



**Human Rights Commission
AGENDA
Regular Meeting
August 20, 2020
Virtual/Electronic Meeting
6:00pm to 8:00pm**

Please take Notice that this virtual meeting of the Human Rights Commission is for the purposes of planning, developing and drafting management and administration documents for the Human Rights Commission. For the purpose of addressing issues during the quarantine, this virtual meeting will be a limited public forum to discuss the agenda items designated under Section 5 below and to ensure the continuity of services provided by the Commission. The Commission Chair may limit public comments or discussion points that are unrelated to agenda items under Section 5 or that pertain to topics outside the scope of this Agenda. Members of the public are limited to three minutes of comment time per person related to the Agenda below. A maximum of sixteen public comment time slots are allotted per meeting. This will be a virtual/electronic meeting open to the public and registration information is available at www.charlottesville.gov/zoom.

1. WELCOME

- a. CALL TO ORDER
- b. ROLL CALL
- c. MISSION (recited by all): *Act as a strong advocate to justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights.*

2. MATTERS BY THE PUBLIC

- a. PUBLIC COMMENT
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

3. MINUTES

- a. Review of minutes from July 16, 2020 Regular Meeting*

4. BUSINESS MATTERS

- a. FINAL PREPARATION FOR JOINT WORK SESSION WITH CITY COUNCIL*
- b. HRC VACANCIES*
- c. ORDINANCE REVISION UPDATES
- d. UVA STUDENT RETURN AND COMMUNITY HEALTH
- e. HRC REGULAR MEETING TIME
- f. VOTING RIGHTS
- g. OHR STAFF REPORT
- h. CHAIR UPDATE

5. WORK SESSION

- a. AD-HOC COMMITTEE UPDATES

6. MATTERS BY THE PUBLIC

- a. PUBLIC COMMENT
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

7. COMMISSIONER UPDATES

8. NEXT STEPS & ADJOURN

* ACTION NEEDED

Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3182 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48-hour notice so that proper arrangements may be made.



**Human Rights Commission
Regular Meeting
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Agenda Packet Attachments

1. Draft HRC Regular Meeting Minutes 07-16-2020
2. HRC/City Council 08/25/2020 Joint Work Session materials
 - a. Proposed Joint Work Session Agenda
 - b. HRC/OHR Director Position Description Recommendations
 - c. CY2019 HRC & OHR Annual Report
3. Current HRC Roster
4. Ordinance revision discussion materials
 - a. Meeting notes from 08-04-2020 regarding ordinance amendments
 - b. Working draft of revised ordinance
5. OHR Monthly Staff Report



**Human Rights Commission
Meeting Minutes
Regular Meeting
July 16, 2020
Virtual/Electronic Meeting
6:00 pm to 8:00 pm**

1. WELCOME

a. CALL TO ORDER

- i. Chair, Shantell Bingham, called the meeting to order at 6:08 pm

b. ROLL CALL

- i. Jeanette Abi-Nader
ii. Shantell Bingham
iii. Pheobe Brown
iv. Earnest Chambers
v. Olivia Gabbay
vi. Melvin Grady
vii. Jessica Harris
viii. Laura Keppley
ix. Kathryn Laughon
x. Sue Lewis
xi. Andy Orban
xii. Lyndele von Schill
xiii. Ann Smith (arrived 6:25 pm)

- c. MISSION (recited by all): *Act as a strong advocate to justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights.*

d. Moment of silence

- i. Honoring those who have suffered due to COVID-19 and police brutality

2. MATTERS BY THE PUBLIC

a. PUBLIC COMMENT

- i. Robin Hoffman
1. Expressed concern around people not wearing masks in Riverview Park on the bike path
 2. Feels that people should take responsibility for the spread of COVID-19 and wear masks while on the path and generally
 3. Asked HRC to consider what authority and action it could take to ensure that people wear masks
 - a. Suggests contacting Delegate Sally Hudson to request the imposition of fines for people who do not wear masks

b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

- i. To Robin Hoffman

1. Adding a rule-based response (like fines) might be a challenging in this time given the current public response to police overreach
2. The Governor's executive order currently does not require masks to be worn outdoors
3. The HRC has no mechanism for enforcement
4. Could add a message to the OHR/HRC webpage that encourages people to wear masks
5. Not all people have equal access to masks
6. Governor will mandate indoor mask-wearing in late July
7. HRC could send a message to the City Manager suggesting that Parks and Recreation explore how they could encourage people to wear masks in parks

3. MINUTES

- a. Minutes pending HRC approval
 - i. HRC regular meeting on 06-18-2020
 - ii. HRC ad hoc committee meeting on 07-02-2020
- b. Motion to approve
 - i. Lyndele von Schill
- c. Second
 - i. Jeanette Abi-Nader
- d. Vote
 - i. Approve: 7
 - ii. Oppose: 0
 - iii. Abstain: 6

4. BUSINESS MATTERS

- a. Ordinance Discussion with Allyson Davies of City Attorney's Office
 - i. Review of eight recommendations sent to City Council and the HRC by Walt Heinecke on behalf of several local social justice organizations
 1. It is within the purview of the HRC to share its recommendations with City Council for the qualifications of the HRC Director/OHR Manager
 - a. It is important that a qualified applicant possess the skills necessary to assist the HRC with meeting its obligations under the Human Rights Ordinance
 2. Revising the position description for the HRC Director/OHR Manager is also within the purview of the HRC
 - a. **It is suggested and recommended that the HRC seek assistance from the Human Resources Department when making those revisions or advertising for the position**
 3. With regard to establishing agreements with the EEOC or HUD
 - a. This is a legal issue
 - i. The current ordinance is silent on this issue
 - ii. The HRC should discuss what it is trying to accomplish with its ordinance with respect to this
 - iii. If the ordinance requires the HRC to establish a FEPA or FHAP, then ordinance would be

requiring something that is out of the HRC's control

1. Both require agreement with outside agencies who must be willing to enter into that agreement
2. The HRC would need to convince City Council to allocate the monetary and staffing resources sufficient to meet the requirements to enter into such agreements
- iv. Considering the above, changing the ordinance to require the establishment of a FEPA or FHAP is not recommended from a legal perspective
- b. The HRC should ask what it is trying to accomplish with entering into a FEPA or FHAP agreement
 - i. One potential reason to enter into these agreements is for the HRC to be able to offer as many resources as possible to individuals who may have suffered a human rights violation
 1. To the extent that the HRC wants to amend the ordinance to direct the director to pursue ongoing plans to this end, short of expressly specifying the program, that would be advisable
- c. Questions from Commission
 - i. Does the ordinance need to change before a Director could pursue agreements such as the FEPA or FHAP?
 1. The ordinance does not need to expressly talk about the FEPA or the FHAP for the Director to pursue those agreements
 2. Charlene may have started that process
 3. The point is that it would be ill-advised to name specific types of agreements in the ordinance because the establishment of those agreements is not within the control of the Director of the HRC to achieve
 4. Revise the ordinance to reflect what is necessary to reflect what is necessary to move toward such agreements without naming them specifically
 - a. This could be done in a work session with the City Attorney's Office
 - ii. As the HRC works on revisions to the Director position description, is it advisable to include

language in the recommendations that the person have experience with developing such agreements?

1. Yes. There is no reason not to include that language.
- iii. Staff notes that the FEPA agreement is required to investigate employment discrimination complaints in cases where the employer employs more than 16 (correction: 14) employees and where the action taken by the employer against the employee was something other than termination. Is a FHAP agreement required in order to investigate complaints of housing discrimination?
1. Housing discrimination is within the ordinance and within the OHR's authority to investigate
 2. There is a provision in the ordinance that the OHR/HRC not do something that another agency has already been designated to do
 - a. The OHR/HRC becoming a designated agency may assist with any claims that might be made about authority or jurisdiction of the OHR/HRC under the ordinance
 3. Counsel does not like the suggestion that if the OHR/HRC is not a FHAP it cannot investigate housing discrimination because the OHR/HRC does have that authority
 - a. Complaints should be looked at case by case, based on the issue
 - b. Becoming a FHAP gives clear authority under that agreement
 4. The HRC should examine substantively what it seeks to accomplish and consider amendments to the ordinance that could assist with the HRC/OHR authority
 - a. It is not advisable in the ordinance to reference too narrow or specific types of agreements
 - b. If the HRC wants to pursue this further a work session could be arranged to define what the HRC would like to achieve

- iv. Staff notes that the ordinance currently states, very specifically, that the OHR/HRC will refer housing discrimination complaints to Piedmont Housing Alliance (PHA). In conversations with the Executive Director of PHA, it has been determined that this is an archaic reference to a service that PHA no longer provides
 - 1. The OHR/HRC has general authority to enforce and investigate housing discrimination
 - 2. The limitation in jurisdiction and authority stems from if there are other organizations that are already doing or have been designated to do that kind of work
 - 3. If PHA is no longer designated to do that type of work there is no authority and jurisdiction question in that respect
 - 4. If the HRC/OHR wants express authority, that would be achieved through an agreement
 - v. If the ordinance is the HRC's guiding framework, would we want to amend to say that we seek the most rigorous enforcement available?
 - 1. There is a decided advantage to people not having seek remedy or enforcement in Richmond
 - 2. HRC could develop language that says something like the Director of the HRC will develop programs locally that will allow enforcement to the greatest extent feasible
 - 3. In a work session with the City Attorney's Office the HRC can think through what it wants to accomplish and develop the language to accomplish that
 - 4. There are many ways a Director could develop programs to achieve the underlying goal (example: the OHR previously hosted an EEOC investigator once per month)
4. Reduce the membership of the HRC back to 7 or 9
- a. Not a legal question
 - b. Ordinance specifies not less than 9
 - c. Commissioner comment
 - i. No less than 9 offers potential for expansion to do specific work

- ii. At one time Commission got to 18 members but that expansion was the result of a delay in appointments by Council
 - iii. Having too few members makes sub committees difficult
 - iv. HRC has since shifted to ad hoc committees
 - v. There may be a benefit to putting an upper limit on the number of Commissioners
 - d. Recommending amendments to the ordinance with regard to membership size is within the purview of the HRC
- 5. Requirement that the HRC have members have expertise in housing, health, employment, education, and at least two commissioners be from organizations representing citizens of historically marginalized communities affected by housing and employment discrimination
 - a. Legally, other boards and commissions have designated spots, so this is allowable and within purview of the HRC to recommend to Council
 - b. Designating spots means that they can only be filled by the specified designee
 - c. Recommendation #7 suggests designating a slot for a Council person
 - i. This is also true for other boards and commissions and is allowable
 - d. Commissioner questions
 - i. What other boards and commissions have City Councilor designees?
 - 1. Housing Authority
 - 2. Retirement Commission
 - e. The HRC could also request a Council liaison
 - f. Chair requests non-legal guidance on having a Councilor as part of the HRC, given Allyson's experience with other boards and commissions
 - i. Advantage can be that Council knows specifically what the commission is working on
 - 1. The Councilor can then make decisions when considering budgets
 - ii. Disadvantage is that a Councilor tends to have more power and authority
 - 1. If the HRC was exclusive citizen leadership, this could be viewed as a disadvantage
 - iii. Regarding non-legal opinion regarding specifying categories of members
 - 1. Not advisable, but not from a legal perspective
 - 2. Could limit number of people able to serve, especially as recommended in letter
 - a. 6 specific designees

- b. 3 citizens at-large
 - g. Chair asks if the Police Civilian Review Board has designated members
 - i. Allyson does not know, but they do have a designated City Councilor
 - ii. Commissioner notes that, yes, there were specific designations, which caused a delay in appointments
 - h. HRC could also seek expertise for studies or other work by finding people to work with outside membership
 - i. Chair also notes that the HRC has benefited in the past from having people who have lived experience as a member of a protected class or who bring specific expertise
 - i. Notes that shrinking the size of membership and making specific member designations might not actually achieve the same advantage
 - ii. Recruitment would be challenging given the limited public awareness of the HRC
 - j. Commissioner notes that personal recruitment of people with specific skills may be one way to capture the skills we seek
 - k. Commissioner notes that applicants apply because they are interested in the issues that the HRC focuses on, and this has worked out in the past without designation
 - 6. Recommendation to move oversight over the HRC or Director under the City Attorney's Office or City Council
 - a. That is not permitted under the City's charter
 - b. Section 5 of the Charter
 - i. City employees are under the purview of the City Manager
 - c. Changes to the Charter require going the General Assembly
 - d. Commissioner question
 - i. Should the position description include language that states that the Director reports directly to the City Manager?
 1. Yes
 2. The Office of Human Rights is within the City Manager's direct chain of command and authority
 - 7. Recommendation to have a City Council designee on the HRC
 - a. Not a legal question
 - b. HRC can request a Council liaison without making any changes to the ordinance
 - c. The decision will then be up to Council

8. Recommendation to modify the ordinance to mandate that the HRC Chair report to Council every quarter on their progress related to systemic studies of discrimination
 - a. Ordinance currently specifies an annual report
 - b. It is not legally necessary to change the ordinance to provide additional reports to Council
- ii. Public comments from Facebook Live broadcast are addressed
 1. Commenter notes concerns about a lack of HRC focus on inequity in the Charlottesville public schools
 - a. Commissioner comments
 - i. HRC previously had a liaison from UVA Minority Rights Coalition, but attendance was minimal
 - ii. Previous attempts to form a working relationship with the City schools were shut down
 - iii. School Division asserted it was an entity unto itself and that the HRC had no purview over discrimination within the schools
 - iv. Commissioner expressed an interest in bringing a renewed focus on education to the HRC
- iii. Review of proposed ordinance updates
 1. Proposed language regarding the protected class of "sex"
 - a. Note: the page containing the proposed language was mistakenly omitted from the agenda packet but is added as an attachment to the minutes
 - b. Commissioner reads the proposed language
 - c. Discussion
 - i. Objective of revision is to separate sexual orientation and gender identity from the protected class of sex
 1. Gender and gender identity while related to sex are not the same
 2. Bundling all terms together under sex, makes them less visible
 - ii. Legal perspective
 1. Authority is derived from federal law regarding discrimination on the basis of sex
 2. Courts have had to expand the definition of sex to include sexual orientation and gender identity
 3. Most recent supreme court case was still taking the authority from on the basis of sex, even though specific allegation was discrimination based on sexual orientation
 4. The ordinance defines sex broadly and discrimination on the basis of sexual orientation is on the basis of sex

