Lesbian Gay Bisexual Transgender Advisory Committee
Minutes of the September 20, 2011 Meeting

Committee Members Present: Commissioner Cecilia Chung, Commissioner Todd Mavis, Diana Alcala, Alex Baty, Paul Klees, Allison Laureano, Amos Lim, Bonnie Miluso, Angela Perone, Bianca Polovina, Fayaz Rajani, Ray Rudolph, Mark Snyder, Vaughn Villaverde, Cynthia Yeung

Committee Members Absent: Bill Ambrunn, Bart Broome, Corrin Buchanan, Mark Dunlop, Erik Martinez, Jose Romero, Cat Stevans, Amy Whelan

Staff Present: Nadia Babella, Alea Boult, Matthew Valdez

Guests Present: None

1. Call to Order and Roll Call:

Commissioner Chung called the meeting to order at 5:37 p.m. Nadia Babella called the roll.

2. Public Comments for Items Not on the Agenda:

No public comments were made.

3. Approval of Minutes of August 16, 2011 (Action Item):

Ray Rudolph asked to amend the reference to Commission on Aging in LGBT Elder workgroup section to the correct name, Commission on Aging and Adult Services, in the minutes. Paul Klees moved to adopt the minutes with Ray’s correction. Ray seconded the motion, and the motion was approved.

4. Approval of Resolution Urging SF BOS to Support the Refugee Protection Act of 2011 (H.R. 2185) (Action Item):

The Refugee Protection Act of 2011 asks to expand protections for people seeking asylum by dropping the one-year ban, which prevents asylees from filing if they miss the deadline. Bianca explained that the LGBT
Asylum Work Group’s goal is to urge the Board of Supervisors (BOS) through the HRC to urge Congress to pass this piece of legislation. The BOS has never addressed this topic.

Nadia explained that there didn’t used to be a one-year restriction. Some people would apply for asylum once they were in deportation well after one year, which created a backlog of applications. However, in trying to address the problem with the backlog, the one-year restriction was introduced, prohibiting many people from applying. People that come to the US often spend their first year just trying to get settled. Many of them don’t know they can even apply for asylum based on their sexual orientation or gender identity. Some people were here on another visa for a period of years and didn’t want to go through the asylum process because it is traumatic, but then later fell out of that status. The one-year ban prevents people like this from applying for asylum, regardless of the persecution they may face if they return back to their home country. The one-year ban is meant to curb fraud but ended up going too far in other direction. To address this problem, the one-year ban could be changed, expanded, or amended to include more exceptions. It’s not based on any UN law.

The bill is currently languishing in the house and has a trajectory to be included in the Comprehensive Immigration Reform Act, as will the Uniting Families Act. Another politician said he would introduce a bill that includes it after Labor Day but hasn’t yet.

Fayaz relayed that he spoke with Samer Danfour from Immigrants Rights Commission about this resolution and they are going to discuss it. This resolution will have more weight if it has the joint support of HRC and IRC.

Bonnie moved to vote on supporting the resolution. Alison seconded the motion, and the endorsement of the resolution was approved.

It will be put on agenda for Commission meeting for Oct. 19. Bianca and Fayaz will present to the Commission.

Commissioner Mavis asked if the HRC gets any asylees that come in and seek help. Nadia answered that people who seek asylum are referred out. Sometimes the HRC gets people who are undocumented and whose immigration status is used against them. Commissioner Chung explained that it has come up before, where landlords ask tenants for documents to show they can be here in attempts to evict them. It’s an issue because then they fear that the government is the enemy and don’t come forward to file a complaint, which shows that we need to educate the citizens about what we do and the Sanctuary City ordinance to build trust with our constituents.

5. **Follow-up on Presentation on Job Share Proposal:**

This discussion centered on the proposal from Brian Basinger and Sterling Johnson about a job share proposal that would allow people with disabilities to work hours that accommodate their disabilities, but allow them to have an income.

Vaughn expressed that he thought the idea is interesting since for some clients he deals with are on SSDI but can’t get by in San Francisco on just SSDI and need another income.

Bonnie thought it was a good idea, but limited. It could be good because the city would create accommodations for a small number of people who need it, and it would likely benefit a number of LGBT people. She suggested the AC facilitate discussions to learn more.
Bianca wondered what other parts of city government the AC could partner with to bring this discussion, pointing out that the AC might not know enough to be the sole driving force behind the proposal.

