



INTERNATIONAL
ASSOCIATION
OF OFFICIAL
HUMAN RIGHTS
AGENCIES

2020 IAOHRA International Human Rights Day
Annual Meeting and Elections
December 10
Virtual Convening
RESOLUTION 1

Robin S. Toma
President
Los Angeles, CA

Alisa Warren
First Vice President
St. Louis, MO

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Second Vice President
Portland, OR

Beverly Watts
Secretary
Nashville, TN

Angela Rush
Treasurer
Fort Worth, TX

Jean Kelleher
Past President
Alexandria, VA

Washington D.C. Office
444 N. Capitol St, N.W.

Suite 237
Washington, D.C. 20001
202.624.5410
IAOHRA@ssso.org

Regional Representatives:

James L. Stowe, Atlantic
Montgomery County, MD

Diane Clements-Boyd, Midwest
Evansville, IN

Paul Valenti, South
Clearwater, FL

Jerry Lee, Western
Olympia, WA

Members-at-Large:

Tamie Dixon-Tatum
Anderson, IN

Rue Landau
Philadelphia, PA

Kenneth Gunn
Chicago, IL

Hair Discrimination is Race Discrimination

WHEREAS, The International Association of Official Human Rights Agencies (IAOHRA) has provided leadership in the development and enforcement of needed statutes and ordinances, on the local, state, and federal level, to safeguard the human and civil rights of all people; and

WHEREAS, Discrimination based on hair texture is a form of social injustice, found worldwide, that targets Black people, specifically Black people who have afro-textured hair that has not been chemically straightened. Afro-textured hair has frequently been seen as being unprofessional, unattractive and unclean; and

WHEREAS, IAOHRA is in agreement with the NAACP - as we acknowledge policies that ban or restrict natural hair or Black hairstyles should be recognized as race discrimination because of the close association of natural hair or hairstyles with ethnicity, and the unique and heavy health and financial burden imposed on Black men and women; and

WHEREAS, Policies having the effect of forcing Black people to adapt to Eurocentric hairstyles can lead to significant physical harm, including breakage, loss, skin and scalp damage, and the development of trichorrhesis nodosa and traction alopecia. Even more alarming, a 2011 study published by the American Journal of Epidemiology linked hair relaxers to an increase in uterine fibroids; and

WHEREAS, Policies having the effect of forcing Black people to adapt to Eurocentric hairstyles can lead to significant financial burdens. Black women spent nearly 2.5 billion dollars on haircare in 2018, and on average, spend an estimated nine times more than White women on hair care; and

WHEREAS, Recognizing a different approach towards policies that ban or restrict natural hair or hairstyles associated with Black people will enrich the community by bringing to light the invidious forms of explicit and implicit bias that have historically caused substantial harm to those who wish to maintain natural hair or specific hairstyles but are forced to choose between education or employment and their cultural, social, and/or religious identity; and

WHEREAS, The exertion of control over and systemic ban on natural hair and hairstyles associated with Black people can be traced to the denigration of Black people under slavery; and

WHEREAS, State legislatures in California, New York, New Jersey, Colorado, Washington, Minnesota, Maryland, Virginia, Georgia and Ohio have recognized that hair discrimination targeting hairstyles associated with race is racial discrimination and passed legislation or begun to pass legislation that combats such discrimination; and

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WHEREAS, Local governments such as New York City, Cleveland, Toledo, Philadelphia, Madison, Albuquerque, Montgomery County and Washington, DC, have recognized same; and

WHEREAS, Our nation, in both our laws and our societal expectations, has historically characterized Black physical characteristics such as dark skin and kinky and curly hair as negative traits, and such negative connotations lead to separate and unequal treatment; and

WHEREAS, Physical, psychological and financial costs and burdens are placed on Black people in order to adapt to outdated, Eurocentric ideals of beauty and professionalism. Further, Black culture is inherently tied to natural hair and Black hairstyles and, as such, should be protected from implicit bias and subconscious racism.

THEREFORE, BE IT RESOLVED, that The International Association of Official Human Rights Agencies (IAOHRA) will advocate for federal, state, and local legislation and public policy recognizing that hair discrimination is racially discriminatory, and we will work to further prohibit such practices as they relate to employment, education, sports, housing, and public accommodations.



