

ALEXANDRIA HUMAN RIGHTS COMMISSION
MINUTES OF THE MEETING OF TUESDAY, FEBRUARY 20, 2024
7:00 p.m., City Hall
301 King Street, Room 2000
The Chet and Sabra Avery Room

Members Present

Lisl Brunner, Chair
April Breslaw
Iulia Fratila
Matt Harris
Katherine O'Connell
Elisabeth "PJ" Palmer Johnson, Vice Chair
Megan Prince
Tom Reeder, Jr.
David Rigsby, Vice Chair
Sam Schwartz
Conrad Sylvanus
Jon Thompson

Staff Present

Jean Kelleher, Director
Anna McClure, Investigator
Miladis Martinez Gutierrez, Adm. Support

Members Excused

Susan Kellom

Members Unexcused

Marc Bendick

Guests Speaker: Erika Kleiner, City of Alexandria LGBTQ+ Task Force Coordinator; Kennetra Wood, Executive Director for Equity and Alternative Programs; Alex, former ACHS student; Alexandra Lydon, Legal Services of Northern Virginia

1. Call to Order/Introductions by Chair Lisl Brunner

Chair Brunner called the meeting to order at 7:00 p.m. and welcomed new commissioner April Breslaw. Commissioner Breslaw said that she participated in the City Academy last fall and was very impressed with what Director Kelleher had to say about the work of the Human Rights Office and the Commission, and which inspired her to apply and join.

2. Approval of Minutes of the January Meeting

Upon a motion by Commissioner Harris, seconded by Commissioner Prince, the Commission approved the minutes of the January meeting, All Commissioners present voted aye.

3. Guests Speakers

Erika Kleiner facilitates the LGBTQ+ Task Force and works with the Sexual Assault and Domestic Violence Program. She said the role of the Task Force is to be a bridge and place of networking. They also do training for service providers on creating safe and inclusive spaces for LGBTQ+ individuals.

Ms. Kleiner said that ACPS has taken a stand in support of LGBTQ+ students. She introduced Alex, who said they use they/them pronouns. Alex stated they were present to speak about their experiences as a transgender student at Alexandria City High School (ACHS). Alex said they graduated in 2023 and were the GSA President and representative to the PTA Council DEI Committee. Alex stated that,

overall, their experience as a transgender member of the ACPS community has been extremely positive. There were only a few instances when they felt legitimately unsafe or discriminated against, not just uncomfortable and frustrated. Alex suggested some changes and improvements, such as updating school forms, documents, and web pages to be inclusive of all genders, which would make the process of getting one's name recognized straightforward and advertised, as opposed to a long process with conflicting information. Alex also mentioned ensuring a sufficient number of gender-neutral restrooms. Currently there are only two single-use, gender-neutral restroom, which are both on the bottom floor. Students have to cross the whole building and stand in line, which makes it impossible to use the restrooms between periods without being late to the next classes.

Ms. Kleiner another student authorized her to share the following statement:

My name is KD, and I use they/them pronouns, and I am a 17-year-old senior at Alexandria High School. I have attended ACPS my entire life and have been living as non-binary since I was twelve years old. One of the biggest obstacles to my education are the bathrooms at Francis C. Hammond. I was permitted to use one bathroom in the entire building; a gender-neutral and accessible restroom on the first floor near the gymnasium. Despite how, in the past, I used this bathroom, adult staff frequently told me it was not for students' use. The bathroom is often locked or in use leading to long wait times; I often use this restroom to change into my gym clothes. Despite the teacher being aware that I used it to change, I was locked out of the gymnasium almost every class. Eventually, my counselor allowed me to use a restroom located in the 8th grade hall, which was a much better solution. At ACHS, King Street campus, there are two restrooms that I can use located near the college and career center. To put it simply, my experience with these bathrooms has been a nightmare. They are located away from most classrooms, and I recorded how long it takes me to walk from the 3rd floor and it is about a 10-minute round trip. They are locked constantly, and they are almost always in use. I have to wait up to 45 minutes to use these bathrooms at times. For context, most teachers only permit bathroom breaks of about 5 minutes. When I finally got to use these restrooms, they were usually in poor sanitary condition. This year students are no longer allowed to use these restrooms and they are always locked. As far as I can tell no student was informed when they put this change into place. Here is the solution the school came up with; I have a paper pass from my counselor that says I can use these bathrooms since they are locked. I have to find someone in the main office to unlock them; usually they are very busy and do not understand that I am allowed to use these bathrooms. Usually, they call someone else to come unlock them and I have to wait for them to arrive. When they arrive, they unlock the restroom, then wait for me outside so that they can lock the restroom again. I did this whole routine maybe twice before giving up; it is, quite frankly, humiliating. I have raised this problem to administration multiple times over the year and never received an answer beyond, "sorry to hear that." Every day, I use the restroom at school and fear for my safety. This is not an unfounded fear. Violence against transgender people is increasing. Just a few days ago non-binary teen in Oklahoma was beaten to death in a school restroom. It is absurd that have to fight so hard for such basic human rights. My ask is simply clean, accessible, and safe restrooms (End of statement).