Bonnie explained that this job share proposal would require the city to pass a law that requires the city to hire more or open up jobs. Commissioner Chung pointed out that it wouldn’t be all type of jobs, just those that can potentially be divided up. The union supports the proposal. The city already has a job share program that allows jobs to be split up, but it is not known to what extent the existing structure would change. Because of budget deficit a lot of positions have been frozen, so this might allow some positions to be unfrozen. This proposal would alleviate cost to the city since people on SSDI have their own benefits and the city would not have to pay the extra cost of health benefits.

Cynthia was concerned about the 5% figure, which would probably require more than 1 in 20 jobs since more would probably be lower level jobs. 5% does not seem feasible, so she recommended looking into this issue.

Diana stated that this proposal is just a beginning conversation. It effects a lot of people, like seniors who are on a fixed income and shows that these groups can participate in the workforce.

Commissioner Chung had some reservations since not everyone will stay on disability forever. There will be some natural attrition. What happens to people who are not disabled but just want those jobs to supplement their income? Would these jobs be open to them as well?

Vaughn pointed out that Brian had said Campos supported the proposal. Vaughn also questioned whether any legislation has been introduced, to which Nadia responded that they are only in an information gathering stage.

Commissioner Chung wondered whether the proposal should be so absolute and exclude all non-disabled people who seek these jobs. There are other groups that are economically disadvantaged. Commissioner Chung questioned whether this proposal is appropriate for the LGBTAC. The Equity Advisory Committee (EAC) might be a better venue for the proposal, or the LGBTAC and EAC could work on it together. If we take this on, we have to give something up since next year Nadia can only work on one project. Commissioner Chung pointed out that in EAC there is a member, Patrick, that runs a nonprofit that has a contract with the city and all of their employees are disabled.

Ray asked if the AC could partner on this instead of host it, providing support and advocacy instead of running the show.

Commissioner Chung liked the concept of the proposal, but conveyed that the AC does not have the resources to put it altogether, agreeing with Ray. The AC could sponsor it or support it.

Fayaz suggested that if we do pursue the proposal, the AC would need to put together a fact-finding session to find out who the proposal would impact, especially in the LGBT community. He wants to know more statistics and hear from experts. The proposal may impact a lot of HIV+ people which is something the AC would be concerned with. The AC could do a panel where the people behind the proposal can bring other people/experts to explain how this will affect LGBT people in SF.

Bonnie stated that if we take this on in a leadership role, it would be a project for next year, as the AC does not have the resources to add it to the agenda for this year. Otherwise it needs to be something the AC supports, but doesn’t take a leadership role in.
Commissioner Chung emphasized that the AC needs a clear timeline from Brian and to communicate to him that if the AC takes the lead in the proposal it will take six months. Fayaz suggested that if Brian is willing to open it up, the AC could integrate the proposal into the already existing workgroups.

Nadia recommended that the LGBTAC could just write a letter of support if the AC agrees with broader idea. Ray liked that idea, and felt that the AC needs to be more educated about the topic before saying “yes, this is something we want to sink our teeth into.” Angela said a letter would be a good way to support the proposal without putting all our resources in it. She wondered how we could support the concept broadly in case there are parts of the proposal that the AC doesn’t support.

Ray said his impression is that the AC supports moving the dialogue forward and the general idea. Bonnie added that the AC could write a letter that is very broad and conveys that the AC is in support of the idea, but not necessarily go into specifics. Nadia agreed, pointing out that the general idea is good, but the controversy seems to be in the details.

6. **Report Back Global Commission on HIV and the Law:**

Nadia described the event from the previous weekend that she and Commissioner Chung attended with the Global Commission on HIV and the Law. The UN put together a two year global commission that examines how laws affect the spread of HIV. The Commission examines laws on prostitution, intellectual property, patents, etc. and how they help or hurt the efforts to stop HIV.

The Commission consists of several dialogues. The one in Oakland was the High Income Countries dialogue. People came from all over the world. There were several sub-fields, and participants had to submit papers, from which certain papers were selected. The authors of the selected papers each led in the dialogue, which was moderated by someone from BBC who asked questions to people based on their expertise. Commissioner Chung was chosen to be one of the presenters.

