

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	January 5, 2015
Action Required:	Update
Presenter:	Zan Tewksbury, Manager, Office of Human Rights Aidyn Mills, Chair, Human Rights Commission
Staff Contacts:	Zan Tewksbury, Manager, Office of Human Rights
Title:	2014 Annual Report- Office of Human Rights

Background:

The purpose of this agenda item is to provide City Council with an update on the first year of the Office of Human Rights and the Human Rights Commission. This first annual report to City Council provides a summary 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 will also outline the Commission's draft work plan for 2015, which will be finalized at the Commission's annual retreat in February.

Discussion:

Human Rights Commission (HRC) Year End Review

The Human Rights Commission focused its first year on defining and establishing its organizational structure and developing a mission statement and first year goals and objectives.

City of Charlottesville Human Rights Commission Mission Statement

"Promoting an inclusive, empowered, and diverse community through education, engagement, and enforcement of Charlottesville's Human Rights Ordinance"

- Goal 1: Establish an organizational structure that is built for long term sustainability and success;
- Goal 2: Respond to community concerns regarding systemic discrimination;
- Goal 3: Establish a community outreach and educational strategy that builds on the success of the Dialogue on Race (DOR);

Building an organizational structure from the ground up required a tremendous amount of time but the work was necessary in order to build an organization that can be effective not just for one year but for the next decade or more. Members of the commission participated in a half day retreat and multiple work sessions which yielded the development of a shared mission statement and goals, increased knowledge and understanding of the human rights ordinance, establishment of meeting operating rules and procedures, and the election of officers for the commission.

Under the Human Rights Ordinance, the HRC is charged with identifying and reviewing official policies and practices that either may be unlawful discriminatory practices, or produce disparities that adversely impact individuals on the basis of one or more protected classes, including race, color, national origin, religion, sex, pregnancy, childbirth or related medical conditions, marital status, age, or disability, criminal record, and income. Per this charge, the Human Rights Commission began an exploration of potential areas of focus for systematic examination. Through a process of in-depth discussions during several work sessions; the review of task force and other reports and data; meetings with community leaders - including Ridge Schuyler of Charlottesville Works Initiative, Chris Engel and Hollie Lee of the City's Department of Economic Development, and School Board Chair Juan Diego Wade - education and jobs were identified as areas for the Commission to examine over the next several years. Recently, the HRC has been approached regarding disproportionate contact with law enforcement and the potential role the commission could play if the scope is expanded, and gender violence. These two topics will be discussed in detail at their 2015 retreat in February.

In 2014, the HRC also examined specific policies and practices in direct response to citizen-initiated concerns. For example, the Commission formed a committee to address a citizen concern regarding the Virginia High School League's recent adoption of a transgender athlete policy that as written appeared would adversely impact transgender students, a protected class under the Human Rights Ordinance. In consultation with City legal counsel, the committee researched medical best practices with respect to sex reassignment surgery for minors, and other school districts' transgender athlete policies around the country, resulting in a recommendation, shared with the Charlottesville City Schools School Board, that the policy be revised to be more inclusive of and less burdensome on, our City's transgender students.

During the inaugural year of the Office of Human Rights, a concerned citizen requested that that OHR review the mission, goals and policies of the City's Sister Cities Commission. The citizen expressed concern that some of the Countries laws may condone acts that violate the human rights of their citizens. After meeting with members of the Sister Cities Commission and discussing their mission, goals and policies it was determined that the mission and goals were to promote brotherhood and understanding and that these goals were consistent with the spirit of the HRO.

OHR was also asked to look into the removal of the slavery memorial on Court Square. A citizen had contacted the Office and wanted to know why the City removed the plaque from the building and placed a much smaller plaque on the sidewalk. Working with Neighborhood Development Services, it was determined that the plaque was removed by the owner of the building. The City temporarily placed a smaller memorial on the sidewalk (a more visible memorial will be placed on the sidewalk in the spring of 2015).

