

CITY OF CHARLOTTESVILLE, VIRGINIA  
REPORT TO CITY COUNCIL



<b>Date Submitted:</b>	March 24, 2022 (Via email to Clerk of Council)
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<b>Title:</b>	CY2020 Annual Report – Human Rights Commission & Office of Human Rights

### **Introduction**

The Charlottesville Human Rights Commission, in partnership with the Office of Human Rights, acts as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights.

The Charlottesville Human Rights Ordinance (Chapter 2, Article XV of the Code of the City of Charlottesville), outlines the roles, duties, and responsibilities of the Human Rights Commission (HRC) and the Office of Human Rights (OHR). Per Sec. 2-433 of the Charlottesville Human Rights Ordinance, prior to the passage of the amended Ordinance on February 1, 2021, it is the role of the HRC and OHR to:

- (a) Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues.
- (b) Collaborate with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination citywide.
- (c) Assist individuals who believe they are the victim of an act of unlawful discrimination within the City.
- (d) Make recommendations regarding the City’s annual legislative program, with an emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination.

As required by Sec. 2-441 of the Charlottesville Human Rights Ordinance, the following report provides an overview of the work of the HRC and OHR during calendar year 2020.

## **CY2020: Report Summary**

2020 was a year of many changes for the Human Rights Commission (HRC) and the Office of Human Rights (OHR). HRC Director and OHR Manager Charlene Green stepped down at the end of February, after many years of dedicated leadership and service. During the remainder of 2020, the OHR was staffed by only one person.

COVID-19 pandemic effects include:

- Closing of the physical office of the OHR from March 16 through the end of the year
- No meetings of the HRC from March-June, until virtual public meetings were made possible
- Very little change in public demand for OHR services

Despite these changes, the HRC, under the leadership of HRC Chair Shantell Bingham, was able to push forward the following ambitious projects:

- The HRC made recommendations to City Council, including ideas for:
  - Building positive relationships between the HRC, the Police Civilian Review Board, and the proposed Office of Racial Equity, Diversity, and Inclusion
  - Revising the Charlottesville Human Rights Ordinance to mirror changes in state law and to clarify the enforcement process of the OHR
  - Updating the HRC Director and OHR Manager job description and hiring process
  - Developing a closer working relationship between the HRC and City Council.
- The HRC communicated with UVA President Jim Ryan about COVID-19 precautions related to student and community safety.

Despite being physically closed for more than nine months, the OHR continued to serve the community through outreach and individual services. While in-person outreach activities were limited due to the pandemic and a one-person office, the OHR:

- Engaged in collaboration and leadership work within 14 different initiatives with many governmental, non-profit, and community partners
- Documented 2,083 incoming and out-going individual service-related contacts (1,160 incoming)
  - 201 contacts involved counseling and guidance
  - 167 involved guidance related to housing
- Assisted the Human Services Department's COVID-19 relief efforts through 415 calls (over 200 were with Spanish-speaking residents)

The OHR received 63 new inquiries and 2 new complaints:

- 34 related to housing
- 17 to employment
- 3 to public accommodation
- 9 to activities not protected by the Charlottesville Human Rights Ordinance

The report that follows provides a detailed account of the work done by the HRC and OHR in 2020. City Council and members of the public are encouraged to contact OHR staff with any questions about the contents of the report or for more information about the services provided by the HRC and OHR.

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OHR Webpage: [www.charlottesville.gov/665/Human-Rights](http://www.charlottesville.gov/665/Human-Rights)

HRC Webpage: [www.charlottesville.gov/963/Human-Rights-Commission](http://www.charlottesville.gov/963/Human-Rights-Commission)

## **CY2020: HRC Detailed Overview**

CY2020 was a year of transition and growth for the HRC. With the departure of long-time HRC Director and OHR Manager Charlene Green at the end of February, the HRC, under the leadership of Chair Shantell Bingham, was tasked with thinking about the future of the HRC under new direction and within the context of the proposed Police Civilian Review Board (PCRB) and Office of Racial Equity, Diversity, and Inclusion (REDI). In March, the COVID-19 pandemic closed City offices and halted all City Boards and Commissions meetings until June. When it reconvened via virtual meetings in June, the HRC focused on implementing the goals it identified at its retreat in February and on preparing for a work session with City Council to discuss the future of the OHR. While the work session with City Council never took place, the Commission presented a CY2019 annual report detailing recommendations for the future of the OHR.

During the HRC's annual retreat on February 3, 2020, Commissioners identified the following areas of focus for 2020:

1. Letters of Support
  - a. Continue to write letters of support coupled with a better understanding of the supported groups
  - b. Grounded in the background work of the HRC
2. Motivate City Council and the City Manager to support the HRC
3. Pursue FEPA status
4. Advocate for response and action the City when providing recommendations
5. Increased public awareness
6. Improved HRC member attendance at meetings
7. Have clear priority City policy issue areas
  - a. ADA access for deaf and hard of hearing at City Council
  - b. LGBTQ+ employee rights and benefits
  - c. Equitable policing
    - i. Explore relationship with to the Civilian Review Board
    - ii. Explore collaboration with the People's Coalition
    - iii. Explore HRC's role in community/police relations
  - d. Housing
    - i. Potential advocacy around HB6 and HB357
    - ii. Explore relationship with the Charlottesville Low-income Housing Coalition
    - iii. Explore relationship with the Housing Advisory Committee

The table below summarizes the specific actions taken by the HRC in CY2020, aligned with the roles defined by Sec. 2-433 and the duties and responsibilities defined by Sec. 2-434 and Sec. 2-435 of the Charlottesville Human Rights Ordinance.

Date	Roles (Sec. 433)	Duties and Responsibilities	Action	Notes
8/20/2020	Sec. 2-433. (a) Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues.	Sec. 2-435 Systemic issues	Recommendations to Council	As part of a proposed work session and CY2019 annual report to City Council, the HRC prepared a draft chart outlining the potential flow of work and dialogue between the HRC, PCRB, and the proposed Office of REDI. (Attachment 1)
8/20/2020	Sec. 2-433. (a) Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues.	Sec. 2-435 Systemic issues	Recommendations to Council	As part of the above referenced proposed work session and CY2019 annual report to City Council, prepared a draft revised job description for the vacant HRC Director/OHR Manager position that included some considerations recommended by local social justice groups. (Attachment 2)
8/24/2020	Sec. 2-433. (b) Collaborate with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination citywide.	Sec. 2-434 Community dialogue and engagement.	Letter of Position	The HRC wrote a letter to UVA President Jim Ryan advocating for community safety regarding COVID-19 and students returning to campus. (Attachment 3)

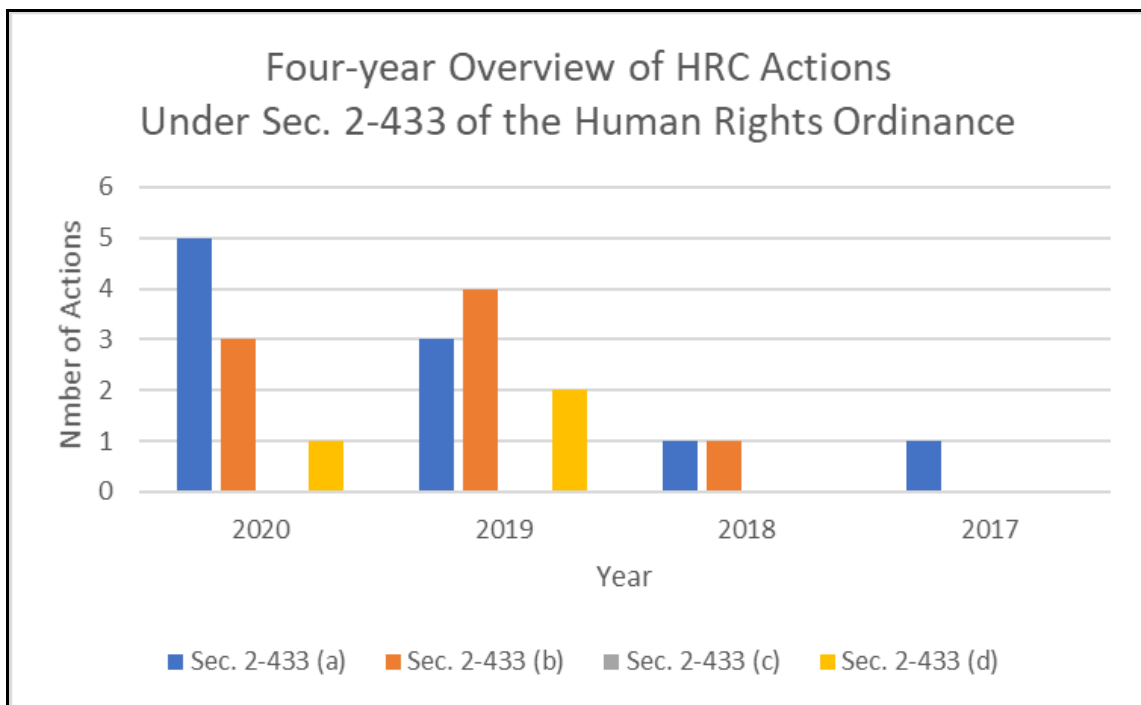
Date	Roles (Sec. 433)	Duties and Responsibilities	Action	Notes
9/7/2020	Sec. 2-433. (b) Collaborate with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination citywide.	Sec. 2-434 Community dialogue and engagement.	Letter of Response	The HRC wrote a letter in response to UVA President Jim Ryan's reply to the HRC previous letter. The HRC encouraged specific actions that UVA could take to ensure community safety during the COVID-19 pandemic. (Attachment 4)
9/17/2020	Sec. 2-433. (d) Make recommendations regarding the City's annual legislative program, with an emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination.	Sec. 2-435 Systemic issues	Legislative Recommendations	The HRC adopted the attached legislative recommendations to City Council for the 2021 session of the Virginia General Assembly. (Attachment 5)
9/18/2020	Sec. 2-433. (b) Collaborate with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination citywide.	Sec. 2-434 Community dialogue and engagement.	Letter of Response	The HRC wrote a letter to several social justice groups after reviewing their list of recommended changes to the Charlottesville Human Rights Ordinance. (Attachment 6)

Date	Roles (Sec. 433)	Duties and Responsibilities	Action	Notes
10/30/2020	Sec. 2-433. (a) Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues.	Sec. 2-435 Systemic issues	HRC Resolution	The HRC adopted Resolution HR20-1 requesting that City Council take all available action within their legal authority to promote a continued moratorium on evictions resulting from the detrimental impacts of COVID-19 on the local economy. (Attachment 7)
12/17/2020	Sec. 2-433. (a) Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues.	Sec. 2-435 Systemic issues	HRC Resolution	The HRC adopted Resolution HR20-2 outlining the process by which the HRC would recommend to Council that a Commissioner be removed for good cause for engaging in activities that are harmful to the Commission and undermine public trust in the Commission and its duties and responsibilities. (Attachment 8)
12/17/2020	Sec. 2-433. (a) Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues.	Sec. 2-435 Systemic issues	Policy Review & Recommendations	Following the Virginia General Assembly's passage of amendments to state laws, including the Virginia Human Rights Act (Va. Code Title 2.2, Chapter 39) and the Virginia Fair Housing Law (Va. Code Title 36, Chapter 5.1), the HRC held a series of work sessions to draft proposed amendments to the Charlottesville Human Rights Ordinance (Chapter 2, Article XV of the Code of the City of Charlottesville) in order to bring the local ordinance in line with state law and to refine elements of both the HRC's and OHR's duties and responsibilities. The HRC voted to adopt the attached memo and proposed amendments to the Human Rights Ordinance for recommendation to City Council. (Attachment 9)

## CY2020 Summary and Analysis of HRC Work

Roles	Duties and Responsibilities	Summary and Analysis
<p>Sec. 2-433. (a) Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues.</p>	<p>Sec. 2-435 Systemic issues</p>	<p><b>Summary</b> The HRC put a strong focus on planning for the future of the HRC and OHR regarding human rights enforcement, the relationship of the HRC and OHR to other equity-centered City offices and boards, and human rights issues related to the COVID-19 pandemic.</p> <p><b>Analysis</b> The HRC faced barriers to sharing its policy recommendations to with City Department Directors and City Council due to reduction in public meetings caused by the COVID-19 pandemic and the turnover of City leadership, including the loss of the Director of the Human Rights Commission. The HRC prepared materials for a City Council work session to discuss the future of the HRC and OHR within the context of the new PCRB and Office of Equity, Diversity, and Inclusion but was unable to meet with Council in 2020.</p>
<p>Sec. 2-433. (b) Collaborate with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination citywide.</p>	<p>Sec. 2-434 Community dialogue and engagement.</p>	<p><b>Summary</b> The HRC’s community engagement centered around the human rights impacts of the COVID-19 pandemic, specifically the impact to the community of students returning to the UVA campus and the effect of COVID-19 on housing and evictions. The HRC also dedicated multiple meetings and work sessions with staff to consider and respond to proposals made by community members regarding changes to the Human Rights Ordinance.</p> <p><b>Analysis</b> Despite the restrictions on public meetings, the HRC made efforts to stay engaged with the public through virtual public comment and be being responsive to community inquiries. The HRC has expressed a desire to explore more ways to hear from and engage with the public both in virtual and in-person forums.</p>

Roles	Duties and Responsibilities	Summary and Analysis
<p>Sec. 2-433. (c) Assist individuals who believe they are the victim of an act of unlawful discrimination within the City.</p>	<p>Sec. 2-439.1 Enforcement authority</p>	<p><b>Summary</b> The HRC has not been called upon to fulfill this role in the last four years.</p> <p><b>Analysis</b> Limitations to enforcement authority may contribute to the lack of discrimination complaints that rise to the level of appeals or public hearings. This could change if Council adopts changes to the Human Rights Ordinance that expand the enforcement authority of the Office of Human Rights to mirror recent changes in state law. While during the annual retreat the HRC expressed as desire to pursue a Fair Employment Practices Agency (FEPA) workshare with the Equal Employment Opportunity Commission (EEOC), the loss of staff and inability to hold a work session with City Council limited forward progress on this objective.</p>
<p>Sec. 2-433. (d) Make recommendations regarding the City’s annual legislative program, with an emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination.</p>	<p>Sec. 2-435 Systemic issues</p>	<p><b>Summary</b> The HRC continued to complete this responsibility with a set of general recommendations</p> <p><b>Analysis</b> The HRC has expressed a desire for more robust action in this role. Better synchronization with the City fiscal and State legislative calendar could increase engagement.</p>





## **CY2020: OHR Detailed Overview**

In CY2020, the OHR staff included Charlene Green, OHR Manager/HRC Director (through the end of February 2020) and Todd Niemeier, Community Outreach & Investigation Specialist. On March 16, 2020, the Office of Human Rights closed to in-office appointments due to the COVID-19 pandemic, and staff worked remotely for the remainder of 2020, with limited in-person engagement outside the office, as required for individual service work.

The following section provides an in-depth look at the specific work the OHR conducted in 2020. Within the Human Rights Ordinance, the OHR's roles, as well as its duties and responsibilities, are not separated from those of the HRC. The OHR supports the HRC in its work to fulfill its roles as defined by Sec. 2-433 of the Human Rights Ordinance. The OHR is however the primary body that upholds **Sec. 2-434. Duties and responsibilities – Community dialogue and engagement** and **Sec. 2-437. Duties and Responsibilities – Investigation of individual complaints and issuance of findings**. The following detailed overview summarizes the work of the OHR in these two areas during CY2020.

### **Community Outreach (As aligned with Sec. 2-434 of the Human Rights Ordinance)**

Community outreach is one of the primary tools used by the OHR to both encourage citizens to report allegations of discrimination and to prevent discrimination from happening in the first place. Systemic change requires major shifts in how society operates. Societal shifts start with individual awareness, education, and a willingness to make change.

The OHR categorizes outreach in three ways:

- 1. Service Provision**
- 2. Education & Awareness**
- 3. Collaboration & Leadership**

Under the leadership of Charlene Green, community outreach was one of the primary strengths of the OHR. Ms. Green's departure, coupled with the COVID-19 pandemic, led to a dramatic decrease in community outreach activity in 2020. The following table provides an overview of the limited community outreach work the OHR was able to complete in 2020. Most outreach activity centered around Collaboration & Leadership, as requested by community groups seeking OHR guidance on issues related to human rights or equity, diversity, and inclusion.

The chart below summarizes the community outreach activities of the Office of Human Rights in 2020.

