

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Human Rights Project Listening Session

Meeting Date: May 18, 2011
Department: Central Services
www.eugene-or.gov

Agenda Item Number: A
Staff Contact: Raquel Wells
Contact Telephone Number: 541-682-8439

ISSUE STATEMENT

This listening session with the City Council, Human Rights Commission, and staff, is intended to provide an opportunity for a candid and constructive exchange of ideas on supporting and focusing human rights work. A review of Eugene's human rights ordinance is underway to assess how to better achieve human rights framework goals and better support advisory groups connected to the council and stakeholders.

BACKGROUND

The Human Rights Commission recently celebrated 20 years of accomplishments and observed the changes in the commission structure and in Eugene City Code that occurred in 1990. The Human Rights Commission, past and present, has made substantial contributions, and Eugene is increasingly recognized as a leader in human rights implementation at the local government level. The work of the Human Rights Commission has contributed to the community and City organization in profound ways, and remaining responsive and innovative is important.

With the 20-year anniversary and legacy of the Human Rights Commission in mind, this is a good time to revisit the Eugene City Code provisions for the commission (City boards, commissions and committees; Eugene Code Chapter 2) and human rights (protection against discrimination; housing, employment and public accommodations; Eugene Code Chapter 4). Do City ordinances, the commission structure, and human rights priorities effectively and efficiently support actions to meet today's needs and the challenges ahead?

In 1989-90, Mayor Jeff Miller led a task force that worked with community members on recommendations that transformed five constituent-based commissions to the current structure for the Human Rights Commission and committees. At that time, the changes responded positively to resources, community models, and issues. However, much has changed since 1990. For example, the work of the Human Rights Commission and others led to establishment of several components of police oversight – including the Police Commission, Police Auditor and Civilian Review Board. In addition, a Sustainability Commission and Housing Policy Board have been established, Neighborhood groups provide opportunities for public involvement and advocacy, a five-year Diversity and Equity Strategic Plan is in place, and the organization is increasingly using triple-bottom-line thinking that emphasizes social equity considerations. The Human Rights Commission enjoys many advisory group partners and City and community assets that complement its mission and goals.

As always, commissioners and other volunteers strive to meet requirements and respond to community issues and projects. Exploration of possible efficiencies and opportunities, along with an updated and more flexible structure and mandate, can help in finding ways to serve the community and City organization even more successfully.

In June 2009, the council discussed ways in which boards, commissions and committees could further council values for a *safe community* in which everyone feels safe, valued and welcome and an *effective, accountable municipal government* that works openly, collaboratively, and fairly with the community to achieve measurable and positive outcomes.

In February 2011, human rights framework trainings increased base level knowledge within advisory bodies and the City organization. These efforts lay the ground work for a focused human rights agenda. In response to all of these factors, the City Manager has directed staff to start work on a process for looking at potential improvements to the current system. Broad input from commissioners, staff and key stakeholders is needed to build understanding of:

- the commission's role with the Mayor and council, City staff, and the community;
- best practices, needs and trends that impact the City's role and practices around human rights; and,
- models for an effective and efficient structure to support the City's human rights goals.

RELATED CITY POLICIES

- Council outcomes for advisory groups include:
 - Board, commission and committee member development
 - Potential outcome: Advisory group members are effective and feel satisfied because they have the training and support to be successful contributors – both before becoming candidates for BCC vacancies and following their appointments.
- Human Rights Commission FY10-11 Work Plan, Goal Number 4 – Move to a Human Rights Community Framework
- Diversity & Equity Strategic Plan Goal 1.6 – City of Eugene develops a plan for an organizational human rights framework
- City Code Chapter 2.013 and Chapter 4.613

COUNCIL OPTIONS

None at this time -- this work session is for information and dialogue only.

CITY MANAGER'S RECOMMENDATION

None at this time.

SUGGESTED MOTION

None at this time.

ATTACHMENTS

- A. Human Rights Commission Best and Worst Outcome Statements from March Meeting
- B. Project Description
- C. Chapters 2.013 and Chapter 4.613

FOR MORE INFORMATION

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OUR BEST OUTCOMES

Question that was asked: What is your best outcome for this listening project?

Commissioner and Staff Responses:

HRC becomes a high profile “beacon” that gives people genuine well founded confidence in its ability to respond to real needs and be a body for change. A clearer, focused, Human Rights Commission (HRC)/Equity and Human Rights program that has measurable goals and outcomes. That we will all learn how to trust each other.

The listening project leads to recommendations that are enthusiastically embraced by the community/staff and that are incorporated readily into a proposed new human rights ordinance. New energy and new connections. Increased trust and access to the community and the city. More community involvement and volunteers. Build community relationships.

We have a solid base of input from all voices in the community, including those not customarily at the table. It would be true and authentic. Vulnerable community not usually @ the table are at the table [criminals, homeless, minority populations, exchange students, LGTBQ, police (not the usual suspects)].

HRC clarity and focus is apparent to all, folks know how to use the commission and the commission feels it can successful advice council and meets its obligations. We act on what we hear from community and council. We update the ordinance to be current and an effective guide of the work.

Have clear structure of commission. Issues can be resolved in a less bureaucratic way. Get rid of the individual agendas and infighting that sabotages a lot of the work. Staff is clear about where the lines are between their role and that of the HRC. Council is engaged and sees the HRC as a valuable resource that it actually uses. Resources and capacity match the expected roles of staff and HRC members.

New creative ideas emerge and we innovate the way human rights can be done within government. There is a coalescence of community/staff voices and opinions around two or three ideas that provide a solid base for forming recommendations. The community/staff is readily able to see that HRC took their voices seriously. That all parties will have clearly identified roles, goals and will work together as a team

😊 people.