While members of the HRC are well known within the Charlottesville community the commission was an unknown entity. In order to increase the visibility and inform the community about the role of commission the group developed a strategy in consultation with the Office of Human Rights in which members and/or staff provided presentations on the human rights ordinance, attended various community meetings (NAACP, Mindful of Race, CRHA Residents Association Meeting) , sponsored and participated in numerous workshops (Racial and Ethnic History of Charlottesville, Bridges Out of Poverty,) and attended and participated in various dialogues and festivals, (Juneteenth Celebration, PRIDE festival, African-American Festival, and Ebenezer Baptist Church Community Celebration etc.) which provided an opportunity to inform people about the HRC and the work they do and learn about some of the systemic challenges facing individuals.

Office of Human Rights (OHR) Year End Review

The Office of Human Rights has four primary responsibilities; identifying and reviewing policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the city, collaborating with the public and private sectors to provide awareness, education and guidance on methods to prevent and eliminate discrimination citywide; assisting individuals who believe they are the victim of an act of unlawful discrimination within the city and serving 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.

I. Collaborating with the public and private sectors to provide awareness, education and guidance on methods to prevent and eliminate discrimination citywide.

In an effort to prevent and eliminate discrimination Citywide, the OHR successfully partnered with a number of organizations with similar missions. Over the past year OHR and Piedmont Housing Alliance have partnered to present a Fair Housing Panel discussion during Fair Housing Month and established a formal memorandum of understanding that allows the sharing of information and establishes a formal referral system between the two.

The Office participated in a number of community events, neighborhood meetings, joint organizational meetings, and community functions which are detailed on Attachment A.

II. Identification of Policies and Practices of an institutional nature that may have a discriminatory impact on protected classes under the Ordinance, including based on income and criminal record

Over the year, the Office of Human Rights received twenty-four community concerns of a potentially systemic nature. These concerns tended to concern the following issues: 1) the equity of resource allocation in lower wealth communities; 2) the impact of court systems (family and criminal justice) on those families that are single-parent, lower wealth, and/or of color; 3) City policies or practices that impact persons based on their gender identity, sexual orientation, or transgender status; and 4) racially-biased policing. The most frequently raised issue was concerns of biased policing (8), followed by equity of resource allocation in lower wealth communities (5), policies or practices that have an impact on the basis of gender identity, transgender status, or sexual orientation (4), commemoration of the City's enslaved population (2) and disabled access to public facilities (1).

Apart from referring all concerns of a systemic nature to the Human Rights Commission for its consideration, in response to a disabled citizen's concern about being able to access City playground areas with her child, OHR staff sought the assistance of the Parks and Recreation Department and the City's ADA Coordinator to help improve access to park facilities for all our citizens in wheelchairs. The OHR was also responsible for seeking an answer to inquiries about the removal of the slave auction plaque from a building in Court Square and other concerns about the proper memorialization of the City's historic enslaved population, with assistance from Neighborhood Development Services. Finally, in response to concerns raised of biased policing, OHR staff established a presence on the City's Disproportionate Minority Contact ("DMC") Task Force's, Policy, Training, and Education subcommittees for the group's implementation phase, and stands ready to provide staff support to the HRC in the event the task force's mission is expanded to include adult minority contact with law enforcement.

The Office and the Commission are currently in the process of prioritizing and selecting two

systemic issues that have been brought forward over the past year and will incorporate those issues into the 2015 work plan.

III. Engaging 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

The OHR continues to carry on the tradition of the DOR by offering opportunities for the community to come together and discuss issues of race, equity, and opportunity. The Office partnered with Ebenezer Baptist Church on a series of meetings exploring the issues that led to the explosion of violence in Ferguson, Missouri and the beginning of a community plan to ensure that Charlottesville, Virginia does not become the next Ferguson, Missouri. The office assisted in facilitating the development of a community action plan which led to the recent meeting and shared goals between Charlottesville, Albemarle and the University of Virginia Police Departments and the leaders of three African-American churches and their congregations. For a listing of events and forums sponsored by the OHR, please see Attachment B.