Collaborative Initiatives	Meetings	Outcomes
Charlottesville Albemarle Convention and Visitors Bureau	1	OHR staff met with Executive Director Courtney Cacatian to discuss ideas around the expansion of equity, diversity, and inclusion within the work of the Bureau.
Charlottesville Climate Action Initiative	2	OHR staff met with City staff leading the Charlottesville Climate Action Initiative to offer feedback regarding engaging marginalized populations in future outreach.
Charlottesville Food Justice Network (Large Group)	4	As a member of the planning team, OHR staff helped lead portions of large group meetings of food-focused non-profits and City staff. These meetings mostly focused on the Charlottesville Food Equity Initiative and proposed revisions to City’s comprehensive plan to include food equity language.
Charlottesville Food Justice Network (Planning Team)	3	OHR staff served as a member of the planning team and assisted with the group’s work to plan the above-mentioned large group meetings and with food justice advocacy in Charlottesville.
Charlottesville Police Foundation	1	OHR staff was invited to hear the Foundation’s vision for improving relationships between community members and police and to offer perspectives from the standpoint of human rights.
Code for Charlottesville	8	OHR staff collaborated with staff from People and Congregations Engaged in Ministry (PACEM) to launch a project with Code for Charlottesville to build a web-based, affordable housing navigation tool for local housing navigators to use when assisting individuals in their housing search. OHR staff provided feedback throughout the software development process and connected Code for Charlottesville to housing navigators to vet the product.
Community Based Recovery & Support Advisory Group	9	OHR staff regularly attended these meetings to plan community outreach activities in public and subsidized housing neighborhoods. While direct community outreach was put on hold due to the COVID-19 pandemic, we continued to meet to share cross-organizational updates and information in preparation for future outreach and to update the individual community members whom each organization supports.

<b>Collaborative Initiatives</b>	<b>Meetings</b>	<b>Outcomes</b>
Community Climate Collaborative (C3)	1	C3 staff met with OHR staff to discuss community outreach and engagement strategies focused on climate issues. OHR staff shared several community connections with C3 staff and helped make introductions for relationship-building.
CRHA Relocation Committee	1	OHR staff was invited to provide feedback on the CRHA relocation planning for Crescent Halls.
Housing Advisory Committee	1	OHR staff met with a sub-committee of this group to discuss strategies around landlord outreach and relationship-building to improve access to affordable housing.
Housing Hub Discussion Group	2	OHR staff organized a group of local non-profits and government agencies working in the realm of affordable housing to discuss potential ways to develop a centralized housing navigation hub. This effort dovetailed with the work of Code for Charlottesville to create a web-based housing navigation tool.
Public Housing Association of Residents (PHAR) Community Research Review Board Advisory Group	6	OHR staff served on the Community Research Review Board Advisory Group. OHR staff worked with PHAR staff, PHAR Board members, and community members to develop the initial framework for the Community Research Review Board. The intent of this initiative was to create a community-member led body to review graduate level research proposals before research is executed in low-wealth communities. The focus of the work this year was to develop an MOU with UVA and prepare job descriptions and hiring plans for a program coordinator and resident reviewers.
Rivanna Technical Committee	1	This committee contacted OHR staff for input on planning community outreach to inform the future improvements along the Rivanna River corridor. OHR staff shared various community contacts and made recommendations for groups to contact.
Virginia Association of Human Rights (VAHR)	1	OHR staff and one HRC Commissioner remained in contact with VAHR. The VAHR is an organization with representatives from all HRCs and OHRs in Virginia who convene with the purpose of sharing information and practices as relate to the protection of human rights in Virginia. VAHR meetings were limited this year due to the pandemic.
Welcoming Greater Charlottesville (WGC) Task Force	9	OHR staff remains on the WGC Task Force as a liaison with the City and to provide input on ideas for outreach and programing to support refugees and immigrants in Charlottesville.

## **Individual Assistance**

**(As aligned with Sec. 2-437 of the Human Rights Ordinance)**

Individual service provision continued throughout 2020 despite the physical closure of the office from March 16 through the end of the year. OHR staff continued to receive individual inquiries and complaints by phone, email, and text throughout the year while primarily working remotely to help prevent the spread of COVID-19. As needed to assist with individual inquiries and complaints, OHR staff continued to meet individual members in the community to deliver documents, gather signatures, and facilitate communication, using CDC-recommended precautions to protect community member health.

Additionally, in the early months of the pandemic, the Charlottesville Department of Human Services approached OHR staff for assistance with answering and responding to calls to the Community Resource Hotline. The Hotline was tasked with providing emergency rent and utility relief, along with other pandemic-related services, in partnership with United Way, the Charlottesville Area Community Foundation, and later the state-funded Rent and Mortgage Relief Program. OHR staff assisted with answering and returning calls, primarily for people who spoke only Spanish. This work accounts for most of the 231 incoming and outgoing contacts conducted in Spanish in 2020.

The following section presents an overview the types of services provided to individuals who contact the OHR for assistance. The OHR Data Dictionary (Attachment 10) defines the terms used in the following data summaries. The OHR 2020 Individual Service Data table (Attachment 11) provides detailed individual service data by month. The following key terms from the data dictionary have been included below for clarity when interpreting the data that follows.

**Contact:** All walk-ins, appointments, phone calls, text messages, and emails with individuals.

**Incoming Contact:** Any walk-in, appointment, phone call, text message, or email from an individual seeking assistance from the Office of Human Rights.

**Outgoing Contact:** All service-related contacts initiated by OHR staff.

**Complaint:** An incoming contact in which an individual wishes to pursue action regarding an allegation of discrimination that falls within the jurisdiction of the OHR, as defined by the Charlottesville Human Rights Ordinance.

**Inquiry:** An incoming contact involving services provided to an individual by the Office of Human Rights *and/or* an individual allegation of discrimination that falls outside the jurisdiction of the office, as defined by the Charlottesville Human Rights Ordinance.

**Client Follow-up:** An incoming contact from an individual who has an open inquiry or complaint.

**Staff Follow-up:** An outgoing contact in which staff communicates with an individual who has previously contacted the office.

**Third-party Incoming:** An incoming contact with a person who is a third party to an individual directly involved with an inquiry or complaint.

**Third-party Outgoing:** An outgoing contact with a person who is a third party to an individual directed involved with an inquiry or complaint. The person directly involved must give verbal or written consent for staff to initiate a third-party outgoing contact.

**General Contact:** An incoming contact that involves outreach coordination, event planning, volunteer coordination, or general information.

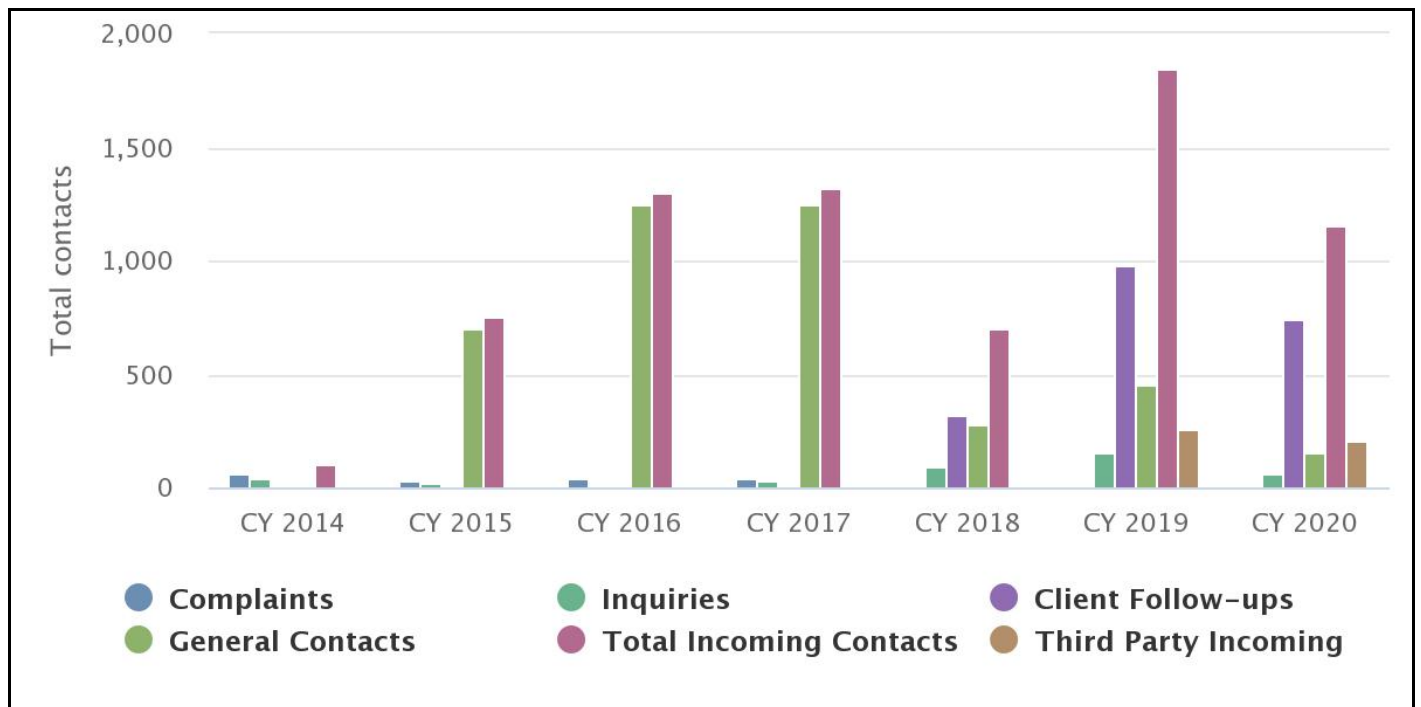
The data presented below can also be found on the Office of Human Rights Department Scorecard. The Department Scorecard is an online reporting platform imbedded in the City website, which displays departmental performance as related to goals within the City’s Strategic Plan.

**Total Incoming Contacts**

During CY2020, the OHR received the following incoming contacts.

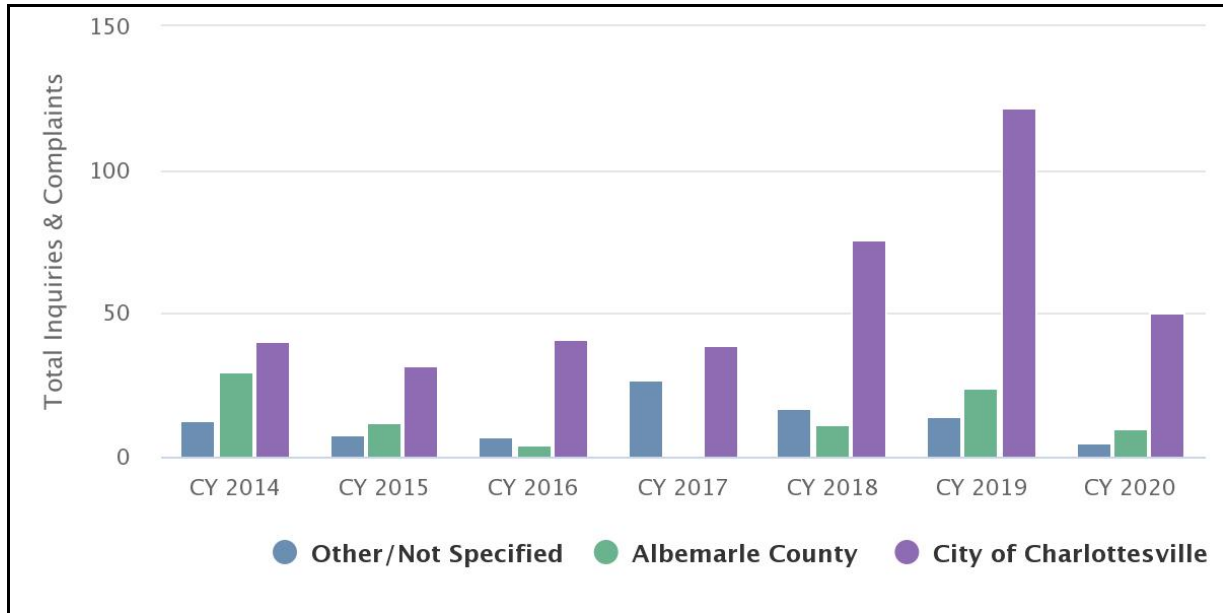
Contact Type	Total Number
Total Incoming Contacts	1,160
New Complaints	2
New Inquiries	63
Client follow-ups	739
General Contacts	154
Third Party Incoming	202

The bar chart below shows the CY2020 contact data in relation to that of previous years. Data from prior to CY2018 was reanalyzed and redistributed into the contact categories listed above, for ease of comparison. The data pertaining to CY2014 Complaints was reviewed by jurisdiction and those contacts listed as Complaints that fell outside the jurisdiction of the OHR were reclassified as Inquiries. While contacts decreased overall between CY2019 and CY2020, it is notable that the total incoming contacts in CY2020 was only 690 fewer, despite the office being physically closed for nine and a half months of the year. This data corresponds to Measure 1.1 in the Department Scorecard.



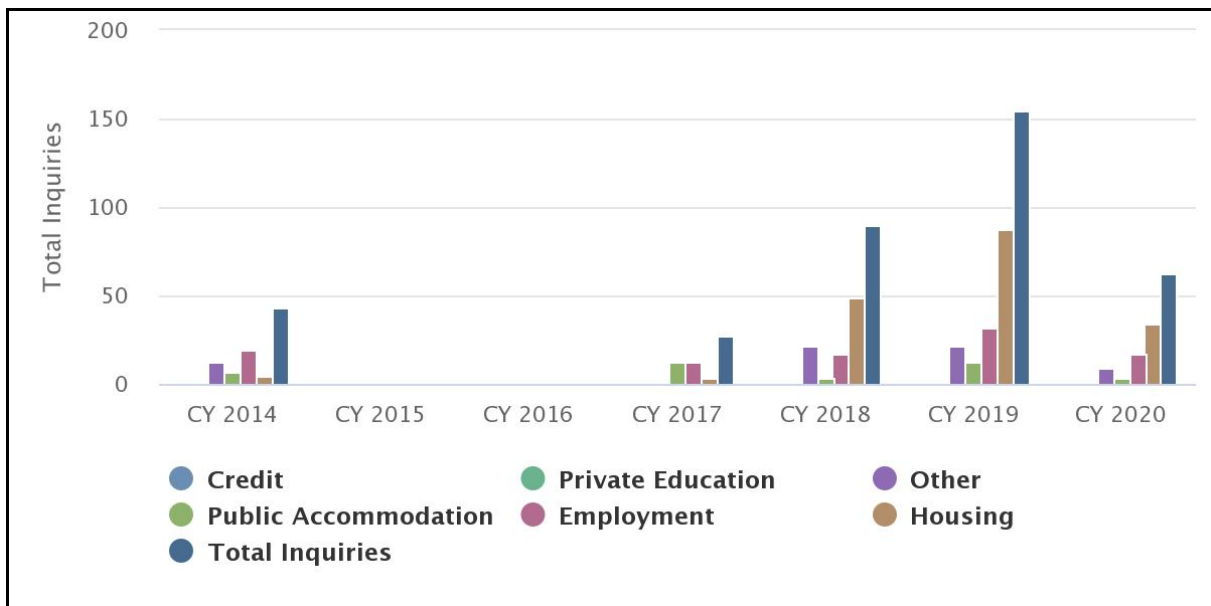
## Total Inquiries and Complaints by Location

The OHR received a combined total of 65 new inquiries and complaints in CY2020. Of the 65 inquiries and complaints received, 50 originated in the City of Charlottesville, 10 in Albemarle County, and 5 in other localities or localities not specified. Of the 65 inquiries and complaints, 11 involved allegations of discrimination. This data corresponds with Measure 1.2 in the Department Scorecard.