Robin Toma, President IAOHRA



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Bias Training, Courts & Schools

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WHEREAS, The International Association of Official Human Rights Agencies (IAOHRA) is steadfast in protecting and advancing civil and human rights around the world and at home in the United States; and

WHEREAS, IAOHRA stands with the NAACP in eliminating racial inequities that plague our criminal justice and educational systems; and

WHEREAS, Our organizations stand firmly against the criminalization of Black/African-American students that is prevalent in the educational system; and

WHEREAS, Out of school suspension and expulsion policies disproportionately impact Black/African-American students, increasing the likelihood of them entering the school-to-prison pipeline; and

WHEREAS, Black/African-American defendants with the same or similar criminal profile as White defendants are more likely to receive as much as five years more years of punishment for the same or similar crimes; and

WHEREAS, Ongoing bias training in the educational system and in the criminal justice system are necessary to eliminate disproportionate discipline against Black/African-American students in the school system and sentencing disparities for Black/African-American defendants in the criminal justice system; and

WHEREAS, Social science evidence shows that the implementation of ongoing implicit bias training can effectively educate teachers about their racial biases and equip them with the necessary skills to combat racial discrimination against Black/ African-American students, particularly in the area of discipline; and

WHEREAS, Implicit bias training in the criminal justice system effectively equips attorneys, judges, prosecutors, law enforcement officers, probation officers, etc. with the necessary skills to effectively eliminate racial discrimination in the criminal justice system, and eradicate sentence disparities based on race.

THEREFORE, BE IT RESOLVED, that the International Association of Official Human Rights Agencies (IAOHRA) calls on the U.S. Department of Justice, the U.S. Department of Education, state bar associations, state departments of education, local school boards, law schools, and the federal and state judiciary to undergo and conduct yearly implicit bias, cultural competency and bias disruption training with teaching faculty, staff, judges, prosecutors, all law enforcement agents, student teachers and law students to eliminate racial bias within the legal and education systems.

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Discriminatory Effects of the HUD Disparate Impact Regulation

WHEREAS, the goals of the International Association of Official Human Rights Agencies (IAOHRA) are to: foster human and intergroup relations; enhance human rights practices under law; and promote civil and human rights around the world; and

WHEREAS, IAOHRA has provided leadership in the development and enforcement of needed statutes and ordinances to safeguard the human and civil rights of all people; and

WHEREAS, The National Association for the Advancement of Colored People (NAACP) has adopted a resolution addressing the U.S. Department of Housing and Urban Development's (HUD) issuance of a new regulation relating to "disparate impact" cases; and

WHEREAS, IAOHRA joins the NAACP in being deeply troubled by the HUD's action, as it essentially removes the test for "disparate impact" of housing discrimination practices, contradicting the intent of the Fair Housing Act; and

WHEREAS, The Fair Housing Act had the central objective of prohibiting racial discrimination in the sales and rentals of housing; and

WHEREAS, Interpretations of the Fair Housing Act heretofore have allowed plaintiffs to prove discriminatory effect, rather than having to prove intent; and

WHEREAS, Courts have held that the statutory language of the Fair Housing Act focuses on the consequences of the actions rather than the actor's intent; and

WHEREAS, HUD's new approach implements various standards that are essentially impossible to prove, thereby effectively requiring plaintiffs to prove intent; and

WHEREAS, HUD has not challenged algorithms that perpetuate unequal treatment of Black and other racial minority households when applying for loans; and

WHEREAS, the HUD proposal lays out arguments that housing providers can use to defend algorithms that have a discriminatory effect, which makes defense against racial injustice more difficult; and

WHEREAS, the HUD proposal has the effect of insidiously perpetuating the racial discrimination that the Fair Housing Act intended to use to protect against racial discrimination; and

WHEREAS, the absence of statutory language protecting "disparate impact" leaves no protection for racially discriminatory actions that cannot be proven to be intentional.

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THEREFORE, BE IT RESOLVED, that IAOHRA joins the NAACP in advocating for federal legislation preserving the use of the “disparate impact” analysis under the Fair Housing Act.