Community recognizes HRRS as ‘true’ city value and people feel supported, heard, engaged, &involved. The HRC structure doesn’t lose vital parts of the ‘old model’. Restores relevance and renews the HRC/Human Rights Support System (HRSS). Code expanded and HRRS re-started. HRRS need is clearly seen by council and staff it becomes a “serious priority”. If we can’t afford it we figure out a way.

Enhances/Strengthens collaboration, mutual support, focus. Provides fresh and valuable input from rarely heard community members. Council buddies get engaged. Better/Smarter recruitment of HRC members. Recruitment for future HRC members is rooted in helping the group reach its mission and that members are clear about what their role is and responsibilities are. Folks are lining up to join the effort. Council actually has to “pick” commissioners not just ‘fill the body’.

Staff feels valued. Commission feels heard. Community as a whole is involved and hopefully every voice is included. Energized and council and commission connection. Community confidence in HRC is restored and our reputation is saved and strengthened. Staff gets needed support. I and everyone else ‘wants’ to come to the table. Everyone will have the opportunity to be heard. We make sure there is enough time for folks to share their perspectives. There is open opportunity for a shared dialogue.

More resources toward mission. Find targets and measure success. That we have objectives that are realistic, measurable, and can be implemented in the community to support the needs of Eugene. A focus on our work and commitment.

That we will all learn new things about what we are here to do (human rights/diversity work). True understanding of what we are working towards. Eugene becomes an inclusive human rights city.

Hope this will help our community moves forward and brings us close together.

OUR WORST FEARS STATEMENT

Keeping commissioners energized, engaged, and excited about process. Process results in outcomes that are not helpful or constructive. Ongoing work paused and people feel badly about that. Don't hear from everyone and that we will not include new voices. Fails to enhance collaboration with staff/council. Ultimately undermines what we currently have and are working toward. Lack of support and commitment to outcomes. Always good vocal support, no commitment to the work.

We'll be in the same situation we are right now when all is said and done. The public will not understand why we are not responding to urgent issues over the next six months. Distracts from timely Human Rights Commission (HRC) response to community needs (is a secret plot to disband or neutralize HRC).

We will only hear from the choir and usual folks. Change is hard and this group has already been through significant changes over the last several years and will this dilute our efforts even further. Consists of the "usual" community stakeholders and doesn't effectively capture the truly marginalized community member perspective.

Human Rights work in the City of Eugene continues to be so broad that no real measurable work gets accomplished. We do what we always have done and do not adapt the changes. How will HRC respond to major issues that arise during this time. How we will ensure that community voices are heard? We ignore, inadvertently miss, or just fail to hear some important voices in the community, thereby undermining our credibility and losing trust.

We continue to use up our capacity and resources in ways that burns people out and stretches us very thin. HRC's role as a broad based citizen lay group be diminished. HRC's ability to respond to emerging community issues be reduced or its effectiveness and status diminished. This is a time exercise that delays important actions.

Project becomes too big and unstructured and out of hand. Too political and commission gets dissolved. The unknown. Time. Commitment and participation. Tapping the targets. Losing sight of the the Human Rights Support System and thus some of the heart our commission once possessed.

That the HRC will want to 'steer' how the process goes. The HRC (as a group) loves to talk things to death, they often want to take longer than the time we have allotted and then feel "rushed" to come up with a response, often delaying part or all of the process until they feel ready to move forward. I hope this process is different and doesn't allow the HRC to dominate the way we address really important components of the work we are trying to do.

Many come here to help, not to be assimilated into a “pure” culture of government and I fear if that happens you will ‘lose’ many of us. Staffs v. Commission feels (@ times) like management v. the union. Maybe we need council, staff, and commission mediation.

Many good suggestions for what the HRC should do are received but we and others disagree over their importance and how to prioritize them. The most mentioned suggestions are not in accord with City budget/staffing capabilities. The recommendations with which HRC comes up are not supported by all, or almost all members of the City Council.

Personal agendas drive this process and people use it to push forward their own pet project/ rather than looking at the true purpose or longevity of commission and the community and past their individual interest or role. No one will understand anyone and a major communication breakdown as a result.

Lose even more community trust and engagement.

Frequently Asked Questions for the Human Rights Project

What is the Eugene Human Rights Project?

The Human Rights Project is designed to invite feedback from Community Members, Commissioners, Stakeholders, and City Council on how the City of Eugene and the Human Rights Commission can be most effective with its human rights efforts in the community. The project timeline spans April 1st – October 30th, 2011.

The project components include:

- 4-5 scheduled “listening sessions” with community, commission, and stakeholders (see below for definition)
- One designated listening session for the Human Rights Commission and City Council
- Community-wide surveys
- Research on human rights programs and commission structures

Why this project now?

- City Council has a goal to increase board and commission effectiveness
- Guiding ordinance of the commission is 20 years old
- To help the Human Rights Commission and City of Eugene move closer to their goals of implementing a human rights framework
- An opportunity to hear from the community as the City Council lays the ground work for a more focused human rights agenda

Outreach Sessions Held

- Focus group with 4J Superintendent Advisory Group(10+ high school students and George Russell,4J Superintendent)
- Listening Session on Accessibility(20+ people)
- Focus group with LCC’s Transiciones Program (20+ Students)
- Barrier Awareness Event Tabling – Survey
- Take Back the Night Event Tabling - Survey

Outreach Sessions Coming Up

- Listening Session with City Council, HRC members, and City Staff
- Listening Session on Housing/Homeless Issues
- Listening Session with past HRC members , Community Stakeholders, and Communities of Color
- Listening Session or Focus Group on Youth Issues
- Engagement Activities for persons experiencing homelessness
- Focus group with Bethel School District Youth Leadership Class
- Listen Session – Open Call to Community members
- Focus group with Neighborhood Leaders
- We Are Bethel Event Tabling – Survey
- Eugene Pride Event Tabling – Survey
- 10-15 Stakeholder Interviews

How can I be involved?

