOYMENT:** failing to hire or promote; engaging in disparate treatment; engaging in unlawful termination and transfers; engaging in verbal or physical harassment; creation of a hostile environment; failing to make a reasonable accommodation when requested by the employee in accordance with 4 DCMR § 804 (1995); and denying access to restrooms and other gender specific facilities that are consistent with the employee's gender identity or expression.
- (b) **HOUSING AND COMMERCIAL SPACE:** refusing to show, rent, or sell real property that is available for lease or sale; discriminating in financial transactions related to real property; engaging in disparate treatment by adding or using different terms or conditions in a lease; refusing to make or provide services, repairs, or improvements for any tenant or lessee; denying access to restrooms or gender specific facilities in common areas that are consistent with an individual's gender identity or expression; creating a hostile environment; and failing to stop or prevent harassment by co-tenants, landlords, or property managers.
- (c) **PUBLIC ACCOMMODATIONS:** refusing to provide goods or services of any kind; engaging in disparate treatment in the provision of goods and services; engaging in verbal or physical harassment; creating a hostile environment; and denying access to restrooms and other gender specific facilities that are consistent with a customer's or client's gender identity or expression.

(d) EDUCATIONAL INSTITUTIONS: refusing or limiting educational opportunities in admission, matriculation, or access to extracurricular activities; engaging in disparate treatment of a student; engaging in or failing to prevent verbal or physical harassment; creating a hostile environment; and denying access to restrooms and other gender specific facilities that are consistent with a student’s gender identity or expression.

(e) DISTRICT OF COLUMBIA GOVERNMENT: refusing to provide any facility, service, program, or benefit of the Government of the District of Columbia; engaging in verbal or physical harassment; creating a hostile environment; and denying access to restroom facilities and other gender specific facilities that are consistent with a person’s gender identity or expression.

801.2 All entities covered under the Act shall clearly and explicitly communicate the District of Columbia’s laws regarding gender identity or expression and other protected categories to all management, employees, and volunteers as required by D.C. Official Code § 2-1402.51

**802 RESTROOMS AND OTHER GENDER SPECIFIC FACILITIES**

802.1 All entities covered under the Act, as amended, shall allow individuals the right to use gender-specific restrooms and other gender-specific facilities such as dressing rooms, homeless shelters, and group homes that are consistent with their gender identity or expression.

802.2 All entities covered under the Act with single-occupancy restroom facilities shall use gender-neutral signage for those facilities (for example, by replacing signs that indicate “Men” and “Women” with signs that say “Restroom”).

**803 ACCOMMODATIONS FOR HEALTH CARE NEEDS**

803.1 When requested by the employee, an employer shall make reasonable accommodations (including medical leave) for transgender-related health care needs that are consistent with such accommodations that are provided for other medical needs. Such needs include but are not limited to medical or counseling appointments, surgery, recovery from surgery, and any other transgender-related procedures.

**804 DRESS AND GROOMING STANDARDS**

804.1 No employer, housing provider, public accommodation, educational institution, or any agency of the District of Columbia government or its

contractors shall require individuals to dress or groom themselves in a manner inconsistent with their sex or their gender identity or expression.

804.2 Employers, housing providers, public accommodations, educational institutions, and agencies of the District of Columbia government and its contractors may prescribe standards of dress which shall serve a reasonable business purpose, as long as such standards do not discriminate or have a discriminatory impact on the basis of an individual's sex or the individual's gender identity or expression.

804.3 Except as otherwise provided in this chapter, the Office and Commission adopt and incorporate by reference the provisions of 4 DCMR § 512 (1995).

**805 GENDER-SPECIFIC FACILITIES WHERE NUDITY IN THE PRESENCE OF OTHERS IS CUSTOMARY**

805.1 All entities covered under the Act shall provide access to and the safe use of facilities that are segregated by gender.

805.2 In gender-specific facilities where nudity in the presence of other people is customary, entities covered by the Act shall make reasonable accommodations to allow an individual access to and the use of the facility that is consistent with that individual's gender identity or expression, regardless of whether the individual has provided identification or other documentation of their gender identity or expression.

805.3 Requiring documentation or other proof of an individual's gender is prohibited, except in situations where all persons are asked to provide documentation or other proof of their gender for a reasonable business or medical purpose.

**806 RECORDING OF GENDER AND NAME**

806.1 An entity covered under the Act shall not require an applicant to state whether the individual is transgender.

806.2 If an application form asks for the applicant to identify as male or female, designation by the applicant of a sex that is inconsistent with the applicant's assigned or presumed gender shall not be considered, without more, to be fraudulent or to be a misrepresentation for the purpose of adverse action on the application.

806.3 An applicant's giving of a name publicly and consistently used by the applicant, even when the name given is not the applicant's legal name, shall not be grounds for adverse action, if the name given is consistent

with the applicant's gender identity or expression. However, where use of a person's legal name is required by law or for a reasonable business purpose, the applicant may be required to disclose it.

806.4 An applicant's failure to disclose a change of gender or name (unless specifically required as part of an application process for a reasonable business purpose) shall not be considered grounds for an adverse action.

## **807 BACKGROUND CHECKS**

807.1 If an entity covered under the Act learns through a background check or other means that a person is transgender, the entity shall not, without more, take an adverse action against the individual on the basis of the learned information and shall take reasonable measures to preserve the confidentiality of that information.

## **808 HARASSMENT AND HOSTILE ENVIRONMENT**

808.1 All harassment and actions that create a hostile environment based on gender identity or expression shall be prohibited.

808.2 The following behaviors may constitute evidence of unlawful harassment and hostile environment:

- (a) Deliberately misusing an individual's preferred name form of address or gender-related pronoun;
- (b) Asking personal questions about an individual's body, gender identity or expression, or gender transition;
- (c) Causing distress to an individual by disclosing to others that the individual is transgender; and
- (d) Posting offensive pictures, or sending offensive electronic or other communications.

In determining whether there is unlawful harassment or a hostile environment, the totality of the circumstances surrounding the alleged violation of the Act must be considered, including the nature, frequency, and severity of the behavior, whether it is physically threatening or humiliating, or a mere offensive utterance; and whether it unreasonably interferes with the alleged victim. Ultimately the standard is an objective one, focusing on whether the behavior was sufficiently severe or pervasive to alter the conditions of the victim's employment, housing, education, or access to or use of public accommodations, or relations with a District of Columbia agency or contractor, and to create an abusive environment.

**DEFINITIONS**

899.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

“Act” - the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*).

“Commission” – the Commission on Human Rights, established by section 401 of the Act (D.C. Official Code § 2-1404.01).

“Entities” - include all employers, housing providers, public accommodations, educational institutions, and government agencies and their contractors that come within the jurisdictional reach of the Act.

“Gender identity or expression” - a gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual’s assigned sex at birth.

“Office” – the Office of Human Rights, established by section 202 of the Fiscal Year 2000 Service Improvement and Budget Support Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 2-1411.01).

“Transgender” - an adjective that refers to any individual whose identity or behavior differs from stereotypical or traditional gender expectations, including transsexual individuals, cross-dressers, androgynous individuals, and others whose appearance or characteristic are perceived to be gender-atypical.



### **Notice of Non-Discrimination**

In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §§ 2-1401.01 *et seq.* (Act), the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.