5. Allyson will do further research regarding whether it is allowable to add additional categories which are outside the category on which we derive authority and still maintain authority
 6. Ordinance could read "on the basis of sex (to include sexual orientation and gender identity), but that does not achieve the goal of making them distinctly separate
 - a. Allyson stipulates that she will still do further research on this
- iii. Staff notes that the proposed language does not include transgender status, which is currently listed in the ordinance as included in the definition of sex
 1. General agreement that it should be included
 - iv. Commissioner notes that different courts interpret the definition of sex differently and so sexual orientation, sexual identity, and transgender status are very vulnerable
 1. Suggests that HRC should look for opportunities to be vocal and supportive of people who identify as members of these categories
2. Proposed language from October 2019 regarding the following
 - a. New proposed language for Section 2-432
 - i. Staff reads the proposed language
 - ii. Legal perspective
 1. Allyson has approved these revisions but is not sure the John Blair has seen them yet
 2. No legal issues with this particular section
 3. Suggests submitting all amendments for consideration at the same time
 - b. New proposed language for Section 2-433
 - i. Staff reads the proposed language
 - ii. Legal perspective on why item D was stricken
 1. Developing policies for the City as a whole is out of the realm of authority of the HRC based on charges and responsibilities
 2. Within purview to provide policy recommendations
 - iv. Next steps regarding ordinance amendments
 1. Allyson is willing to participate in a work session with the HRC
 2. Regarding the process for ordinance amendments
 - a. HRC finalizes what amendments it wants to include

- b. Re-write the ordinance to include the amendments
 - i. Allyson can help with this process
 - ii. An initial version will show the stricken language next to the amended language
- c. HRC will then vote to adopt the new version as a recommendation to City Council
 - i. Grouping amendments will maximize Council's attention to the request
- d. Draft a Council agenda memo explaining why the changes are desired
 - i. This memo would be referred to the City Attorney's and City Manager's Office for a final review
- e. Then it can be put on a Council agenda
 - i. Members of the HRC would need to be present at the Council meeting to explain why the changes need to be made
 - ii. Council will then decide whether to amend the ordinances
- 3. Chair recommends another ad hoc Committee meeting to discuss
 - a. Staff will set up a meeting with Allyson
 - b. Lyndele will chair the ad hoc committee and set up a doodle poll
 - i. Sue volunteers to co-chair
- b. OHR STAFF REPORT
 - i. Overview of Individual Complaint Handling Process & Commission Hearing
 - 1. Tabled due to time
 - 2. Commissioners are encouraged to contact staff with questions after reviewing the documents included in the agenda packet
 - ii. General OHR staff report
 - 1. Written report is included in the agenda packet
 - a. Commissioners encouraged to review the report outside of meeting time and contact staff with any questions
 - b. Staff provides two updates
 - i. Clerk of Council sent an email just before the start of the HRC meeting noting that Council has requested a presentation from the HRC at a regular Council meeting on 8/3 or 8/17 in lieu of the proposed 2:2:1 meetings.
 - ii. City Manager reports that HRC Director/OHR Manager hiring is on hold pending Council's actions
 - iii. Notes that Mayor may still wish to go forward with meeting with Chair and Vice Chair of the HRC
- c. Discussion regarding meetings with Council

- i. Chair expresses concern with repeated changes by Council to proposed dates and structures of meetings
- ii. Councilor Sena Magill is present as an attendee and Chair invites Councilor Magill to respond
 1. Notes that she was presented with the choice between 2:2:1 meetings and a presentation from the HRC
 - a. She was not aware that the HRC had already been preparing for the 2:2:1 meetings
 2. Council had only discussed this by email
 3. Councilor Magill is fine with 2:2:1 meetings or a presentation
- iii. Commissioner responses
 1. Pushes back on the idea of August presentations
 2. Attempt to schedule has been going on for three months
 3. Would prefer a joint work session as originally proposed
 4. HRC gets criticism for not acting quickly but it depends on action from Council
- iv. Councilor response
 1. Suggests that a Council liaison would be beneficial for bringing information like this back to Council
 2. Notes that this information was only provided very recently
- v. Chair response
 1. The HRC can only respond to the dates that Council proposes to meet
 2. Council has changed the proposed meeting three times
 3. A presentation feels like a demotion from a 2:2:1
 - a. Notes that this is a reflection of the value that Council is placing on Human Rights and equity work
 - b. Places barriers on the HRC's ability to do work
 - c. Asks Councilor Magill to take this information back to Council
- vi. Vice Chair response
 1. Notes that HRC meets at the same time every month with very little variation
 2. Feels there is no reason for Council not to know what the HRC is doing
- vii. Commissioners respond
 1. City Manager has been invited three times to HRC meetings but has canceled each time
 2. Councilor Magill is not solely responsible for the decisions that Council makes
 3. City Council has historically not engaged with the HRC, so Councilor Magill's presence is appreciated
- viii. Discussion regarding next steps for trying to work with Council
 1. Chair asks Councilor Magill about the best course of action
 2. Councilor Magill responds
 - a. Suggests a Council liaison, even as non-voting member
 - b. Having a designated liaison ensure Councilor attendance
 - c. Notes that Council lacks a good system for reporting back on Commission work

- d. She is open to 2:2:1 meetings or other formats
 - e. She is sensitive to Communications staff time
 - f. Sending emails to the full Council is a good way to communicate and have things addressed
3. Chair responds
 - a. Expresses preference for joint work session
 - i. HRC has already prepared for this
 - b. 2:2:1 meetings leading up to a joint work session in late August or September would also work
 4. Commissioner comments
 - a. Preference expressed for joint work session
 - i. Needed to address concerns that have been raised by the public repeatedly
 - b. Suggests that Council appoint someone as a liaison
 5. Councilor Magill responds
 - a. In January Council is presented with a list of boards and Commissions with Council liaisons
 - b. Councilors then choose who will attend which meetings
 - c. The HRC was not on this list
 - d. Commissions must request Council liaison
 - e. Councilor Magill will take back to Council that HRC would prefer 2:2:1 meetings or joint work session
 - f. Will express that a presentation is not what is needed now
 6. Commissioner comments
 - a. Understood that 2:2:1 meetings were not to replace a work session but rather leading up to a work session
 7. Chair responds
 - a. Confirms that 2:2:1s are preparatory for the joint work session
 - b. The intent was to give some time for Commissioners and Councilors to get acquainted before the work session since there has been no work session in over a year
 8. Councilor Magill responds
 - a. Confirms that 2:2:1 meetings are preparatory for future meetings
 - b. Notes that Council is trying to balance workload and recognizes that HRC is important
 - c. The Mayor typically sets meetings with Commissions
 - d. Will bring to Council
 - i. An HRC presentation is not in the spirit of the work that needs to be done
 - ii. Informative 2:2:1s would be beneficial before a work session
 9. Chair responds
 - a. Asks about timing for upcoming meetings
 - b. Notes that the original work session was planned for July 28th and planned months in advance
 - c. Asks if August 28th could work

- 10. Vice Chair responds
 - a. Suggests that the schedule can be discussed during the Chair and Vice Chair meeting with the Mayor
 - b. The Mayor sets the agenda for Council
- 11. Councilor Magill responds
 - a. Notes that Council has several other things in August
 - i. Strategic planning
 - ii. Police open forum
 - iii. Regular Council meetings
 - b. September would likely be more possible for a work session with Council and the HRC
 - c. Councilor Magill does not set the agendas but can make suggestions
- 12. Commissioner responds
 - a. The initial email from Kyna Thomas regarding the 2:2:1s did propose them in preparation for a work session
 - b. Holding 2:2:1 meetings in preparation for a work session in September would be in the spirit of the work
- 13. Next steps
 - a. Councilor Magill will communicate to Council the HRC's interest in going forth with the 2:2:1 meetings
 - b. Councilor Magill will also communicate the importance of a joint work session since Council and the HRC have not been engaged in over a year
 - c. Councilor Magill will also communicate that a presentation is not in the spirit of the work that needs to be done at this time
 - d. Councilor Magill will send out an email tonight to this effect

d. CHAIR UPDATE

- i. Housekeeping: Attendance Policy and Commissioner Engagement
 - 1. Discussion via email
 - 2. No clear policy around attendance
 - 3. Chair will share attendance over past year for reference
 - a. Intention is to ensure that all are actively engaged and participating
 - 4. Chair thanks Catherine Spear for her service
 - 5. Chair thanks Idil Aktan for her service
 - 6. Chair also notes that Melvin Grady's term is ending in August
 - a. Melvin is able to run for another term
 - 7. Olivia Gabbay's term will also end soon as well
 - a. She can also reapply for another term
- ii. 2-2-1 Meetings with City Council
 - 1. See discussion above

5. WORK SESSION

a. AD HOC COMMITTEE UPDATES

- i. Joint Meetings with Council/ Reviewing package for City Council to Review
 - 1. Working on updates to position description

- a. Jeanette has modified the description based on feedback from Allyson during this meeting
 2. The ad hoc committee also has an agenda prepared for the joint work session with Council and talking points for the 2:2:1 meetings
 3. All documents are on Google drive and are open for further comments
 4. Suggests meeting again before the joint session
- ii. Councilor Magill responds
 1. Went through old emails and notes that she was the person who suggested the HRC presentation to Council
 2. Notes a desire to be transparent and cites confusion about the purpose of the 2:2:1 meetings and apologizes for the delay
 3. Notes that Mayor was not sure this work should happen before a Director of the HRC was hired
 4. Asks HRC preference
- iii. Commissioner response
 1. Part of the reason for requesting these meetings was to make recommendations regarding the hiring of a new Director
 2. Mayor also asked for HRC to send a proposal
 - a. Documents mentioned above can be assembled into a packet for HRC Chair to submit to Council for review
- iv. Chair responds
 1. Thanks Councilor Magill for her honesty and transparency
 2. Asks if a vote is required for submission of the documents to Council
- v. Staff responds
 1. Suggests downloading the draft documents from Google Drive and circulating the documents with the changes incorporated so all Commissioners can review
- vi. Commissioner response
 1. Ad hoc committees can present information to the body for HRC consideration
 2. No need for a vote
- vii. Next steps
 1. Jeanette will send the documents to Todd for circulation to the whole HRC
 2. Deadline set for Wednesday, July 22, for HRC to review documents before Shantell sends to Council

6. UPDATES FROM COMMISSIONERS

- a. VAHR
 - i. The HRC has not paid any dues for any members for two years
 - ii. Sue will send the email to staff for further action
- b. Commissioner proposal for agenda items
 - i. Discussion on the change in meeting time
 - ii. Discussion around UVA students returning in the fall
 1. Human Rights issue if return of students affects people in the community
- iii. Chair response
 1. Equity Center Director has been tasked with this

2. Could potentially offer recommendations to Director
- c. Commissioner comment regarding size and make-up of the Commission
 - i. Narrative has been that large Commission size is due to Council delay in appointing people and a rush to appoint
 1. If true, that implies a lack of consideration of the applicants
 2. Council appointed people without reviewing skills or backgrounds regarding the value of appointments
 3. Feels demoralizing to describe appointments in that way
 - ii. Staff response
 1. Notes that Charlene requested copies of applicant packets prior to appointments
 2. Commission reviewed all applicants and recommended to Council to approve all applicants based on merit
 - iii. Commissioner response
 1. Narrative should therefore be that everyone was in fact appropriately appointed
- d. Commissioner notes that July 23, is the anniversary of the Americans with Disabilities Act
- e. Commissioner expresses support for a non-voting Council liaison
- f. Commissioner asks for thoughts on public comment process
 - i. Asks of public comment will be taken throughout the meeting
 - ii. Notes that written comment took precedence over someone who had raised their hand
 - iii. Suggests thinking through the process
 - iv. Chair response
 1. Agrees that reviewing all social media platforms during the public meeting is awkward
 2. There is valuable information in the comments on social media
 3. Is up to HRC whether to monitor social media platforms
 4. Suggests further discussion outside the meeting on how to improve voting and public engagement
 - v. Vice-Chair notes that Lyndeale was also able to paste the Facebook comments into the Chat, so it may not be necessary to read aloud
 - vi. Lyndeale notes that the public cannot read the chat, so it does need to be read aloud

7. MATTERS BY THE PUBLIC

a. PUBLIC COMMENT

- i. Robin Hoffman
 1. Notes that public can read documents on screen share so no need to read
 2. Appreciates Commission's work
 3. Regarding regulation of mask-wearing
 - a. Suggests that HRC could present an alternative message to enforcement
 - b. Consider peoples' rights to be protected from harm
 - c. COVID is changing how the rules apply to the world in all of the protected activities
 4. She is nervous about the future of what harms might occur
 - a. Presents the example of UVA students returning
- ii. Lyndeale reads various public comments from Facebook Live

1. [Not included here due to context]
 - b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC
 - i. Chair response
 1. Notes that HRC reads documents because there may be participants who are visually-impaired
8. NEXT STEPS
- a. HRC to seek assistance from the Human Resources Department when making revisions to the HRC Director/OHR Manager position description and with advertising the position.
 - b. Staff will set up a meeting with Allyson Davies to further discuss changes to the Human Rights Ordinance
 - i. Lyndele will chair the ad hoc committee and set up a doodle poll
 - ii. Sue will co-chair
 - c. Chair will share HRC attendance over past year for Commissioner reference and to ensure that all are actively engaged and participating
 - d. Jeanette will send the Google Drive documents pertaining to the joint work session and 2:2:1 meetings to staff for circulation to the HRC for comments before Wednesday, July 22
 - e. Chair will send the finalized documents to Council for review after Wednesday, July 22
 - f. Vice Chair will send emails to staff regarding dues owed to the VAHR
 - g. Chair will add the following to the agenda for August
 - i. Meeting time change from 6pm
 - ii. Human Rights concerns regarding UVA students returning
 - h. Chair will initiate further discussion over email regarding improved voting and public engagement through Zoom webinars
9. ADJOURNED 9:22 PM

Proposal to amend the City of Charlottesville's Human Rights Ordinance to include sexual orientation and gender identity :

In light of the June 2020 Supreme Court ruling ¹, the Charlottesville Human Rights Commission requests that the City's Human Rights Ordinance ² be amended to include sexual orientation and gender identity protection.

Current Ordinance

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 education on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status or disability.

Proposed Ordinance

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 education on the basis of race, color, religion, sex, sexual orientation, gender identity , pregnancy, childbirth or related medical conditions, national origin, age, marital status or disability.