Listening Sessions: Please let us know if you would like to attend a listening session. We have several sessions planned for May and June.

Survey: Please complete the survey and share it with all of your networks!

Please contact our office for details.

Equity and Human Rights Center

541.682.5177

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2.013 City Council - Boards, Commissions and Committees.

- (1) Except for boards, commissions or committees established pursuant to ordinance, state statute, or intergovernmental agreement, the following are the presently constituted boards, commissions and committees of the city with the number of members and names of the appointive authority indicated thereafter, together with the term and the authority for such board, commission or committee:

Human Rights Commission

No. of Members:	14 Citizens 1 Councilor or the Mayor
Appointment Process:	Council appoints
Term:	3 years
Authority:	EC 2.260

Human Rights Commission - Agenda Committee

No. of Members:	5 (The Chairperson and Vice-Chairperson from the Human Rights Commission and the Chairperson or representative from each standing committee)
Appointment Process:	Election by the Commission and each standing committee
Term:	During the term of office that provides membership on the Agenda Committee
Authority:	EC 2.280

Human Rights Commission - Standing Committees

Committee on Accessibility

No. of Members:	10 (Five from the Human Rights Commission, five citizens)
Appointment Process:	Commission appoints
Term:	Commission members: during service on Commission; Citizen members 3 years
Authority:	EC 2.280

Advocate Response Team

No. of Members:	5 (At least 3 Human Rights Commissioners and 2 advocates, all from the qualified advocate pool)
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Appointment Process: Commission appoints
Term: Commission members: during service
on Commission; Citizen members 3
years
Authority: EC 2.280

Committee on Education and Outreach

No. of Members: 10 (Five from the Human Rights
Commission, five citizens)
Appointment Process: Commission appoints
Term: Commission members: during service
on Commission; Citizen members 3
years
Authority: EC 2.280

2.260 Human Rights Commission. There is hereby created a human rights commission, referred to in sections 2.260 to 2.280 of this code as "the commission."

(Section 2.260 amended by Ordinance No. 17479, enacted November 24, 1975, Ordinance No. 18001, enacted June 13, 1977, Ordinance No. 18421, enacted June 20, 1979; Ordinance No. 19083, enacted December 13, 1982; and Ordinance No. 19732, enacted November 5, 1990.)

2.265 Human Rights Commission - Duties and Powers.

- (1)** The commission shall affirm, encourage and initiate programs and services within the city designed to eliminate discrimination, improve human relations, and effectuate the spirit and intent of applicable human rights legislation. In these efforts, the commission may enlist the support of community groups and public agencies.
- (2)** The commission shall make periodic recommendations to the mayor and council concerning the civil and human rights of persons and groups in the community.
- (3)** The commission shall cooperate with the city officials to ensure that the city continues to be a leader in extending equal opportunity to its citizens, including but not limited to:
 - (a) Employment opportunities in city government;
 - (b) Training for city jobs;
 - (c) Equality of services provided;
 - (d) Equality of all before the law; and
- (e)** Equal treatment of all by holders of city licenses, contracts and privileges.
- (4)** The commission shall cooperate with the State Bureau of Labor and Industries and other governmental agencies in receiving, referring and investigating specific acts of discrimination against individuals in the community.

(5) The commission shall endeavor to ascertain the status of civil and human rights in the community. The commission may investigate, research and hold hearings to effectuate this provision.

(Section 2.265 amended by Ordinance No. 17479, enacted November 24, 1975; Ordinance No. 19732, enacted November 5, 1990; and Ordinance No. 20264, enacted November 12, 2002, effective December 12, 2002.)

2.270 Human Rights Commission - Membership.

(1) The commission shall consist of:

- (a) One member of the city council or the mayor;
- (b) Fourteen citizens with a demonstrated interest in or knowledge of the human rights concerns of the community, chosen to ensure a balance between men and women on the commission as well as representation from the racial, ethnic, religious, and disabled groups and any other group subject to discrimination or harassment in the community. Members shall be appointed by the council.

(2) Vacancies on the commission shall be filled in the same manner as original appointments. Except where the vacancy occurs because the member from the council or the mayor ceases to serve on the commission, the council shall appoint, within 90 days of the position becoming vacant, a person to complete the member's unexpired term from the non-commission members of the commission's standing committees. A position becomes vacant upon:

- (a) The death or resignation of the incumbent;
- (b) Removal of an incumbent for nonperformance of duty or upon recommendation by the commission after the commission has determined that the incumbent has failed to properly represent the commission or otherwise damaged the work of the commission, and the council has concurred with that determination;
- (c) Failure of the council to reappoint an incumbent at the expiration of his or her term; or
- (d) The incumbent ceasing to be qualified for initial appointment.

(3) Each citizen member shall serve a three-year term. No member of the commission shall serve more than six consecutive years as a member of the commission.

(4) Members of the commission shall be persons who have actively demonstrated an interest and expertise in efforts to promote diversity, equality, equity and understanding of human rights, and to dismantle injustice, discrimination, bigotry, hatred and harassment within the city.

(Section 2.270 added by Ordinance No. 17479, enacted November 24, 1975; amended by Ordinance No. 17748, enacted September 13, 1976; Ordinance No. 19083, enacted December 13, 1982; Ordinance No. 19732, enacted November 5, 1990; Ordinance No. 19926, enacted June 28, 1993; and Ordinance No. 20264, enacted November 12, 2002, effective December 12, 2002.)