IV. Assisting individuals who believe they are the victim of an act of unlawful discrimination within the city

The Office of Human Rights receives, refers or investigates, and attempts to conciliate individual complaints of discrimination within the City of Charlottesville in employment, housing, education, credit, and public accommodations. The Office has created an intake mechanism for the receipt of, and, in cases where the incident occurred within the City of Charlottesville but was required under the Ordinance to be referred to another agency, the tracking pending disposition of all such referred complaints. As of December 19, 2014 the Office of Human Rights has received 107 intakes. Of that total 24 were classified as "systemic". Of the remaining 83 intakes 64 were located within the City, with 12 located in Albemarle County and 7 from other jurisdictions.

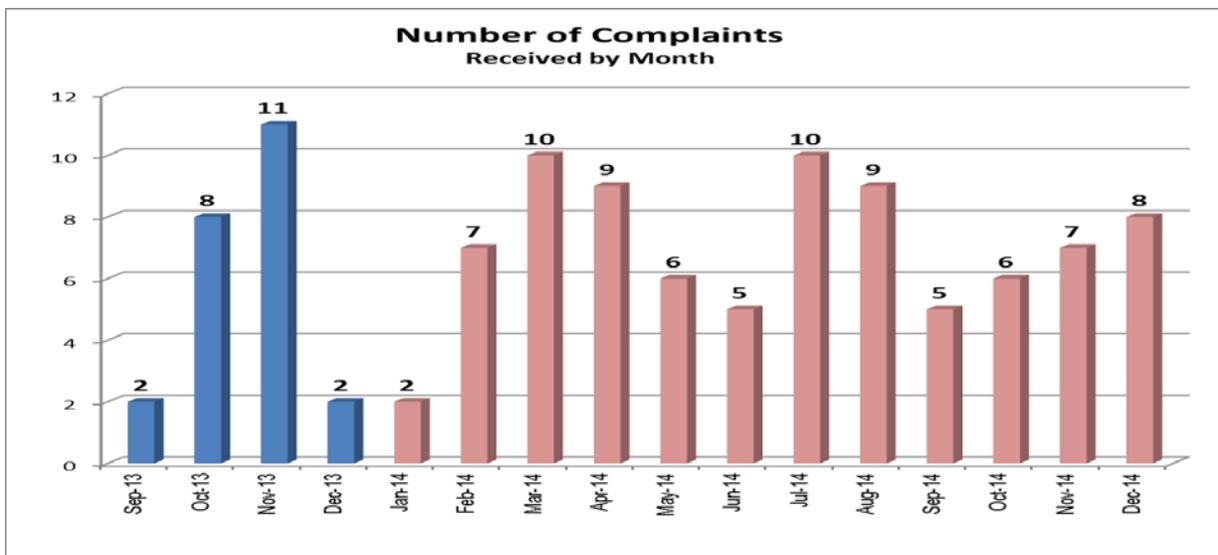
Under the Human Rights Ordinance, all employment complaints that involve workplaces of fifteen or more employees must be referred to the Equal Employment Opportunity Commission (EEOC). Through an agreement reached by City Council as part of the creation of the Office of Human Rights, the Equal Employment Opportunity Commission's Richmond office sends a representative for one day each month to meet with those whose employment complaints fall under EEOC jurisdiction. The Office had been in discussions with the former director of the Richmond EEOC office about creating an interagency Memorandum of Agreement for referrals and data sharing and plans to finalize that agreement with the new leadership in Richmond in early 2015.

Individual complaints that the Office of Human Rights may investigate under the Human Rights Ordinance include those alleging unlawful discriminatory practices in: 1) employment (six to fourteen employees only, and only where there has been a firing); 2) private education; 3) credit; and 4) public accommodations. The process for handling cases of individual discrimination begins with a confidential phone call or in-office visit by a potential complainant to gather basic contact information, the location and date(s) of the subject incident as well as some general information about the basis for the caller believing the incident may be a violation of the Human Rights Ordinance. After ascertaining that the Office has jurisdiction (involving an incident within the corporate boundaries of the City, within a year, and involving one of the five protected activities) the complainant is asked to fill out and sign a complaint form documenting the incident. The complainant is at this time advised of the Office's free mediation program and given a form to fill out indicating their willingness or not to participate in mediation as an alternative to full investigation.

Within two weeks, or as soon after as practicable, of a complainant filling out a complaint form, the respondent (party against whom the complaint has been made) is sent a letter detailing the nature of the complaint, and asked to provide a response in writing to the complaint within 30 days. The respondent's letter also includes an explanation of the Office's mediation program and a form where the respondent may indicate its willingness or not to participate in mediation as an alternative to investigation.

