10:00 am

Welcome/Call to Order

Secretary Sanders welcomed the commission and guests. She reminded the commission members of their charge. She previewed the coming presentations. She reiterated the commitment to diversity, inclusion, and equity and its crucial importance to our success as a state. She emphasized the importance of listening and empathy for leaders at the state and federal level. We will work to leverage diversity and foster inclusion to create the best North Carolina. Secretary Sanders recognized Hispanic Heritage Month and Indigenous People’s Day and shared the state proclamations. She also recognized and mourned the disparate impact of Covid-19 on Hispanic/Latinx and Native American people. A moment of silence was held.

Roll Call

Catherine Rivera held a roll call.

Present: Machelle Sanders, Michelle Fullerton, Paula Kohut, Lydia Lavelle, Pat Martinez, Henry Cruz Reyes, Cristal Figueroa, Aleisha Hunt, Barbara Rimer, Emily Turner

Absent: Jenny Black, Christy Foster, Fred Yates, Cecilia Surratt, Andrew Spainhour

Approval of Meeting Minutes

Machelle Sanders, Secretary, NC Department of Administration

Pat Martinez moved to approve the 5/20/2020 minutes. Barbara Rimer seconded the motion. The Motion passed on a roll call vote.

Presentations

- Healthcare Barriers for Transgender People
  Paula Kohut, Attorney, Kohut & Adams, P.A.
  Emily Turner, Staff Attorney, NC Justice Center

(Presentation was made available to Commission Members)

Secretary Sanders introduced Commissioners Paula Kohut and Emily Turner to present to the Commission.
Paula began the presentation by going over some “transgender basics,” covering correct terminology and the medical process for someone who wants to transition. She also covered some standard etiquette such as to not assume a transgender person wants to educate you or discuss trans issues or do not out a trans person. She also covered the difference between sex and gender. Sex is assigned by a doctor at birth and based on chromosomes, hormones, internal reproductive organs, and genitals. Gender is an internal sense of self that is self-defined/assigned.

Paula also went over what are some medical procedures that can be pursued but do not have to be for transgender men and women. She then shared info about medical insurance and gender dysphoria. The American Medical Association (AMA), since 2008, has said gender dysphoria is real and should be covered in the health care process. A lot of group plans now cover this more and more. Medicare now covers for gender affirming surgeries. She then went over the deductibility of medical expenses.

Paula then passed it over to Emily Turner, who began to speak on Title VII sex discrimination. Emily reminded the Commission that Title VII is part of the Civil Rights Act of 1964 that deals with discrimination in employment. She shared the language of Title VII and gave some context on same-sex harassment and sex stereotyping cases.

The culmination of this growth of understanding of sex discrimination occurred in June 2020 where the Supreme Court explained in Bostock v. Clayton County that “it is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex.” This case found that discrimination on either the basis of sexual orientation or gender identity violates the prohibition on sex discrimination found in Title VII.

Emily then passed it back to Paula to speak on Section 1557 of the Affordable Care Act and the Obama Administration’s 2016 Final Rule. Section 1557 mirrors Title VII. The Obama Administration also said that this included gender identity and sexual orientation. Paula then spoke on the nationwide injection of the Final Rule’s prohibition against discrimination on the basis of gender identity or termination of pregnancy. The Trump Administration then adopted this new final rule in June before the Bostock decision to be effective in August. This rule does not expressly include a reference to sexual orientation or gender identity in described unlawful discrimination. Emily then covered the different cases fighting against this 2020 Final Rule.

Emily and Paula wrapped up their presentation by presenting some next steps for the Commission and transgender healthcare benefits. Some include gender identity on driver’s licenses, birth certificate issues, and other ways to support transgender state employees outside of health benefits.

• **Hispanic/Latinx Heritage Month**

  **Suling Walker, Executive Director, NC Hispanic Chamber of Commerce**

  Secretary Sanders introduced Suling Walker and welcomed her to the commission.

