

GOVERNOR'S ADVISORY COUNCIL ON DIVERSITY AND INCLUSION

Annual Report

December 30, 2022





CHRISTOPHER T. SUNUNU
Governor

Governor's Advisory Council on Diversity and Inclusion

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Ahni Malachi, Chair
Sean Connor, Vice Chair
Sean Locke, Secretary
Aida Cerundolo
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Sarah Burke Cohen
Sheriff Chris Connelly
Jeremy Denlea
Chief Charlie Dennis
Adrienne Evans
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Commissioner Robert Quinn
Mark Rubinstein
Shirley Tomlinson

His Excellency Christopher T. Sununu
Governor of the State of New Hampshire
State House
107 North Main Street
Concord, NH 03301

Dear Governor Sununu,

Pursuant to Executive Order 2017-09, please accept the enclosed annual report of the Governor's Advisory Council on Diversity and Inclusion. The purpose of this report is to summarize the Council's activities during the past year.

Sincerely,

Ahni Malachi, Chair

I. Overview

Governor Christopher T. Sununu established the Governor's Advisory Council on Diversity and Inclusion (the "Council") by Executive Order 2017-09 on December 14, 2017.

Pursuant to Executive Order 2017-09, the Council works cooperatively with the New Hampshire Commission for Human Rights, the Civil Rights Unit of the New Hampshire Department of Justice, and other relevant State entities to:

- A. Review and analyze New Hampshire laws, regulations, and agency policies and procedures, and recommend changes or amendments, where necessary, to further combat discrimination and advance the ends of diversity and inclusion;
- B. Identify and recommend ways in which the State can support local and community efforts, through educational programs or otherwise, to combat discrimination and advance diversity and inclusion;
- C. Identify and recommend ways in which the State can partner with non-governmental organizations to combat discrimination and advance diversity and inclusion; and
- D. Identify and recommend revisions to RSA 354-A and the scope of the duties of the Commission for Human Rights to combat discrimination and advance diversity and inclusion.

The Council is comprised of representatives from governmental agencies and non-profit organizations, and members of the public.

The Council issues this report pursuant to Executive Order 2017-09. The purpose of the report is to summarize the Council's activities during 2022.

II. Status of Council Recommendations to Date

Over the years, the Council made several budgetary recommendations and recommended taking steps to implement the recommendations made by the Governor's Commission on Law Enforcement Accountability, Community, and Transparency ("LEACT") and the Governor's COVID-19 Health Equity Response Team ("GCERT"). Looking ahead to 2023 and the budgeting process, the Council wanted to reiterate some of its previous recommendations for consideration.

The Council recognizes that several of its previous recommendations related to the budget have advanced through the legislature including those that impacted the Commission for Human Rights and the Mental Health Plan. Yet, several budget-related recommendations remain incomplete. Included among those recommendations are: (1) a full-time Department of

Education leadership position to administer, develop, and implement diversity and inclusion training, services, and curriculum support; (2) funding to support Vocational Rehabilitation, or another appropriate agency, in its efforts to better connect with businesses to promote competitive integrated employment and opportunities for people with disabilities; (3) a requirement that all state agencies include a budget line-item covering communication access needs; (4) increased support for the Department of Justice's Civil Rights Unit; and (5) increased capacity and resources for the state to identify and address the needs of immigrant and refugee communities within the state. The Council stands ready to lend its support to any efforts that would address these needs.

Other recommendations relate to public leadership. The Council recognizes the Governor's and executive branch's efforts to improve training opportunities on diversity, inclusion, and equity for state government personnel and encourages municipalities to begin or continue similar efforts. The Council continues to support and recommend that governments at the state and local level develop and implement strategies to promote diversity and inclusion work. These efforts could be in the form of hiring individuals to oversee the development of strategies that would promote diversity and inclusion work or bringing together individuals from across the government to collaborate and develop strategies that would promote diversity and inclusion work. Opportunities exist to make the state, its towns and cities, and its schools more inclusive and welcoming places for all, and state and local government should continue to pursue those opportunities whenever they arise.

The Council looks forward to working with the Governor and other state actors to ensure that concrete, measurable progress is made in implementing the remaining recommendations over the coming year.

III. Council Activities

In 2022, the Council began to examine how it may proactively engage with issues affecting diversity, equity, equality, and inclusion in the Granite State. To that end, the Council established two subcommittees: Education and Outreach and Government Relations subcommittees. The goal being to allow the Council to leverage the expertise of its members and more nimbly act to support those communities we serve. In addition to this work, the Council undertook an effort to develop guidance for schools and school districts regarding efforts to prevent and respond to bias-incidents within schools. Over several months, the Council performed research, engaged with its constituencies, and prepared a written toolkit to help districts grappling with these challenging issues.

a. Subcommittee Work

At the outset of 2023, the Council established two subcommittees: Education and Outreach and Government Relations, to help it focus on its activities outside of its monthly meetings. The Outreach and Education Subcommittee focused on looking toward the community to perform outreach, organize events to learn about the needs of the communities

that the Council serves, and engage with or find points for cooperation, collaboration, and education in the areas of diversity, equality, equity, and inclusion. The Government Relations Subcommittee focused on looking within state government to examine pending legislation for bills that may impact or relate to the Council's mission, provide recommendations on that legislation to the Council and the Governor, look within the Executive Branch to identify policies and practices that promote diversity and inclusion, and identify policies, practices, or regulations that may discourage diversity and inclusion. Guided by the full Council, each subcommittee would be able to meet regularly, distribute work among its members, and make recommendations to the full Council for action.