In some cases, where the complainant gives permission, there has been direct contact from the Office by phone or an in-person meeting with a representative of the respondent to discuss the issues raised by the complaint, or to gather information that might help determine whether sufficient facts exist to go forward with a full investigation. With no authority of the Office to compel production of documents or other information from a potential respondent at the initial investigation phase, (as there is under the Ordinance later on in the process where the Human Rights Commission may have voted to hold a public hearing), the need to utilize alternative means of gathering information may arise.

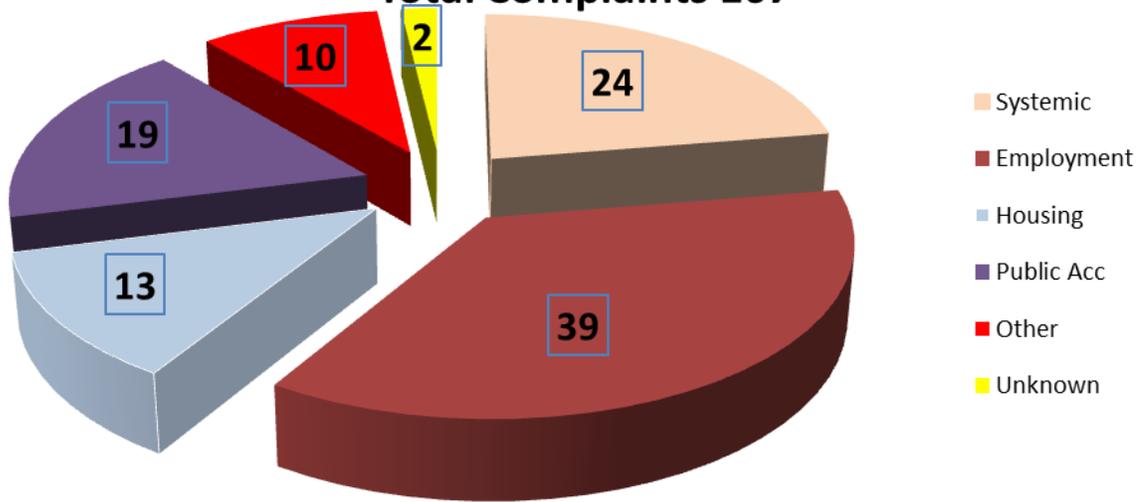
The Office has set a goal of 180 days to achieve conciliation, closure, or investigation and issuance of findings to the Human Rights Commission for all cases. This metric will be tracked in 2015 for feasibility, as all open investigations are as of this date less than 180 days old.