Ms. Kleiner stated that Charles Costen-Sumpter is the Chairman for Safe Space NOVA, and she distributed information about Safe Space. She stated that a large number of LGBTQ+ youth are homeless, in the juvenile system, and/or are in the foster care system, there is a high dropout rate for LGBTQ+ kids because of experiences they are having in school. She added there is a risk for LGBTQ+

youth being victims of dating violence, and the suicidal ideation risk is very high for LGBTQ+ students. She reported that the Trevor Project Survey done in 2021 revealed that 42% of LGBTQ+ youth seriously considered attempting suicide in the past year, including half of transgender and non-binary youth. She reported that LGBTQ+ young people who have access to spaces that affirm their sexual orientation and gender identity report much lower rates of attempting suicide. She stated we see how important safe spaces are, not only to the physical well-being, but also to the mental well-being.

Alex Lydon stated there are obviously some communication issues and disconnect between what the Task Force is presenting and students' experience, so the Task Force needs to back what they say up with their actions and making students feel safe and comfortable, and not have to travel far way to use the bathrooms, which affects students' ability to get their educational services. Commissioner Harris suggested that community members should show up at school board meetings and that he does not think any school board member will find the behavior acceptable. Ms. Kleiner stated that, while Task Force has been around, there have been varying degrees of access to ACPS. She added that the Administration brought them in to do training with senior leadership, but she does not know the internal plan.

Kennetra Wood stated that, at Alexandria City High School (ACHS), the bathroom issue is partly because they are not enough bathrooms; the building was not built to have individual bathrooms throughout and single-use bathrooms are either in teacher workspaces or downstairs. New ACPS buildings, like Minnie Howard, will have gender neutral bathrooms. ACHS is a challenge, but they are advocating for it and balancing with student safety, so there is a safe place for each and every student.

Commissioner Schwartz asked if there is a liaison to the LGBTQ+ student community. Ms. Wood said she is accessible to meet with students and is the Title IX coordinator, so if discrimination happening, her contact information is on the website. Commissioner Schwartz asked if she is at ACHS. Ms. Wood said she is at Central Office but rarely there because she is at the schools.

Commissioner O'Connell asked if the gender neutral bathrooms are accessible. Alex said those bathrooms are the most wheelchair accessible. Because they are in a wheelchair, staff let them in without question, but others that do not have as visible a need are often not allowed to use them. Commissioner O'Connell asked if making an existing restroom gender neutral has been discussed, and if so, is there a reason it has not happened. Alex and Ms. Wood said they had not heard anyone discuss it. Alex stated the reasons that they were given for the restrooms being locked were student safety and misbehavior. Ms. Kleiner stated research shows that a lot of transgender and nonbinary kids try to go all day without going to the bathroom. Alex said students wouldn't drink water during the day.

Commissioner Schwartz asked if there is a suicide specific program at ACHS and if it addressed LGBTQ+ needs. Ms. Wood said they have not addressed this specifically to the LGBTQ+ population; it is for any student who may experience those issues. They have a program called Securely, which monitors student laptop use and if anything comes up that involves suicidal ideation, self-harm, or anything of that nature, it triggers emails to school-based staff and administrators. Vice Chair Palmer Johnson asked if the 988 number is permanently displayed in schools. Ms. Wood said it's on the website but can't say if it is at the schools. Alex said that a lot of students prefer other numbers that focus on their needs, like the Trevor Project or Trans Lifeline hotlines. They said these numbers are not displayed and perhaps should be. Alex Lydon said it is important not to have just one LGBTQ+ liaison; students will not all feel comfortable going to one person. All staff need to be trained on LGBTQ+ issues, how to respect LGBTQ+ students, especially trans students, and how to refer to students who are trans.

Commissioner Reeder stated that training the teachers is a step that could be taken quickly. Alex Lydon said they are ready and willing to train and said they recently had an interactive training with leaders of the schools that Ms. Wood was great setting it up. Ms. Wood is in support of all of Task Force directives, but they need to get actual permission to train the teachers and time to do it. Commissioner Thompson asked if school staff ask students what their preferred pronouns are. Alex said it depends on the teacher and said that they had some teachers that were excellent at asking for name and pronouns.

Commissioner Thompson suggested amending the five-minute rule for students to use the restroom. Ms. Wood stated that there is no school rule; teachers might tell students to get them back to the classroom quickly. Commissioner Thompson asked if there is a way to prevent a teacher from making it so rigid. Ms. Wood said it can be discussed and that she would take some of the comments to the administration, so that they can start a conversation and put rules in place to support the students.