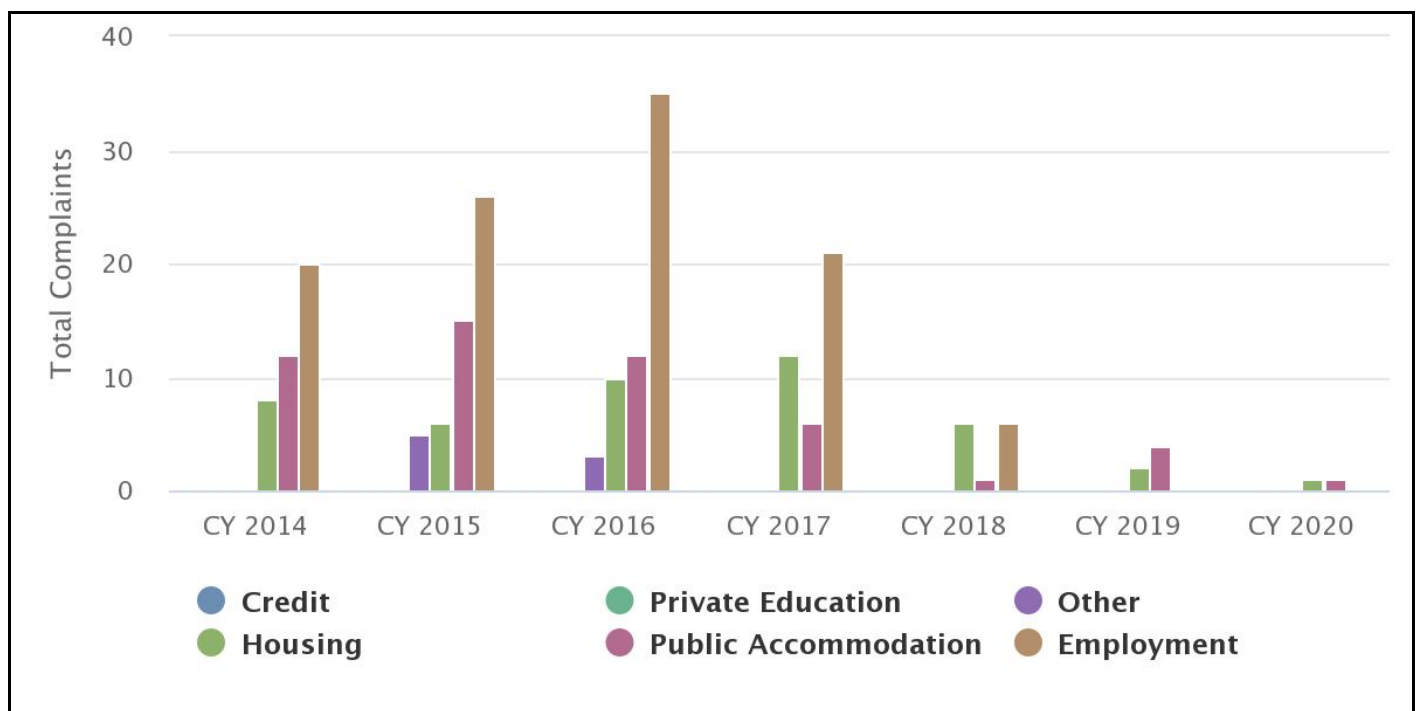
## Total Inquiries by Protected Activity

Of the 65 combined new inquiries and complaints received by the OHR in CY2020, 63 were inquiries and 2 were complaints. Of the 63 inquiries, 34 related to the protected activity of housing, 17 to employment, 3 to public accommodation, and 9 to activities not protected by the Charlottesville Human Rights Ordinance. To date, the OHR has not received an inquiry regarding credit or private education. This data corresponds with Measure 1.3 in the Department Scorecard.



## Total Complaints by Protected Activity

In CY2020, the OHR received 2 complaints: 1 within housing and 1 within public accommodation. This is a markedly lower number of contacts defined as “complaints” compared the reports from previous years. Starting in 2018, the definition of a complaint was refined to capture only those allegations of discrimination, which fall within the OHR’s jurisdiction. The other key factor that determines the number of contacts logged as complaints, is the individual’s interest in pursuing further action. If the individual does not choose to pursue further action, the contact is logged as an inquiry accompanied by an allegation of discrimination. Limits to the OHR’s jurisdiction often lead to referrals to other service providers that are better equipped to assist the individual. The chart below displays complaints by protected activity since 2014. The table below the chart provides summaries of the 2 complaints received in 2020. This data corresponds with Measure 1.4 in the Department Scorecard.



Protected Activity	Protected Class(es)	Status	Additional Information
Housing	Race	Open	This case was still under investigation at the end of 2020.
Public Accommodation	Disability	Closed	This case was resolved through informal conciliation. Note that this case was initially received in 2019, but the complainant decided to take formal action in 2020.

## Total Combined Inquiries and Complaints by Protected Class

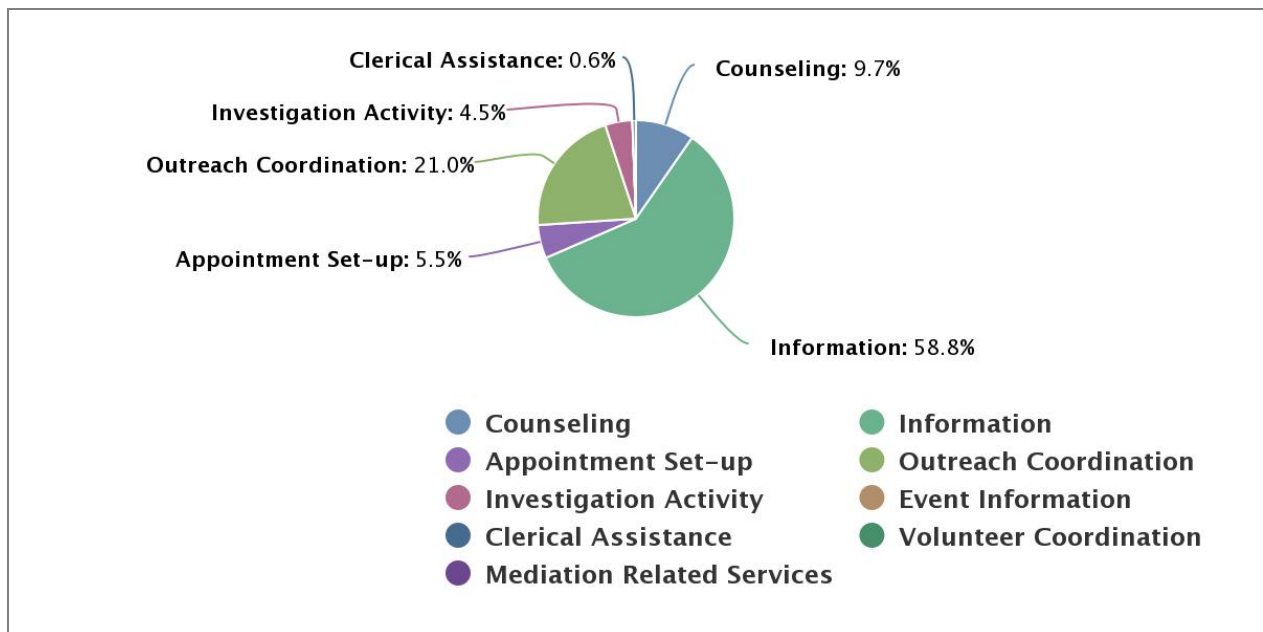
This data displays the self-identified protected class or classes associated with the 65 inquiries and complaints received by the OHR in CY2020. The OHR does not log protected class data unless the individual self-identifies the protected class during counseling or intake discussions. The table below shows the classification of all 65 combined inquiries and complaints received in CY2020. Note that the total number of identified protected classes can be greater than the total number of inquiries and complaints, as some individuals identify more than one protected class associated with a particular inquiry or complaint. The list of protected classes below is expanded to include the protected classes contained within the proposed amendments to the Human Rights Ordinance to be considered by City Council. The list of protected classes mirrors those protected by Virginia state law. This data corresponds with Measure 1.5 in the Department Scorecard.

Protected Class	Total associated inquires and complaints
Age	1
Childbirth or Related Medical Conditions	0
Color	4
Disability	8
Gender Identity	0
Marital Status	0
National Origin	1
Pregnancy	0
Race	5
Religion	0
Sex	4
Sexual Orientation	0
Source of Funds	2
Veteran Status	0
Not Specified	39
Other (non-protected)	4



## Services Provided to Individual Contacts

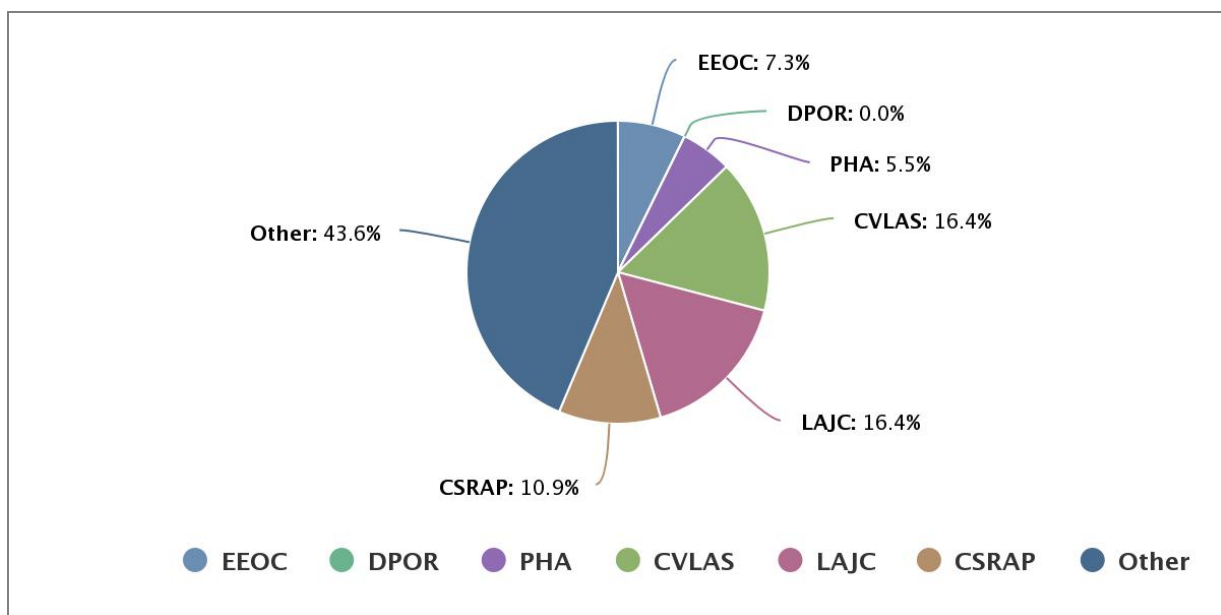
To better quantify the types of services provided to people who seek assistance, the OHR has developed a classification system to define service types. The pie chart below shows the percentage breakdown of service types for all 2,083 incoming and outgoing contacts in 2020. Referrals are not counted in this breakdown, as they are counted separately and are often a secondary service provided in addition to the services displayed below. Most service provision entailed providing information. This exchange could involve information related to an inquiry or complaint presented previously, or it could have been more general in nature. Services provided in partnership with the Charlottesville Department of Human Services for emergency response to the COVID-19 pandemic were categorized as Outreach Coordination. This work included 415 incoming and outgoing contacts, resulting in an unusually high percentage in the Outreach Coordination service area for 2020. Counseling was the third most often provided service. Counseling is only related to contacts classified as inquiries or complaints and involves providing guidance regarding potential options for resolution of a concern. This data corresponds with Measure 1.10 in the Department Scorecard.



## Referrals to Other Services

A total of 44 contacts resulted in referrals to other service providers. In some cases, a single contact resulted in multiple referrals, depending on the nature of the concern. The list below shows the primary agencies to which the OHR refers individuals. The pie chart below the list of agencies displays the percentage breakdown of referrals by agency. Below the chart is a list of the agencies that represent the “Other: 43.6%” of referrals. This data corresponds with Measure 1.11 in the Department Scorecard.

- **EEOC (Equal Employment Opportunity Commission):** Individuals are referred to the EEOC for employment discrimination cases that are outside the jurisdiction of the Office of Human Rights, as defined by state and federal law and the Charlottesville Human Rights Ordinance.
- **DPOR (Department of Professional and Occupational Regulation):** This is a state government department that houses the Virginia Fair Housing Office. Clients are referred to DPOR for formal fair housing discrimination investigations.
- **PHA (Piedmont Housing Alliance):** Individuals were previously referred to PHA for counseling regarding landlord tenant disputes and preliminary counseling regarding fair housing discrimination allegations, prior to referral to DPOR. In 2018, PHA staff trained Office of Human Rights staff to conduct fair housing counseling work, which diminished referrals to PHA.
- **CVLAS (Central Virginia Legal Aid Society):** Individuals are referred to CVLAS for assistance with a variety of legal issues raised during intake, often pertaining to the protected activities identified in the Charlottesville Human Rights Ordinance. In some cases, clients will have simultaneous cases with CVLAS and the Office of Human Rights.
- **LAJC (Legal Aid Justice Center):** Individuals are referred to LAJC for assistance with a variety of legal issues raised during intake, often pertaining to the protected activities identified in the Charlottesville Human Rights Ordinance. In some cases, clients will have simultaneous cases with LAJC and the Office of Human Rights.
- **CSRAP (Charlottesville Supplemental Rental Assistance Program):** This is a City funded program administered by the Charlottesville Redevelopment and Housing Authority (CRHA) that offers a portable subsidy for people in need of affordable housing. Individuals are referred to the CSRAP when they come to the office in search of affordable housing assistance.
- **Other:** Individuals are also referred to a wide variety of other agencies and offices depending on the particular concerns they present. A list of these agencies is included below the pie chart.



Below is the list of agencies that fell into the "Other" referral category, 46.3% of referrals. These agencies are tangentially related to the direct work of the OHR but were determined by staff to be a viable option for some people seeking assistance. Note that some individuals were referred to several of these organizations following a single contact with the OHR. The data collection system does not count the individual times a person was referred to a specific agency when referrals to multiple agencies are aggregated under a single "Other" referral. Therefore, this is merely an alphabetical list of the "Other" organizations that received one or more referrals.

- American Civil Liberties Union (ACLU)
- Charlottesville Department of Human Services Community Resource Hotline
- Charlottesville Department of Social Services – Benefits Division
- Cruz Law, PLC
- Jeff Fogel (local attorney)
- Network 2 Work
- PACEM – Secure Seniors Program
- Prince William County Office of Human Rights
- Region Ten Permanent Supportive Housing
- Sin Barreras
- Southern Poverty Law Center
- U.S. Department of Justice Office of Civil Rights
- UVA Innocence Project
- UVA Maxine Platzer Lynn Women’s Center Free Legal Clinic
- UVA Office for Equal Opportunity and Civil Rights
- Virginia Lawyer Referral Service
- Virginia Rent and Mortgage Relief Program (RMRP)

## Key Takeaways from Individual Service Provision Data from CY2020

What the data says...	What this means in practice...
<p>The OHR received 1,160 incoming contacts, for an average of 5 incoming contacts per day.</p> <ul style="list-style-type: none"> <li>• 595 of these incoming contacts were received while the OHR was physically open in January through March. <ul style="list-style-type: none"> <li>○ This is an average of 198 contacts per month</li> </ul> </li> <li>• 565 of these incoming contacts were received while the OHR was physically closed in April through December. <ul style="list-style-type: none"> <li>○ This is an average of 63 contacts per month.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The number of incoming contacts was three times higher during the months the office was physically open.</li> <li>• For most the year, the OHR was staffed by a single person, meaning only one community member could be served at a time.</li> <li>• In addition to incoming contacts, OHR staff conducted 668 follow-up contacts with individuals who contacted the office and 255 third-party contacts for the purpose of referral and/or service coordination, for a combined total of 2,083 incoming and outgoing contacts.</li> </ul>
<p>The OHR received 11 incoming contacts that involved an allegation of discrimination.</p> <ul style="list-style-type: none"> <li>• 3 allegations of employment discrimination within the City of Charlottesville: <ul style="list-style-type: none"> <li>➢ 1 was referred to the EEOC.</li> <li>➢ 2 were pending receipt of a formal complaint at the end of 2020.</li> </ul> </li> <li>• 2 allegations of housing discrimination within the City of Charlottesville: <ul style="list-style-type: none"> <li>➢ 1 resulted in a formal investigation that was ongoing at the end of 2020.</li> <li>➢ 1 was closed because it was non-jurisdictional but referred for legal assistance.</li> </ul> </li> <li>• 1 public accommodation allegations within the City of Charlottesville: <ul style="list-style-type: none"> <li>➢ 1 resulted in a formal investigation that was resolved through informal conciliation.</li> </ul> </li> <li>• The remaining 5 allegations occurred outside the City of Charlottesville or involved unprotected activities.</li> </ul>	<ul style="list-style-type: none"> <li>• Allegations of employment discrimination were the primary type of discrimination claim received by the OHR in 2020. <ul style="list-style-type: none"> <li>○ While the HRC has expressed interest in pursuing a Fair Employment Practices Agency (FEPA) workshare agreement with the Equal Employment Opportunity Commission (EEOC), the OHR had insufficient staffing in 2020 to handle the potential caseload.</li> <li>○ Given the changes to the Virginia Human Rights Act in 2020 and the proposed amendments to the Charlottesville Human Rights Ordinance, the OHR could expand its jurisdiction over employment complaints without entering into a FEPA agreement initially. (Attachment 11)</li> </ul> </li> <li>• Allegations of housing discrimination were the second most common complaint. <ul style="list-style-type: none"> <li>○ The proposed amendments to the Charlottesville Human Rights Ordinance would ensure that the OHR has express authority to investigate jurisdictional complaints of housing discrimination.</li> </ul> </li> <li>• With the absence of a Director of the HRC, OHR staff can only conduct intake and pursue investigations under the oversight of the City Manager, and the City Manager becomes the default authority that renders determinations on complaints.</li> </ul>
<p>Of the 2,083 documented incoming and outgoing contacts, 201 involved counseling services. Of those 201, <b>167 concerned housing.</b></p>	<ul style="list-style-type: none"> <li>• This points to the significant number of contacts related to housing concerns, and specifically navigating the affordable housing market.</li> <li>• Anecdotal evidence suggests this is due to an overwhelming unmet demand for affordable housing navigation services in Charlottesville, coupled with a lack of supply of affordable housing for people earning below 30% AMI.</li> </ul>
<p>Of the 63 new inquiries and 2 new complaints received, individuals identified the following protected classes associated with their concern:</p> <ul style="list-style-type: none"> <li>• <b>9 identified disability</b></li> <li>• <b>5 identified race</b></li> <li>• <b>4 identified skin color</b></li> <li>• 4 identified sex</li> <li>• 2 identified source of funds</li> <li>• 1 identified age</li> <li>• 1 identified national origin</li> </ul>	<ul style="list-style-type: none"> <li>• While allegations of discrimination attached to a specific protected activity and class made up a small proportion of the total incoming contacts, disability and race and/or skin color were the two most often identified reasons for discrimination cited by the individuals who came to the OHR.</li> </ul>