2.275

Human Rights Commission - Officers, Meetings, Rules and Procedures.

(1) The officers of the commission shall be a chairperson and a vice-chair elected by the commission from among the citizen members of the commission. The chairperson shall preside over meetings of the commission and shall have the right to vote. The vice-chair shall perform the duties of the chairperson in the absence or disability of the chairperson. The officers shall serve for terms of one year.

(2) The commission shall meet at least six times a year, with such additional meetings as it deems necessary to properly perform its duties.

(3) The commission may make and alter rules for its conduct and procedure, providing they are consistent with state law and applicable provisions of the city charter, ordinances and policies.

(4) Fifty percent plus one of the current membership shall constitute a quorum.

(5) The city manager may, within his or her discretion, furnish staff assistance to the commission or to the commission's committees.

(Section 2.275 added by Ordinance No. 17748, enacted September 13, 1976; amended by Ordinance No. 19732, enacted November 5, 1990; and administratively amended by Ordinance No. 20113, enacted April 6, 1998, effective May 6, 1998.)

2.280 Human Rights Commission - Committees.

(1) The Agenda Committee of the Human Rights Commission is hereby created.

(a) The members of the agenda committee shall be the elected chairperson and vice-chair of the commission, the chair of the committee on education and outreach, the chair of the committee on accessibility, and the designated representative of the advocate response team.

(b) The agenda committee shall be responsible for the preparation of the agenda and for planning the meetings of the commission. The agenda committee shall also provide membership services by the orientation of new members of the commission and the commission's committees, by assisting all members and the council concerning member's attendance and responsibilities, and by providing a link among the commission and the committees when these are not meeting. The agenda committee may take other actions, at the request of the commission, including preparing recommendations on commission bylaws and other administrative matters.

(2) The Advocate Response Team, the Committee on Education and Outreach, and the Committee on Accessibility, hereinafter referred to as the "standing committees," are hereby created.

(a) The committee on accessibility and the committee on education and outreach shall have ten members each who shall serve three year terms. The commission shall appoint members of each committee according to the criteria specified in section 2.013 of this code. These

committees shall elect a committee chairperson and vice-chairperson. The chairperson must also be a commissioner. Officers shall serve for terms of one year.

(b) Vacant positions on a standing committee shall be filled by appointment by the commission. A position shall be considered vacant under the same conditions as set forth for a vacancy on the commission.

(c) Each standing committee shall meet at least nine times a year, with such additional meetings as it deems necessary to properly perform its duties.

(d) Each standing committee may make and alter rules for its conduct and procedure, providing they are consistent with state law and applicable provisions of the city charter, ordinances and policies.

(e) Fifty percent plus one of the current membership of a committee shall constitute a quorum.

(3) The advocate response team shall coordinate the program that aids in the resolution of incidents of discrimination and harassment. The committee shall also:

(a) Coordinate recruitment and training of volunteer advocates;

(b) Establish policies and procedures for management of individual cases;

(c) Assign and monitor work of volunteers;

(d) Prepare agendas and facilitate meetings;

(e) Analyze and report to staff and the commission on trends; and

(f) Make recommendations on identified community issues.

(4) The committee on education and outreach shall plan, conduct and co-sponsor forums, coordinate a speaker's bureau, act as a publicity arm for programs, and assist community organizations in raising awareness and staging events relating to human rights issues. The committee shall have the primary responsibility to recruit, train and coordinate volunteers to assist in human rights program activities, and shall work to keep the program and the city open to members of the protected classes served by the program. The committee shall also assist the city in employment outreach and shall actively solicit protected class participation on all citizen advisory boards.

(5) The committee on accessibility shall monitor accessibility and recommend policies and actions to improve accessibility in such areas as transportation, public meetings and events, employment opportunities and to overcome such barriers as cultural and linguistic differences and physical barriers, including sidewalks and curbs. The committee shall develop an accessibility guidebook and act as a resource on accessibility issues. The committee shall establish and maintain working relationships with the city staff most closely involved with physical accessibility questions and citizen access to city services and programs.

(6) The commission may recommend the council establish any

additional committee or task force which the commission feels will assist the commission and the city in meeting the goals of the human rights program.

(7) Nothing in this section shall preclude the commission or any standing committee from forming such temporary working groups from among existing members as the commission or committee may feel is necessary to accomplish its duties.

(Section 2.280 added by Ordinance No. 17748, enacted September 13, 1976, and amended by Ordinance No. 18001, enacted June 13, 1977; Ordinance No. 19083, enacted December 13, 1982; Ordinance No. 19579, enacted October 10, 1988; Ordinance No. 19732, enacted November 5, 1990; Ordinance No. 19941, enacted November 22, 1993, effective December 22, 1993; and Ordinance No. 20264, enacted November 12, 2002, effective December 12, 2002.)

HUMAN RIGHTS

4.613 Human Rights.

(1) Findings. The city finds that discrimination on the basis of race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income and disability exists within the city. The city finds that discrimination based on race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income and disability poses a substantial threat to the health, safety and general welfare of the citizens of Eugene. The city further finds that existing state and federal prohibitions against discrimination are not adequate and, therefore, the city deems it necessary and proper to enact a local ordinance to address these issues.