Resources

¹ Supreme Court Decision - 17-1618 Bostock v. Clayton County (06/15/2020)

https://www.supremecourt.gov/opinions/19pdf/17-1618_hfci.pdf

² Charlottesville Human Rights Ordinance

<https://www.charlottesville.gov/Faq.aspx?QID=310>

Sexual Orientation/Gender Identity Laws - Virginia

https://www.lgbtmap.org/equality_maps/profile_state/VA

Cities and Counties in the U.S. with non-discrimination ordinances that include gender identity

<https://www.hrc.org/resources/cities-and-counties-with-non-discrimination-ordinances-that-include-gender-identity>

City of Portland, Civil Rights Policy

<https://www.portlandoregon.gov/citycode/28598>

New York City Commission on Human Rights Legal Enforcement Guidance on Discrimination on the Basis of Gender Identity or Expression: Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102(23)

<https://www1.nyc.gov/site/cchr/law/legal-guidances-gender-identity-expression.page>



**Human Rights Commission
Human Rights Commission & City Council Joint Session Proposed Agenda
August 25, 2020
Virtual Meeting
3:00-6:00 pm**

1. WELCOME

- a. CALL TO ORDER
- b. ROLL CALL
- c. MISSION (recited by all): *Act as a strong advocate to justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights.*

2. MATTERS BY THE PUBLIC

- a. PUBLIC COMMENT
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

3. WORK SESSION

- a. **Introductions [15 min]**
- b. **Work of Human Rights Commission [15 min]**
 - i. Human Rights Commission Report Review - Shantell Bingham & Todd Niemeier
- c. **Human Rights Commission, City Council & City Manager Framework [45 min]**
 - i. History of Human Rights Commission, Dialogue on Race, Commission Charter -Charlene Green (to be invited)
 - ii. Clarify protocol for mandated HRC/Council meetings
 - iii. Discuss relationship between Office of Human Rights, new Office of Equity & Inclusion, and the Police Civilian Review Board
 - iv. Schedule mandated meetings and define other communications protocol
- d. **Office of Human Rights Manager Hiring**
 - i. HRC Recommendations on timeline for hiring
 - ii. HRC Recommendations for job position changes
 - iii. Clarify the role of HRC in the hiring process, etc.
- e. **Human Rights Commission Other Work**
 - i. Review the Police Policy Recommendations
 - ii. Other items to discuss

4. MATTERS BY THE PUBLIC

- a. PUBLIC COMMENT
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

5. NEXT STEPS & ADJOURN

- a. **Identify next steps for HRC, City Council, City Manager**
- b. **Review dates for regular check-in meetings between HRC & City Council, HRC meeting with Police Chief Brackney, and HRC meeting with City Manager**

Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3182 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48 hour notice so that proper arrangements may be made.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	August 25, 2020 <i>The report below includes data initially shared with City Council on February 18, 2020. This final report includes revised data for some measures.</i>
Action Required:	Update and Joint Work Session
Presenters:	Shantell Bingham, Chair, Human Rights Commission Todd Niemeier, Community Outreach & Investigation Specialist
Staff Contacts:	Todd Niemeier, Community Outreach & Investigation Specialist
Title:	CY2019 Annual Report – Human Rights Commission & Office of Human Rights

Background

On May 20, 2013, City Council approved the Charlottesville Human Rights Ordinance, which outlines the roles, duties, and responsibilities of the Human Rights Commission (HRC) and the Office of Human Rights (OHR). According to Sec. 2-433 of the Human Rights Ordinance, 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.

Discussion

The following report provides an overview of the work of the HRC and OHR during calendar year 2019 (CY2019), within the scope of the above roles set forth in the Human Rights Ordinance.

BY THE NUMBERS



OHR ENFORCEMENT AT-A-GLANCE



160

New Inquiries in CY19

New inquiries are requests submitted by members of public for OHR services. This includes individual allegations of discrimination that fall outside the jurisdiction of the office.



6

FORMAL COMPLAINTS

Cases Reviewed for Discrimination in CY19

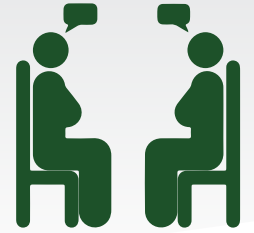
These cases meet requirements for discrimination that falls within the jurisdiction of the Office of Human Rights, as defined by the Human Rights Ordinance.



1,849

Incoming Contacts

Individual service provision including supporting residents with navigating resources in the city as well as understanding rights.



75%

HOUSING CONCERNS

Counseling Services

Of the individual service provision the majority of follow-up support for residents concerned navigating the affordable housing market.



27%

Of cases (43/160*) brought to the Office of Human Rights in CY19 involved allegations of discrimination.



DISABILITY + RACE/COLOR

Were the most commonly cited protected traits in discrimination inquiries or complaints filed in CY19



Public Accommodations

Remains the most prominent area in which individuals allege to have experienced discrimination in the City in CY19



5

Areas Safeguarded From Discrimination

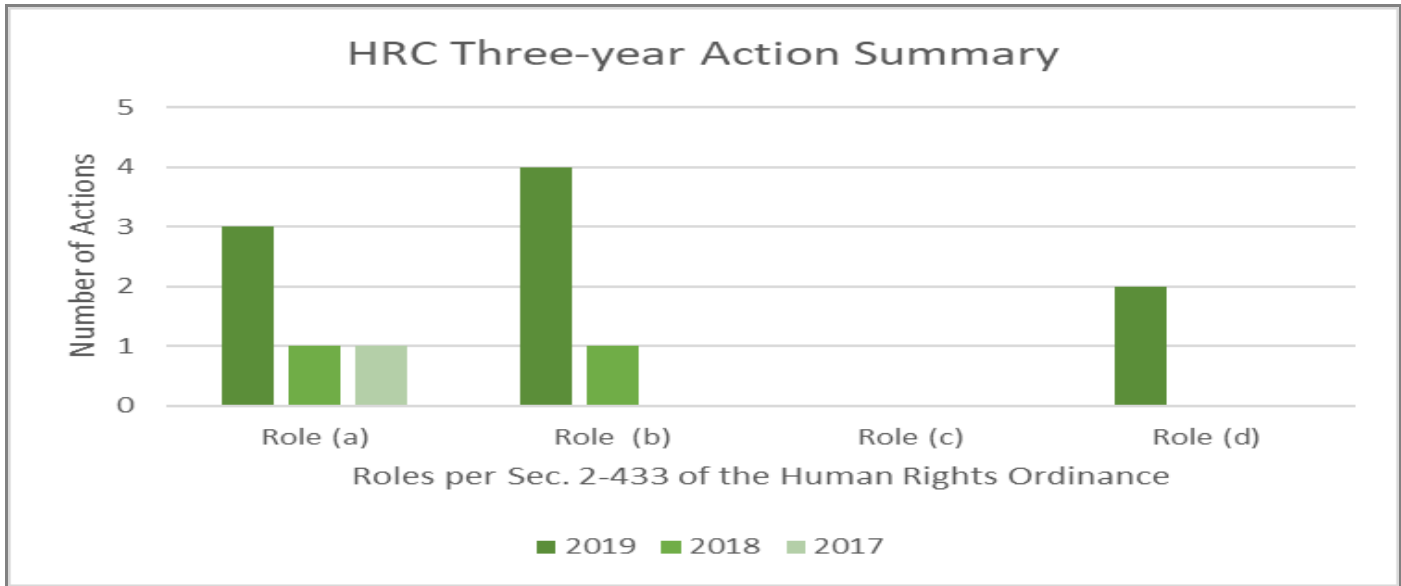
Public Accommodations
Housing
Credit
Employment
Private Education

*Inquiries and complaints

CY2019: HRC Detailed Overview

During CY2019, City Council appointed 11 new Commissioners to the HRC. In the past, the HRC addressed systemic discrimination through standing subcommittees, based on the protected activities and classes identified in the Human Rights Ordinance. In late 2018, the HRC decided to shift from standing subcommittees to system of forming ad-hoc committees to address specific and timely issues. Through this structural shift, the HRC intended to focus its collective energy on targeted issues as they arose, instead of broadly focusing on a wide range of topics simultaneously. The table below outlines the specific actions taken in CY2019 by ad hoc committees, and by the HRC as a whole, as aligned with the roles defined by Sec. 2-433 of the Charlottesville Human Rights Ordinance.

Roles	Duties and Responsibilities	Actions	Description
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	Drafted recommendations for a revised Biased-Based Policing Policy (Attachment A)
		Policy Review & Recommendations	Drafted general recommendations regarding Police Constitutional Procedures, Biased-based policing, Use of Force Policy (Attachment B)
		Policy Recommendations	Drafted recommendations regarding the re-naming of streets and public places. (Attachment C)
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 Support	Penned a letter in support of Piedmont Environmental Council’s Open Streets Proposal (Attachment D)
		Online petition	Completed an online petition in support of the Monacan Indian Nation’s efforts to protect the historic Monacan capital of Rassawek from destruction. (Link to online sign-on letter)
		Public Service Announcement	The Community outreach ad hoc committee partnered with the Independence Resource Center and City Communications Dept. to develop a series of public service announcements to raise awareness about people living with disability (In progress)
		Public presence	Several Commissioners attended the Charlottesville Low-Income Housing Coalition’s May 5 th March and Rally in Support of Belmont Apartment Residents
Sec. 2-433. (c) Assist individuals who believe they are the victim of an act of unlawful discrimination within the City.	Sec. 2-439.1 Enforcement authority	None	The HRC receives Complainant appeals following determinations of no probable cause and conducts public hearings and issues recommendations following determinations of probable cause. No individual cases reached determination stage in CY2019.
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	HRC Resolution	HR19-1: Resolution to endorse the continuation, expansion, and review of the Charlottesville Supplemental Rental Assistance Program from Charlottesville Human Rights Commission (Attachment E)
		Legislative Recommendations	The HRC sent a letter to David Toscano advocating for passage of several “Common-Sense Gun Laws” that were being considered by the VA General Assembly. (Attachment F)



CY2019 Summary and Analysis of HRC Work

Roles	Duties and Responsibilities	Summary and Analysis
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	<p>Summary The HRC engaged in more City policy reviews than in previous years.</p> <p>Analysis The HRC faced barriers to sharing its policy recommendations to with City Department Directors and City Council.</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.	Sec. 2-434 Community dialogue and engagement.	<p>Summary The majority of the HRC’s work fell within this area. Active Commissioners brought forth a variety of community issues for the HRC’s consideration and support.</p> <p>Analysis An increase in the number of new Commissioners may have contributed to increased community engagement. This is an area of strength for the HRC.</p>
Sec. 2-433. (c) Assist individuals who believe they are the victim of an act of unlawful discrimination within the City.	Sec. 2-439.1 Enforcement authority	<p>Summary The HRC has not been called upon to fulfill this role in the last three years.</p> <p>Analysis Limitations to enforcement authority may contribute to the lack of discrimination complaints that rise to the level of appeals or public hearings.</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.	Sec. 2-435 Systemic issues	<p>Summary The HRC engaged in this work to a greater degree than in the previous two years, both regarding local and statewide legislation.</p> <p>Analysis Better synchronization with the City fiscal and State legislative calendar could increase engagement.</p>

CY2019: OHR Detailed Overview

In CY2019, the OHR staff included Charlene Green, OHR Manager/HRC Director, and Todd Niemeier, Community Outreach & Investigation Specialist. The following section provides an in-depth look at the specific work the OHR conducted in 2019. 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 CY2019.

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.

Community outreach has been one of the primary focuses of the OHR. Yet, it is the least documented and quantifiable aspect of the OHR's work. Over the past two years, the OHR has improved data collection regarding the type and number of outreach events and affiliations, but there is room for improvement in attendance and impact tracking. In CY2018, the OHR created Likert scale surveys to track attendee and collaborator satisfaction and programmatic impact. However, it has struggled to utilize the surveys consistently enough to create a meaningful dataset.

The demand for programs like the "Racial & Ethnic History of Charlottesville" presentation or the "Walk 6,000 Miles in My Shoes" refugee resettlement simulation indicate a strong community interest in the education and awareness outreach done by the OHR. Requests for OHR staff facilitation and thought leadership in events like Unity Days, Charlottesville City Schools community dialogue on equity, and efforts like the Public Housing Association of Residents' Community Research Review Board point to the strong and trusting relationships that the OHR has built within the community through consistent outreach and a commitment to follow-through.

The OHR categorizes outreach in three ways:

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

The following tables provide summaries of the outreach conducted by OHR staff, during CY2019, in each of the three categories above. Where precise data regarding the number of contacts or attendees was not available, estimated numbers are provided. Data is recorded as "unknown" in situations where estimates were not possible

Community Outreach – Service Provision

OHR staff, alongside HRC Commissioners attended the following events or engaged in the following activities aimed at sharing information with the public about the services provided by the OHR and HRC.

Service Provision Community Outreach Event	Recorded # of Contacts	Estimated # of Contacts	Number of Events	Summary of Actions & Outcomes
African American Cultural Arts Festival	55		1	OHR staff and HRC Commissioners spoke to individuals who visited the OHR/HRC table about the services provided by the OHR and HRC.
CRANU Festival	14		1	OHR staff spoke to individuals who visited the OHR/HRC table about the services provided by the OHR and HRC.
Cville Pride Festival		50	1	The OHR Manager shared information with various attendees regarding the services provided by the OHR and HRC.
Door to door outreach		50	1	OHR staff conducted door-to-door outreach in partnership with other providers in the Friendship Court community.
Resource Fair at South First Street public housing	5		1	OHR staff spoke with individuals who approached the OHR table about services provided by the OHR and HRC.
Service outreach to staff at The Haven	12		1	OHR staff provided an overview of the services provided by the OHR and HRC, with a focus on fair housing.
Sin Barreras OHR office hours	1		10	Per the request of Sin Barreras, OHR staff kept office hours every second Tuesday of the month at the Sin Barreras office from 2pm to 5pm. Only one individual has so far taken advantage of those hours. Other referrals from Sin Barreras have come directly to the OHR.
Westhaven Community Day		50	1	OHR staff shared information with various attendees regarding the services provided by the OHR and HRC.

Community Outreach – Education & Awareness

OHR staff hosted a variety of events geared toward increasing public awareness of issues, both current and historic, pertaining to human and civil rights. The OHR also hosted two interns over the summer of 2019, both assisted with the “Walk 6,000 Miles in My Shoes” program.

Education & Awareness Community Outreach Event	Recorded # of Attendees	Estimated # of Attendees	Number of Events	Summary of Actions & Outcomes
Racial and Ethnic History of Charlottesville Presentations & Bus Tours		100 per event	10+	Through these presentations, the OHR Manager offered people from many different backgrounds the opportunity learn about the complex racial and ethnic history of Charlottesville while reflecting on their own place within that history.
Richmond HRC - intake and investigation presentation	12		1	OHR staff presented a summary of the intake and investigation process used at the OHR, as requested by the newly established Richmond HRC.
Safe Space Training		10	1	OHR staff conducted a workshop with Human Services staff to develop cultural competencies
Walk 6,000 Miles in My Shoes - DSS Benefits Division	38		1	OHR staff led a live-action, refugee resettlement, role-play simulation for staff of the Department of Social Services Benefits Division, per DSS leadership request.
Walk 6,000 Miles in My Shoes - DSS Service Division	54		1	OHR staff led a live-action, refugee resettlement, role-play simulation for staff of the Department of Social Services Service Division, per DSS leadership request.
Walk 6,000 Miles in My Shoes – Volunteer Training	40		7	OHR staff trained 40 community volunteers to assist with the running of 3 live-action refugee resettlement role-play simulations.
Walk 6,000 Miles in My Shoes – Welcoming Week Public Event	36		1	OHR staff led a live-action, refugee resettlement, role-play simulation for community members, as part of Welcoming Week.