## Analysis of OHR Community Outreach and Individual Assistance for CY2020

Analysis	Community Outreach	Individual Services
<b>Successes</b>	<ul style="list-style-type: none"> <li>• Despite the many closures and restrictions due to the COVID-19 and the resignation of the Director of the HRC, OHR staff maintained connections to both organizational partners and members of the public.</li> </ul>	<ul style="list-style-type: none"> <li>• Despite the physical closure of the OHR in March, the OHR received only 690 fewer incoming contacts than in 2019. In 2019, the OHR saw the highest number of incoming contacts in the history of its existence.</li> </ul>
<b>Challenges</b>	<ul style="list-style-type: none"> <li>• The COVID-19 pandemic was an obvious barrier to in-person outreach and events.</li> <li>• Had there been no pandemic, reduced staffing would have been the primary barrier to outreach.</li> <li>• One OHR staff person is insufficient to develop and execute effective community outreach and still handle all intake, investigatory, and administrative duties for the OHR and HRC.</li> </ul>	<ul style="list-style-type: none"> <li>• Had there been no pandemic resulting in the physical closure of the office, it is presumed that incoming contacts would have remained at levels similar to those in 2019, which would have been wholly unsustainable for a single staff person and would likely have resulted in poor service to the community.</li> <li>• Soliciting and collecting satisfaction data from individuals who have received services in the past is difficult to execute with a single staff person, as individuals may be reluctant to disclose information to the same staff person that provided the services.</li> </ul>
<b>Opportunities</b>	<ul style="list-style-type: none"> <li>• When it is safe to resume in-person outreach:               <ul style="list-style-type: none"> <li>○ Additional staff could assist with outreach planning and execution, as well as data collection during large outreach events.</li> <li>○ Volunteers and interns could assist with data collection during events to free staff to facilitate the events.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• With support from City Council and the City Attorney’s Office, the OHR could pursue expanded enforcement and conciliation authority.</li> <li>• Volunteers and interns could assist with satisfaction data collection and data entry while hiring is on hold.</li> <li>• Additional staff could improve responsiveness to community members and enhance the quality of service provision.</li> </ul>

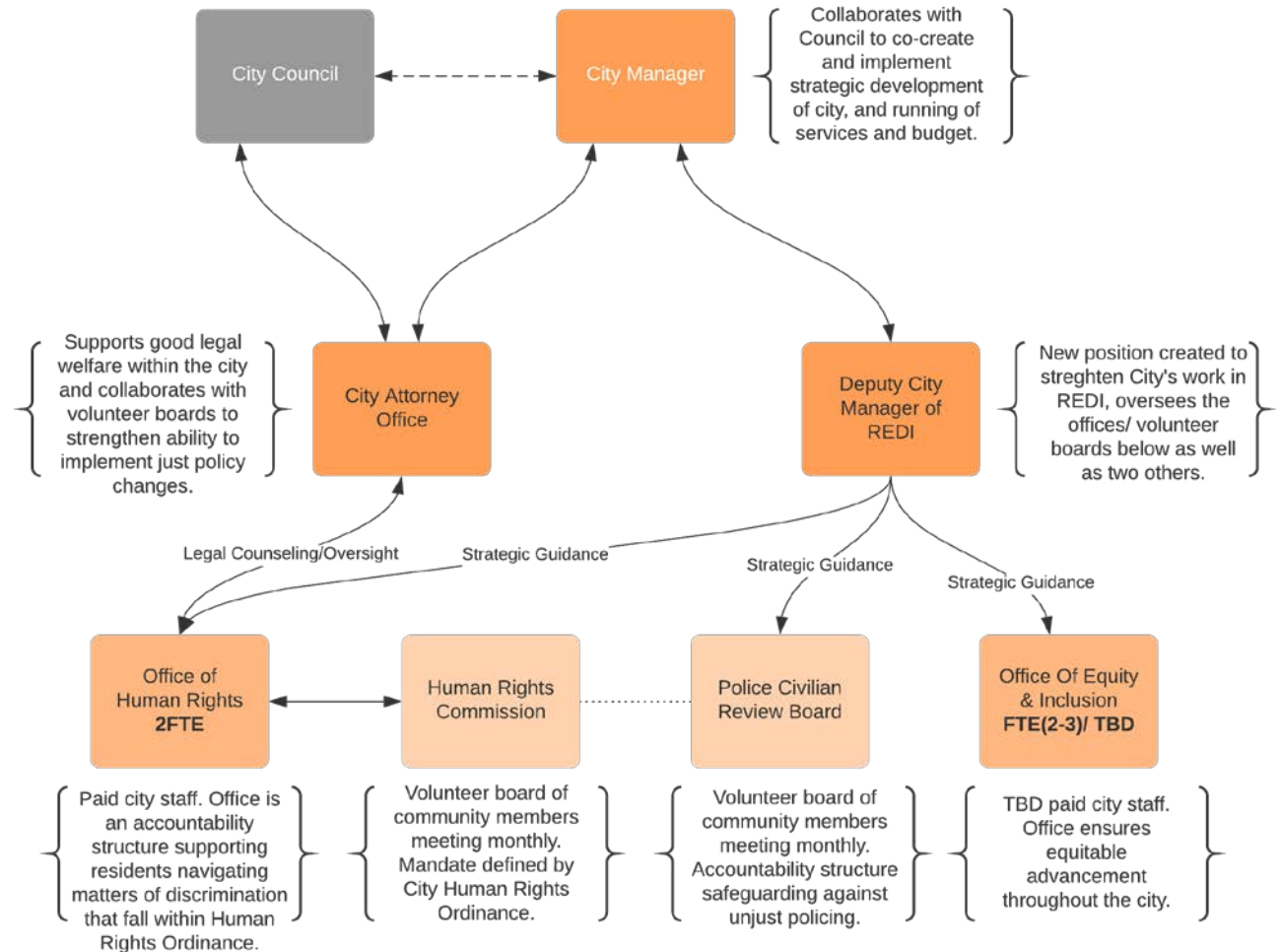
## **CY2020 HRC & OHR Annual Report Attachment Index**

<u>Attachment</u>	<u>Description</u>	<u>Reference Page in Report</u>
1	City Department and Commissions relationship chart	3
2	HRC Director/OHR Manager revised job description	3
3	HRC Position Letter to UVA President, Jim Ryan	3
4	HRC Response Letter to UVA President, Jim Ryan	3
5	HRC Legislative Recommendations for 2021	4
6	HRC Response Letter to local social justice groups	4
7	HRC Resolution HR20-1	5
8	HRC Resolution HR20-2	5
9	Charlottesville Human Rights Ordinance – Proposed changes	5
10	OHR CY2020 Data Dictionary	11
11	OHR CY2020 Service Data	11
12	Summary of expanded employment enforcement	19

# Attachment 1

## Understanding Working Relationships between Key City Departments & Commissions

The City is working towards developing an Office of Equity & Inclusion, launching the Civilian Police Review Board (already launched), as well as hiring a new Deputy City Director position. The Office of Human Rights and Human Rights Commission supports the creation and launch of all bodies. We also feel it is critical for the City to clearly understand the working relationship and productive crossover (without core duplication) of these departments and commissioner boards. In the joint work session, we hope to discuss draft frameworks/recommendations for the collective action each developing body will put forth. The core goal will be to develop better understanding for how each entity can productively work together/support one another. The diagram to the right is a draft visual to start the conversation.





# Attachment 2

## **Charlottesville Human Rights Commission**

Office of Human Rights Manager Job Description

Draft Human Rights Commission Recommendations

Working document\_ July 16, 2020

## **Office of Human Rights Director**

### **GENERAL SUMMARY:**

Works at an advanced professional, leadership, and managerial level in strategy, planning, organizing, and coordinating the Human Rights Office and program activities within the City Manager's direct chain of command and authority. The Director provides overall strategic direction for the Office of Human Rights; Provides staff support for the Human Rights Commission; Coordinates and on occasion conducts investigations into allegations of discrimination on the basis of race, color, sex, religion, national origin, marital status, handicap, gender identity, sexual orientation, and/or age as prohibited by local ordinance in the areas of private sector employment for employers employing 6 to 14 employees, private education, credit and public accommodations; Assigns and evaluates the work of office staff; Provides technical guidance and training; Negotiates with respondents, complainants and their representatives; Speaks to various civic, faith and private business groups; and Performs special projects as assigned. Primarily and most frequently the work is performed independently, with diverse functional areas and more specialization and ability to train others.

This position reports to the City Manager who holds day-to-day operational oversight.

### **ESSENTIAL RESPONSIBILITIES AND DUTIES:**

- **Provides strategic leadership and planning for the Office of Human Rights to promote equity and ensure human rights alignment within and across the City of Charlottesville.**
- Administers and coordinates activities of the Human Rights program.
- Stays in regular communication with the City Council Liaison to the Office of Human Rights and the Human Rights Commission.
- Trains staff on new or revised policies and procedures.
- Supervises, coordinates, assigns, and evaluates the work of office staff and subordinate personnel
- Develops partnerships that identify and address issues of discrimination on the basis of race, color, sex, religion, national origin, marital status, handicap, gender identity, sexual orientation, and/or age. This may include workshare agreements such as FEPA agreements with Equal Employment Opportunity Commission (EEOC) and FHAP agreements with the Department of Housing and Urban Development (HUD).
- Receives and reviews initial complaints; conducts intake conferences; conducts.
- Directs and coordinates efforts of OHR staff to investigate, mediate, and reconcile allegations of discrimination.
- Provides staff support for the Human Rights Commission:
  - Responds to Human Rights Commission and community inquiries regarding

- issues, policies, and complaints.
- Helps to conceptualize, develop, and carry our research projects for the Commission.
- Provides preliminary data and research for the Commission to evaluate feasibility and strategy of possible projects.
- Works with the Commission to develop a strategy when moving forward with a given issue.
- Recommends to the Commission amendments and additions to the Charlottesville Human Rights Ordinance.
- Administers and implements programs including discrimination prevention, education, voluntary compliance and outreach efforts to citizens, and community and business groups.
- Develops and disseminates human rights literature, reports, correspondence and memoranda to advance equity and human rights in our community.
- Interprets policy/procedures, and provides technical assistance and guidance to staff and volunteers; recommends alternative solutions to difficult negotiations.
- Researches and designs program evaluation criteria and methods; collects and reports performance measures for the Human Rights Office's programs.
- Prepares reports, correspondence, and memoranda including bi-annual reports to City Council.
- Conducts research on human rights issues and disseminates information to advance equity.
- Prepares and manages the Office's annual budget.
- Performs related tasks as required.

Primarily and most frequently the work is performed independently, with diverse functional areas and more specialization and ability to train others.

**EDUCATION, EXPERIENCE AND SKILLS:**

**Education:** Any combination of education and experience equivalent to a Master’s degree from an accredited college with major work in Public Administration, Personnel Administration, Sociology, Psychology, Law, Law Enforcement, Mediation Training, Employment Investigation Training or related field. A Law degree is not required but preference will be given to applicants with work experience, training and/or education in the legal field.

**Experience:** A minimum of five years' experience in civil/human rights compliance, education, housing, employment, investigation, administration or other related field.

**Skills:** Commitment to racial, social, and economic equity with proven track record of community engagement and thought leadership in human rights issues. Ability to read and comprehend complex legal materials. Ability to interpret policy/procedures, and provide technical assistance and guidance to staff and volunteers; to recommend alternative solutions to difficult negotiations. Ability to supervise the work of others including assigning and reviewing investigations performed by staff. Ability to compose and edit reports, research, proposals, procedures, policies, recommendations, etc. Ability to develop and disseminate human rights research and literature. Ability to organize major studies of systemic discrimination including conducting research, enabling expert panels, conducting hearings and townhalls, and producing policy recommendations. Interpersonal skills of facilitation, conflict

resolution, restorative justice and other methods to resolve complaints, maintain liaison, and speak in public. Ability to negotiate fairly and effectively with involved parties and/or their representatives to resolve complaints; and recommend further action. Ability to define problems and collect relevant information to recommend policy solutions. Thorough knowledge of federal guidelines and regulations pertaining to human rights issues.

**ORGANIZATION COMPETENCIES:**

**Interpersonal Effectiveness/Communication:** Reviews documents for professional, technical, and content errors, and may be called on to review and revise more complex documents. Often acts as a formal or informal team leader or project leader. Provides communication support or consultation.

**Service/Support Orientation:** Assists others to find answers to the more difficult and complex questions.

**Forms professional working relationships** with individuals in other departments and organizations to resolve issues. Coaches or trains others to reach positive service and support outcomes. In addition to applying city and agency guidelines, provides consultation to others in more diverse and complex situations.

**Multi-tasking/Problem Solving:** Independently balances multiple complex tasks. Trains, coaches or mentors others to develop skills in multi-tasking and problem solving. Trains, coaches or mentors others to develop project management skills.

**Organization:** Sets and adjusts priorities to accomplish objectives. Advises others in matters of standard or routine technical assistance, interpretation and consultation. Provides professional support to other workers. Assists in resolving schedule conflicts within the team. Assists team members in managing appointments and assignments. Trains, mentors or coaches others in matters of organization skill and knowledge.

**JOB FAMILY COMPETENCIES:**

**Performance Management:** Demonstrates skill and proficiency in integrating the performance management of several functional or operational areas. Manages the performance of others who have responsibility for supervising others, for complex decision-making, and the coordination of various functions and interaction with professional and technical specialists.

**Teamwork and Cooperation:** Brings multiple units or departments together to pool resources in support of goal accomplishment. Creates cross-function teams in a variety of specialized operational and programmatic areas. Builds and implements the framework for team accountability and performance in multiple functional areas to reduce the negative impact of functional barriers imposed by hierarchical structure and department boundaries. Explores best practices of how the work of teams and units within the department or division can contribute to the goals and objectives of city government.

**Coordination, Planning, and Decision-Making:** Uses a wider variety of inter- and intradepartmental resources to address problems and to carry-out decisions. Uses integrated project management to coordinate several different complex projects and deploys work break-down structures for identifying work, assigning resources, and estimating. Evaluates

performance metrics, process design, and output of several differing functional areas to determine needed improvements and creates plans to meet identified needs. Applies systematic multi-factor analysis, trend analysis, and other forms of data analysis and assessment to a diversity of operations and programs for the purpose of planning and managing resources.

**Technical and Content Knowledge:** Serves as a subject matter expert or resource person in specialty areas of services, operations or programs, policy, finances, planning, or other areas of professional or administrative expertise. Demonstrates understanding of the purpose, processes, procedures, methods, technologies, tools, equipment, terminology, standards, performance measures, and outcomes of work teams, units, and specialty areas of multiple functional areas of multiple functional areas and units.

**PHYSICAL CONDITIONS & WORK CONTACTS:**

Standard work environment.