(2) Purpose. The city values the dignity and worth of all human beings and is committed to promoting justice, equity and inclusivity by respecting cultural and individual diversity and fostering mutual understanding among all people regardless of race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or disability. It is the intent of the city that all people have an equal opportunity to participate fully in the life of the city and that discriminatory barriers to equal participation in employment, housing and public accommodations be removed. The city has a compelling interest in eradicating and preventing discrimination based on race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or disability, and in ensuring equal opportunity in employment, housing and public accommodations. These code provisions represent the least restrictive means of achieving the city's objectives. In furtherance of this policy, the provisions of sections 4.613 to 4.655 of this code shall be broadly construed, consistent with their remedial purpose. The purpose of including familial status, sexual orientation, ethnicity and source of income in these nondiscrimination code provisions is to ensure that people are treated fairly and without regard to these issues in the matters of employment, housing and public accommodations. The inclusion of familial status, sexual orientation, ethnicity and source of income in these code provisions is not intended to and shall not be interpreted to establish or require affirmative action or quotas of any kind.

(Section 4.613 added by Ordinance No. 19970, enacted July 11, 1994; and amended by Ordinance No. 20264, enacted November 12, 2002, effective December 12, 2002.)

4.615 Human Rights - Definitions. For purposes of sections 4.615 to 4.655, the following shall mean:

Age. Age refers only to an individual 18 years of age or older; except that, for purposes of sections 4.630 and 4.635, age also refers to individuals under 18 years of age who have received a decree of emancipation from the State of Oregon pursuant to ORS 419B.552.

Because of sex. Includes, but is not limited to, because of pregnancy, childbirth and related medical conditions or occurrences. Women affected by pregnancy, childbirth or related medical conditions or occurrences shall be treated the same for all employment-

related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work by reason of physical condition, and nothing herein shall be interpreted to permit otherwise.

Commission. The human rights commission of the city as established under section 2.260 of this code.

Contractor. All persons, wherever situated, but excluding local, state or federal units of government or their officials, from whom the city purchases goods and/or services costing \$2,500 or more in any fiscal year.

Discriminate or discrimination. A different and unequal treatment because of race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or disability.

Domestic partnership. A relationship between two persons who meet the following requirements: live as a family in a relationship of mutual support, caring and commitment, and intend to remain in such a relationship; neither is married or the domestic partner of any other person; are each 18 years of age or older; are not related by blood kinship closer than would bar marriage in the state of Oregon; and are mentally competent to consent to contract. Domestic partnership may also be demonstrated by having registered, certified or affirmed the relationship with any appropriate, legally established registry with substantially similar criteria within any jurisdiction in the United States.

Employee. Every individual who works for wages, salary or commission or a combination thereof in the service of an employer, but does not include persons employed by parents, grandparents, brothers, sisters, spouse or child. In context, the term also includes those who are seeking or applying for employment.

Employer. All persons, wherever situated, who employ one or more employees within the city, or who solicit individuals within the city to apply for employment within the city or elsewhere; the term includes the city itself, its boards, commissions and authorities.

Ethnicity. A person's cultural heritage.

Familial status. The relationship between one or more individuals at least one of whom has not attained 18 years of age and who is domiciled with:

- (a) A parent or another person having legal custody of the individual; or
- (b) The designee of the parent or other person having such custody, with the written permission of the parent or other person.

"Familial status" includes any individual, regardless of age or domicile, who is pregnant or is in the process of securing legal custody of an individual who has not attained 18 years of age.

Labor organization. An organization which is constituted for the purpose, in whole or in part, of collective bargaining or for dealing with employers concerning grievances, terms or conditions of employment or for other mutual aid or protection in connection with employees.

National origin. A person's country of birth or ancestry.

Person. One or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy or receivers.

Person with a disability. A person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment or is regarded as having such an impairment. As used herein, "major life activity" includes, but is not limited to self-care, ambulation, communication, transportation, education, socialization, employment and ability to acquire, rent or maintain property; "has a record of such an impairment" means has a history of, or has been classified as having such an impairment; "is regarded as having an impairment" means that the individual:

- (a) Has a physical or mental impairment that does not substantially limit major life activities but is treated by an employer or supervisor as having such a limitation;
- (b) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitude of others toward such impairment; or
- (c) Has no physical or mental impairment but is treated by an employer or supervisor as having an impairment.

Place of public accommodation. Except for an institution, bona fide club, or place of accommodation which is in its nature distinctively private, any place or service offering to the public accommodations, advantages, facilities, or privileges whether in the nature of goods, services, lodgings, amusements, or otherwise.

Sexual orientation. Actual or perceived heterosexuality, homosexuality, or bisexuality.

Source of income. The means by which a person supports his or her self and the person's dependents, including but not limited to money and property from:

- (a) Any occupation, profession, activity, contract, settlement or agreement;
- (b) Federal or state payments;
- (c) Court-ordered payments;
- (d) Gifts, bequests, annuities, life insurance policies, and compensation for any illness or injury, but excluding any money or property derived in a manner made illegal by any law, statute or ordinance.

(Section 4.615 amended by Ordinance No. 17256, enacted February 24, 1975, Ordinance No. 17479, enacted November 24, 1975; Ordinance No. 18251, enacted August 28, 1978; Ordinance No. 19970, enacted July 11, 1994; administratively amended by Ordinance No. 20113, enacted April 6, 1998, effective May 6, 1998; and amended by Ordinance No. 20264, enacted November 12, 2002, effective December 12, 2002.)

4.620 Human Rights - Employment Practices.

(1) It shall be an unlawful employment practice:

(a) For an employer to refuse to hire, employ or promote, to bar or discharge from employment, or to discriminate in compensation or in terms, conditions or privileges of employment:

1. Because of an individual's race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, or source of income; or
2. Because an individual is a person with a disability which, with reasonable accommodation by the employer, does not prevent the performance of the work involved; or
3. Because of a juvenile record that has been expunged pursuant to ORS 419A.260 and 419A.262.