  Suling shared some background about herself, that she was born in Guatemala and her father is Chinese. She works for the NCHCC. The NHCC also has a foundation that works alongside the chamber. She summarized the history of Hispanic Heritage month which recognizes the contributions of Hispanic Americans to the country. It started as a week of recognition under President Johnson. It grew from a week to a month because of the various dates for the independence of the Latin American countries. She addressed the difference between Hispanic and Latinx. Hispanic are those who speak Spanish and are descended from Spanish-speaking population. Latinx means people who are from or
descended from people from Latin American countries. She always encourages everyone to understand the meaning. In Spanish, people Latina for women and Latino for men. Latinx can be used to bring it together in a gender-neutral term.

The Chamber focuses on businesses. Hispanic businesses have been one of the main forces of economic growth in the US. Over the past decade 30% increase in these businesses. They employ more than 3 million people yearly.

During the pandemic the Chamber has been running several programs to financially assist businesses, help people change careers, and access resources. The Chamber also provides a program for free attorney consultations.

2020 is going to be a different year as far as celebrating Hispanic Heritage Month. This month celebrates very different countries. This year the celebration is being focused on virtual events.

The Chamber is also working on doing education and outreach regarding COVID-19, including providing masks and hand sanitizers to people. The community is resilient and is working to turn a crisis into an opportunity.

- Andrea Harris Task Force Updates
  Pat Martinez, CEO & Leadership Strategist, Leadership in the Clouds

Secretary Sanders thanked Pat Martinez for her service and leadership on the Andrea Harris Task Force. Pat gave an update on the task force. She paid tribute to Andrea Harris and her life work to address disparity. Executive Order 143 can be found in full at https://ncadmin.nc.gov/ahtf. The task force is chaired by Secretary Sanders who exemplified in the listening sessions what empathy and patience are all about. The task force has five focus areas: Access to Health Care, Educational Opportunity, Economic Opportunity and Business Development, Environmental Justice and Inclusion, and Patient Engagement.

The task force has held listening sessions across the five areas. There has been lots of engagement and public comment.

The next subcommittee meeting will be to update progress and create the task force’s policy recommendations.

The biannual report will be ready by December 1. Pat gave a special thank you to the support team, policy advisors across all areas and to Sa’Metria Jones who is the point person for the education subcommittee.

There will be a call to action roundtable discussion on education that will take place on October 27 at 6pm -8pm with speakers and public comment. A press release and more information will be forthcoming and provided to the commission members.

Pat expressed her grateful thanks for the establishment of the COI and the Andrea Harris Task Force for all their work in order to include all and bring people to the table.

Secretary Sanders thanked Emily Roach and Catherine Rivera for their work on the task force.

Emily Roach noted they are working with RTI to develop the policy recommendations.
The business engagement subgroup is currently partnering with the economic development subcommittee to look at their recommendations.

These are public meetings and available to all. All information and dates are on the website.

**Recommendation Brainstorming**

The commission members discussed in more detail the presentation given by commission members Kohut and Turner and asked a number of clarifying questions.

The commission members than discussed a number of potential action items to explore, including addressing the needs of LGBTQ foster youth, helping state employees navigate health care needs and insurance systems more broadly as well with a focus on LGBTQ health, the barriers to gender marker changes on birth certificates and drivers licenses, and opportunities to normalize pronoun preference usage. Michelle Fullerton proposed the idea of an event to showcase best practices in the corporate world for employers to learn from.

After the conversation concluded, commission member Paula Kohut moved that the Commission review the following items in order to develop discrete potential action items before the next meeting.

- Foster care
- Birth Certificate Reform
- Driver’s License Learning Permits
- Pronoun preferences on state applications/website

Pat Martinez seconded the motion.

The motion passed.

Pat Martinez than moved that the motion be amended to prioritize bringing our practices in line with best practices in corporate and other professional spaces regarding pronoun usage.

Paula Kohut seconded.

The amendment passed.

**Announcements/Updates**

*Secretary Machelle Sanders*

Sec. Sanders exhorted folks to fill out the census as the deadline is tomorrow. She also encouraged people to vote and fulfill their civic duty. She thanked the commission members for their service.

**Meeting Adjourned**

*Next Meeting Date: TBD*

Pat Martinez moved to adjourn.
Emily Turner seconded.
Adjournment approved at 11:58 AM.