Office of Human Rights

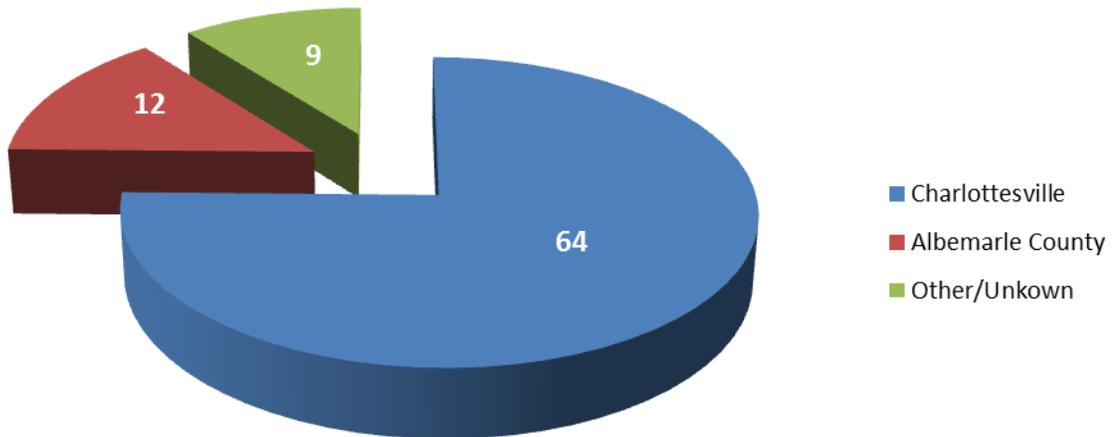
Complaint Intake Data Summary

Total Complaints 107



NOTE: There were no complaints for Education or Credit

All Complaints by Location 9/10/2013 - 12/19/2014



* Total Complaints 107 - 24 systemic = adjusted total 83

	Administratively Closed	Open Under Investigation	Referred to EEOC	Referred to PHA	Referred to Other	Under Review HRC	
Employment	0	0	20	0	0	0	20
Public Accommodation	5	7	0	0	0	0	12
Housing	0	0	0	8	0	0	8

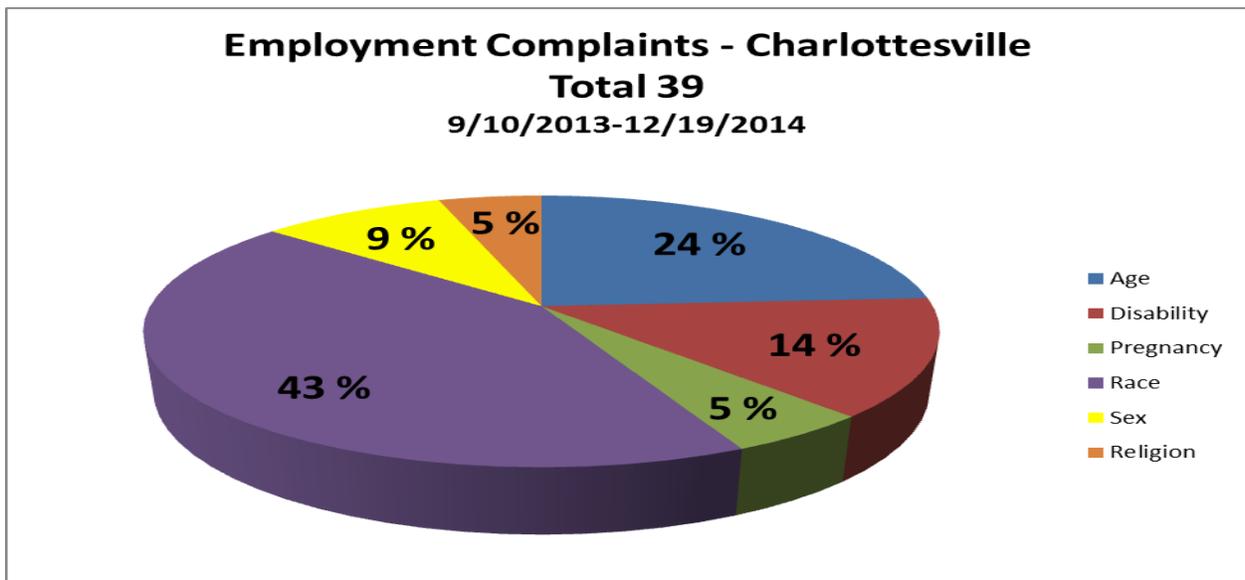
Complaints within the City of Charlottesville excluding the systemic. 40

Housing Complaints

Under the Human Rights Ordinance, all complaints alleging housing discrimination must be referred to Piedmont Housing Alliance, the local fair housing agency. A Memorandum of Agreement entered into in 2014 between the Office of Human Rights and Piedmont Housing Alliance provides data sharing on Charlottesville-based housing discrimination complaints. To date, there have been thirteen referrals to Piedmont Housing Alliance from the Office, eight of which occurred within the City. As of its last reporting period, which ended June 30, 2014, Piedmont Housing Alliance had received 27 intakes in its office that related to housing discrimination complaints or fair housing compliance questions.

Employment Complaints

To date, the Office has referred a total of 39 employment complaints to the EEOC, with 20 of those complaints from within the City of Charlottesville, and most of the rest from Albemarle County. To date, the Office has received no employment complaints occurring within the City that it has the authority to retain and investigate in-house. The distribution of the employment complaints received by the Office from within the City by protected class is listed below, which shows that race was the most frequently reported basis for a complaint of this type (43%), followed by age (24%), disability (14%), sex (9%), and pregnancy and religion (5% each).