Community Outreach – Facilitation & Leadership

At the request of many local and regional organizations and groups, OHR staff provided guidance and thought leadership with regard to initiatives and efforts related to human and civil rights.

Facilitation & Leadership Event, Group, or Organization	Actual # of Events	Estimated # of Events	Summary of Actions & Outcomes
Best of Both Worlds Dance and Step Show Competition		150	The OHR Manager helped to facilitate the event and engaged youth in exploring questions around race and equity.
Charlottesville Area Transit Employee Conversation Facilitation	1		OHR staff assisted the Assistant City Manager and other City Staff with facilitating discussion groups with CAT employees around resolutions of internal conflicts. CAT leadership used the results from this conversation to develop and employ new management practices.
Charlottesville City Schools Education Equity Steering Committee		4+	School leadership asked the OHR Manager to assist with seeking public input and developing an action plan to address equity concerns within the schools. This included leading two large public input events for students and parents, as well as numerous planning and response meetings.
Charlottesville Food Justice Network Large Group	3		OHR staff assisted with organizing discussion groups and provided input from the service provision perspective of the Office of Human Rights to inform the City Council Food Equity Initiative.
Charlottesville Food Justice Network Planning Team	6		OHR staff assisted other leaders in the network to plan and execute specific tasks within the City Council Food Equity Initiative.
Charlottesville Redevelopment and Housing Authority (CRHA) Relocation Committee	4		Provided feedback and guidance with regard to CRHA's relocation plan for Crescent Halls.
Charlottesville Redevelopment and Housing Authority (CRHA) Resident Services Committee		12	At the request of public housing resident leaders, the OHR Manager helped to facilitate these monthly meetings, during which CRHA management and residents could converse regarding the diverse needs of residents ranging from on-site service provision to safety and maintenance issues.
Community UVA Billing & Collections Advisory Council	2		The OHR Manager served on the main Advisory Council as well as the Communications Sub-committee. This group convened in November of 2019 to begin addressing the major concerns that the public expressed over UVA Health System's billing and debt collection practices.
Community-Based Recovery and Support Advisory Group	8		OHR staff assisted with the planning and execution of various service provision focused outreach events, including the CRANU festival and door-to-door outreach.
Community Research Review Board (CRRB) Community Outreach	2		OHR staff met with public housing residents in their communities to discuss their participation as research reviewers.
Dialogue on Race		unknown	The OHR Manager coordinated several working groups including one specifically focused on developing a media accountability tool.

Facilitation & Leadership Event, Group, or Organization	Actual # of Events	Estimated # of Events	Summary of Actions & Outcomes
Five Questions Training	1		OHR staff assisted other CRRB Advisory Board members and PHAR staff with training PHAR interns regarding research review.
Housing Hub Discussion Group	3		OHR staff co-facilitated 3 conversations, in partnership with Piedmont Housing Alliance and several other housing-focused non-profits, to examine ways to improve navigation within the local affordable housing system. Staff worked with various representatives and volunteers to expand upon an affordable housing database developed by PACEM. Efforts are underway to engage in a dialogue with local landlords to explore the barriers to tenant entry into existing housing stock and explore incentives to encourage landlords to open eligibility to populations of potential tenants who have been historically excluded.
PHAR Board Meeting - CRRB updates	2		OHR staff attended PHAR Board meetings as the spokesperson for the CRRB Advisory Board to provide updates regarding the development of the CRRB.
Public Housing Association of Residents (PHAR) Community Research Review Board (CRRB) Advisory Board	25		OHR staff provided guidance and direct assistance with the establishment and procedural development of the CRRB.
Unity Days	84		The OHR Manager developed this series of community-led events in partnership with other City departments and local groups and individuals, in response to a need for public healing in the wake of the events of the Summer of 2016.
UVA Equity Center Local Steering Committee		?	The OHR Manager served on the local steering committee for the development of this organization and assisted with the hiring of the organization's first Executive Director.
UVA President's Community Working Group		unknown	UVA President Jim Ryan asked the OHR Manager to serve on this group, which created a far-reaching community survey and a final report outlining the UVA President's goals and action plans with regard to strengthening UVA's relationship with the Charlottesville community.
Virginia Association for Human Rights (VAHR)		4	OHR staff assisted with planning for the VAHR annual conference and attended regular steering committee meetings to discuss ways in which the VAHR members could share knowledge and collaborate on statewide advocacy.
Welcoming Greater Charlottesville	9		OHR staff provided input and guidance regarding planning for Welcoming Week including leading the "Walk 6,000 Miles in My Shoes" public event at Northside Library.
Yancey School Community Garden Meeting	1		OHR staff provided input and guidance regarding community outreach as the Yancey School explored the idea of creating a community garden, as requested by Siri Russell from the Albemarle County Office of Diversity and Inclusion.

Individual Assistance

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

When the OHR first began receiving incoming requests for assistance in 2014, staff logged all incoming contacts as “complaints.” Classifying all incoming requests as complaints did not differentiate between allegations of discrimination that fell within the OHR’s jurisdiction and those that did not. Furthermore, this singular classification did not separate out provided services that did not involve a formal complaint of discrimination.

Over the past two years, OHR staff have been developing a more nuanced system for collecting data on the types of services provided to individuals who contact the OHR for assistance. **Attachment G** contains a comprehensive data dictionary defining the terms used in the following data summaries. **Attachment H** contains the aggregate individual service data by month. The following key terms from the data dictionary have been included here 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 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 directed 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.

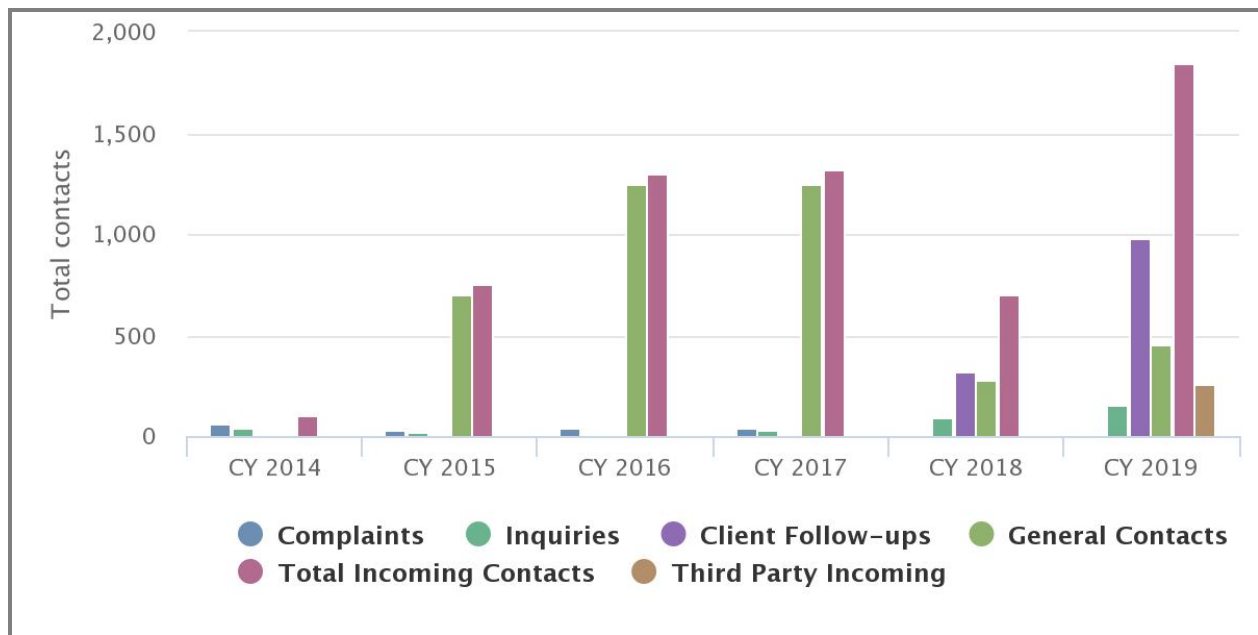
The data presented below can also be found on the Office of Human Rights Department Scorecard. The Department Scorecard is an online reporting platform imbedded in the City website, which displays departmental performance as related to goals within the City’s Strategic Plan. Department Scorecards may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

Total Incoming Contacts

During CY2019, the OHR received the following incoming contacts.

Contact Type	Total Number
Total Incoming Contacts	1,849
New Complaints	6
New Inquiries	154
Client follow-ups	980
General Contacts	456
Third Party Incoming	253

The bar chart below shows the CY2019 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. The key takeaway from this chart is that, aside from a dip in 2018, total incoming contacts have continued to increase. This data corresponds to Measure 1.1 in the Department Scorecard.



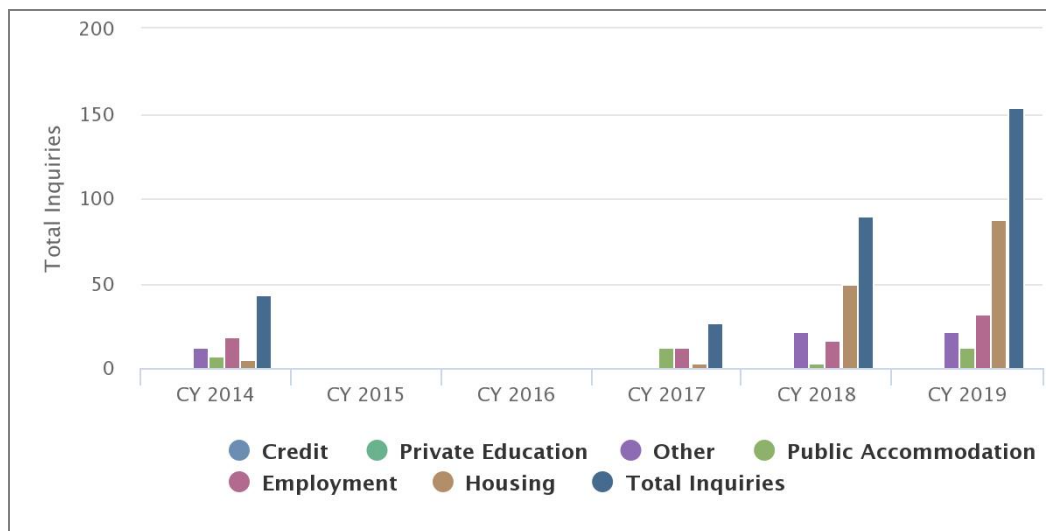
Total Inquiries and Complaints by Location

The OHR received a combined total of 160 new inquiries and complaints in CY2019. Of the 160 inquiries and complaints received, 122 originated in the City of Charlottesville, 24 in Albemarle County, and 14 in other localities or localities not specified. Of the 160 inquiries and complaints, 43 involved allegations of discrimination. This data corresponds with Measure 1.2 in the Department Scorecard.



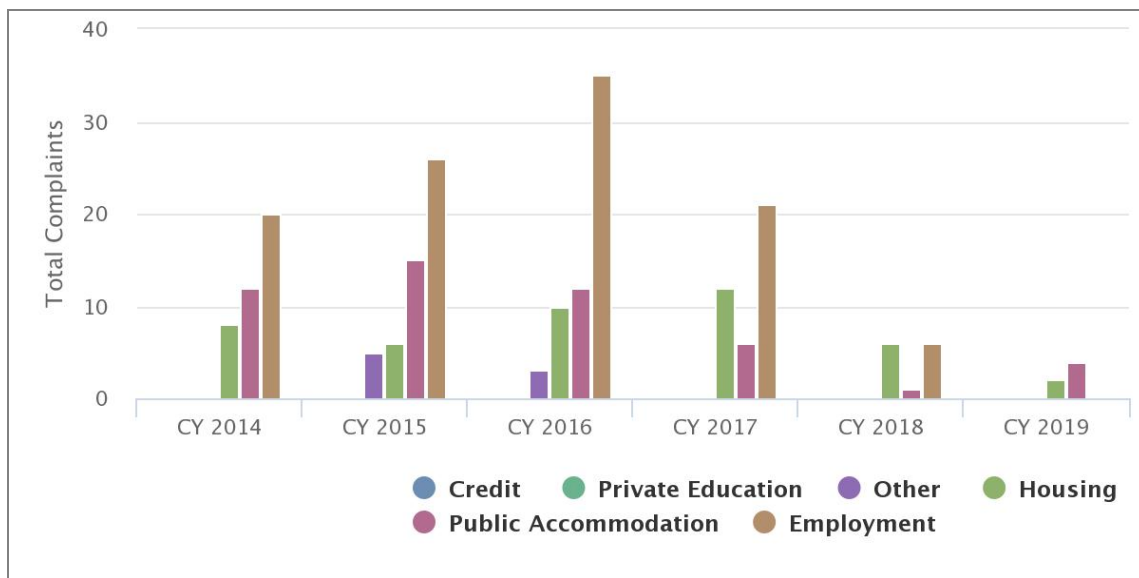
Total Inquiries by Protected Activity

Of the 160 combined new inquiries and complaints received by the OHR in CY2019, 154 were inquiries and 6 were complaints. Of the 154 inquiries, 88 related to the protected activity of housing, 32 to employment, 12 to public accommodation, and 22 to activities not protected by the 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 CY2019, the OHR received 6 complaints: 2 within housing and 4 within public accommodation. This is a markedly lower number of complaints than in previous years. As noted previously, the definition of a complaint has been 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 for the past six years. The table below the chart provides summaries of the 6 complaints received in 2019. This data corresponds with Measure 1.4 in the Department Scorecard.