One of the topics was about HIV transmission/nondisclosure criminalization laws. In some jurisdictions, even consensual and safe sex is criminalized. These types of laws are popping up in the high income countries, but not really in other countries. These kinds of laws affect people’s willingness to get tested, etc. and cause rates to increase. These laws seem to be based on stigma rather than on data.

Cynthia wondered if there was a distinction made in these laws between nondisclosure and lying.

Commissioner Chung responded that the laws vary. Different jurisdictions have varying levels of intent. Cecilia provided an example from South Carolina about lack of disclosure, where a woman in an abusive partnership was afraid to leave her abuser because she was HIV+ and he was HIV-. He had threatened to tell the police that she failed to disclose her HIV status to him if she ever left him. Eventually she did leave and he reported her to the police and she was sentenced to 25 years in prison, even though her partner had been aware of her status all along. Many of these kinds of cases have taken place in Canada, where over 120 have been prosecuted. In Europe if you are HIV+ and have consensual sex with someone who is HIV-, you can be prosecuted for threatening public health.

Commissioner Chung’s paper was on condom criminalization and sexual violence in prisons against transgender people. In Louisiana there are a lot of prosecutions against transgender women. If you are convicted for prostitution, for example, you become a sex offender and that notation goes on your ID regardless of whether those encounters were consensual or not. There have been attempts to reduce that law from felony to misdemeanor but some push back from law enforcement.
Commissioner Chung discussed the discrimination transgender women face outside this city and how unsafe it still is. She is currently spending more energy focusing outside of SF. If transgender women get convicted, instead of getting placed in women’s facilities, they get placed in male facilities where sexual violence occurs. Transgender women are 13 times more likely to be sexually assaulted in prisons than the general population.

Other issues facing transgender women are the lack of discussion surrounding HIV prevention and transgender women being refused health care. There have been two cases where transgender women have died from lack of health care. Recently, in the past year, a transgender woman complained about being sexually assaulted by a corrective official in women’s facilities. They simply transferred her to a male facility.

Intellectual property is the hottest topic right now. There was a recent protest around the Trans-Pacific Free Trade Agreement because pharmaceutical companies are looking to extend patent exploration from 10 years to 20 years. If that goes through for all trade agreements, generic drugs will not be produced as easily or be supplied to developing countries as they are now, which would significantly impact HIV medication distribution.

TRIPS (Trade-related Aspects of Intellectual Property Rights) had a meeting about the European Trade Agreement. If it goes through, India will not be able to provide generic drugs to Africa, Thailand, Singapore, etc. so they will have to deal with patented drugs like Gilliads and other big pharmaceutical companies. It seems like a losing battle, as the pharmaceutical companies have substantial lobbying power with governments.

Mark pointed out that pharmaceutical companies just hold up generic companies in court. Commissioner Chung added that some companies withdraw their drugs from the market as a way of punishment.

Barbra Lee will be introducing the Condoms in Prison Bill. The bill has the support of the bipartisan Congressional HIV/AIDS Caucus.

7. **September 22 Commission Meeting in District 8:**

Commissioner Chung pointed out that the next Commission meeting is Thursday, September 22\textsuperscript{nd}, and urged AC members to come and bring friends and family. Commissioner Chung also thanked Alex for his wonderful job creating the flyers for the meeting.

Nadia stated that in addition to hearing from the public the meeting has two agenda items: 1) hate crimes and 2) the black experience in the Castro.

8. **Recruitment Efforts:**

Commissioner Chung explained that we are moving our recruitment up to have the AC work on the calendar year instead of starting March. Nadia asked the AC to take a look at the application questions, interview questions, and the press release to see if there are any changes that need to be made. The deadline needs to be updated to read October 21. The electronic form will reflect that new deadline. Someone noted that “Commissioner Chair” in the press release needs to be changed because Commissioner Chung is no longer the Chair. Cynthia suggested that the URL be included so people can see that work that the AC has been doing.
There was also a suggestion that we mention on the application how many hours that AC members devote to workgroups on top of the regular meetings. It was suggested that the application say that there is a minimum of 5 hours a month that members devote to the AC. Amos suggested that we say that members must also attend monthly subcommittee meetings so it is clear that there are regular meetings beyond the monthly AC meetings.

Commissioner Chung also said it would be helpful to have an attendance policy on the application so it is clear what the expectations are. The attendance policy is that members cannot miss three meetings. If they do, they are out. However, they can make up one meeting by attending the end of year Christmas party.