FLSA Status: Exempt

# Attachment 3



## City of Charlottesville Human Rights Commission

August 24<sup>th</sup>, 2020

### *Commissioners*

Dear President Ryan,

Shantell Bingham  
*Chair*

Sue W. Lewis  
*Vice Chair*

Jeanette Abi- Nader

Pheobe Brown

Ernest Chambers

Jessica Harris

Laura J.W.  
Keppley

Kathryn Laughon

Andrew Orban

Lyndele von  
Schill

Robert Woodside

Melvin Grady

Olivia Gabbay

Ann J. Smith

We write you as collective residents of the Charlottesville community representing diverse backgrounds, livelihoods, and experiences as members of the Human Rights Commission. This letter comes to you at the height of decision making during a pandemic that has spared some lives but has also cost our community many more. **Therefore, we ask in our capacity as neighbors and advocates of human rights that you do not bring the bulk of undergraduate students back to the University of Virginia for the Fall semester.**

We recognize that you are balancing many difficult and competing demands in making this decision. We applaud the efforts that you have undertaken to require testing, request that students quarantine, and create a culture that supports public health guidance. We understand that you have delayed their return until early September and have promised to make a final decision by August 28. Our mission is to protect the human rights of our community, however. The right to health is paramount, and we center the most vulnerable. We are concerned that bringing thousands of students back to our community will endanger the lives of the staff, especially low wage staff working frontline jobs, the students, the faculty, and the larger community.

We have already seen a disparate impact of COVID-19 by race. The population of the Thomas Jefferson Health District is just under 14% African American,<sup>1</sup> yet Black residents compose almost 19% of cases, over 39% of hospitalizations and over 24% of fatalities. The Latinx community is just under 5% of the TJHD population<sup>2</sup>, yet accounts for almost 27% of cases and almost 17% of hospitalizations. These numbers do not account for the loss of income due to illness or the long-term disability that many of those who recover will face.<sup>3</sup> While, we do not have access to information about other groups that fall within our purview, such as those living with disabilities, but commonsense would suggest that they are also uniquely vulnerable.

Indeed, the disproportionality of this pandemic has demonstrated to us that health is a matter of human rights, and now more than ever, we all have the moral obligation to play our parts to the fullest of our ability and in collaboration with others. Many local school system actors are stepping up to the plate, implementing innovative and forthcoming virtual learning.<sup>4</sup> They're not only following the lead of experts across the globe<sup>5</sup> that caution against in-person learning for large universities<sup>6</sup>, but they're also responding to the needs of their staff while also weighing the cost of their decisions for the community at large

**President Ryan, the steps you take send a message to us all.** Given the overwhelming disappointment of national leadership to protect us, it is up to local leaders to act quickly and strategically to protect lives. We add our voices to those requesting that the University of Virginia suspend the return of undergraduate students to Grounds and ask that they not return to their off-Grounds lodgings. *We ask that the University not stand apart from us, but with us as we manage this pandemic together.*

In pursuit of justice, we serve,



Shantell Bingham, Chair  
Human Rights Commission  
106 5th St NE, Charlottesville, VA 22902  
[shantellbingham@gmail.com](mailto:shantellbingham@gmail.com)

<sup>1</sup> <https://www.vdh.virginia.gov/data/demographics/>

<sup>2</sup> <https://www.vdh.virginia.gov/content/uploads/sites/91/2019/08/2019-MAPP2Health-Report.pdf>

<sup>3</sup> <https://www.theatlantic.com/health/archive/2020/06/covid-19-coronavirus-longterm-symptoms-months/612679/>

<sup>4</sup> Charlottesville City Schools goes virtual: <http://charlottesvilleschools.org/coronavirus/> Albemarle County Public Schools goes nearly all virtual: <https://www.k12albemarle.org/our-division/return-to-school>

<sup>5</sup> <https://www.who.int/westernpacific/news/speeches/detail/virtual-press-conference-on-covid-19-in-the-western-pacific>

<sup>6</sup> <https://www.theatlantic.com/ideas/archive/2020/07/colleges-are-getting-ready-blame-their-students/614410/>



# Attachment 4



## City of Charlottesville Human Rights Commission

September 7<sup>th</sup>, 2020

### Commissioners

Dear President Ryan,

Shantell Bingham  
Chair

Sue W. Lewis  
Vice Chair

Jeanette Abi-  
Nader

Pheobe Brown

Ernest Chambers

Jessica Harris

Laura J.W.  
Keppley

Kathryn Laughon

Andrew Orban

Lyndelee von  
Schill

Robert Woodside

Melvin Grady

Olivia Gabbay

Ann J. Smith

We appreciate your thoughtful correspondence. We understand the difficult choices that have been weighed and the University's final decision to allow students' return. While we do not agree with the University's final decision, we all depend upon your success. In some ways, the burden of responsibility for our community's well-being throughout the pandemic response has been shared. We write to emphasize steps that have been taken, concrete actions that need continued support and potentially additional resources to ensure minimal impacts from UVA's plan.

### Sustain Regular Community COVID Testing

Throughout the summer, UVA Health has worked with a number of community partners to administer community testing events as well as provide avenues for daily COVID testing. These community testing events have targeted predominantly Black and Brown, low-wealth neighborhoods that have faced the biggest brunt of COVID. Dr. Amy Salerno has collaborated with many community stakeholder groups (Sin Barreras, Mount Zion First African Baptist Church, Westhaven Nursing Clinic/CRHA etc.) to spearhead these efforts with her colleagues Dr. Cameron Webb, Dr. Max Luna, and Dr. Mohan Nadkarni. We appreciate UVA's efforts and stress that they continue to sustain regular community COVID testing as well as daily tests without delays or decrease in frequency.<sup>1</sup>

At each community test event, UVA Health provides 250 COVID tests. In addition to organized community events, UVA Health also provides up to 100 daily COVID tests during the hours of 2pm-4pm for community members. Especially with students' return to grounds, we expect these numbers to *at least* stay the same and plans for weekly recurring UVA community testing events to continue throughout the pandemic response. We urge you to commit additional staffing and resources to ensure these efforts are lasting and sustainable.

### Increase Community Resources for PPE

In addition to testing, UVA Health has worked with community partners to ensure our most vulnerable COVID positive cases have what they need to safely shelter in place during their recovery. While other partners have sourced prepared meals, shelf-stable food, filling prescriptions, temporary re-housing needs and more, UVA has played a vital role by sourcing PPE. This has included equipping households with face masks & shields, bottles of hand sanitizer, disinfectant spray and wipes. In addition to direct support for COVID positive cases, UVA Health has also provided PPE during community testing (both weekly and daily events). Now more than ever, it's critical that we retain UVA's commitment as the PPE sourcing partner of the COVID Care wrap around support.

To date, the model has supported 44 cases totaling more than 130 individuals in our area. These residents may be low-wage workers without paid sick leave or healthcare, and more than 90% of them are Black or Hispanic. Due to the success of the model, Thomas Jefferson Health District, the City of Charlottesville, Albemarle County, as well as stakeholders at UVA Health and Sentara Hospital, have collaborated to formally scale the model. Therefore, we ask the University to remain committed to its role in sourcing PPE (during testing events & with follow-

up cases) as well as meet the potential increase in demand as part of the COVID Care district wide scale up.

**Provide COVID-Related Support for \*All\* Employees at UVA (Contract Workers, Wage Workers, and Salaried)**

When UVA provides avenues to support our community through testing as well as sourcing PPE, we're able to strengthen our relationship and directly heal past and present harms committed by the University. While the combined impact of COVID testing and PPE should help safeguard our community's health, many frontline workers at the University are still at increased risk from students' return to grounds. These workers are our neighbors, family and friends. Many of them are members of highly impacted communities that may lose significant income and face eviction should they catch COVID.

Therefore if the University has not done so, our final request is for UVA to offer COVID-related paid sick-leave and health care for \*all\* employees and/or contractors at UVA - that are at risk of increased exposure from their jobs<sup>2</sup> (e.g. Dining hall staff that come down with COVID from working long shifts indoors serving hundreds of students; dormitory cleaning staff that must clean spaces indoors among students where mask wearing is not required.). In addition to this, we urge the University to encourage all Fraternity and Sorority Governing Councils to implement actions to protect their housing and nutrition staff, and cover COVID related costs should workers fall sick. Put simply, no one should have to lose their life or fall critically ill from serving the University either from cleaning after their students or nourishing them.

President Ryan, we hope these asks do not come as surprises to you. As previously mentioned, many of the requests are work UVA has already been doing. We write to stress that UVA's role in our community has been critical already, and with the return of students' we expect no less from the University and in some areas, such as PPE or sick-leave, we have requested a doubling down or additional resources to ensure our community remains safe and healthy.

As the semester continues, we encourage UVA to continue their work with Charlottesville City Council and the Albemarle County Board of Supervisors to reach regional solutions for our broader community, essential workforce, University staff, and students (Residential Advisors).

Thank you for your time and we look forward to hearing back from the University about these commitments.

In pursuit of justice, we serve,



Shantell Bingham, Chair  
Human Rights Commission  
106 5th St NE, Charlottesville, VA 22902  
[shantellbingham@gmail.com](mailto:shantellbingham@gmail.com)



Sue Lewis, Vice- Chair  
Human Rights Commission  
106 5th St NE, Charlottesville, VA 22902  
[swlcville@gmail.com](mailto:swlcville@gmail.com)

Human Rights Commission  
Charlottesville Office of Human Rights  
106 5th St NE, Charlottesville, VA 22902

<sup>1</sup> Note: We understand the potential for increased staffing demands for inpatient care that might strain personnel resources for staffing testing events and conducting outreach in the community. We'd like to emphasize that the Health Department's efforts focusing their testing outreach in the surrounding counties has allowed UVA to focus more on Charlottesville and Albemarle and its critical to sustain this collaborative focus. <https://newsroom.uvahealth.com/2020/08/07/free-covid-19-community-testing-charlottesville/>

<sup>2</sup> Note: While we don't have access to the details, we acknowledge your steps to protecting frontline workers as indicated on your HR website, and encourage the University to communicate clearly and directly with all staff and the public the resources available to support them through this time. <https://hr.virginia.edu/covid-19>

# Attachment 5

**Human Rights Commission**  
**Legislative Recommendations to City Council**  
**2021 Legislative Session**

Pursuant to Sec. 2-433. (d) of the Charlottesville Human Rights Ordinance, it is the role of the Human Rights Commission to “make recommendations regarding the City’s annual legislative programs and policies that will address discrimination.” On September 17, 2020, the Human Rights Commission voted to adopt the following recommendations for consideration by City Council as it prepares its statement of legislative positions for the 2021 General Assembly session.

**Affordable Housing; Regulation of Development; Local Authority over Local Real Estate**

- Support state legislation that permits municipalities within the Commonwealth to enact, at their discretion, ordinances mandating that all property owners within the municipality register their rental properties with the local government for the purpose of ensuring access to safe, healthy, and affordable housing for city residents.
- Support state legislation that allows for long-term payback plans for tenants who are behind on rent, once the eviction moratorium ends.

**Criminal Justice Reform**

- Support state legislation to remove qualified immunity.
- Support state legislation for expungement of criminal records once a person is found guilty.

**Prosperity, Health, and Well-Being**

- Support state legislation that expands mental health resources and care.

# Attachment 6



## Human Rights Commission

### **Human Rights Commission Response to Letter Submitted on March 9, 2020**

by Legal Aid Justice Center, Public Housing Association or Residents,  
Virginia Organizing, Charlottesville Low-Income Housing Coalition, Black  
Lives Matter-Charlottesville, Standing Up for Racial Justice-Charlottesville &  
People's Coalition on Criminal Justice Reform

**September 18, 2020**

The Human Rights Commission invested time reviewing the letter, endorsed by the above organizations and groups, at several meetings including: June 11<sup>th</sup> ad hoc committee meeting, June 18<sup>th</sup> Human Rights Commission Meeting, July 2<sup>nd</sup> ad hoc committee meeting, July 16<sup>th</sup> Human Rights Commission Meeting, and August 20<sup>th</sup> Human Right Commission Meeting. The purpose of the two ad hoc committee meetings was to draft an agenda for a joint work session with City Council and the Human Right Commission, which we anticipated would occur on July 28<sup>th</sup>. A key focus for that meeting was to discuss the job description and hiring protocol for the Office of Human Rights (OHR) Manager/Human Rights Commission (HRC) Director. We also met with Assistant City Attorney, Allyson Davies for legal advice on our recommended changes to the position description and potential revisions to the Human Rights Ordinance.

#### **1. Hiring a Manager of the OHR/Director of the HRC who has legal and civil rights credentials and significant experience with human rights compliance;**

This suggestion was discussed and included in the proposed Office of Human Rights Director position description as follows:

##### **[EXCERPT]**

**Education:** Any combination of education and experience equivalent to a Master's degree from an accredited college with major work in Public Administration, Personnel Administration, Sociology, Psychology, Law, Law Enforcement, Mediation Training, Employment Investigation Training or related field. A Law degree is not required but preference will be given to applicants with work experience, training and/or education in the legal field.

**Experience:** A minimum of five years' experience in civil/human rights compliance, education, housing, employment, investigation, administration or other related field.



- 2. Revising the position description for the position of Manager/Director to include the skills necessary to direct, supervise and manage the mandated HRC task of conducting one major study of systemic discrimination per year and producing substantive policy recommendations to Council (We attach the original position description with some suggested modifications);**

This suggestion was discussed and included in the proposed Office of Human Rights Director position description as follows:

[EXCERPT]

**ESSENTIAL RESPONSIBILITIES AND DUTIES:**

- Provides strategic leadership and planning for the Office of Human Rights to promote equity and ensure human rights alignment within and across the City of Charlottesville.
- Administers and implements programs including discrimination prevention, education, voluntary compliance and outreach efforts to citizens, and community and business groups.
- Develops and disseminates human rights literature, reports, correspondence and memoranda to advance equity and human rights in our community.
- Interprets policy/procedures, and provides technical assistance and guidance to staff and volunteers; recommends alternative solutions to difficult negotiations.
- Researches and designs program evaluation criteria and methods; collects and reports performance measures for the Human Rights Office's programs.
- Prepares reports, correspondence, and memoranda including bi-annual reports to City Council.
- Conducts research on human rights issues and disseminates information to advance equity.

- 3. Changing the ordinance to direct the new Director of the OHR to work with the HRC to establish agreements with EEOC and HUD for workshare agreements (FEPA and FHAP) in order for the HRC/OHR to expand complaint investigations in housing and employment;**

This suggestion was discussed and included in the proposed Office of Human Rights Director position description as follows:

[EXCERPT]

**ESSENTIAL RESPONSIBILITIES AND DUTIES:**

- Develops partnerships that identify and address issues of discrimination on the basis of race, color, sex, religion, national origin, marital status, handicap, gender identity, sexual orientation, and/or age. This may include workshare agreements such as FEPA agreements with Equal Employment Opportunity Commission (EEOC) and FHAP agreements with the Department of Housing and Urban Development (HUD).

Regarding amendments to the Human Rights Ordinance:

- The HRC/OHR can enter into workshare agreements without any stipulations made to this effect in the Human Rights Ordinance.
- Amending the ordinance to specify into which agreements the HRC/OHR must enter is not legally advisable, as it binds the HRC/OHR to these particular agreements to the exclusion of others, thereby potentially limiting the HRC/OHR's enforcement authority,

should any changes occur that make these agreements unworkable or no longer the ideal enforcement mechanism.

- Furthermore, the HRC/OHR cannot enter into any workshare agreements without sufficient staff, or the budget to contract with such staff, to fulfill the obligations of intake counseling, investigation, determination, administration, and enforcement.
- Additionally, the Mayor has indicated that the hiring of a Deputy City Manager to oversee the HRC/OHR, the Office of Equity, Diversity, and Inclusion, the Police Civilian Review Board, the Department of Human Services, and the Department of Social Services is a pre-requisite to hiring an HRC Director/OHR Manager. This new Deputy City Manager will have the authority to oversee the hire of OHR staff and to guide the future path of the HRC/OHR.

**4. Reduce the HRC membership back to 7 or 9 by using a first in, first out format for reducing its size for effective deliberation and action;**

As a Commission we discussed the recommendation on a few occasions. As a starting point, we agreed to check in with current Commission members with sporadic attendance to determine if they are able to maintain an active presence on the Commission.

The conversation highlighted the importance of maintaining a robust and active commission and to continue to utilize ad hoc committees for specific areas that needed focused attention.

On September 17, 2020, the HRC voted to adopt a proposed revision to the Human Rights Ordinance setting an upper limit of 15 members. This is proposed revision will be reviewed by the City Attorney's Office along with a host of other proposed revisions before being taken to Council for consideration.