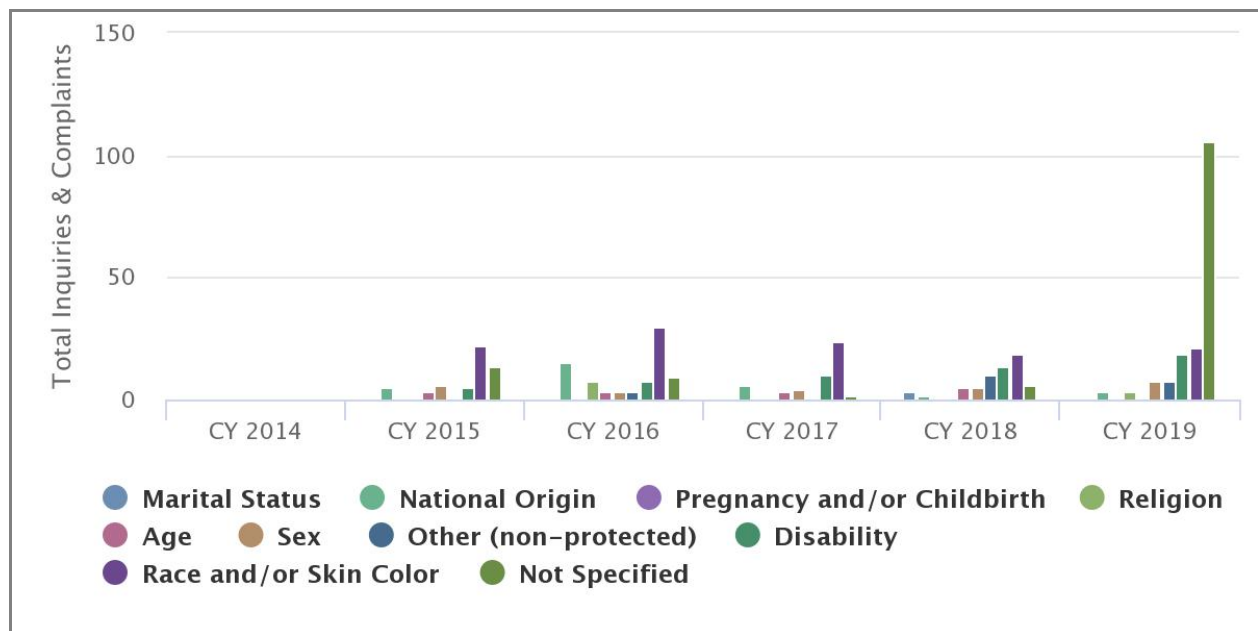


Protected Activity	Protected Class(es)	Status	Additional Information
Housing	Sex	Open	The Respondent refused alternative dispute resolution. The OHR awaits a response from the Complainant regarding next steps.
Housing	Sex	Closed	The Complainant was able to resolve the matter with the Respondent to their satisfaction.
Public Accommodation	Disability	Open	This case awaits a decision regarding alternative dispute resolution.
Public Accommodation	Disability	Open	This case awaits a decision regarding alternative dispute resolution.
Public Accommodation	Race/Skin Color	Open	At the end of 2019, this case was still under investigation.
Public Accommodation	Race/Skin Color, Disability	Dismissed	After an initial investigation, this case was determined to be outside the jurisdiction of the OHR.

Total Combined Inquiries and Complaints by Protected Class

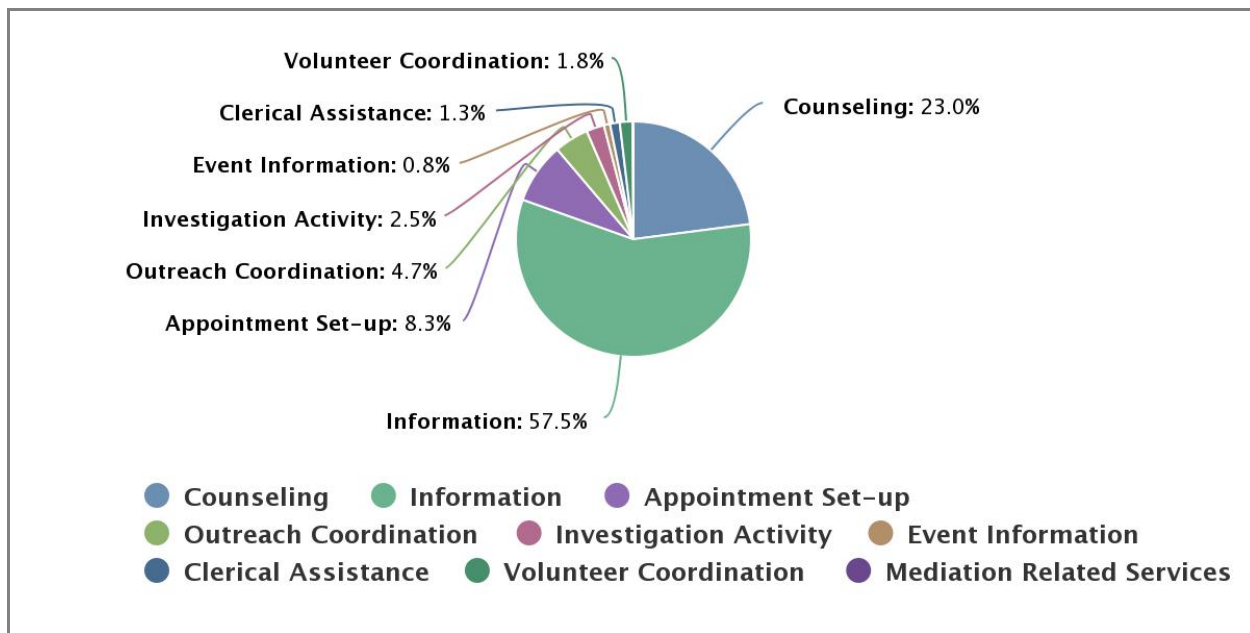
This data displays the self-identified protected class or classes associated with the 160 inquiries and complaints received by the OHR in CY2019. The OHR does not log protected class data unless the individual self-identifies the protected class during counseling or intake discussions. The table below shows the classification of all 160 combined inquiries and complaints received in CY2019. The chart displays the same information juxtaposed with data from previous years. 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 high number of “Not specified” inquiries is due to the many referrals to the CSRAP and other housing related inquiries that did not include the identification of a protected class.

Protected Class	Total associated inquires and complaints
Age	1
Disability	19
Marital Status	0
National Origin	3
Pregnancy and/or Childbirth	0
Race/Skin Color	21
Religion	3
Sex	8
Other (non-protected)	8
Not specified	106



Services Provided to Individual Contacts

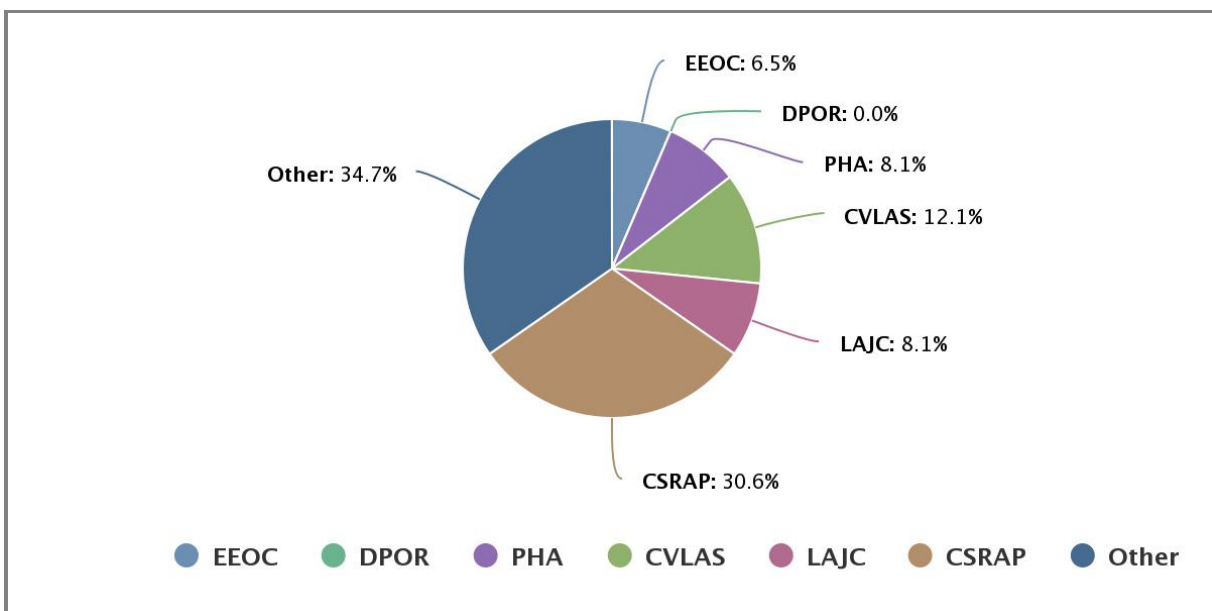
In order to better quantify the types of services provided to people who seek assistance, the OHR has developed a classification system to define service types. The pie chart below shows the percentage breakdown of service types for all 2,399 incoming and outgoing contacts. Note that referrals are not counted in this breakdown, as they are counted separately and are often a secondary service provided in addition to the services displayed below. The majority of service provision entailed providing information. This exchange could involve information related to an inquiry or complaint, or it could have been more general in nature. Counseling was the second 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.



Referrals to Other Services

A total of 101 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: 34.7%” of referrals.

- **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 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. 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.

- Alliance for Interfaith Ministries
- Attorney General Division of Human Rights
- Charlottesville Downtown Job Center
- Charlottesville Investment Collaborative
- Charlottesville Neighborhood Development Services
- Charlottesville Redevelopment and Housing Authority
- Charlottesville Resource Hotline
- Department of Behavioral Health and Developmental Services Office of Human Rights
- Fairfax Office of Human Rights
- Housing Opportunities Made Equal
- JABA Neighbor to Neighbor
- Judicial Inquiry and Review Commission
- Legal Aid Society of Eastern VA
- Love, Inc.
- Maxine Platzer Lynn UVA Women's Center Free Legal Clinic
- Neighborhood Family Health
- Network to Work
- PACEM (including the Secure Seniors program)
- Portico Church
- Sin Barreras
- The Crossings
- The Haven
- Trinity Presbyterian
- UVA Social Services
- Virginia Education Association

Key Takeaways from Individual Service Provision Data from CY2019

What the data says...	What this means in practice...
<p>The OHR received 1,849 incoming contacts, for an average of 7 incoming contacts per day over 252 open office days.</p>	<ul style="list-style-type: none"> • This is the upper end of what two staff people can accommodate and still provide effective services. • Often there is only one person in the office. At such times, appointments can overlap with walk-ins and incoming calls. • If both staff are asked to participate in outreach or other activities that remove them from the office space, then there is no one present to receive walk-ins or phone calls.
<p>The OHR received 44 incoming contacts that involved an allegation of discrimination.</p> <ul style="list-style-type: none"> • 14 allegations of employment discrimination within the City of Charlottesville • 2 allegations of housing discrimination within the City of Charlottesville • 12 public accommodation allegations within the City of Charlottesville <ul style="list-style-type: none"> ➤ 1 resulting in a formal investigation that is ongoing • The remaining 16 allegations occurred outside the City of Charlottesville or involved unprotected activities. 	<ul style="list-style-type: none"> • Allegations of employment discrimination were the primary type of discrimination claim received by the OHR. <ul style="list-style-type: none"> ○ FEPA status for the OHR is still pending with the EEOC and the City Attorney's Office. ○ Were the OHR a FEPA, it could have potentially investigated the 3 employment cases referred to the EEOC. ○ It is not clear how many other employment discrimination cases could have been referred to the OHR by the EEOC had the OHR been a FEPA in 2019, though this data is available by FOIA request from the EEOC. ○ For reference, in 2017, the EEOC reported receiving the following number of employment discrimination claims <ul style="list-style-type: none"> ▪ 29 for Charlottesville ▪ 14 for Albemarle County
<p>Of the 2,399 documented incoming and outgoing contacts, 551 involved counseling services. Of those 551, 416 concerned housing.</p>	<ul style="list-style-type: none"> • This again points to the significant number of contacts related to housing concerns, specifically with regard to navigating the affordable housing market. • Anecdotal evidence suggests this is due to an overwhelming unmet demand for this type of service in Charlottesville, coupled with a lack of supply of affordable housing for people earning below 30% AMI and the accessibility of the OHR and its staff.
<p>Of the 154 new inquiries and 6 new complaints received 19 identified disability and 21 identified race/skin color as the protected class associated with their concern.</p>	<ul style="list-style-type: none"> • While allegations of discrimination attached to a specific protected activity and class made up a small proportion of the total incoming contacts, race/skin color and disability were the two most often identified reasons for discrimination cited by the individuals who came to the OHR.

Analysis of OHR Community Outreach and Individual Services for CY2019

Analysis	Community Outreach	Individual Services
Successes	<ul style="list-style-type: none"> • The OHR had a continuous and robust presence in the community throughout 2019. • OHR staff have developed positive and trusting relationships with community members and other organizations. 	<ul style="list-style-type: none"> • The OHR assisted more individuals in 2019 than during any other year prior. • The OHR has developed a more complete and nuanced data tracking system for individual service provision.
Challenges	<ul style="list-style-type: none"> • Data collection, including attendance records and satisfaction surveys during large community events has been incomplete. 	<ul style="list-style-type: none"> • Limited enforcement authority with regard to employment and housing discrimination cases results in some individuals choosing not to pursue further action. • Increased numbers of contacts and limited staff results in walk-ins and phone calls overlapping with scheduled appointments. • Soliciting and collecting satisfaction data from individuals is time-consuming and difficult given the increased number of contacts. • Data entry is held by one staff person, and the OHR is still in the process of a developing a case management system that all staff can access.
Opportunities	<ul style="list-style-type: none"> • Volunteers and interns could assist with data collection during events. • Additional staff could also provide assistance with data collection and input during large outreach events. 	<ul style="list-style-type: none"> • With support from City Council and the City Attorney's Office, the OHR could pursue expanded enforcement and conciliation authority. • Volunteers and interns could assist with satisfaction data collection and data entry. • Additional administrative staff could improve responsiveness to contacts and speed up data entry. • Continued work with the IT Department could result in a secure web-based data management system that is accessible to all staff.

Attachment A
Biased-based Policing Policy
HRC Recommendations

**PROPOSED CHANGES TO EXISTING POLICY
(WORKING DRAFT FOR DISCUSSION PURPOSES 10-14-19)**

Type of Directive: GENERAL ORDER **BIASED
BASED POLICING** VLEPSC Number:

ADM.02.05, OPR.07.04 Amends: 07/01/02,
07/01/03, 04/15/05, 01/12/15

Number: **XX** Date: **XX**
Manual Number: 400.05
Effective Date: XX/XX/**20**
Review Date: As Needed

Authorization: Chief RaShall M. Brackney

I. POLICY

It is the policy of the Charlottesville Police Department (Department) to provide services and enforce laws in a professional, nondiscriminatory, fair, and equitable manner. The Department recognizes that bias can occur at both an individual and institutional level and is committed to effectively addressing both. The Department's primary objective is to provide equitable police services based upon the needs of the people we encounter and serve.