There was also a suggestion to make the questions more open-ended. Bonnie suggested that some of the interview questions be used in the original application, such as asking what do you see as crucial issues for LGBT communities, to gauge interest in working on the workgroups. Mark stated that some people aren’t naturally inclined to express themselves through writing so leaving it in both the application and the interview process allows people to express themselves in different ways.

Commissioner Chung asked what questions would the members want to ask if they were interviewing the applicants. Members said that they wanted the interview process to be more interactive. The interview questions list is not supposed to be restrictive, but rather be a reference point. The interview should be have more custom questions to address things the applicant may have written on the application or said in the interview. Nadia stated that she understands that point, but that all the anti-bias literature explains that the more standardized the process, the less bias you get based on affinity.

Commissioner Chung will help provide guiding questions for interviews.

Commissioner Chung said for the AC members to let her know who is interested in being on the interview committee and then they’ll choose a couple of people. The commitment is usually about a 7-hour commitment, which is usually 1 or 3 days of reviewing applications and interviewing. Usually the interviews are done in two blocks - one from 2:30 to 5:00 and the other from 5:30 to 7:30.

The following AC members expressed an interest in being on the interview committee: Vaughn, Bonnie, Fayaz, Alex, Mark and Allison.

Up to 3 people will be chosen to be on the interviewing committee.

9. Workgroup Report Back:

Beyond Castro

Angela reported that the workgroup met recently to discuss the group’s goals. Originally, the group planned on having meetings all over the city. The group decided to do more follow up with District 10 members and leaders to continue to bridge communities. The group will continue to do more outreach in District 10 and have more panel discussion in District 10.

Next meeting is Tuesday, October 11 at 6pm.

LGBT Elders

Nadia reported that the workgroup is having a meeting with members of the Commission on Aging and Adult Services, the Department of Aging and Adult Services, and Community Partners this Friday,
September 23 to discuss adding an LGBT Advisory Committee to the Commission on Aging and Adult Services. At the meeting they will discuss how to create the LGBT Advisory Committee.

The workgroup has also arranged that to have a panel discussion at the Commonwealth Club in January. They are currently deciding on a topic for the panel discussion. The topic will be chosen via email exchange by the work group. Julian is helping us arrange the panel and needs a single point of contact. Mark volunteered to be the point of contact. The panel description and panelists need to be sent to Julian by October 5.

The next workgroup meeting is Wednesday, October 12th.

**LGBT Asylum**

Fayaz reported that the workgroup’s agenda is set for the rest of the year. They reported today at the LGBTAC meeting the resolution on the Refugee Protection Act of 2011. They were also working on the clearinghouse. They are hoping to have that done for the next workgroup meeting.

They do not have the next meeting schedule yet but will let the LGBTAC know what that is set.

**10. Member Reports on Activities in the Community (Discussion Item):**

Allison reported that the Transgender Law Center held a benefit. She thanked everyone from the committee that attended for going to the event and for their support.

Bianca reported that Trikone, a South Asian LGBT organization just held its 25th anniversary party at St. Mary’s Cathedral. It was a very meaningful event.

Commissioner Chung reported that she attended the UN Global Commission on HIV & the Law. She learned a lot. Information about what was discussed will be on their website shortly and the UN Commissioners will bring all that information back and meet and come up with report at the beginning of next year.

Mark reported that Ray had letter in the BAR this week on senior issues.

Amos reported that Mark had letter in the BAR last week too.

**11. Commissioner Report (Discussion Item):**

Commissioner Chung did not report, as the meeting was running a bit behind schedule.

**12. Staff Report (Discussion Item):**

Nadia introduced the HRC Policy Division fall interns, Matthew Valdez – a recent graduate from Boalt School of Law at Berkeley, and Alea Boult – law student from Northeastern University School of Law.

Nadia also discussed a letter the staff was working on to Obama. A member of Obama’s staff Rafael Bostick had asked Director Sparks to send a letter with information about the LGBT issues that the Commission feels are important and the Commission’s recommendations on those issues.
13. **Old/New Business:**

No new business was introduced.

14. **Announcements:**

Amos made an announcement for a documentary he is trying to help raise funds for called Entry Denied. It is about three couples facing immigration struggles. They had raised $6,000, but had $9,000+ more to raise in next few days.

15. **Adjournment:**

The meeting was adjourned at 7:38 p.m.