**5. Requiring that 4 HRC commissioners have subject-matter expertise in housing, health, employment, education and that at least 2 commissioners be from organizations representing citizens from historically marginalized communities affected by housing and employment discrimination;**

We discussed this recommendation but did not come to a vote or consensus. Currently, the recommendation is to highlight specific areas of expertise that are needed on the Commission in the application process, but not to specify a particular seat. Each of the areas recommended received support for consideration and representation.

**6. Moving the OHR Director/HRC functions related to discrimination complaint compliance and major systemic studies of discrimination into the City Attorney's Office with direct oversight by Council;**

We explored this recommendation. While the HRC was in favor of the idea to separate the Human Rights Commission from reporting directly to the City Manager for potential conflict of interest reasons, we learned through Allyson Davies that we are not permitted to make this change.

An Ordinance ad hoc committee was formed to review the ordinance and make recommendations regarding the proposed inclusion of major systemic studies of discrimination and other suggestions.

**7. Designating a Council liaison to the HRC;**

The Commission discussed this recommendation and was in favor of its implementation. We discussed this with Councilor McGill and this issue is being addressed by the Ordinance ad hoc committee.

**8. Modifying the ordinance to mandate the chair of the HRC report directly to Council every quarter on progress related to systematic studies of discrimination;**

The Commission discussed this recommendation and overall was in favor of its implementation. This issue is being explored further by the Ordinance ad hoc committee.

**9. Modifying the current ordinance and bylaws of the OHR/HRC to reflect the changes specified above.**

As noted above, the Commission formed an Ordinance ad hoc committee that is charged with exploring changes with the City Attorney's office and returning to the full committee with recommendations.

# Attachment 7

**RESOLUTION TO ADVOCATE FOR A LOCAL MORATORIUM ON EVICTIONS**  
**CHARLOTTESVILLE HUMAN RIGHTS COMMISSION**  
**RESOLUTION #: HR20-1**

**WHEREAS**, the Charlottesville Human Rights Commission, hereinafter “the Commission,” acts as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights (City code Article XV. Sec. 2-433.); and

**WHEREAS**, the Charlottesville Human Rights Ordinance identifies housing as a protected activity (City code Article XV. Sec. 2-431a.); and

**WHEREAS**, the Charlottesville Human Rights Ordinance identifies age, disability, marital status, national origin, pregnancy/childbirth, race/skin color, religion, and sex as protected classes (City code Article XV. Sec. 2-431a.); and

**WHEREAS**, people with disabilities are disproportionately more likely to live in poverty, and people aged 65 or older make up the largest percentage of the disabled population (Thomas Jefferson Area Planning District Commission Draft Analysis to Impediments to Fair Housing Choice, January 17, 2019); and

**WHEREAS**, low-income African American and Hispanic households bear a disproportionate share of the cost burden of the lack of affordable housing (City of Charlottesville Housing Needs Assessment Socioeconomic and Housing Market Analysis, April 4, 2018); and

**WHEREAS**, the average cost of rental housing in the City of Charlottesville is \$1,384 (City of Charlottesville Housing Needs Assessment Socioeconomic and Housing Market Analysis, April 4, 2018); and

**WHEREAS**, for a family of three at 30 percent of AMI (roughly \$20,700) affordable rent would be \$520 per month, including utilities (City of Charlottesville Housing Needs Assessment Socioeconomic and Housing Market Analysis, April 4, 2018); and

**WHEREAS**, Charlottesville is home to an estimated 811 extremely low-income (less than 30 percent AMI) non-student renter households, 115 individuals in emergency shelters, and 23 unsheltered individuals (City of Charlottesville Housing Needs Assessment Socioeconomic and Housing Market Analysis, April 4, 2018); and

**WHEREAS**, on March 11, 2020, the World Health Organization declared the outbreak of the novel coronavirus, SARS-CoV-2, and the disease it causes, commonly referred to as COVID-19, a pandemic (for reference in this ordinance, this virus and the disease that it causes are referred to as “COVID-19”); and

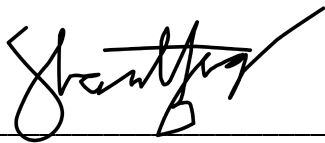
**WHEREAS**, City Manager and Director of Emergency Management, Dr. Tarron J. Richardson, declared the potential spread of COVID-19 an emergency on March 12, 2020 pursuant to a Resolution adopted by the Charlottesville City Council; and

**WHEREAS**, also on March 12, 2020, Governor Ralph S. Northam issued Executive Order Number Fifty-One (“EO 51”) declaring a state of emergency for the Commonwealth of Virginia because of the COVID-19 pandemic; EO 51 acknowledged the existence of a public health emergency arising from the COVID-19 pandemic and that it constitutes a “disaster” as defined by Virginia Code § 44-146.16 because of the public health threat presented by a communicable disease anticipated to spread; and

**WHEREAS**, on August 7, 2020, the Supreme Court of Virginia issued an amendment of the eighth order extending declaration of Judicial Emergency in response to COVID-19, specifying that, effective August 10, 2020, and through September 7, 2020, pursuant to Va. Code § 17.1-330, the issuance of writs of eviction pursuant to unlawful detainer actions is suspended and continued.

**BE IT RESOLVED** that the Commission hereby advocates and respectfully requests that City Council take all available action within their legal authority to promote a continued moratorium on evictions resulting from the detrimental impacts of COVID-19 on the local economy.

Dated this \_\_\_30\_\_\_ of \_\_\_October\_\_\_, 2020.



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Shantell Bingham, Chair, Human Rights Commission

# Attachment 8

**RESOLUTION TO REMOVE A COMMISSIONER FOR GOOD CAUSE**  
**CHARLOTTESVILLE HUMAN RIGHTS COMMISSION**  
**RESOLUTION #: HR20-2**

**WHEREAS**, the role of the Charlottesville Human Rights Commission, hereinafter "the Commission," is to act as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights (City code Article XV. Sec. 2-433.); and

**WHEREAS**, the Charlottesville Human Rights Ordinance, hereinafter "the Ordinance," prohibits discrimination in housing, employment, public accommodations, credit, and education on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status or disability (City code Article XV. Sec. 2-431. (a)); and

**WHEREAS**, the term "discrimination on the basis of sex," as used within the Ordinance, is defined to include, but not be limited to discrimination on the basis of gender identity, transgender status or sexual orientation (City Code Article XV. Sec. 2-431. (b)); and

**WHEREAS**, it is the duty and responsibility of the Human Rights Commission to promote mutual understanding, reconciliation and respect between all classes of individuals protected by this ordinance and the larger Charlottesville community (City Code Article XV. Sec. 2-434. (b)); and

**WHEREAS**, it is harmful to and undermines public trust in the Commission, and is considered good cause for Commissioner removal, when an individual Commissioner engages in activities that promote intolerance of and/or unlawful discrimination against people who self-identify as members, or are perceived to be members, of the protected classes named in Sec. 2-431 of the Ordinance; and

**WHEREAS**, following notice to the member, any member of the Commission may be removed for good cause by a majority vote of City Council as per Sec. 2-432. (a) of the Ordinance.

**BE IT RESOLVED** that in the event that a member of the Commission is believed by the Commission to be engaged in activities that are harmful to the Commission and undermine public trust in the Commission and its duties and responsibilities, the Commission will:

- (a) Conduct an immediate review into the alleged activities to determine the facts of the matter. This review may be guided by an ad-hoc committee of no fewer than 2 persons; and
- (b) Upon the order of a review, suspend the Commissioner's participation in any further official actions of the Commission while the review is ongoing; and
- (c) Upon conclusion of the review, provide a written summary of the facts and a recommendation to City Council if the Commission believes there is need for further action, including whether there is good cause for removal or whether the individual will receive a reprimand from the Commission.

Dated this 29<sup>th</sup> of January, 2021.

  
\_\_\_\_\_  
Mary Bauer, Chair, Human Rights Commission



# Attachment 9

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



<b>Agenda Date:</b>	City Council Meeting date at which Agenda Item will be considered
<b>Action Required:</b>	Review the recommended amendments to the Human Rights Ordinance Adopted by the Human Rights Commission and approve the amendments or provide feedback for further revision.
<b>Presenter:</b>	Shantell Bingham Chair Charlottesville Human Rights Commission
<b>Staff Contacts:</b>	Todd Niemeier Community Outreach and Investigation Specialist Interim Director, Human Rights Commission Interim Manager, Office of Human Rights
<b>Title:</b>	<b>Human Rights Ordinance Recommended Amendments</b>

**Background:**

City Council approved the current Charlottesville Human Rights Ordinance (Chapter 2, Article XV of the Code of the City of Charlottesville) on May 20, 2013. The Charlottesville Human Rights Commission (HRC) has adopted several amendments to the Human Rights Ordinance (hereafter the Ordinance) for consideration and approval by City Council. The adopted amendments mirror recent changes in state statutes, provide clarification regarding the investigation and issuance of findings pertaining to individual complaints of discrimination, and ensure that the Ordinance is better aligned with City Council's Vision and Strategic Plan.

**Discussion:**

During regular publicly noticed meetings in 2019 and 2020, the HRC considered public feedback regarding the effectiveness of the HRC and the Office of Human Rights (OHR) in addressing individual complaints of discrimination and systemic issues of discrimination. At its regular meeting on July 16, 2020, the HRC Chair recommended the formation of an ad hoc committee to work with the City Attorney's Office and OHR staff to draft amendments to the Ordinance aimed at addressing some of the publicly raised concerns and recent changes in state law. The ad hoc committee met with the Assistant City Attorney and OHR staff on August 4, September 8, and October 6, 2020, to discuss and draft revised Ordinance language for presentation to the full HRC. This committee consisted of only two HRC Commissioners, and the meetings were not publicly-noticed, to conform with Council's order that Commissions hold no more than one publicly-noticed meeting per month. The Assistant City Attorney reviewed all draft Ordinance language for legality and alignment with state law, prior to presentation to the HRC for discussion. The ad hoc committee presented the draft Ordinance amendments to the HRC during the publicly noticed regular meetings on September 17, and October 15, 2020. During these meetings, the HRC discussed, and voted to adopt, the proposed amendments included in the attached copy of the Ordinance. OHR staff submitted the attached copy

of the Ordinance, containing the amendments adopted by the HRC, for final review by the City Attorney on October 30, 2020. If City Council approves the recommended revisions to the Ordinance, the HRC and OHR will develop a public outreach plan to raise awareness of the changes and how they might impact the local population.

**Alignment with City Council's Vision and Strategic Plan:**

The Ordinance amendments, adopted by the HRC and recommended to City Council for approval, align with Council's vision of the City as a leader in social justice and healthy race relations, and a City that is flexible and progressive in anticipating and responding to the needs of our citizens. Additionally, the adopted amendments align with the following Goals and Objectives within the Strategic Plan:

- Goal 1: Inclusive, Self-Sufficient Community
  - Objective 1.3: Increase affordable housing options
    - The amended Ordinance contains language that increases protections against housing discrimination, enabled by recent changes to the Virginia Fair Housing Law (Virginia Code Title 36, Chapter 5.1)
      - Relevant amended Ordinance sections
        - Sec. 2-431 (a)
        - Sec. 2-431 (b)
        - Sec. 2-431 (c)
        - Sec. 2-431 (d)
        - Sec. 2-437 (b)
  - Objective 1.5: Intentionally address issues of race and equity
    - The amended Ordinance contains language that increases protections against discrimination within all of the protected activities and protected classes, enabled by recent changes to the Virginia Human Rights Act (Virginia Code Title 2.2, Chapter 39), the Virginia Fair Housing Law (Virginia code Title 36, Chapter 5.1), and Virginia Code, Title 15.2, Chapter 9, §15.2-965.
      - Relevant amended Ordinance sections
        - Sec. 2-431 (a)
        - Sec. 2-431 (b)
        - Sec. 2-431 (c)
        - Sec. 2-431 (d)
        - Sec. 2-437 (b)
- Goal 5: Responsive Organization
  - Objective 5.3: Provide responsive customer service
    - The amended Ordinance contains revisions that:
      - Allow more diversity and inclusiveness within the body of the HRC;
        - Sec. 2-432 (a)
      - Prioritize assistance to individuals who believe they are the victim of unlawful discrimination;
        - Sec. 2-433 (a)
        - Sec, 2-433 (c)
      - Maximize the jurisdiction of the OHR (concurrent with state and federal law);
        - Sec. 2-431 (a)
        - Sec. 2-431 (b)

- Sec. 2-431 (c)
- Sec. 2-431 (d)
- Sec. 2-437 (b)
- Clarify the process for investigation and issuance of findings regarding individual complaints of discrimination; and
  - Sec. 2-437 (b)
  - Sec. 2-437 (c)
  - Sec. 2-437 (d)
  - Sec. 2-437 (f)
- Adopt LGBTQ+ inclusive pronouns throughout the Ordinance.
  - Sec. 2-437 (c)
  - Sec. 2-439.1 (f)
  - Sec. 2-439.1 (g)

**Community Engagement:**

On March 9, 2020, the HRC received a copy of a letter sent to City Council and the City Manager from Mr. Walt Heinecke, and endorsed by several local social justice advocacy groups, outlining nine suggestions for the restructuring of the HRC and OHR. Mr. Heinecke also shared public comment regarding the letter of suggestions during HRC regular meetings on June 18, August 20, and September 17, 2020. As noted in the “Discussion” section, the HRC discussed feedback from the public relating to the Ordinance revisions at several of its regular meetings during 2019 and 2020. All regular meetings of the HRC are open to the public. OHR staff posts public notice of all regular meetings on the City website calendar. All of the agendas, agenda packets, and minutes are available to the public via the City website. A draft of the revised Ordinance, which includes all of the amendments adopted by the HRC, is included in the draft minutes of the HRC regular meeting on October 15, 2020, which are posted on the City website.

**Budgetary Impact:**

Council’s approval of the amended Ordinance has no immediate fiscal impacts. The FY20 Budget includes funding for the current vacant position of OHR Manager/HRC Director. This position, if filled, would better equip the OHR and HRC to handle individual complaints of discrimination.

**Recommendation:**

The HRC recommends approval of the adopted amendments to the Human Rights Ordinance. OHR staff concurs with the HRC recommendation.

**Alternatives:**

If Council chooses not to approve the amendments to the Ordinance adopted by the HRC, the enforcement authority of the OHR and HRC will be less robust than what is allowable under current state laws that address illegal discrimination. As a result, citizens seeking assistance with individual complaints of discrimination that would have been covered by the proposed amendments will necessarily be referred to other, potentially non-local, agencies.

The HRC respectfully requests a written response from Council detailing the reasons for the complete or partial disapproval of any of the proposed amendments so that it may attempt to revise the Ordinance language for future consideration by Council.

**Attachments:**

Attached please find a copy of the Charlottesville Human Rights Ordinance containing the amendments adopted by the HRC for recommendation to Council for approval.

**KEY TO EDITS**

**Red strike-through:** Text to be changed or removed.

**Blue:** New text.

(Note: some of the sub-heading labels may be red or blue, this may not reflect a change but rather the default formatting of Microsoft Word).

**AN ORDINANCE AMENDING AND REORDAINING CHAPTER 2  
(ADMINISTRATION) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990),  
AS AMENDED, BY ADDING A NEW ARTICLE XV ENTITLED HUMAN RIGHTS.**

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia that Chapter 2 of the Code of the City of Charlottesville (1990), as amended, is hereby amended and reordained by adding a new Article XV entitled Human Rights, which Article shall read as follows:

**Article XV. Human Rights**

**Sec. 2-430. Short title.**

This Article shall be known and referred to as the Charlottesville Human Rights Ordinance.

**Sec. 2-431. Unlawful discrimination prohibited.**

(a) It shall be unlawful and a violation of this article for any person, partnership, corporation or other entity to engage in discrimination in ~~housing,~~ employment, public accommodations, credit, and private education on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, ~~pregnancy, childbirth or related medical conditions, national origin, age, marital status,~~ status as a veteran, or disability.

(b) It shall be unlawful and a violation of this article for any person, partnership, corporation or other entity to engage in discrimination in housing on the basis of race, color, religion, national origin, sex, elderliness, familial status, source of funds, sexual orientation, gender identity, status as a veteran, or disability.

(c) ~~As used herein, the term “discrimination on the basis of sex” is defined to include, but not be limited to, discrimination on the basis of gender identity, transgender status or sexual orientation.~~ As used in herein, the term "gender identity" means the gender-related identity, appearance, or other gender-related characteristics of an individual, without regard to the individual's designated sex at birth.

(d) As used herein, the term “source of funds” means any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity.

(e) As used herein, the term “unlawful discriminatory practice” includes conduct in violation of any comparable Virginia or federal statute or regulation governing unlawful discrimination.