However, discrimination is not an unlawful employment practice if such discrimination results from a bona fide occupational requirement reasonably necessary to the normal operation of the employer's business.

(b) For a labor organization to exclude or expel from its membership, or otherwise to discriminate in any way against any individual:

1. Because of an individual's race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or because an individual is a person with a disability; or
2. Because of a juvenile record that has been expunged pursuant to ORS 419A.260 and 419A.262.

(c) For an employer or employment agency to print or circulate, or cause to be printed or circulated, any statement, advertisement, or publication, or to use any employment application form, or make any inquiry in connection with prospective employment which expresses, directly or indirectly, any limitation, specification or discrimination, or any intent to make such limitation, specification or discrimination:

1. Because of an individual's race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or because an individual is a person with a disability; or
2. Because of a juvenile record that has been expunged pursuant to ORS 419A.260 and 419A.262, unless based upon a bona fide occupational qualification reasonably necessary to the normal operation of the employer's business, or unless otherwise provided by federal law.

Unless a determination is made that a designation expresses an intent to limit, specify or discriminate, identifying employees according to race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or disability does not violate this section.

(d) For an employment agency to classify or refer for employment, or to fail or refuse to refer for employment, or otherwise to discriminate in any way against any individual:

1. Because of the individual's race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or because an individual is a person with a disability; or
2. Because of a juvenile record, that has been expunged pursuant to ORS 419A.260 and 419A.262.

However, it shall not be an unlawful practice for an employment agency to classify or refer for employment any individual where such classification or referral results from a

bona fide occupational requirement reasonably necessary to the normal operation of the employer's business, or where such classification or referral is allowed under federal law.

(e) For any person, whether an employer or an employee, to assist, induce, compel or coerce the doing of any of the acts forbidden under sections 4.613 to 4.640 of this code, or to attempt to do so.

(f) For a vocational, professional, or trade school licensed to operate in Oregon to refuse admission to or discriminate in its admission against or discriminate in giving instruction to any otherwise qualified person because of race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or because an individual is a person with a disability.

(g) For an employer, labor organization, employment agency or a local joint committee controlling apprentice training programs:

1. To deny or withhold from an individual the right to be admitted to or participate in a guidance program, an apprenticeship training program, an on-the-job training program, or other occupational training or retraining program;

2. To discriminate against an individual in the terms, conditions or privileges of such programs; or

3. To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any application form for such programs, or to make an inquiry in connection with such programs which expresses, directly or indirectly, any limitation, specification, or discrimination, or any intent to make any such limitation, specification, or discrimination, because of the race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, or source of income of any person, or because an individual is a person with a disability.

For purposes of this subsection (1), receipt or alleged receipt of treatment for a mental disorder shall not constitute evidence of a person's inability to perform the duties of a particular job or position.

(2) It shall be an unlawful employment practice for any person to discriminate against an individual in any manner set forth in subsection (1) of this section because of the race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income or disability of any other person with whom the individual associates.

(3) It shall not be an unlawful employment practice under this section:

(a) For a bona fide church or other religious institution, including, but not limited to, a school, hospital or church camp, from preferring an employee or applicant for employment of one religious sect or persuasion over another when:

1. That religious sect or persuasion to which the employee or applicant belongs is the same as that of such bona fide church or other religious institution;

2. In the opinion of such bona fide church or other religious institution, such a preference will best serve the purposes of such bona fide church or other religious institution; and

3. The employment involved is closely connected with or related to the primary purposes of the bona fide church or other religious institution, and is not connected with a commercial or business activity which has no necessary relationship to the bona fide church or other religious institution, or to its primary purpose.

(b) For an employer, labor organization, employment agency or local joint committee controlling apprentice training programs to select an apprentice on the basis of the ability to complete the required apprenticeship training before attaining the age of 70 years.

(c) For an employer or labor organization to provide or make financial provision for child care services of a custodial or other nature to its employees or members who are responsible for a minor child. As used herein, "responsible for a minor child" means having custody or legal guardianship of a minor child or acting in loco parentis to the child.

(4) The compulsory retirement of an employee at any age shall not be an unlawful employment practice if lawful under federal law.

(Section 4.620 amended by Ordinance No. 17256, enacted February 24, 1975; Ordinance No. 17479, enacted November 24, 1975; Ordinance No. 18251, enacted August 28, 1978; Ordinance No. 19970, enacted May 11, 1994; and Ordinance No. 20264, enacted November 12, 2002, effective December 12, 2002.)

4.625 Human Rights - Fair Employment Practice Provisions in City Contracts.

(1) The city and all its contracting agencies, or departments shall include in all contracts negotiated or renegotiated by them with contractors the following provisions:

“(1) During the performance of this contract, the contractor agrees as follows:

(a) The contractor will not discriminate against any employee or applicant for employment because of an individual's race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, or source of income, a juvenile record that has been expunged pursuant to ORS 419A.260 and 419A.262, or because an individual is a person with a disability which, with reasonable accommodation by the employer does not prevent the performance of the work involved, unless based upon a bona fide occupational qualification reasonably necessary to the normal operation of the employer's business.

(b) Those contractors employing 15 or more individuals will develop and implement a plan to insure that applicants are employed, and that employees are treated during employment, without regard to race, religion, color, sex, sexual orientation, age, disability, national origin, or ethnicity. Such plan shall include, but not be limited to the following: employment, upgrading, demotion, transfer, recruitment, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(c) The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the human rights commission setting forth the provisions of this nondiscrimination clause.

“(2) The contractor will, prior to commencement and during the term of this contract, provide to the city such documentation, and permit any inspection of records as may be required or authorized by rules adopted by the city manager to determine compliance with paragraph (1) above.