II. PURPOSE

This policy is intended to increase the Department's effectiveness as a law enforcement agency and to build mutual trust and respect with Charlottesville's diverse groups and communities.

The purpose of this policy is to unequivocally state that biased-based policing in law enforcement is unacceptable. This policy shall provide guidelines for officers to prevent such occurrences.

III. DEFINITION

Bias-based policing is the different treatment of any person by police officers in the line of duty motivated by any characteristic or protected classes under state, federal, and local laws as well as other discernible personal characteristics of an individual. These "discernible characteristics" include, but are not necessarily limited to the following characteristics: race, ethnicity, or color; age; disability status; economic

Commented [1]: Recommend change of policy to Bias Free Policing Policy

stats; familial status; gender; gender identity or expression; sexual orientation; homelessness; mental illness; national origin; political ideology; religion; and language.

Commented [2]: For discussion -- limit to only those recognized under the law?

IV. SHARED RESPONSIBILITIES

A. CHIEF OF POLICE:

The Chief of Police will reinforce that bias-based policing is unacceptable through the provision of specific yearly training, periodic updates, and such other means as deemed necessary and appropriate to implement this policy. The foregoing programming and updates will cover topics, such as strategies for interacting with youth, disability, mental illness, cultural diversity, interpersonal communications, and implicit bias.

The Chief of Police or designee retains ultimate authority and responsibility to ensure this policy is in effect and fully implemented.

B. SUPERVISORS (including Commanders, managers, etc.):

Supervisors are responsible for ensuring all personnel in their command are operating in compliance with this policy.

Supervisors have an individual obligation to ensure the timely and complete review and documentation of all alleged violations of this policy that are referred to them or of which they should reasonably be aware.

Supervisors who fail to respond to, document, and review allegations of bias-based policy will be subject to discipline.

C. EMPLOYEES (including officers, administrators, etc.):

1. Prohibited Conduct -- Bias, Discrimination, and Retaliation

Employees shall not make decisions or take actions that are influenced by bias, prejudice, or discriminatory intent. Law enforcement and investigative decisions must be based upon observable behavior or specific trustworthy intelligence.

Officers may not use discernible personal characteristics in determining reasonable suspicion or probable cause, except as part of a suspect description. Specifically, officers only may take into account the discernible personal characteristics of an

individual in establishing reasonable suspicion or probable cause when the characteristic is part of a specific suspect description based on trustworthy and relevant information that links a specific person to a particular unlawful incident. Officers must articulate and document specific facts and circumstances that support their use of such characteristics in establishing reasonable suspicion or probable cause.

Employee shall not express -- verbally, in writing, or by any other gesture -- any prejudice or derogatory comments concerning discernible personal characteristics.

No employee shall retaliate against any person who initiates or provides information or testimony related to an investigation, prosecution, complaint, litigation, or hearing related to the Department or Departmental employees, regardless of the context in which the allegation is made, or because of such person's participation in the complaint or other process as a victim, witness, investigator, decision-maker, or reviewer.

2. Duty to Report

Employees who have observed or are aware of others who have engaged in bias-based policing shall specifically report such incidents to a supervisor, providing all information known to them before the end of the shift during which they make the observation or become aware of the incident.

Employees who engage in, ignore, condone, or otherwise enable bias-based policy will be subject to discipline.

3. Important Caveat

This policy does not prevent officers from considering relevant personal characteristics when determining whether to provide services or accommodations designed for the benefit of individuals with those characteristics (e.g., mental illness, addiction, homelessness).

V. COMPLAINT PROCESS

Any person may file a complaint with the Department if they feel they have been stopped, detained, searched, or otherwise subjected to unfair and unwarranted policing based on a discernible personal characteristic. No person shall be discouraged, intimidated or coerced from filing such a complaint or discriminated or retaliated against because they filed such a complaint.

All biased-based policing complaints received by the Department shall be promptly

handled in accordance with General Order 317.01 – Internal Investigations and Citizen Complaints. This complaint procedure is available for your convenience on the City of Charlottesville’s website at: [link to url].

If you are an individual with a disability and need assistance with filing a complaint pursuant to this policy, please contact the ADA Coordinator for the City of Charlottesville at [email and/or phone].

Commented [3]: For discussion -- Seattle's policy (see pp. 6-8) offers a less formal, immediate response by a supervisor and/or Bias Review Team when bias is raised -- should we consider recommending such a process or something else in addition to or in lieu of the standard review under 317.01? Is that feasible/worth that time at this juncture? Possibly wait until later?

VI. RECORDKEEPING

All circumstances of the allegations and steps that were taken to investigate and resolve complaints of violations of this policy will be documented in writing by the Department and maintained electronically in a database. At a minimum this information will identify the name and contact information of who filed the complaint; the specific details of the allegation(s); the names and contact information for all witnesses; all investigative steps taken to determine whether this policy was violated; the analysis and rationale regarding the determination as to whether the policy was violated; and all remedial or corrective action taken in response to the complaint, as applicable.

VII. ANNUAL REPORT

The Department will prepare an annual report that describes and analyzes the year’s bias-based policy allegations (without sharing personally identifiable information) and the status of the Department’s ongoing efforts to prevent bias-based policing, and any disparate (unintended) adverse impacts of policing on those with protected characteristics (protected classes) recognized under federal, state, and/or local law.

The Department is committed to eliminating, wherever possible, eliminating policies and practices that have an unwarranted disparate impact on certain protected classes. It is possible that the long-term impacts of historical inequality and institutional bias could result in disproportionate enforcement, even in the absence of intentional bias. The Department’s goal is to identify ways to protect public safety and public order without engaging in unwarranted or unnecessary disproportionate enforcement.

As part of the annual review, the Department will analyze data that will assist it in identifying whether certain practices, such as stops, citations, and arrests, have a disparate impact on protected classes in comparison to the general population. This review and analysis will be done in consultation with the City’s legal department.

Should unwarranted disparate impacts be identified and verified, the Department will consult with neighborhoods, businesses, community groups, and others to explore equally effective alternatives that will ensure the safety of the public while having a

less disproportionate impact on only certain groups. Initially, this comprehensive disparate impact analysis will focus on race, color, and national origin.

IMPORTANT CAVEAT: The annual report section of this policy, in particular the disparate impact discussion, is not a basis to impose discipline upon any employee of the Department, nor is it intended to create a private right of action to enforce its terms.

VIII. LANGUAGE DIVERSITY

This policy has been translated into the five identified predominant language groups in the areas served by the Department. Should you need assistance, however, in obtaining the information contained in this policy in another language, please contact the Department at: [email and/or phone].

Attachment B

Biased-based Policing, Police Constitutional
Procedures, & Police Use of Force
HRC Recommendations

MEMORANDUM

To: Dr. RaShall M. Brackney, Charlottesville Chief of Police

Via: Lisa Robertson, Legal Counsel for CPD

Re: Human Rights Commission (HRC) General Recommendations – Police Policies

Date: November XX, 2019

After careful review of several Charlottesville police policies, including Bias-Based Policing, Constitutional Procedures, and Use of Force, by an HRC ad hoc committee, the HRC submits the following recommendations for consideration in the overall areas of standardization and access, with the goal to ensure consistency, transparency, and clarity among all City of Charlottesville policies that apply to the police to the benefit of the police and all community members:

A. Table of Contents

We recommend adding a Table of Contents to each policy, in particular those that are five or more pages in length, to aid in readability. We also recommend the use of section headers.

B. Roles and Responsibilities

Who is responsible for certain aspects of policies can often be lost in long narrative paragraphs and legalese. We strongly recommend making clear who is responsible for implementing key provisions of a policy and how that responsibility may be shared among various roles in the Department.

C. Definitions

The Commission recommends adding a definitions section of key terms that are used throughout any policy to aid the reader, preferably at the beginning or end of the policy.

D. Language

While the Commission understands that certain language is legally required, the City is encouraged to minimize use of legalese wherever possible and, when it needs to be used, to be mindful of explaining the legal requirements in plain language that will be easily understood by the average community member. In addition, be mindful of the tone of the language used.

E. Complaint Procedures/Accountability Measures

The Commission recommends that all policies clearly explain how community members can report violations of the policy and to whom, who will be responsible for investigating/determining whether the policy has been violated, and who will be responsible for taking any necessary remedial or other responsive actions.

F. Benchmarking

The Commission encourages the City to routinely and actively consult with experts in the field to ensure that City policies meet or exceed national standards and to create and sustain a community of practice with other law enforcement agencies.

G. Periodic Review

The Commission encourages the City to periodically review and update its policies to ensure they reflect current best practices, are effective in meeting the stated purpose/goal of the policy, and are not outdated. [edit, ROB: definitively and at least, each in-coming chief should “sign off on” every policy. Every policy should state when the periodic review should happen (every year, 2-3 years, five years, etc)]

H. Data Collection and Analysis

The Commission encourages the City to collect and analyze data related to its policies to inform its periodic review and updating of policies as appropriate to ensure they are effective.

I. Annual Reporting

The Commission encourages annual reporting of its data analysis and results and sharing of that information with the community to build and sustain community trust, spark dialogue, and inform needed enhancements to policies, practices, and services.

Attachment C

Re-naming of Streets and Public Spaces

HRC Recommendations

2019 CHARLOTTESVILLE HUMAN RIGHTS COMMISSION

Procedural Recommendations for Renaming of Public Spaces, Buildings, Streets and Other Infrastructures

- Naming of public spaces, buildings, streets or other city-owned infrastructures should be weighed for its alignment to City goals and values in with particular attention to equity and inclusion.
- If a person or family name is recommended, thorough review of their past and contributions to the community should be considered. There should also be a specific time-period that has passed since the death of the individual.
- The Charlottesville community should have input. The community engagement process should be clearly defined with the following questions:
 1. Is there evidence that the original name holder marginalized or oppressed a group of people?
 2. Is renaming necessary for citizen health and well-being?
 3. What is the financial or other impact of changing the name of a public space, building, street, or infrastructure?
 4. Has a historian or other expert been involved in checking the background of the renaming candidate?
 5. What is the value to the community with an honorary naming?

City of Charlottesville Goals:

- Inclusive, Self-sufficient Community
- Healthy and Safe City
- Beautiful Environment
- Strong, Diversified Economy
- Responsive Organization

City of Charlottesville Organizational Values

- Creativity
- Leadership
- Trust
- Respect
- Excellence

Attachment D

Piedmont Environmental Council

HRC Letter of Support



City of Charlottesville Human Rights Commission

Commissioners

June 25, 2019

Shantell Bingham
Chair

MAPP2Health
Charlottesville, VA

Susan W. Lewis
Parliamentarian

Dear MAPP2Health proposal reviewers,

Jeanette Abi-Nader

The City of Charlottesville Human Rights Commission (HRC) would like to express our support for the Piedmont Environmental Council's (PEC) *Open Streets* proposal. As a commission charged with upholding justice and equal opportunity in the City of Charlottesville, we set out to "Collaborate with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination citywide." The *Open Streets* proposal presented by the Piedmont Environmental Council is an opportunity for the City of Charlottesville to advance equitable inclusion of all members of our community.

Idil Aktan

Elliot Brown

Pheobe Brown

On the surface, *Open Streets* enables people to use public space in new ways, introduce them to new forms of physical activity and have fun while meeting new people in a space that is physically and socially safe. While the concept seems simple, when implemented with equity in mind this intervention carries the power of breaking down the segregated conditions rampant in our city and forging more powerful community connections across race, class, and culture. Under the consultation of Charles Brown, a senior researcher from the Alan M. Voorhees Transportation Center at the New Jersey Bicycle and Pedestrian Center, the *Open Streets* concept was presented as a means for our city to "ensure that everyone has safe and equitable access to the investments that have been made in the city."

Ernest Chambers

Kathryn Laughon

Andrew Orban

Catherine Spear

Matthew Tennant

Piedmont Environmental Council seeks to accomplish more equitable and safe access to our streets, while encouraging activity across all neighborhoods. To do so, PEC will;

Lyndele Von Schill

- 1) Ensure the Open Streets working group is diverse with balanced representatives from each neighborhood, including public and subsidized housing sites or residents traditionally excluded.
- 2) Utilize support from mentors, neighborhood champions, and organizations like the Human Rights Commission to assure that Open Streets planning occurs in an inclusive and equitable manner.
- 3) Actively support residents in working across differences in race/color, age, ability, gender and religion to create *Open Streets* program accessible to all.
- 4) Ensure comprehensive buy-in of every resident and business in the affected area when obtaining a permit to block streets.

Robert Woodside

Melvin Grady

Olivia Patton

Ann J. Smith

We believe *Open Streets*, has the power to shift our city's social dynamics and equitably support the development of a more inclusive, safe, and active city for all residents.

Thank you for your consideration,

Shantell Bingham, Chair
Human Rights Commission
106 5th St NE, Charlottesville, VA 22902
shantellbingham@gmail.com

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

Attachment E

Charlottesville Supplemental Rental Assistance Program

HRC Resolution HR-19

**RESOLUTION TO ENDORSE THE CONTINUATION, EXPANSION, AND REVIEW OF THE
CHARLOTTESVILLE SUPPLEMENTAL RENTAL ASSISTANCE PROGRAM FROM
CHARLOTTESVILLE HUMAN RIGHTS COMMISSION
RESOLUTION #: HR19-1**

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, the waiting lists for public housing and Housing Choice Vouchers are currently closed, include 1,651 unduplicated households, and represent an eight-year wait for a voucher or a seven-year

wait for a public housing unit (City of Charlottesville Housing Needs Assessment Socioeconomic and Housing Market Analysis, April 4, 2018); and

WHEREAS, the Charlottesville Affordable Housing Fund, hereinafter “the CAHF,” was created as the City’s primary mechanism for promoting and supporting the creation, preservation and rehabilitation of affordable housing within the City; and

WHEREAS, City Council approved \$900K of CAHF funds in FY2019 to support the Charlottesville Supplemental Rental Assistance Program, hereinafter “the CSRAP;” and

WHEREAS, 67 households are currently living in rental housing supported by the CSRAP, 27 households have received CSRAP vouchers and are currently searching for housing (Charlottesville Redevelopment and Housing Authority (CRHA) CSRAP quarterly report, November 2018), and an additional unknown number of households are currently on the CSRAP waiting list; and

WHEREAS, the above number of awarded CSRAP vouchers exceeds the current funding from the CAHF for FY2019 (memo to Mike Murphy and Alex Ikefuna from Stacy Pethia November 30, 2018), and funding for the CSRAP in FY2020 has not yet been determined; now, therefore;

BE IT RESOLVED that the Commission hereby advocates for an appropriation of \$131,000 for FY2019 and a budgeted amount of \$987,000 for FY2020 for the CSRAP, which includes:

- The appropriation of additional funding for the CSRAP during FY2019, as needed, and up to \$131,000 (according to CRHA figures from January 31, 2019), to support all households who have received CSRAP vouchers and are currently searching for housing; and
- The continued funding of the CSRAP in FY2020 to support current voucher holders at an estimated cost of \$758,000 (according to CRHA figures from January 31, 2019); and
- An increase in funding for the CSRAP in FY2020 to support qualifying households that are currently on the CSRAP waiting list, at an estimated additional cost of \$229,000 (according to CRHA figures from January 31, 2019); and
- A thorough FY2019 assessment of the CSRAP by Neighborhood Development Services, prior to funding appropriations, to ensure that the above figures are current and accurate and that the program is functioning as prescribed by the City of Charlottesville Affordable Housing Fund CSRAP Grant Agreement.