### **Sec. 2-432. Human Rights Commission.**

(a) There is hereby created in the City of Charlottesville a Human Rights Commission, consisting of no less than nine (9) and not more than fifteen (15) members appointed by the City Council. The Commission membership shall be broadly representative of the City’s ~~population~~ demographic composition, with consideration of racial, gender (including gender identity, transgender status, and sexual orientation), religious, ethnic, disabled, socio-economic, geographic neighborhood and age groups ~~within the City;~~ with priority given to City residents, as well as to applicants with demonstrable ties to the City. Of the members first appointed, at least three shall be appointed for terms of three years, at least three shall be appointed for terms of two years, and at least three shall be appointed for terms of one year. Thereafter members shall be appointed for terms of three years each. Any vacancy shall be filled by the City Council for the unexpired portion of a term. Following notice to the member, any member of the Commission may be removed for good cause by a majority vote of City Council.

(b) The Commission shall elect from its members a chair, a vice-chair, and such other officers as the Commission may deem appropriate. The Commission may also adopt rules and procedures to govern the conduct of its affairs.

(c) Members of the Commission shall serve without compensation, but funds may be appropriated in the City’s annual budget for reasonable and necessary expenses to be incurred by Commission in the conduct of its prescribed functions.

(d) All meetings of the Commission shall be advertised in advance and in the manner required by law, and shall be open to the public except for meetings lawfully closed pursuant to the Virginia Freedom of Information Act. At the beginning and at the end of each of its public meetings the Commission will receive public comment in accordance with City Council’s “Rules for Public Participation”.

(e) The Commission may, in its discretion, delegate any of its duties or responsibilities hereunder to a panel of not less than three Commissioners.

(f) There shall be a full-time Director of the Commission, who shall be appointed by the City Manager with the advice and consent of the Commission and who shall serve full time in that capacity. The Director will be responsible for and report to the Commission in the day-to-day operational conduct of the Commission’s activities. The Director shall report directly to the City Manager for administrative and fiscal matters. The City Manager shall delegate to the Director the authority to employ such additional staff as authorized and funded by the City Council, in order for the Commission to fulfill effectively its obligations under this Ordinance.

(g) All City departments, boards and commissions shall cooperate with and provide assistance to the Commission, including the provision of information in response to reasonable requests from the Commission.

(h) Legal counsel shall be provided to the Commission and its staff through the Office of the City Attorney. The City Council may authorize retention of outside counsel where deemed appropriate upon recommendation of the City Attorney.

**Sec. 2-433. Role of the Human Rights Commission.**

The role of the Human Rights Commission is to act as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights. The Commission will:

(a) Assist individuals who believe they are the victim of an act of unlawful discrimination within the City; ~~Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues;~~

(b) Collaborate with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination citywide;

(c) Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues; ~~Assist individuals who believe they are the victim of an act of unlawful discrimination within the City;~~

(d) Make recommendations regarding the City’s annual legislative program, with an emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination;

**Sec. 2-434. Duties and responsibilities – Community dialogue and engagement.**

(a) The Commission will serve as a forum for the discussion of human rights issues, and be responsible for conducting ongoing efforts to engage community members in an open, honest and creative dialogue regarding issues of equity and opportunity, including but not limited to issues considered by the City’s Dialogue on Race initiative.

(b) The Commission may conduct or engage in educational and informational programs for the promotion of mutual understanding, reconciliation and respect between all classes of individuals protected by this ordinance and the larger Charlottesville community.

**Sec. 2-435. Duties and responsibilities – Systemic issues.**

(a) The Commission will be responsible for identifying and reviewing policies, practices and systems of an institutional nature that:

(1) May be unlawful discriminatory practices; or,

(2) May not constitute unlawful discriminatory be practices but nevertheless which produce disparities that adversely impact affect individuals on the basis of a status such as their race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, criminal record, income or disability.

(b) Any review undertaken pursuant to this section may be initiated at the request of any other public or private entity, or by the Commission on its own initiative.

(c) The Commission may conduct its own research and review of existing studies and literature, collaborate with other research organizations, organize public focus groups and hold such hearings as may be necessary to identify policies, practices and systems as referenced in (a), above. For each such identified policy, practice or system, the goal of the Commission will be to



formulate recommendations and to propose concrete, actionable reforms that will eliminate discriminatory practices or the adverse effects of lawful other practices.

**Sec. 2-436. Reserved.**

**Sec. 2-437. Duties and responsibilities – Investigation of individual complaints and issuance of findings.**

(a) The Director will develop and implement a central intake mechanism for receiving and processing individual complaints that allege an unlawful discriminatory practice in the City.

~~(b) In cases where investigation and remediation are already available in the City, such as employment discrimination complaints within the jurisdiction of the Equal Employment Opportunity Commission (“EEOC”) or fair housing complaints addressed by the Piedmont Housing Alliance, the complaint will be referred to that agency so that investigation and enforcement may be initiated by those bodies, which will offer services in the City and, to the extent allowed by law, report their findings to the Commission.~~ For complaints alleging an unlawful discriminatory practice within the enforcement jurisdiction of the City, defined herein as within the corporate limits of the City and as authorized by state and federal statutes, the Director or other designated professional staff are authorized to undertake further action as detailed in **Sec. 2-437 (c)**. For complaints alleging an unlawful discriminatory practice that falls outside the jurisdiction of the City, the Director or other designated professional staff will refer the complaint to the appropriate state or federal agency.

~~(c) For all other complaints alleging an~~ Upon determination that an alleged unlawful discriminatory practice falls within the enforcement jurisdiction of the City, ~~as defined herein within the corporate limits of the City,~~ the Director or other designated professional staff will conduct, as authorized by this ordinance, an initial fact-finding inquiry to determine jurisdiction. ~~fact finding, mediation, conciliation, and, if necessary, full investigation of the complaint as he or she deems appropriate to ascertain the facts underlying the charge of discrimination, provided that the~~ The complaint may be dismissed by the Director without further action ~~investigation~~ if it fails to adequately allege a violation of this ordinance or is otherwise deficient on its face. ~~If~~ Following the initial fact-finding inquiry, if the complaint is not dismissed, and the Complainant wishes to pursue further action, the Director will serve a copy on each respondent named therein. Said copy shall specify the allegation, citing the evidence that supports further action, and indicating the action to be taken. Further action, as authorized by this ordinance, may include mediation, conciliation, and formal investigation of the complaint, as deemed appropriate by the Director. Upon completion of a formal ~~the initial~~ investigation, the Director shall render a written determination of whether there is probable cause to believe a violation of this ordinance has occurred, and the facts supporting such determination. The written determination shall promptly be served on the parties.

(d) If the Director determines that further action is appropriate ~~that there is probable cause to believe a violation has occurred,~~ the Director will propose an initial meeting between the parties for the purpose of exploring a resolution of the complaint through voluntary mediation or other informal means. Nothing herein shall be interpreted as requiring any party to participate in mediation or any other conciliatory efforts. Materials used and communications made during a mediation or informal conciliation shall be confidential, and shall not be disclosed to the public by the Director, the Commission or its staff unless disclosure is authorized in writing by all parties to the dispute.

(e) If the mediation or conciliation is concluded to the satisfaction of both parties, the complaint will be considered resolved upon the parties' execution of a written conciliation or settlement agreement. Unless all parties agree otherwise, the execution of a written agreement is solely for the purpose of settling a disputed claim, and does not constitute an admission by any party that the law has been violated. No further action on the initial complaint will be taken by the Commission or its staff once the agreement is executed.

(f) If mediation or conciliation is not successful, and the Complainant wishes to pursue further action, the Director or designee may conduct ~~further~~ a formal investigation for the purpose of rendering a written determination as to whether there is probable cause to believe a violation of this ordinance occurred, and the facts supporting such determination. ~~or~~, If further investigation is not warranted, the Director may ~~either~~ dismiss the complaint as not constituting a violation. ~~or~~ After a written determination has been served on both parties, the Director may either close the case or proceed with the preparation of materials for consideration by the Commission, as provided in section 2-439.1 (b).

(g) In order to fulfill the requirements of this section, the City Manager is authorized to contract on behalf of the City with any objective, neutral third party qualified to assess allegations of discriminatory conduct as prohibited in section 2-431, for the purpose of receiving complaints, conducting investigations, rendering written determinations of whether there is probable cause to believe a violation of this ordinance has occurred, conducting mediations or conciliations of complaints and advising the Director of the Commission of the results of any investigation, mediation or conciliation of complaints.

#### **Sec. 2-438. Reserved.**

#### **Sec. 2-439.1. Enforcement authority – The role of the Commission.**

(a) If the Director determines that there is insufficient probable cause to believe a violation of this ordinance has occurred, the Director shall dismiss the complaint and advise the complainant in writing that such dismissal shall become final unless, within ten (10) business days of receipt of notice of the dismissal, the complainant files with the Commission a request for a review of the determination of the Director. On written petition of the complainant the Commission may review the Director's conclusion, and may either overrule or affirm the finding of no probable cause. The parties may submit such additional information as they desire for the Commission's consideration. If the Commission determines that probable cause exists, it shall direct the Director to continue the investigation or proceed with conciliation efforts.

(b) If the Director determines that probable cause to believe a violation did occur and either party declines to participate in mediation or other informal means of resolving the complaint, or if such efforts are attempted but unsuccessful, the Director shall prepare a written summary of the evidence on which the determination of probable cause is based, and shall recommend appropriate remedies for the discriminatory actions in a report to the Commission. The Commission shall determine by majority vote whether to hold a public hearing on the complaint. The Commission shall base its determination on its judgment as to how enforcement of this ordinance would be best served. If the Commission determines not to hold a public hearing, it shall either dismiss the complaint or take such action as it deems appropriate and consistent with the purposes of this ordinance and the powers of the Commission hereunder.

(c) If a hearing is to be held, the Commission shall promptly notify the parties of the

time, date and location of the hearing and serve upon them a statement of the charges against the respondent, the Director's summary of the evidence and recommended remedies, and the issues to be considered at the hearing. The Commission will have the option to consider all of the allegations and issues set forth in the complaint or, in its discretion, may limit the scope of the hearing to one or more of the allegations or issues. The notice and statement shall be served no later than 14 days prior to the date of the hearing. Hearings of the Commission may be held before the entire Commission or before designated hearing panels, consisting of three or more members of the Commission, as the Commission in its discretion may determine. The Chair or a Commissioner designated by the Chair shall preside over the public hearing, which shall be open to the public.

(d) Whenever the Commission has reasonable cause to believe that any person has engaged in or is engaging in any unlawful discriminatory practice, and the Commission, after a good faith effort to obtain the data and information necessary to determine whether a violation has occurred, has been unable to obtain such information, it may request the City Attorney to apply to the judge of the circuit court of the jurisdiction in which the respondent resides or is doing business for a subpoena *duces tecum* against any person refusing to produce such data and information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. For purposes of this section, "person" includes any individual, partnership, corporation, association, legal representative, mutual company, joint stock company, trust, unincorporated organization, employee, employer, employment agency, labor organization, joint labor-management committee, or an agent thereof.

(e) In cases to be heard by the Commission the complainant and the responding parties shall be entitled:

- (1) To file written statements or arguments with the Commission prior to the hearing;
- (2) To be represented by privately retained counsel of his or her choice;
- (3) To present his or her case or defense by oral or documentary evidence, to be given under oath or by affirmation;
- (4) To submit rebuttal evidence; and
- (5) To conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received, but the Commission as a matter of policy shall provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence. The Commission shall not be bound by the strict rules of evidence prevailing in the courts of law or equity.

(f) The Director shall be responsible for assuring the development of the evidentiary record before the Commission and may introduce evidence, examine or cross-examine witnesses, or make argument if ~~he or she~~ **they** deems it advisable in order to fully apprise the Commission of the facts or the applicable law. The Commission shall keep a full record of the hearing, which record shall be public and open to inspection by any person unless otherwise provided by any applicable law or regulations. Any party may request that the Commission furnish such party a copy of the hearing record and shall reimburse the Commission for the cost of producing the copy. In matters where any party is represented by counsel, the office of the City Attorney shall

provide an attorney as counsel to the Commission who will also assist the Director in preparing the case.

(g) If, after the hearing, the Commission determines by a preponderance of the evidence that the respondent has committed or is committing the alleged violation(s) of this ordinance, the Commission shall state its findings and may issue recommendations, to be served promptly on the parties, which recommendations may include notice to the respondent to cease and desist from such violation(s) and to take such action as may be authorized by law to effectuate the purpose of this ordinance, including but not limited to the payment by respondent of compensatory damages to any person or persons found by the Commission to be so entitled by reason of the violation(s) of this ordinance, or the placement or restoration of any person in or to such status in which the Commission finds ~~he or she~~ they would be but for respondent's violation(s) of this ordinance.

(h) If, after receiving the evidence presented at the hearing, the Commission finds that the respondent has not engaged in the alleged violation(s) of this ordinance, the Commission shall state its findings and shall dismiss the complaint. Prompt notice of such action shall be given to the parties.

(i) Nothing herein shall be construed as authorizing the Commission to issue subpoenas, award damages or grant injunctive relief.

#### **Sec. 2-439.2. Enforcement authority – Court enforcement.**

(a) If the Commission finds that a respondent has committed a violation of this ordinance and determines that appropriate remedial measures have not been taken, the Commission, through the City Attorney, and subject to approval by the City Council, may file an appropriate action in any court of competent jurisdiction to prove, *de novo*, that the respondent violated this chapter; secure compliance with this chapter; and/or obtain appropriate relief available under any applicable federal or state statute or regulation including, but not limited to an award of injunctive relief, compensatory and / or punitive damages and a recovery of costs and attorney's fees for any person, including the City, injured as a result of a violation of this chapter.

(b) If the City Council approves the institution of any proceeding in court, the proceeding shall be brought in the name of the City Council and the Human Rights Commission of the City of Charlottesville.

#### **Sec. 2-440. Confidentiality.**

It shall be unlawful for any Commissioner, officer, employee, contractor or staff member of the Commission to disclose or make public any complaints, investigative notes, or other correspondence and information furnished to the Commission or its staff in confidence with respect to a complaint, an investigation or conciliation process involving an alleged unlawful discriminatory practice. A violation of this section shall be a Class 3 misdemeanor.

#### **Sec. 2-441. Annual Report.**

The Commission shall make an annual comprehensive report to City Council that outlines its efforts during the preceding year in the areas of identifying and addressing systemic or institutional discrimination; processing individual complaints of unlawful discrimination; and facilitating a community dialogue regarding issues of human rights. The report shall also outline

the Commission's work plan for the ensuing year, which shall be subject to approval or modification by City Council.

**Sec. 2-442. Severability.**

The provisions of the Article are severable; and if any provision, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Article, or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Article would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the chapter or any part thereof is inapplicable had been specifically exempted therefrom.

**Sec. 2-443. Reserved.**

~~Approved by Council  
May 20, 2013~~

Clerk of Council

# Attachment 10

**2020 Charlottesville Office of Human Rights Data Dictionary**  
**Revised 08/01/2020**

<b>Term</b>	<b>Definition</b>
<b>Appointment Set-up</b>	A contact involving the scheduling of an appointment with the Office of Human Rights.
<b>Clerical Assistance</b>	Any activity involving creating documents or other materials on behalf or at the request of the client.
<b>Client Follow-up</b>	An incoming contact from an individual who has an open inquiry or complaint.
<b>Closed Complaint</b>	A complaint that is no longer being addressed by the Office of Human Rights. An inquiry may close due to the case being resolved to the client's satisfaction, the referral of the client to another agency that can better serve them, or because the client chooses not to pursue the case further.
<b>Closed Inquiry</b>	An inquiry that is no longer being addressed by the Office of Human Rights. An inquiry may close due to the case being resolved to the client's satisfaction, the referral of the client to another agency that can better serve them, or because the client chooses not to pursue the case further.
<b>Complaint</b>	An incoming contact in which an individual wishes to pursue action regarding an allegation of discrimination that falls within the jurisdiction of the Office of Human Rights, as defined by the Charlottesville Human Rights Ordinance.
<b>Contact</b>	All walk-ins, appointments, phone calls, text messages, and emails with individuals.
<b>Counseling</b>	Assistance provided to the client regarding available courses of action to address a concern.
<b>Dismissed Complaint</b>	A complaint that has been closed by staff due to the case being outside the jurisdiction of the Office of Human Rights or because the client has ceased responding to attempted follow-up by staff.
<b>Dismissed Inquiry</b>	An inquiry that has been closed by staff due to the case being outside the jurisdiction of the Office of Human Rights or because the client has ceased responding to attempted follow-up by staff.
<b>General Contact</b>	An incoming contact that involves outreach coordination, event planning, volunteer coordination, or general information.
<b>Incoming Contact</b>	Any walk-in, appointment, phone call, text message, or email from an individual seeking assistance from the Office of Human Rights.

