



Human Rights Commission

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

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

September 18, 2020

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

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

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

[EXCERPT]

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

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

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

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

[EXCERPT]

ESSENTIAL RESPONSIBILITIES AND DUTIES:

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

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

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

[EXCERPT]

ESSENTIAL RESPONSIBILITIES AND DUTIES:

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

Regarding amendments to the Human Rights Ordinance:

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

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

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

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

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

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

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

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

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

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

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

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

7. Designating a Council liaison to the HRC;

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

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

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

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

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