Dated this 21st of February, 2019.



Susi Wilbur, Chair, Human Rights Commission

Attachment F

Common Sense Gun Laws

HRC Letter of Support



City of Charlottesville Human Rights Commission

Commissioners
Shantell Bingham
Chair

Susi Wilbur
Vice Chair

Susan W. Lewis
Parliamentarian

Jeanette Abi-Nader

Idil Aktan

Elliot Brown

Pheobe Brown

Ernest Chambers

Kathryn Laughon

Andrew Orban

Catherine Spear

Matthew Tennant

Lyndele Von Schill

Robert Woodside

Melvin Grady

Olivia Patton

Ann J. Smith

September 15, 2019

Pocahontas Building, Room E210
900 East Main Street
Richmond, Virginia 23219
(804) 698-1057

Dear Mr. Toscano,

The City of Charlottesville Human Rights Commission would like to thank you for your diligent efforts towards gun control in the state of Virginia. To date, you have already sponsored and co-sponsored two key bills ([HB 4009](#), and [HB 4003](#)) that will promote safer communities in Virginia.

The Human Rights Commission has been following the work of the VA State Crime Commission as well as other conversations across the state. We feel that it's pertinent to implement common sense gun laws and ask you to support the passing of the following bills on November 18th, 2019;

- [HB 4015](#) Firearm transfers; criminal history record information checks, penalty.
- [HB 4004](#) Handguns; limitation on purchases, exceptions, penalty.
- [HB 4020](#) Firearms; purchase, possession, etc., by prohibited persons, surrender or transfer of firearms, etc.
- [HB 4021](#) Assault firearms, certain firearm magazines, trigger activators, & silencers; prohibiting sale, etc.
- [HB 4005](#) Firearms, ammunition, etc.; control by localities by governing possession, etc., within locality.

We thank you for your service and commitment to safety in Virginia.

Sincerely,

Shantell Bingham, Chair
Human Rights Commission
106 5th St NE, Charlottesville, VA 22902
shantellbingham@gmail.com

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

Attachment G
OHR Data Dictionary

2019 Charlottesville Office of Human Rights Data Dictionary
Revised 08/01/2020

Term	Definition
Appointment Set-up	A contact involving the scheduling of an appointment with the Office of Human Rights.
Clerical Assistance	Any activity involving creating documents or other materials on behalf or at the request of the client.
Client Follow-up	An incoming contact from an individual who has an open inquiry or complaint.
Closed Complaint	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.
Closed Inquiry	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.
Complaint	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 Human Rights Ordinance.
Contact	All walk-ins, appointments, phone calls, text messages, and emails with individuals.
Counseling	Assistance provided to the client regarding available courses of action to address a concern.
Dismissed Complaint	A complaint that has been closed by staff due to the case being too far outside the jurisdiction of the Office of Human Rights or because the client has ceased responding to attempted follow-up by staff.
Dismissed Inquiry	An inquiry that has been closed by staff due to the case being too far outside the jurisdiction of the Office of Human Rights or because the client has ceased responding to attempted follow-up by staff.
General Contact	An incoming contact that involves outreach coordination, event planning, volunteer coordination, or general information.
Incoming Contact	Any walk-in, appointment, phone call, text message, or email from an individual seeking assistance from the Office of Human Rights.

Term	Definition
Information	A contact in which staff answers questions of a general nature or provides information regarding services, events, or programs.
Inquiry	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.
Investigation Activity	Any activity associated with the formal investigation of a complaint.
Mediation Related Services	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.
Open Complaint	A complaint that is still being addressed by the Office of Human Rights.
Open Inquiry	An inquiry that is still being addressed by the Office of Human Rights.
Outgoing Contact	All service-related contacts initiated by Office of Human Rights staff.
Outreach Coordination	Any service related to community outreach regarding service provision, education & awareness, or facilitation & leadership.
Protected Activity	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.
Protected Class	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.
Public Hearing	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.

Term	Definition
Referral	A recommendation staff for the client to contact another agency in order to address a concern raised in an 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 Contact	An incoming contact with a person who is a third party to an individual directed involved with an inquiry or complaint.
Third Party Outgoing Contact	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 H

OHR Individual Service Provision
CY2019 Aggregated Data

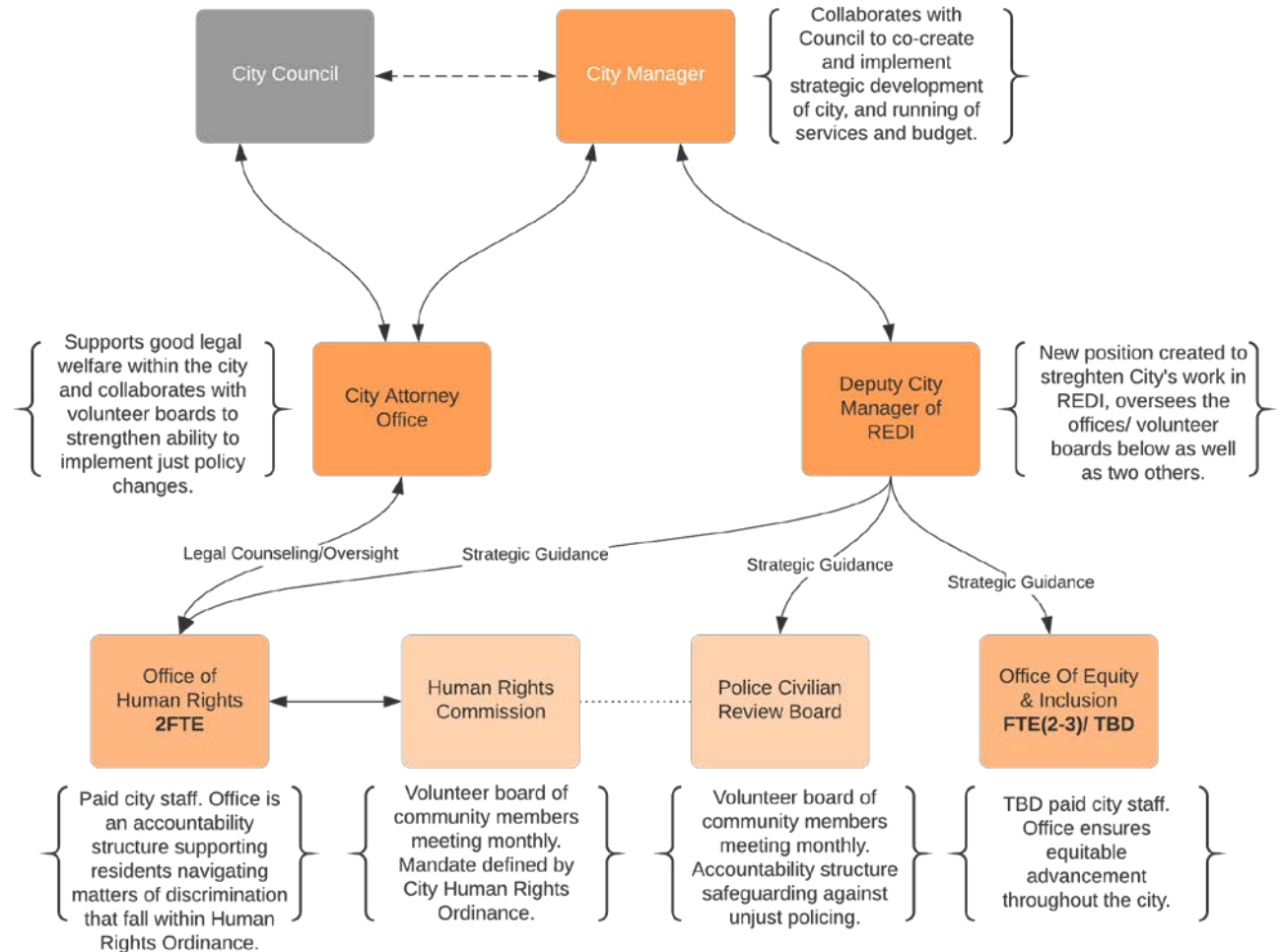
Measures	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTALS
<i>Open office days in the month</i>	22	20	21	22	23	20	22	22	20	23	19	18	252
<i>Total Incoming & Outgoing Contacts</i>	152	145	189	195	208	202	207	278	178	247	207	191	2399
<i>Total Incoming Contacts</i>	129	110	120	134	164	159	163	202	158	202	161	147	1849
<i>Average Incoming Contacts/Day</i>	6	6	6	6	7	8	7	9	8	9	8	8	7
<i>Referrals from Sin Barreras</i>	1	3	0	0	0	1	2	0	0	0	0	0	7
<i>Contacts in Spanish</i>	3	15	10	0	0	1	6	0	0	0	0	1	36
<i>Total Staff Follow-ups (Outgoing)</i>	20	35	68	42	35	35	29	51	17	26	22	22	402
<i>Total Third Party Contacts (Outgoing)</i>	3	0	1	19	9	8	15	25	3	19	24	22	148
<i>Total Client Follow-ups (Incoming)</i>	52	26	60	68	86	68	87	118	91	120	111	93	980
<i>Total Third Party Contacts (Incoming)</i>	5	14	12	19	20	23	22	29	13	36	25	35	253
<i>Total General Contacts (Incoming)</i>	48	61	37	39	49	47	35	33	40	35	21	11	456
<i>Total New Inquiries (Incoming)</i>	24	9	11	7	7	21	19	22	13	9	4	8	154
<i>Total New Complaints (Incoming)</i>	0	0	0	1	2	0	0	0	1	2	0	0	6
<i>Total Allegations (Both I&C)</i>	4	3	5	2	6	9	1	2	2	6	2	2	44
<i>Total I&C: Locality - Cville</i>	22	5	8	7	5	16	9	18	13	9	4	6	122
<i>Total I&C: Locality - Albemarle</i>	2	2	2	1	3	4	5	3	0	2	0	0	24
<i>Total I&C: Locality - Other or Not Specified</i>	0	2	1	0	1	1	5	1	1	0	0	2	14
<i>Total Inquiries: P.A. - Employment</i>	7	1	3	0	2	3	1	5	2	4	2	2	32
<i>Total Inquiries: P.A. - Housing</i>	13	7	4	4	3	13	11	14	9	4	1	5	88
<i>Total Inquiries: P.A. - Public Accommodation</i>	1	1	3	0	2	2	0	2	0	1	0	0	12
<i>Total Inquiries: P.A. - Credit</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Inquiries: P.A. - Private Education</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Inquiries: P.A. - Other (Unprotected)</i>	3	0	1	3	0	3	7	1	2	0	1	1	22
<i>Total Complaints: P.A. - Employment</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Complaints: P.A. - Housing</i>	0	0	0	0	0	0	0	0	0	2	0	0	2
<i>Total Complaints: P.A. - Public Accommodation</i>	0	0	0	1	2	0	0	0	1	0	0	0	4
<i>Total Complaints: P.A. - Credit</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Complaints: P.A. - Private Education</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Complaints: P.A. - Other (Unprotected)</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
Total employment discrimination allegations	4	1	2	0	1	3	0	1	1	4	2	2	21
<i>Employment allegations in Charlottesville</i>	3	0	1	0	0	2	0	1	1	3	2	1	14
<i>Employment allegations in Albemarle Co.</i>	1	1	1	0	1	1	0	0	0	1	0	0	6
<i>Emp. allegations in Cville referred to EEOC</i>	1	0	0	0	0	0	0	1	0	1	0	0	3
<i>Emp. allegations in Alb. Co. ref. to EEOC</i>	1	1	0	0	1	0	0	0	0	1	0	0	4

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 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. - Preg./Childbirth</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Employment Complaints: P.C. - Race/Skin 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. - 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. - Preg./Childbirth</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Housing Complaints: P.C. - Race/Skin 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	2	0	0	2
<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 Public Accommod. Complaints: P.C. - Age</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Public Accommod. Complaints: P.C. - Disability</i>	0	0	0	1	1	0	0	0	1	0	0	0	3
<i>Total Public Accommod. Complaints: P.C. - Marital Status</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Public Accommod. Complaints: P.C. - National Origin</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Public Accommod. Complaints: P.C. - Preg./Childbirth</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Public Accommod. Complaints: P.C. - Race/Skin Color</i>	0	0	0	1	1	0	0	0	0	0	0	0	2
<i>Total Public Accommod. Complaints: P.C. - Religion</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Public Accommod. Complaints: P.C. - Sex</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Public Accommod. Complaints: P.C. - Not specified</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Public Accommod. Comp.: P.C. - Other (Unprotected)</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Open Inquiries</i>													16
<i>Total Closed Inquiries</i>													131
<i>Total Dismissed Inquiries</i>													7
<i>Total Open Complaints</i>													4
<i>Total Closed Complaints</i>													1

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 Dismissed Complaints</i>													1
<i>Data check: sum of total I&C = to sum of open, closed and dismissed</i>													yes
<i>Service Provision: Appointment Set-up</i>	13	5	16	10	20	24	11	35	14	22	19	11	200
<i>Service Provision: Clerical Assistance</i>	1	4	8	2	1	5	2	1	0	2	2	4	32
<i>Service Provision: Counseling</i>	61	28	45	31	45	61	56	62	37	61	35	29	551
<i>Service Provision: Event Information</i>	0	9	1	0	0	6	3	0	0	1	0	0	20
<i>Service Provision: Investigation Activity</i>	0	0	0	0	2	6	11	10	1	3	18	8	59
<i>Service Provision: Information</i>	69	89	86	143	121	85	101	164	114	143	127	137	1379
<i>Service Provision: Mediation Related Services</i>	0	0	0	0	0	1	0	0	0	0	0	2	3
<i>Service Provision: Outreach Coordination</i>	8	9	32	8	9	8	13	4	8	10	4	0	113
<i>Service Provision: Public Hearing</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Service Provision: Volunteer Coordination</i>	0	1	1	1	10	6	10	2	4	5	2	0	42
<i>Data check: sum of total contacts = sum of all service provision types</i>	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
<i>Total Formal Investigations: - Employment</i>													0
<i>Total Formal Investigations: - Housing</i>													0
<i>Total Formal Investigations: - Public Accommodation</i>													1
<i>Total Formal Investigations: - Credit</i>													0
<i>Total Formal Investigations: - Private Education</i>													0

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.