“(3) If upon an investigation conducted pursuant to rules adopted by the city manager in accordance with section 2.019 of the Eugene Code, 1971, there is reasonable cause to believe that the contractor or any subcontractors of the contractor have failed to comply with any of the terms of paragraphs (1) or (2), a determination thereof shall be made in accordance with the adopted rules. Such determination may result in the

suspension, cancellation or termination of the principal contract in whole or in part and/or the withholding of any funds due or to become due to the contractor, pending compliance by the contractor and/or its subcontractors, with the terms of paragraphs (1) and (2).

“(4) Failure to comply with any of the terms of paragraphs (1) and (2) shall be a material breach of this contract.

“(5) The contractor shall include the provisions of paragraphs (1) through (4) in contracts with subcontractors so that the provisions will be binding upon each subcontractor.”

(2) The city manager shall adopt rules and regulations for implementation of this section following the procedures set forth in section 2.019 of this code.

(Section 4.625 amended by Ordinance No. 17256, enacted February 24, 1975, by Ordinance No. 17479, enacted November 24, 1975, Ordinance No. 19083, enacted December 13, 1982; administratively amended by Ordinance No. 19732, enacted November 5, 1990; amended by Ordinance No. 19970, enacted July 11, 1994; and Ordinance No. 20264, enacted November 12, 2002, effective December 12, 2002.)

4.630 Human Rights - Housing Practices.

(1) It shall be an unlawful housing practice for any person, because of race, religion, color, sex, national origin, ethnicity, marital status, familial status, domestic partnership status, age, sexual orientation, source of income, or because an individual is a person with a disability to:

(a) Refuse to sell, lease or rent, or otherwise make available any real property to a purchaser, lessee or renter.

(b) Expel a purchaser, lessee or renter from any real property.

(c) Make any distinction, discrimination or restriction against a purchaser, lessee or renter in the price, terms, conditions or privileges relating to the sale, rental, lease, or occupancy of real property or in the furnishing of any facilities or services in connection with the real property.

(d) Attempt to discourage the sale, rental or lease of any real property to a purchaser, lessee or renter.

(e) Publish, circulate, issue or display, or cause to be published, circulated, issued, or displayed, any communication, notice, advertisement or sign of any kind, relating to the sale, rental or leasing of real property which indicates any preference, limitation, specification or discrimination based on race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, or source of income, or because an individual is a person with a disability.

(f) Assist, induce, compel, or coerce another person to commit an act or engage in a practice that violates this subsection, and subsection (3) of this section.

(g) Coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of having aided or encouraged any other person in the exercise of, any right granted or protected by this section.

(2) No person or other entity whose business includes engaging in residential real estate-related transactions shall discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, religion, color, sex, national origin, ethnicity, marital status, familial status, domestic partnership status, age, sexual orientation, source of income, or because an individual

is a person with a disability. As used in this subsection (2), "residential real estate-related transaction" means the making or purchasing of loans or providing other financial assistance:

- (a) For purchasing, constructing, improving, repairing or maintaining a dwelling; or
- (b) Securing residential real estate; or
- (c) The selling, brokering or appraising of residential real property.

(3) No real estate licensee shall accept or retain a listing of real property for sale, lease or rental with an understanding that a purchaser may be discriminated against with respect to the sale, rental or lease thereof because of race, religion, color, sex, national origin, ethnicity, marital status, familial status, domestic partnership status, age, sexual orientation, source of income, or because an individual is a person with a disability.

(4) No person shall, for profit, induce or attempt to induce any other person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, religion, color, sex, national origin, ethnicity, marital status, familial status, domestic partnership status, age, sexual orientation, source of income, or because an individual is a person with a disability.

(5) For purposes of this section, receipt or alleged receipt of treatment for a mental disorder shall not constitute evidence of a person's inability to acquire, rent or maintain property.

(6) For purposes of this section, discrimination includes:

- (a) A refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for such modifications on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted; or,
- (b) A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

(7) It shall be an unlawful housing practice to discriminate against an individual in any manner set forth in subsections (1) to (4) of this section because of the race, religion, color, sex, national origin, ethnicity, marital status, familial status, domestic partnership status, age, sexual orientation, source of income, or disability of any other person with whom the individual associates.

(8) The prohibition against discrimination, distinction, or restriction because of sex in subsections (1) and (3) of this section do not apply if the real property involved is such that the application of subsections (1) and (3) of this section would necessarily result in common use of bath or bedroom facilities by unrelated persons of opposite sex.

(9) The prohibition against discrimination, distinction, or restriction because of source of income in subsections (1), (2), and (3) of this section does not forbid:

- (a) Inquiry into and verification of source and amount of income;
- (b) Inquiry into, evaluation of, and decisions based on the amount, stability or creditworthiness of any income or source of income;