Ms. Wood explained how they respond when students raise concerns or complaints and said that she has started to work on educating staff about Title IX, and she said that discrimination issues come to , too. If a potential discrimination or harassment complaint on the basis of sex or one's identity is raised, then school staff contacts her immediately. Alex asked if there is any way that a clear guideline can be put out on having someone's preferred name recognized.

4. Executive Committee Meeting

Community Policing Review Board update

Commissioner Schwartz stated that the Community Policing Review Board is working on the MOU between APD and the Board. Commissioner Harris asked if there was any discussion on Human Rights Commission retaining their jurisdiction until the Board gets up and running.

Topics for upcoming meetings

Investigator McClure stated that no guests have been invited for upcoming meetings. She stated there is a new Race and Social Equity Officer in the City Manager's Office and a new interim Police Chief. She also mentioned that last year, in May, Sarah Taylor did a recap of the legislative session and talked about the legislative package. Chair Brunner asked if the Commission had formally invited a representative from ARHA. Commissioner Thompson stated that the Police Chief and the Acting CEO from ARHA were invited to talk about the incident in November and about what ARHA does. Investigator McClure said the invitations were sent and at that time she received a response from ARHA that the CEO was not available. Investigator McClure talked to Audrey Davis about holding a future meeting at the Black History Museum. Ms. Davis suggested June, and Investigator McClure said the Commission can invite someone or have Ms. Davis talk, because she is a very engaging speaker.

Commissioner Prince said she is willing to go to events to distribute information about the Office. Investigator McClure said the Office wants to do more outreach and could use support. Vice Chair Johnson stated the Commission for Women has been talking to a women-owned business regarding period poverty in Alexandria, so that would be a possibility for Commissions to work on together.

Chair Brunner mentioned reading about migrant children working illegally, to pay off debt from transit to get to the U.S., and asked who would investigate. Director Kelleher said the point of contact could be APD, the City Manager's Office, and non-profits. Alex Lydon she is the anti-human trafficking Senior

Staff Attorney and what Chair Brunner described is human trafficking, labor trafficking, and needs to be reported to Polaris. There is no labor trafficking statute in Virginia, so it is charged as kidnapping.

5. Old & New Business

Investigator McClure gave an update on the legislative session. She said there are bills allowing more flexibility for electronic participation and more virtual meetings. A bill making marriage lawful regardless of sex and gender passed both houses; various constitutional amendments were continued, as required. She reported some pieces of landlord-tenant proposals that the Commission supports got through the House, some did not. She said the bad voting bills did not go through, while some of the better ones have, with some changes. The proposal to add immigration status as a protected class under the Virginia Human Rights Act was continued until next session. She reported a bill prohibiting use of any public funds to any group or organization, including hospitals, that provide abortion care services was voted down. She also reported the Israel boycott procurement ban did not get out of committee.

Investigator McClure stated that the Office has received a couple of hate incident reports; she said that the Office wants to know about these issues. She said the Office does not have any legal authority to investigate them as discrimination, but staff are keeping track of them as they are reported to the Office. Commissioner O'Connell asked if the Office cannot handle an issue, but someone is afraid to go to the police, is there a different option. Director Kelleher stated that if it is a crime, it needs to be reported to the police. Commissioner O'Connell stated it is difficult for communities historically targeted by the police, like the Muslim community, to want to go to them. Commissioner Harris suggested that if people from the community are afraid to do so, maybe community leaders would like to convene a meeting with the police to address the problem and wondered if that was ever attempted. Alex Lyndon said individuals can get a protective order without involving the police, through General District Court.

Commissioner O'Connell stated that she had a question about the City Attorney's memo on the proposed cease fire resolution and said she did not see the resolution as directing City Council, but asking City Council to look at the issue when the Commission has people coming to the meetings since November requesting something along those lines; and she does not feel that the City Attorney's memo appropriately addressed that, she does not think that it was supposed to be a directive; and if that language was the problem she does not know why the Commission could not say that it was a memo about a resolution or something like that. She said the Commission can introduce it as a memo and the word direction got thrown in there and it was not meant to be taken so literally. Commissioner O'Connell asked why the resolution was taken off the agenda instead of letting them make that edit before the meeting, so that the commission could have discussed it and vote on it.

Commissioner Harris stated the wrong question was asked to the City Attorney; Investigator McClure stated that she sent the resolution to the City Attorney and asked for general guidance and did not ask a specific question. Director Kelleher stated that the Commission may send something to City Council and ask them to consider it; she thinks that one of the issues is that three different elected officials came to her and asked for the Commission not to send specific resolution on an international issue.