Public Accommodation Complaints

In all, of the nineteen total complaints of public accommodation discrimination the Office received, twelve were located within the City, with all but one of the remainder located in Albemarle County. Of those twelve, two were administratively dismissed as lacking subject matter jurisdiction, meaning that their facts did not constitute a denial of services or access to a place of public accommodation as defined under the law. These parties were referred to other agencies or advised to consult an attorney about their issue.

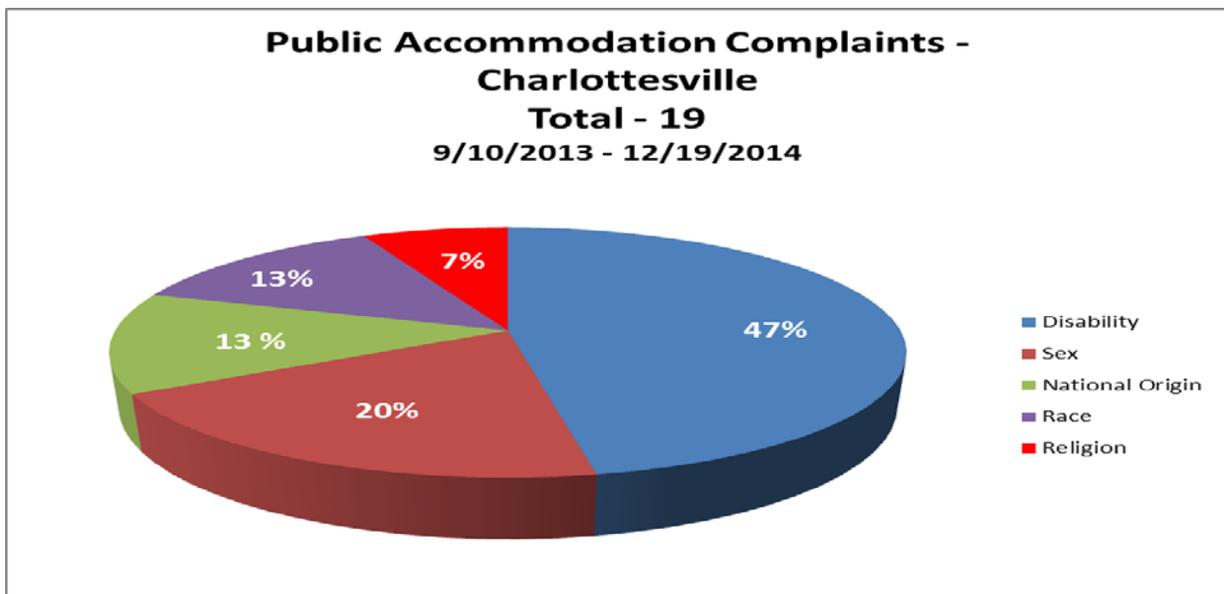
Two complaints of bus ridership discrimination (busses are places of public accommodation) were referred to Charlottesville Area Transit (CAT) to be investigated under its Title VI program, per the terms of an inter-departmental Memorandum of Agreement, which also provides for data sharing on the disposition of complaints referred to CAT from the Office of Human Rights. Both cases were investigated and dismissed, as the facts did not constitute a denial of service.

One case involved a person with a service animal not feeling welcome in a business the person entered, rather than about being denied access or services. The citizen welcomed the suggested resolution of the Office creating a flyer on the rights of persons with assistance or service animals to be distributed to City businesses. That flyer is currently in production.

Another person reported being denied access to a City business but declined to identify the business by name; this complaint is on hold pending a decision of the complainant of whether to go forward so that an investigation can take place.

The remaining five public accommodations complaints are presently being investigated. Most complainants have indicated a willingness to use mediation.

The distribution of public accommodations complaints by protected class is set out in the following chart, which shows that the most frequent basis of this type of complaint was disability (47%), followed by sex (20%), national origin and race (13% each), and religion (7%).