A handwritten signature in black ink, appearing to read "Robin A. Toma". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robin Toma, President IAOHRA



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Racial Discrimination in Rideshare Services

WHEREAS, The International Association of Official Human Rights Agencies (IAOHRA) has provided leadership in the development and enforcement of needed statutes and ordinances, on the local, state, and federal level, to safeguard the human and civil rights of all people and ensure equal access to public accommodations; and

WHEREAS, IAOHRA seeks to confront the effects of racially discriminatory practices in the operation of ride sharing services such as Uber, Lyft, and others; and

WHEREAS, Some new ridesharing platform policies enable drivers to decline trips to low-income or minority neighborhoods; and

WHEREAS, Including a rider's photo and name when they hail a ride contributes to racially discriminatory practices such as delaying ride acceptance and canceling trips; and

WHEREAS, When race-specific information is provided, a 2016 study by the Bureau of Economic Research shows a driver is more likely to be able to discriminate against riders of color; and

WHEREAS, Studies have found a higher cancellation rate for minority passengers once personal information was provided.

THEREFORE, BE IT RESOLVED, that IAOHRA will advocate for federal, state and local legislation and public policy prohibiting the ridesharing services' practice of providing information to drivers that indicates the race of the rider, or the destination, which can lead to discrimination.

Robin Toma, President IAOHRA



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Mandatory Arbitration Agreements Antithetical to Civil Rights

WHEREAS, The International Association of Official Human Rights Agencies (IAOHRA) has provided leadership in the development and enforcement of needed statutes and ordinances, on the local, state, and federal level, to safeguard the human and civil rights of all people; and

WHEREAS, Title VII of the Civil Rights Act of 1964 is a federal law that protects employees against discrimination based on race, color, national origin, sex, and religion, and under Title VII an employer may not discriminate with regard to any term, condition, or privilege of employment; and

WHEREAS, The scope of Title VII extends to areas such as recruiting, hiring, promoting, transferring, training, disciplining, discharging, assigning work, measuring performance, and providing benefits. Employers in both private and public sectors that employ fifteen or more employees are subject to this law. The federal government, employment agencies, and labor organizations are also subject to Title VII; and

WHEREAS, Mandatory arbitration is a clause contained in a contract, often an employment contract, that prevents a conflict from being resolved in court; and
WHEREAS, Mandatory arbitration agreements have become a commonplace and popular tool used by corporations to prevent litigation over alleged wrongdoing on their part; and

WHEREAS, In regard to employment contracts, mandatory arbitration agreements bar access to the judicial system for claims including employment discrimination and sexual harassment claims based on Title VII of the Civil Rights Act, protections for employees with disabilities under the Americans with Disabilities Act, rights to maternity and medical leaves based on the Family and Medical Leave Act, and entitlements to minimum wages and overtime under the Fair Labor Standards Act; and

WHEREAS, Employers prefer arbitration because it is less expensive than having to litigate the conflict in court. A 2015 study found that arbitration procedures prevent employees from filing formal complaints against their employers and favor employers over employees in almost every regard; and

WHEREAS, Although employment discrimination is prohibited by civil rights statutes such as Title VII, statutory claims are subject to arbitration under the Federal Arbitration Act ("FAA"); and

WHEREAS, When considering the text of Title VII, its legislative history, and inherent conflicts between arbitration and the underlying purposes of the statute, it is clear that Congress did not intend that the civil rights protections guaranteed by these statutes be eviscerated by mandatory arbitration; and

WHEREAS, There is currently a federal appellate circuit split as to how to handle Title VII claims and mandatory arbitration; in particular, the Ninth Circuit uses a non-immunization principle when they interpret and apply Title VII to mandatory arbitration cases; and

WHEREAS, The non-immunization principle used by the Ninth Circuit when interpreting and applying Title VII to mandatory arbitration cases, bolstered by an analysis of the legislative history of the statutes in issue, congressional intent, and public policy, should be used by tribunals across the country when dealing with civil rights statutes and arbitration.

THEREFORE, BE IT RESOLVED, that IAOHRA supports the passage and enactment of legislation and regulations in every state, the District of Columbia and all territories opposing mandatory arbitration as a threat to and abridgement of civil rights and prohibiting such practices as they relate to employment contracts and business-consumer transactions.

A handwritten signature in black ink, appearing to read "Robin A. Toma". The signature is fluid and cursive, with a large initial "R" and "T".

Robin Toma, President IAOHRA