The Education and Outreach Subcommittee began by considering its scope and activities. The Council suggested that the subcommittee look for opportunities to do trainings or education in the community as well as developing relationships with other committees, commissions, and councils working to advise the government on areas that may touch on diversity, equality, equity, and inclusion. Recognizing that the Council needs to leverage its resources effectively, the Council recommended starting small and identifying an area in which the Council could work to determine the needs of a particular group or community and work to address those needs.

From the Education and Outreach Subcommittee's recommendation, the Council heard from representatives from the Council on Housing Stability and those representatives were able to take some feedback from the Council to inform its work. The subcommittee spent much of the year working with the Council to develop outreach for the Council's work creating guidance for schools and school districts regarding bias-incidents.

The Government Relations Subcommittee dove into the legislative session and developed a tracker to monitor bills and pieces of legislation that may impact the Council's mission, interests, or work. The subcommittee's primary goal was to have a plan to address multiple pieces of legislation in a single action rather than having to tackle legislation in reactive way as the Council had done in previous years.

The subcommittee monitored the progress of numerous bills and had planned to make recommendations regarding particular action on legislation after crossover occurred. This would allow the subcommittee to have a better sense regarding which pieces of legislation had the potential of being passed by the legislature and sent to the Governor for signature or veto. Only one bill, House Bill 1431, the "Parental Bill of Rights," made it far enough through the legislature for the subcommittee to consider a recommendation to the Council.¹ The

¹ Originally, the subcommittee had not considered taking any action on House Bill 1431 until the Senate Judiciary Committee made amendments to the House of Representative's version of the legislation. These amendments prompted the subcommittee to consider making a recommendation to the Governor to oppose the legislation. Before the Council could act, however, the Governor citing information provided to the Committee of Conference by the Attorney General's Civil Rights Unit

subcommittee prepared a letter to the Governor with a recommendation that he veto House Bill 1431, but before it could be approved by the Council, the Governor stated his intention to veto House Bill 1431 and the bill failed to secure the necessary votes to pass in the House of Representatives. Therefore, action by the Council became unnecessary.

Looking ahead to the 2023 legislative session, the Government Relations Subcommittee has started to screen potential legislation for bills that may be of interest to the Council. This will allow the subcommittee to have a head start on tracking legislation and making recommendations for the Council to consider.

b. Education Toolkit for Bias Incidents (begins in April)

The bulk of the Council's work in 2022 was dedicated to the creation of a guide for schools and school districts on preventing, identifying, and responding to bias incidents in education settings.

At the Council's April 2022 meeting, the Council learned of the Governor's desire for it to prepare a guide for New Hampshire educators combatting antisemitism and other forms of discrimination. At that meeting, the Council discussed the audience for the guide, potential partners to learn from or collaborate with, resources that the Council may utilize to educate itself about schools' needs, and set a plan for action on the Governor's request. The Council also recognized the importance of distinguishing bias-motivated conduct from issues such as bullying or cyberbullying. Although bias-motivated conduct may take the form of bullying or cyberbullying, it can encompass much more conduct and behavior, which means that existing laws and policies addressing bullying and cyber bullying may not be enough to protect students.

During the Council's meetings between May and August,

During the March 23, 2021 meeting, the Council discussed House Bill 266, an act relative to enforcement of immigration laws and the prohibition of sanctuary policies. House Bill 266. The bill would have prohibited municipalities and the state from enacting policies that would limit interactions with civil immigration authorities. It would have also empowered the Attorney General to investigate and determine whether state or local agencies had violated the provisions of House Bill 266.

At the meeting, the Council learned from its law enforcement members about the civil immigration process, the fair and impartial policing practices adopted by the Division of State Police and other law enforcement agencies, and the potential impact that House Bill 266 could have on those policies. The primary concern was that House Bill 266 would undermine or otherwise make it unlawful for law enforcement agencies to adopt and implement fair and impartial policing practices. This, in turn, would undermine the trust in law enforcement

threatened to veto House Bill 1431 and the amended bill did not secure the votes necessary to pass in the House of Representatives.

agencies that those agencies have sought to develop with new American, refugee, and immigrant communities.

As a result of these concerns, the Council voted to recommend to the Governor that he oppose this legislation because of the harm it would have on law enforcement in the state. Ultimately, however, the recommendation became unnecessary because shortly after the March 23, 2021 meeting, the House of Representatives voted to table House Bill 266, which ended its progress through the legislature in the 2021 legislative session.

IV. Conclusion

Looking ahead to 2023, the Council is continuing to transition and welcome its newest members. The Council continues to examine the best methods for it to carry out its mission, provide the best advice possible to the Governor, and remain accessible to the public and the communities that the Council represents and serves. As always, the Council stands ready to assist the Governor and Granite Staters in achieving those important goals.