As 2014 draws to a close, the OHR and the HRC are focused on what can be accomplished in 2015. The OHR will continue to play a leadership role for justice and equal opportunity for all residents

along with providing guidance in the role of civil and human rights. The OHR has established relationships in the Charlottesville community and is beginning to be viewed as a resource for those who believe they have been discriminated against and for those who want to ensure equal opportunity for all in Charlottesville. As part of the Office's outreach activities, we plan on developing and implementing a training program regarding the prevention of discrimination in the workplace, which meets the needs of our local businesses. Partnerships with the Jefferson-Madison Regional Library, the University of Virginia, the Thomas Jefferson Universalist Unitarian Church and other faith communities that will allow the facilitation and discussion, panels, around human rights themes, including and race, gender identity. The Office will also resurrect and manage the City's Community Bridge Builders program top honor community members whose efforts have promoted diversity and mutual understanding, including appointing a nominating committee and hosting an annual awards ceremony;

The Dialogue on Race arm of the Office will continue to be active and serve as a resource for the community. The DOR will continue to function as a safe forum where individuals can converse. The DOR will continue to lead and support community efforts such as "Can Ferguson Happen Here". Ongoing community dialogues on issues of race, such as institutional racism, white privilege, and micro-aggressions will also continue.

The OHR is poised to provide leadership and support if Council elects to expand or create another task force that examines disproportionate minority contact with the adult criminal justice system. Additionally, recent concerns and perceptions about children of color in the foster care system are on the OHR's radar to examine.

The Office will continue to function as a referral and investigative resource for individuals who believe they have been discriminated against in the City of Charlottesville and the surrounding area. The Office will be finalizing a Memorandum of Understanding with EEOC, which will hopefully provide more real time data regarding cases in the City that fall under their purview.

The Human Rights Commission's work plan will be finalized at their retreat in February of 2015. As mentioned earlier, the Commission will determine which systemic issues they would like to focus on in 2015. Below is a list of issues that will be considered (this list is not exhaustive and others may be added to the list between now and the retreat):

- Disproportionate minority contact with the adult criminal justice system
- Gender violence
- The impact of court systems (family and criminal justice) on those families that are single-parent, lower wealth, and/or of color;
- City policies or practices that impact persons based on their gender identity, sexual orientation, or transgender status; and
- Racially-biased policing

Alignment with City Council's Vision and Priority Areas:

The mission of the Human Rights Commission -- "Promoting an inclusive, empowered, and diverse community through education, engagement, and enforcement of Charlottesville's Human Rights Ordinance" -- aligns directly with City Council's vision of becoming "One Community Filled with Opportunity." This mission likewise aligns directly with City Council's Strategic Plan Goal 5: "Foster Strong Connections," specifically Goal 5.1, to "respect and nourish diversity." There is alignment also with Council's Strategic Plan Goal 2, to "be a safe, equitable, thriving, and beautiful

community" and with Council's Vision 2025 goal of becoming "a community of mutual respect."

Community Engagement:

The OHR has monthly meetings and work sessions that are open to the public and offered a community forum in November of this year. Please see attachments A and B for a comprehensive list of activities.

ATTACHMENT A

OHR Event to provide awareness, education, and guidance on methods and prevent and eliminate discrimination

Community Event			
Festivals of Cultures	African American Cultural Arts Festival	Art and Public Housing	
Fathers and Family Community Day	Back to School Backpack Give-away	Do You Know your Rights Community Forum	
Juneteenth Celebration	Vinegar Hill Monument Discussions with artists Melvin Edwards		
Ebenezer Baptist Church Community Day	Cville Pride		
A Taste of Ghana	Cville Sabroso Latin Music & Cultural Arts Festival		
Joint Organizational Meeting			
CRHA Resident Association	African American Teaching Fellows - Curry School	Why are we still talking about Race -	PHAR Board Meeting
NAACP First Baptist Church	Can Ferguson Happen Here - Ebenezer Baptist Church	Thrive	Woodrow Wilson Memorial High Schooled
Virginia Organizing Legal Aid Justice Center	Leadership Charlottesville	Adult ESL English Class	
Center for Peace & Justice	UVA Fralin Art Museum Student Docent Trainings	Region Ten Consumer Advisory Council	
Ebenezer Baptist Church	UVA Slavery Roundtables	Many Voices, One Community 2nd Annual Race/Poverty/Social Justice Conference	
Functions			
City of Promise Community Dinner	AATF John Baker Legacy Dinner		
Forward Adelante Chuck Lewis Diversity Award Reception	Las Pasadas		