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

Human Rights Commission

First Name	Last Name	Title	Term Length	Council Appointment Date
Jeanette	Abi-Nadar	Member	3/4/2019-2/28/2022	a 3/4/19
Shantell	Bingham	Chair	3/4/2019-2/28/2022	a 3/4/19
Pheobe	Brown	Member	3/4/2019-2/28/2022	a 3/4/19
Ernest	Chambers	Member	3/4/2019-2/28/2022	a 3/4/19
Olivia	Gabbay	Member	10/1/2018-10/31/2020	u 10/1/18
Melvin	Grady	Member	09/1/2017-8/31/2020	a 8/21/17
Jessica	Harris	Member	7/1/2020-2/28/2023	a 6/15/2020
Laura	Keppley	Member	7/1/2020-2/28/2022	u 6/15/2020
Kathryn	Laughon	Member	3/4/2019-2/28/2022	a 3/4/19
Susan W.	Lewis	Parliamentarian	11/1/2018-10/31/2021	a 10/21/13; r 10/19/15; r 3/4/19
Andrew	Orban	Member	3/4/2019-2/28/2022	a 3/4/19
Ann J.	Smith	Member	11/6/2017-10/31/2020	a 10/21/13; r 12/15/14; r 11/6/17
Matthew	Tennant	Member	3/4/2019-2/28/2022	a 3/4/19
Lyndele	Von Schill	Member	3/4/2019-2/28/2022	a 3/4/19
Robert	Woodside	Member	3/4/2019-2/28/2022	a 3/4/19
Vacant		Member	exp 10/31/2021	u
Vacant		Member	exp 2/28/2022	u

General Information

Meetings: Date/Time: 3rd Thursday; 6-8 pm
Place: CitySpace

Membership: No less than 9 members, appointed by Council. Membership shall be broadly representative of the City's population, 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.

Must reside in the City- Va Code Section 2-432

Terms: 3 year terms; 2 term limit (Any member of commission may be removed for good cause by a majority vote of Council.)

Purpose: 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.

Contact: Todd Niemeier, niemeier@charlottesville.gov, 434-970-3023

**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 education on the basis of race, color, religion, sex, sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, national origin, age, marital status or disability.

Commented [NT1]: Public Education is a separate government entity, but it is not clearly distinguished in the ordinance. Research required regarding enabling legislation and scope of enforcement authority.

(b) ~~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.

(c) Additionally, 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 source of funds. 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.

Commented [NT2]: Code of Virginia Title 36. Housing Chapter 5.1. Virginia Fair Housing Law. § 36-96.1.

(a) 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 and not more than XX 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 Charlottesville area; with priority given to applicants with demonstrable ties to the City. Of the members first appointed, at least three

Commented [NT3]: To be discussed with the full HRC.

Commented [NT4]: Changes approved by City Attorney's Office in October 2019.

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;~~

Commented [NT5]: Changes approved by City Attorney's Office in October 2019.

(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 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.

(c) For all other complaints alleging an unlawful discriminatory practice as defined herein within the corporate limits of the City, the Director or other designated professional staff will conduct, as authorized by this ordinance, 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 complaint may be dismissed by the Director without investigation if it fails to adequately allege a violation of this ordinance or is otherwise deficient on its face. If the complaint is not dismissed the Director will serve a copy on each respondent named therein. Upon completion of 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 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. If mediation or conciliation is not successful, the Director or designee may conduct further investigation or, if further investigation is not warranted, either dismiss the complaint as not constituting a violation or proceed with the preparation of materials for consideration by the Commission, as provided in section 2-439.1 (b).

(f) 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

Commented [NT6]: Need to figure out what Attorney General's Office will do from an enforcement perspective based on the VA Values Act.

Important to articulate the reasons why we change language or why we chose specific language. Maybe in a separate version with footnotes.

Can we include a clear step-by-step explanation of how the complaint process would work with regard to Employment. An administrative document, perhaps.

Need to figure out process for assisting City employees with EEOC complaints.

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 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 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

Human Rights Ordinance Revision Discussion

August 4, 2020

12:30pm

Virtual Meeting

Present: Allyson Davies, Sue Lewis, Todd Niemeier, Lyndele Von Schill

Link to virtual meeting recording:

<https://zoom.us/rec/play/6cYqfuurqDo3GNSRswSDAfd6W9S5La2s0idKq6cFxUnnAHgGNffwZ-EQYOTwfxgtDVNIzdpRKTgZYmE1?autoplay=true&startTime=1596558912000>

Link to working draft of revised Human Rights Ordinance on Box:

<https://app.box.com/s/2nj8n5x8rh9siunstobvk1jlytskto0e>

1. Sec. 2-431.(a) & (b)

- a. Recommendation to add “gender identity” and “sexual orientation” as protected classes distinct from “sex.”
- b. Virginia Values Act
 - i. Expressly names “gender identity” and “sexual orientation” as protected classes
 - ii. No legal issue with changing this in the Human Rights Ordinance
- c. “Transgender status”
 - i. Not mentioned in the Values Act
 - ii. Could add as “sex (to include transgender status)” and be on safe legal grounds
 - iii. Gender identity encompasses transgender status
 - iv. Make (b) to read the same as the Virginia Human Rights Act §15.2-965
 1. Can always borrow from enabling legislation to write our own

2. Sec. 2-437. (b)

- a. This section addresses jurisdiction.
 - i. Employment
 1. Original enabling legislation indicated employers with between 6 and 14 employees.
 2. The EEOC may only investigate cases with employers with 15 employees or greater
 3. Previous understanding of OHR jurisdiction – based on state statute
 - a. Employers in the City of Charlottesville
 - b. Employers with 6 to 14 employees
 - c. Cases in which the Complainant had been terminated
 4. Virginia Values Act has changed jurisdiction
 - a. Employers in the City of Charlottesville
 - b. Employers with 6 to 14 employees
 - c. Cases that involve a wider variety of complaints

5. Other consideration regarding jurisdictional limits
 - a. City Council decided that if a case could be passed to the EEOC, then it would be beneficial to pass the case to the EEOC because it has more resources
 - b. The OHR would pick up the cases from employers with less than 15 employees that the EEOC would not even consider
6. Potential advantages of becoming a FEPA
 - a. OHR staff opinion
 - i. EEOC process can feel challenging for people
 1. Office is in Richmond
 2. Intake system is online – less personal guidance
 3. Large federal agency
 - a. May be “weeding out” cases that are “muddy”
7. Constraints to becoming a FEPA
 - a. City Attorney opinion
 - i. Values Act
 1. Creates a potential state enforcement mechanism
 2. Should figure out what the scope of enforcement is a state level first before considering becoming a FEPA
 3. This provides a state enforcement mechanism that is completely separate from the EEOC
 4. We need to assess what this means for our own enforcement
 5. Complainants may still want to pursue an EEOC complaint so they can get the federal “right to sue” letter
 6. If we enforce it locally, the most we can do is pursue mediation and issue a determination
 - a. The Complainant would likely want to file simultaneously with the EEOC to get § 1983 protection
 - b. Local enforcement would not be as effective as going through the EEOC if they are seeking monetary damages
 - ii. Even as a FEPA
 1. The OHR would still need to pass on the case after determination to the EEOC for a “right to sue” letter under federal law § 1983
 - a. Allows the Complainant to file suit in federal court
 2. Municipality cannot issue the right to sue letter, even as a FEPA
 - iii. Would require the HRC to lobby City Council for more staff

1. The EEOC investigation process is paper-intensive

ii. Housing

1. Since PHA is no longer serving in this capacity, this needs to be fixed
2. PHA did not do investigations or conciliation through alternative dispute resolution
3. PHA offered counseling to prepare people to file with DPOR
4. PHA staff met with OHR to share the information about what they had been doing and passed that task to us
5. Striking out PHA language will resolve jurisdiction
6. There may not need to be anything additional added to clarify the OHR's jurisdiction to pursue housing discrimination cases
 - a. This would include mediation, investigation, appeals, and public hearings

b. Values Act

- i. Enforcement section of ordinance must be amended
- ii. Fact-finding needed
 1. Need to determine the scope of state enforcement
- iii. Complainants may be able to simultaneously pursue complaint at state level and federal level with employment
- iv. Need to determine how we best assist citizens
- v. **Todd will contact Mona Siddiqui in the Virginia Attorney General's Office**

c. HRC may benefit from an explanatory companion document

- i. This could serve as a companion to the Ordinance to explain the reasoning behind the language in the Ordinance
- ii. This would be helpful for new HRC members
- iii. This would also be helpful for the public

d. There would be a benefit to writing out the step-by-step process for employment cases

- i. This could be an administrative policy
 1. Could be published for the public
 2. **Alllyson can help draft this**

e. Also need to address EEOC (as opposed to EEO) complaints that are filed against the City of Charlottesville

- i. Currently the OHR refers people to the EEOC
- ii. This may need to be addressed directly in the Ordinance
- iii. City has a designated EEO officer within the City Manager's Office
 1. This is different than filing with the EEOC to seek a federal right to sue letter

f. May need to revise section to specify

- i. Local enforcement
- ii. Values Act enforcement
- iii. Also add a clause about "source of funds" as it applies specifically to housing discrimination
 1. This should go into Sec. 2-431 as a subset

3. Jurisdiction around education as a protected activity

- a. Ordinance does not specify exclusion of public education
 - b. Narrative has been that the OHR can only address education discrimination in private education
 - c. Allyson responds
 - i. There is separate state legislation governing education that is different than the enabling legislation that grants localities enforcement authority over human rights activities
 - ii. A City government does not have enforcement jurisdiction over another state entity
 - 1. The public schools are a state entity
 - a. Like Region Ten
 - i. Discrimination is enforced through DMAS
 - 2. Under what enabling legislation can the OHR/HRC seek monetary damages?
 - a. (See note * below – is this the enabling legislation?)
 - 3. Need to define what the OHR/HRC is seeking to do
 - a. Is it seeking to file suit for monetary damages?
 - b. Does it wish to issue a statement that the Ordinance was violated?
- d. Example of a potential complaint
 - i. A CHS student files a complaint of discrimination in education on the basis of sexual orientation
 - ii. Where would the person go to file a complaint?
 - iii. To the public eye, the Ordinance would appear to indicate that the OHR has enforcement authority
- e. What does the HRC want to do?
 - i. Investigate and issue a finding
 - 1. Report the findings of investigation and ask them to fix it
 - 2. Suing be the may not be primary goal
 - ii. If there is no enforcement mechanism then they can ignore the finding
 - iii. Legal recourse may not be the only way resolve
 - 1. Mediation
 - 2. Settlement
 - 3. Conciliation
- f. Allyson notes that schools may refuse to cooperate with an investigation unless we can demonstrate the enabling legislation that grants authority
- g. Sue notes that some of the other HRC's have enforcement authority over schools
 - i. Sue will email this information to Allyson
- h. Lyndele notes that Fairfax HRC specifies private education
4. Todd will begin to develop a intake to closure flow chart for each protected activity
- a. This could show the specific referral options
 - b. This could also show the enforcement mechanism and scope
5. Sec. 2-432. (a)
- a. Suggestion to propose an upper limit to the number of commissioners
 - i. Perhaps no less than 9 and not more than XX

- b. What to do when Commissioners leave
 - c. What to do with the recommendation for mandated appointment of specific people
 - d. Also the amended language requiring City residency needs to added
 - i. Todd will add that approved language along with other approved sections
 - e. Also consider including language about a City Council liaison
 - i. Important to distinguish from a voting member
6. Next meeting
- a. After HRC Regular Meeting on 8/20/2020
7. Todd will put together notes
- a. Will share with HRC
 - b. Will share with Lyndele, Sue, and Allyson

Summary of Next Steps:

- Todd will initiate the Values Act discussion with the VA Attorney General's Office by contacting Mona Siddiqui
- Allyson can draft a summary of enforcement mechanisms as applied to employment discrimination
- Sue will email Allyson a list of HRC's in VA that have enforcement authority over education
- Allyson will research the enabling legislations that grants enforcement authority to localities in the realm of education discrimination
- Todd will develop protected activity specific "intake to closure" flow charts detailing referral agencies and enforcement mechanisms, along with references to enabling state and local legislation
- Todd will add the previously approved amended ordinance language to the master copy of the Human Rights Ordinance containing all proposed language
- Todd will type up and share notes
- Todd will coordinate scheduling of a follow-up meeting following the HRC regular meeting on 8/20/2020.

* Except from state legislation:

§ 15.2-965. Human rights ordinances and commissions

- A. Any locality may enact an ordinance, **not inconsistent with nor more stringent than any applicable state law**, prohibiting 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, status as a veteran, age, marital status, sexual orientation, gender identity, or disability.
- B. The locality may enact an ordinance establishing a local commission on human rights that shall have the powers and duties granted by the Virginia Human Rights Act (§ 2.2-3900 et seq.).

Active Investigations:

- Case 2019-1
 - Public Accommodation Discrimination on the basis of race
 - Investigative Report submitted to the City Attorney's Office on 5/18/2020
 - City Attorney has presented case to City Manager for final determination
 - Currently awaiting decision by City Manager
- Case 2020-1
 - Public Accommodation Discrimination on the basis of disability
 - Investigation initiated July 14, 2020
 - Respondent replied with request for more information
 - Information sent along with request for dialogue
 - Awaiting further response

Outreach:

- Service Provision
 - None to report
- Education & Awareness
 - None to report
- Facilitation & Leadership
 - Public Housing Association of Residents Community-Based Research Review Board (CRRB)
 - MOUs with UVA in final steps
 - PHAR hiring an Executive Director prior to hiring a CRRB Coordinator
 - Planning underway to develop more accessible CITI training modules for resident reviewers
 - Affordable Housing
 - Code for Charlottesville has nearly completed the affordable housing navigation software
 - TJPDC now also developing a region affordable housing software system
 - Ongoing facilitation of discussion around larger issue of housing navigation and collaboration across organizations
 - Welcoming Greater Charlottesville (WGC)
 - OHR staff is engaging WGC task force members in thinking about ways to address ongoing concerns about conflicts between new immigrants and long-time residents, especially in public and subsidized housing
 - Idea proposed for dialogue on race and ethnicity
 - WGC leader Russ Linden requests agenda item with HRC in September to discuss
 - Potential outreach opportunity for HRC members