Term	Definition
<b>Information</b>	A contact in which staff answers questions of a general nature or provides information regarding services, events, or programs.
<b>Inquiry</b>	An incoming contact involving services provided to an individual by the Office of Human Rights <i>and/or</i> an individual allegation of discrimination that falls outside the jurisdiction of the office, as defined by the Charlottesville Human Rights Ordinance.
<b>Investigation Activity</b>	Any activity associated with the formal investigation of a complaint.
<b>Mediation Related Services</b>	Any activity associated with the request for or coordination of mediation services, as provided by a licensed third party mediator, in conjunction with a complaint.
<b>Open Complaint</b>	A complaint that is still being addressed by the Office of Human Rights.
<b>Open Inquiry</b>	An inquiry that is still being addressed by the Office of Human Rights.
<b>Outgoing Contact</b>	All service-related contacts initiated by Office of Human Rights staff.
<b>Outreach Coordination</b>	Any service related to community outreach regarding service provision, education & awareness, or facilitation & leadership.
<b>Protected Activity</b>	An activity of daily life in which a person who identifies as a member of a protected class can participate without fear of discrimination. The Charlottesville Human Rights Ordinance lists the following activities as protected: housing, employment, public accommodations, credit, and education.
<b>Protected Class</b>	A group of people with a common characteristic who are protected from discrimination on the basis of the characteristic when participating in a protected activity. The Charlottesville Human Rights Ordinance lists the following classes as protected: race, color, religion, sex (to include, but not be limited to, gender identity, transgender status, or sexual orientation), pregnancy, childbirth or related medical conditions, national origin, age, marital status, or disability.
<b>Public Hearing</b>	A service provided by the Human Rights Commission and coordinated by the Office of Human Rights, as specified by the Charlottesville Human Rights Ordinance, involving the recommendation of remedies related to a determination of probable cause resulting from the formal investigation of a complaint.



<b>Term</b>	<b>Definition</b>
<b>Referral</b>	A recommendation staff for the client to contact another agency in order to address a concern raised in an inquiry or complaint.
<b>Staff Follow-up</b>	An outgoing contact in which staff communicates with an individual who has previously contacted the office.
<b>Third Party Incoming Contact</b>	An incoming contact with a person who is a third party to an individual directed involved with an inquiry or complaint.
<b>Third Party Outgoing Contact</b>	An outgoing contact with a person who is a third party to an individual directed involved with an inquiry or complaint. The person directly involved must give verbal or written consent for staff to initiate a third party outgoing contact.

# Attachment 11

## CY2020 OHR Service Data

\*The OHR was physically closed from March 16, 2020 through the end of the year due to the COVID-19 pandemic, but the “open office days” figure is included for reference to show the average number of incoming contacts per day had the office been open the typical number of days in a given month.

Measures	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTALS
<i>Open office days in the month*</i>	22	20	21	22	23	20	22	22	20	23	19	18	252
<i>Total Incoming &amp; Outgoing Contacts</i>	288	318	276	253	160	104	47	79	88	129	193	148	<b>2083</b>
<i>Total Incoming Contacts</i>	207	230	158	69	81	62	26	45	43	75	94	70	<b>1160</b>
<i>Average Incoming Contacts/Day</i>	9	12	8	3	4	3	1	2	2	3	5	4	<b>5</b>
<i>Referrals from Sin Barreras</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Contacts in Spanish</i>	0	3	9	106	58	29	10	0	0	2	9	5	<b>231</b>
<i>Total Staff Follow-ups (Outgoing)</i>	56	36	80	180	72	35	18	24	31	32	56	48	<b>668</b>
<i>Total Third-Party Contacts (Outgoing)</i>	25	52	38	4	7	7	3	10	14	22	43	30	<b>255</b>
<i>Total Client Follow-ups (Incoming)</i>	143	137	99	53	69	41	19	23	24	42	50	39	<b>739</b>
<i>Total Third-Party Contacts (Incoming)</i>	25	42	32	2	5	11	2	4	14	20	24	21	<b>202</b>
<i>Total General Contacts (Incoming)</i>	31	37	21	11	4	5	5	13	3	7	12	5	<b>154</b>
<i>Total New Inquiries (Incoming)</i>	8	14	6	3	3	4	0	5	2	6	7	5	<b>63</b>
<i>Total New Complaints (Incoming)</i>	0	0	0	0	0	1	0	0	0	0	1	0	<b>2</b>
<i>Total Allegations (Both I&amp;C)</i>	0	2	0	2	0	0	0	2	1	0	3	1	<b>11</b>
<i>Total I&amp;C: Locality - Cville</i>	7	12	5	0	3	4	0	2	2	5	6	4	<b>50</b>
<i>Total I&amp;C: Locality - Albemarle</i>	1	0	1	3	0	0	0	3	0	1	1	0	<b>10</b>
<i>Total I&amp;C: Locality - Other or Not Specified</i>	0	2	0	0	0	1	0	0	0	0	1	1	<b>5</b>
<i>Total Inquiries: P.A. - Employment</i>	1	4	3	3	0	0	0	3	1	0	1	1	<b>17</b>
<i>Total Inquiries: P.A. - Housing</i>	5	8	2	0	3	3	0	2	1	4	4	2	<b>34</b>
<i>Total Inquiries: P.A. - Public Accommodation</i>	1	0	0	0	0	0	0	0	0	1	1	0	<b>3</b>
<i>Total Inquiries: P.A. - Credit</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Inquiries: P.A. - Private Education</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Inquiries: P.A. - Other (Unprotected)</i>	1	2	1	0	0	1	0	0	0	1	1	2	<b>9</b>
<i>Total Complaints: P.A. - Employment</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Complaints: P.A. - Housing</i>	0	0	0	0	0	0	0	0	0	0	1	0	<b>1</b>
<i>Total Complaints: P.A. - Public Accommodation</i>	0	0	0	0	0	1	0	0	0	0	0	0	<b>1</b>
<i>Total Complaints: P.A. - Credit</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Complaints: P.A. - Private Education</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Complaints: P.A. - Other (Unprotected)</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>Total employment discrimination allegations</b>	0	2	0	2	0	0	0	1	1	0	1	0	<b>7</b>

Measures	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTALS
<i>Employment allegations in Charlottesville</i>	0	1	0	0	0	0	0	0	1	0	1	0	3
<i>Employment allegations in Albemarle Co.</i>	0	0	0	2	0	0	0	1	0	0	0	0	3
<i>Emp. allegations in Cville referred to EEOC</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Emp. allegations in Alb. Co. ref. to EEOC</i>	0	0	0	1	0	0	0	0	0	0	0	0	1
<b>Total housing discrimination allegations</b>	0	0	0	0	0	0	0	1	0	0	1	1	3
<i>Housing allegations in Charlottesville</i>	0	0	0	0	0	0	0	0	0	0	1	1	2
<i>Housing allegations in Albemarle</i>	0	0	0	0	0	0	0	1	0	0	0	0	1
<b>Total public accommodation discrimination allegations</b>	0	0	0	0	0	0	0	0	0	0	1	0	1
<i>Public accommodation allegations in Cville</i>	0	0	0	0	0	0	0	0	0	0	1	0	1
<b>Total Other (Unprotected) activity allegations</b>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total I&amp;C: P.C. - Age</i>	0	0	0	0	0	0	0	0	0	1	0	0	1
<i>Total I&amp;C: P.C. - Disability</i>	2	2	1	0	0	1	0	0	0	2	1	0	9
<i>Total I&amp;C: P.C. - Marital Status</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total I&amp;C: P.C. - National Origin</i>	0	0	0	1	0	0	0	0	0	0	0	0	1
<i>Total I&amp;C: P.C. - Pregnancy</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total I&amp;C: P.C. - Childbirth or Related Medical Conditions</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total I&amp;C: P.C. - Race</i>	0	1	0	1	0	0	0	1	1	0	1	0	5
<i>Total I&amp;C: P.C. - Color</i>	0	1	0	1	0	0	0	1	1	0	0	0	4
<i>Total I&amp;C: P.C. - Religion</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total I&amp;C: P.C. - Sex</i>	0	1	0	1	0	0	0	1	0	0	1	0	4
<i>Total I&amp;C: P.C. - Gender Identity</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total I&amp;C: P.C. - Sexual Orientation</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total I&amp;C: P.C. - Source of Funds</i>	0	0	0	0	0	0	0	1	0	0	0	1	2
<i>Total I&amp;C: P.C. - Not specified</i>	6	10	5	0	3	3	0	1	1	3	4	3	39
<i>Total I&amp;C: P.C. - Other (Unprotected)</i>	0	0	0	0	0	1	0	1	0	0	1	1	4
<b>Total Counseling Contacts</b>	51	39	25	7	5	5	5	7	12	18	13	14	201
<i>Total Employment Counseling</i>	4	5	2	3	0	0	0	2	1	0	2	2	21
<i>Total Housing Counseling</i>	43	32	22	4	5	2	5	5	11	15	11	12	167
<i>Total Public Accommodation Counseling</i>	2	1	0	0	0	1	0	0	0	1	0	0	5
<i>Total Credit Counseling</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Private Education Counseling</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Other (Unprotected) Counseling</i>	2	1	1	0	0	2	0	0	0	2	0	0	8
<b>Total Contacts resulting in Referrals</b>	7	9	5	4	2	3	0	5	1	2	0	6	44
<i>Referrals to CSRAP</i>	2	1	0	0	2	1	0	0	0	0	0	0	6
<i>Referrals to LAJC</i>	1	1	1	0	0	1	0	4	1	0	0	0	9

Measures	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTALS
<i>Referrals to CVLAS</i>	1	2	2	0	0	1	0	2	0	0	0	1	9
<i>Referrals to PHA</i>	0	0	1	0	0	1	0	0	0	0	0	1	3
<i>Referrals to EEOC</i>	0	1	0	3	0	0	0	0	0	0	0	0	4
<i>Referrals to DPOR</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Referrals to Other</i>	4	4	2	2	0	3	0	2	1	2	0	4	24
<i>Total Employment Complaints: P.C. - Age</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Employment Complaints: P.C. - Disability</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Employment Complaints: P.C. - Marital Status</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Employment Complaints: P.C. - National Origin</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Employment Complaints: P.C. - Pregnancy</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Employment Complaints: P.C. - Childbirth or R.M.C.</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Employment Complaints: P.C. - Race</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Employment Complaints: P.C. - Color</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Employment Complaints: P.C. - Religion</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Employment Complaints: P.C. - Sex</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Employment Complaints: P.C. - Gender Identity</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Employment Complaints: P.C. - Sexual Orientation</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Employment Complaints: P.C. - Not specified</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Employment Complaints: P.C. - Other (Unprotected)</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Housing Complaints: P.C. - Age</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Housing Complaints: P.C. - Disability</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Housing Complaints: P.C. - Marital Status</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Housing Complaints: P.C. - National Origin</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Housing Complaints: P.C. - Pregnancy</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Housing Complaints: P.C. - Childbirth or R.M.C.</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Housing Complaints: P.C. - Race</i>	0	0	0	0	0	0	0	0	0	0	1	0	1
<i>Total Housing Complaints: P.C. - Color</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Housing Complaints: P.C. - Religion</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Housing Complaints: P.C. - Sex</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Housing Complaints: P.C. - Gender Identity</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Housing Complaints: P.C. - Sexual Orientation</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Housing Complaints: P.C. - Not specified</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Housing Complaints: P.C. - Other (Unprotected)</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Pub. Accom. Comp.: P.C. - Age</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Pub. Accom. Comp.: P.C. - Disability</i>	0	0	0	0	0	1	0	0	0	0	0	0	1

Measures	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTALS
Total Pub. Accom. Comp.: P.C. - Marital Status	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Pregnancy	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Childbirth or R.M.C.	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Race	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Color	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Religion	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Sex	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Sexual Orientation	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Not specified	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Other (Unprotected)	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Open Inquiries													16
Total Closed Inquiries													47
Total Dismissed Inquiries													0
Total Open Complaints													1
Total Closed Complaints													1
Total Dismissed Complaints													0
Primary Service: Appointment Set-up	51	23	13	1	1	1	0	5	4	0	12	3	114
Primary Service: Clerical Assistance	0	8	0	0	2	0	1	0	1	0	0	0	12
Primary Service: Counseling	51	39	25	7	5	5	5	7	12	18	13	14	201
Primary Service: Event Information	1	1	1	0	0	0	0	0	0	0	0	2	5
Primary Service: Investigation Activity	11	11	5	3	1	0	1	9	10	19	10	13	93
Primary Service: Information	166	234	180	24	62	51	26	56	60	91	156	116	1222
Primary Service: Mediation Related Services	0	0	0	0	0	0	0	0	0	0	0	0	0
Primary Service: Outreach Coordination	8	2	4	0	0	1	0	2	1	1	2	0	21
Primary Service: Public Hearing	0	0	0	0	0	0	0	0	0	0	0	0	0
Primary Service: Volunteer Coordination	0	0	0	0	0	0	0	0	0	0	0	0	0
Primary Service: Helpline - COVID Response	0	0	48	218	89	46	14	0	0	0	0	0	415
Total Formal Investigations: - Employment													0
Total Formal Investigations: - Housing													1
Total Formal Investigations: - Public Accommodation													1
Total Formal Investigations: - Credit													0
Total Formal Investigations: - Private Education													0

# Attachment 12

## Summary of Employment Discrimination Protections following the passing of the Values Act

With the passage of the Values Act by the General Assembly on July 1, 2020, the Virginia Human Rights Act (Va. Code Title 2.2, Chapter 39 ) definition of “Employer” as it relates to discrimination in employment in §2.2-3905 (A) was amended to read as follows:

*“Employer” means a person employing 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person. However, (i) for purposes of unlawful discharge under subdivision B 1 on the basis of race, color, religion, national origin, status as a veteran, sex, sexual orientation, gender identity, marital status, pregnancy, or childbirth or related medical conditions including lactation, “employer” means any employer employing more than five persons and (ii) for purposes of unlawful discharge under subdivision B 1 on the basis of age, “employer” means any employer employing more than five but fewer than 20 persons.*

The Values Act also repealed §2.2-3903 of the Virginia Human Rights Act, which included the following sub-section (B):

*B. No employer employing more than five but less than 15 persons shall discharge any such employee on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, including lactation. No employer employing more than five but less than 20 persons shall discharge any such employee on the basis of age if the employee is 40 years of age or older. For the purposes of this section, “lactation” means a condition that may result in the feeding of a child directly from the breast or the expressing of milk from the breast.*

The following chart shows the potential scope of OHR enforcement authority, regarding employment discrimination, following the passage of the Values Act:

Yes = OHR can enforce employment nondiscrimination	≤ 5 Employees	5 < Employees (If unlawful discharge)	5 < 15 Employees (If unlawful discharge)	5 < 20 Employees (If unlawful discharge)	15 ≤ Employees
Race	No	Yes	Yes	Yes	Yes
Color	No	Yes	Yes	Yes	Yes
Religion	No	Yes	Yes	Yes	Yes
National Origin	No	Yes	Yes	Yes	Yes
Status as a Veteran	No	Yes	Yes	Yes	Yes
Sex	No	Yes	Yes	Yes	Yes
Sexual Orientation	No	Yes	Yes	Yes	Yes
Gender Identity	No	Yes	Yes	Yes	Yes
Marital Status	No	Yes	Yes	Yes	Yes
Pregnancy	No	Yes	Yes	Yes	Yes
Childbirth	No	Yes	Yes	Yes	Yes
Age	No	No	Yes	Yes	Yes



The following chart shows the scope of OHR enforcement authority prior to the passage of the Values Act. The passing of the Values Act significantly expanded the OHR's enforcement of employment discrimination. The differences are noted in red text for emphasis.

Yes = OHR can enforce employment nondiscrimination	$\leq 5$ Employees	$5 <$ Employees (If unlawful discharge)	$5 < 15$ Employees (If unlawful discharge)	$5 < 20$ Employees (If unlawful discharge)	$15 \leq$ Employees
Race	No	Yes	Yes	No	No
Color	No	Yes	Yes	No	No
Religion	No	Yes	Yes	No	No
National Origin	No	Yes	Yes	No	No
Status as a Veteran	No	Yes	Yes	No	No
Sex	No	Yes	Yes	No	No
Sexual Orientation	No	No	No	No	No
Gender Identity	No	No	No	No	No
Marital Status	No	Yes	Yes	No	No
Pregnancy	No	Yes	Yes	No	No
Childbirth	No	Yes	Yes	No	No
Age	No	No	Yes	Yes	No