African American
Cultural Arts Festival
Student Scholarship
Reception
Chamber Minority
Business Council 3rd
Annual Conference
NAACP Freedom
Fund Dinner

ATTACHMENT B

List of Events and Forums sponsored and/or cosponsored by the OHR/DOR

Location	Event details
Tonsler Park Recreation Center	Presentation about the Office of Human Rights
Crescent Halls Community Room	Presentation about the Office of Human Rights
Buford Middle School (AVID program)	Presentation about the Office of Human Rights and Fair Housing month activities
NAACP - First Baptist Church West Main St.	Presentation about the Office of Human Rights
Mary Williams Center – Jefferson School	Presentation about the Office of Human Rights
West Haven Community Center	Presentation about the Office of Human Rights
Virginia Organizing – Legal Aid Justice Center	Presentation about the Office of Human Rights
Festival of Cultures - Lee Park	Information table on OHR materials
Community Violence Town Hall meeting – Mt. Zion 1 st African Baptist Church	Assisted Rev. Edwards with group facilitation and follow-up meetings & report to City Council
Fathers and Family Community Day - Tonsler Park	Information table on OHR materials
Juneteenth Celebration @ PVCC	Racial and ethnic history presentation
Forward Adelante Chuck Lewis Diversity Award Reception – Paramount Theater	Latino business community event
Ebenezer Baptist Church Community Day	Information table on OHR materials
African American Cultural Arts Festival Student Scholarship Reception - Burley Middle School	Collaborative event with Festival Planning Committee
A Taste of Ghana - Burley Middle School	Collaborative event with the Festival Planning Committee
African American Cultural Arts Festival - Washington Park	Racial and ethnic history presentation
African American Teaching Fellows – Bavaro Hall, Curry School of Education	Racial and ethnic history presentation
Vinegar Hill Monument discussion with artist Melvin Edwards - Ebenezer Baptist Church	DOR event to inform community about the artist’s progress
“Can Ferguson Happen Here” - Ebenezer Baptist Church	Assisted Pastor Bates with questions about community engagement
Leadership Charlottesville – City Council Chambers	Racial and ethnic history presentation
University of Virginia Fralin Art Museum Student Docent training	Docent training on how to engage the community on the museum exhibits
Cville Pride - Lee Park	Information table on OHR materials
Chamber Minority Business Council 3 rd Annual Conference - Jefferson School Heritage Center	
NAACP Freedom Fund Dinner - Doubletree	Annual fund raiser for NAACP
University of Virginia Slavery Roundtables	Community event organized by UVA Slavery

- Jefferson School Heritage Center	Commission
“Why Are We Still Talking About Race?” - City Space	DOR event
AATF John Baker Legacy Dinner Farmington Country Club	Annual fund raiser for AATF
Adult ESL English class – IX Building	Presentation about the Office of Human Rights
Many Voices, One Community 2 nd Annual Race, Poverty, and Social Justice Conference	Conference presentation on the OHR
Transvisibility and Transjustice Jefferson School Heritage Center	Conversation on transgender issues
Art and Public Housing - The Bridge	Community discussion on how art impacts public housing space
All Souls Church – private home	Answered questions about the OHR and the DOR
“Do You Know Your Rights?” community forum – Buford Middle School	Community forum introducing the Human Rights Commission
Best of Both Worlds Dance/Step Show Competition	4 th year the DOR has engaged audience in-between dance acts in discussion about diversity
Sports and Society class - Piedmont Virginia Community College	Guest lecturer on human rights concerns for women and people of color in sports
Sports and Society class for PVCC - Fluvanna Women’s Correctional Facility	Guest lecturer on human rights concerns for women and people of color in sports
City Council Chambers	Racial and ethnic history presentation
City Council Chambers	Racial and ethnic history presentation
Las Pasadas – Ridge/McIntire Firehouse	Event that has specific outreach to Latino community; Information table on OHR materials