Commissioner O'Connell said she wants to know why City Council does not want to talk about this issue. Director Kelleher stated she could not speak for City Council. Commissioner Harris said Director Kelleher was speaking for City Council; and said that they have always gotten resolutions from the Human Rights Commission. He said he spoke with City Council people, and no one confirmed what

Director Kelleher had said. Director Kelleher said that is because she did not say that. She said that there was one flip comment. Director Kelleher explained that, at the Executive Committee meeting, when she expressed that she had been asked by several members of City Council to convey to the Human Rights Commission that they believed this issue was outside the scope of the Commission and to please not put forward a resolution on any issue related to international issues; she said that Commissioner Thompson looked right at her and asked, “well what can they do,” and Director Keller said that she responded, “they could fail to appoint you next time.” She said there was a flip comment by one person, “well we could fail to appoint someone.” Investigator McClure stated that she spoke to the same City Council member, who made the same comment to her. Commissioner Harris stated that he will quit today after 22 years and said that he does not believe that any City Council member in an election year will say that. He added that the Commission can give City Council a resolution; the Commission is not directing them to take it up or not take it; they are mature people and can act on it if they want. Director Kelleher stated that the issue is that the draft is a resolution from the Commission passed by the Commission. Commissioner Harris stated he does not think this was an above-board operation.

Members of the public shouted for the names of the City Council members who are preventing the citizens from getting their voices heard. Director Kelleher said they cannot have that information. Investigator McClure stated that the Commission can vote on any version of whatever they want to send, just not in that particular format. Chair Brunner said the Commission approved a statement in November, and it was sent to City Council. Commissioner O’Connell said the Commission statement did not have the approved language. Chair Brunner said that the proclamation was shared with City Council and City Council passed it in a different form. She added that the Commission’s role is to address discrimination in Alexandria and to advise City Council and the City Manager on discrimination in Alexandria. After a robust discussion on the cease fire resolution, Commissioner Harris requested that the Commission have a special meeting with the City Attorney to get clarity, in the next week. Upon a motion by Commissioner Harris, seconded by Commissioner Prince, the Commission will convene a special meeting with the City Attorney to answer questions specific to the Commission’s authority, jurisdiction and understanding of the history of this commission, so that they can determine whether the commission can go forward with the resolution or not. Motion passed unanimously.

Chair Brunner asked members of the public that any recordings of this meeting are not to be used without permission outside of this room and that these meetings are not recorded and hopes that we can have a free discussion.¹

6. Liaison Reports

Vice Chair Palmer Johnson reported that the Commission for Women had two guests and primarily discussed commission participation. She said that they finalized plans for the 50th anniversary. She reported that March 8 is International Women’s Day and March 25 is take our Sons and Daughters to Work Day at ACHS. She announced that the Commission is planning to hold a virtual seminar on A Crisis for Moms: Black Maternal Health in Virginia.

Commissioner Prince reported that the Alexandria Commission on Persons with Disabilities had a guest from the Prevention of Blindness Society. She reported that the ACPD is exploring a partnership

¹ The Commission determined, after the meeting, that recording by members of the public is permitted and there is no prohibition on the sharing of such recordings.

regarding disability accessibility at businesses. She announced that the ACPD is looking for nominations for the John Duty Collins Award and the Gerry Bertier Scholarship.

Commissioner O'Connell reported that the Landlord and Tenant Relations Board has two different Tenant Associations who are asking them to facilitate meetings with their landlords on flooding and pest control issues. She said that they have tried to get the landlords to meet with them, but they will not do so. She said they also looked at the ratio utility billing system; the Mayor has been receiving letters from people who are getting utility bills in the \$300-\$600 range, but because of the way the ratio utility billing works and the way the Virginia law works, they are not able to compel the company to provide item-by-item breaks down of what exactly is causing the high utility bills.

Commissioner Reeder reported that the Commission on Aging is focusing on the Ladrey transition, and they are finalizing the age-friendly plan, which they have been recognized by AARP in previous years for. He reported that they are focusing mostly on potential transportation housing effects on the relocation of the Monumental project.

Commissioner Sylvanus reported that the EOC recently reviewed their needs assessment. They also addressed the fact that there is probably an increase in homelessness and their ability to address this issue. He reported that they presented their 2024 strategic plan on homelessness, on January 23, and DCHS has provided feedback and said that there is still a high need for funding.

7. Public Comment

The Commission heard from several members of the public, who provided statements on the events in Israel and Palestine. Each member had three minutes to present their statement. Statements provided to City staff are attached to the minutes.

8. Announcements /Adjournment

Investigator McClure asked for a volunteer to staff the ALIVE! Food Hub table on March 9, 2024; Commissioner Breslaw volunteered.

MOTION: Adjourn the meeting.

Vice Chair Palmer Johnson/Commissioner Harris **PASSED** unanimously.

The meeting was adjourned at 10:52 p.m.