- (c) Screening prospective purchasers and tenants on bases not prohibited by this code;
- (d) Refusal to contract with a governmental agency under 42 USC 1437f(a) (Section 8).
- (10)** The prohibition against discrimination, distinction, or restriction because of sexual orientation in subsection (1) of this section does not apply:
- (a) Where the lessor is renting rooms in an individual dwelling unit occupied by the lessor as the lessor's residence; or
- (b) To the rental of space in a bona fide church or other religious institution or organization, including churches, synagogues, religious schools, and other facilities used primarily for religious purposes.
- (11)** The prohibition against discrimination, distinction or restriction because of familial status and age in this section does not apply with respect to housing for older persons. For the purpose of this subsection, "housing for older persons" means housing:
- (a) Provided under any state or federal program that is specifically designed and operated to assist elderly persons, as defined by the state or federal program;
- (b) Intended for, and solely occupied by, persons 62 years of age or older; or
- (c) Intended and operated for occupancy by at least one person 55 years of age or older per unit. Housing qualifies as housing for older persons under this subparagraph if:
1. Significant facilities and services are specifically designed to meet the physical or social needs of older persons or, if provision of such facilities and services is not practicable, such housing is necessary to provide important housing opportunities for older persons;
 2. At least 80 percent of the dwellings are occupied by at least one person 55 years of age or older per unit; and
 3. Policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older are published and adhered to.
- (12)** Housing shall not fail to meet the requirements for housing for older persons if:
- (a) Persons residing in such housing as of September 13, 1988 do not meet the requirements of subsections (a) or (b) of subsection (11) of this section. However, new occupants of such housing shall meet the age requirements of subsections (b) or (c) of subsection (11) of this section; or
- (b) The housing includes unoccupied units. However, such units are reserved for occupancy by persons who meet the age requirements of subsections (b) or (c) of subsection (11) of this section.
- (13)** Nothing in this section limits the applicability of any reasonable local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.
- (Section 4.630 amended by Ordinance No. 17256, enacted February 24, 1975; Ordinance No. 17479, enacted November 24, 1975; Ordinance No. 19970, enacted July 11, 1994; administratively amended by Ordinance No. 20113, enacted April 6, 1998, effective May 6, 1998; and amended by Ordinance No. 20264, enacted November 12, 2002, effective December 12, 2002.)*

4.635 Human Rights - Public Accommodations Practices.

(1) It shall be an unlawful public accommodations practice for a place of public accommodation, a person acting on behalf of a place of public accommodation, or for any person to assist a place of public accommodation or a person acting on behalf of such place to:

(a) Make any distinction, discrimination or restriction against any person because of race, religion, color, sex, national origin, ethnicity, marital status, familial status, domestic partnership status, age, sexual orientation, source of income, or because an individual is a person with a disability; or

(b) Publish, circulate, issue or display or cause to be published, circulated, issued or displayed, any communication, notice, advertisement or sign of any kind to the effect that any of the accommodations, advantages, facilities, services or privileges of such place of public accommodation will be refused, withheld from or denied to, or that any discrimination will be made against, any person because of race, religion, color, sex, national origin, ethnicity, marital status, familial status, domestic partnership status, age, sexual orientation, source of income, or because an individual is a person with a disability, except as provided by laws governing the consumption of alcoholic beverages by minors and the frequenting of minors in places of public accommodation where alcoholic beverages are served, and except for special rates or services offered to persons 55 years old and older.

(2) It shall be an unlawful public accommodations practice for any place of public accommodation, or any person acting on behalf of such place, to discriminate in any manner described in this section because of the race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or disability of any other person with whom the individual associates.

(3) It shall be an unlawful public accommodations practice for a place of public accommodation, a person acting on behalf of a place of public accommodation, or for a person to assist such a place or person, to fail or refuse to offer visitation privileges to the domestic partner of an inmate, patient or resident on the same basis as those privileges are offered to the spouses of other similarly situated inmates, patients or residents. For purposes of this paragraph, "place of accommodation" shall be construed to include, but shall not be limited to, the following:

(a) A jail or other place of incarceration;

(b) A funeral home;

(c) A hospital or other health care facility; and

(d) A residential facility for the care or treatment of elderly persons or persons with mental or physical disabilities, afflictions, or diseases.

(Section 4.635 amended by Ordinance No. 17256, enacted February 24, 1975; Ordinance No. 19970, enacted July 11, 1994; and Ordinance No. 20264, enacted November 12, 2002, effective December 12, 2002.)

4.640 Human Rights - Engaging in Reprisal or Retaliation. It shall be an unlawful practice for any person to penalize or discriminate in a manner prohibited by sections 4.613 to 4.640 or to engage in a reprisal or retaliation against an individual because that individual in good faith has opposed the use of a practice forbidden by sections 4.613 to 4.640, or has filed a complaint, testified, assisted or participated in an investigation, proceedings, or hearing under sections 4.613 to 4.640, or has attempted to do so.

(Section 4.640 amended by Ordinance No. 19970, enacted July 11, 1994.)

4.645 Human Rights - Enforcement.

(1) Initiation. Unless a different procedure is established by administrative order of the city manager pursuant to section 2.019 of this code, an individual claiming to be aggrieved by a practice prohibited by sections 4.613 to 4.640, may:

(a) Within the time limits prescribed in section 4.650, file a request for mediation with designated staff, on forms available from the staff. The individual may, at the same time, or at any subsequent time within the limits prescribed in section 4.650, file a complaint pursuant to subparagraph (b) of this subsection. Filing a request for mediation, however, shall not constitute a timely filing for purposes of complying with the time limitations on filing a complaint prescribed in section 4.650 of this code.

(b) File a complaint with the state of Oregon Bureau of Labor & Industries (BOLI), or such other enforcement agency as the city manager shall contract with for administration and enforcement of sections 4.613 to 4.640 of this code, on forms available from the commission.

(2) Mediation.

(a) Within ten working days of receipt of a request for mediation, the staff shall determine whether the request is consistent with the standards for mediation established in commission rules and shall notify the parties whether mediation is to occur. If the mediation request is accepted, the notice shall inform the parties of the identity of the mediator and shall establish a time for mediation to occur, which is not later than 60 days from the date the request was filed. Participation in mediation is voluntary, and either party may reject the offer to mediate. Mediation shall be an informal process conducted in accordance with rules and standards established by the commission. If the request does not meet the commission's mediation standards, the request shall be denied.

(b) Mediation sessions are not open to the public, but any resolution of the dispute reached through mediation shall not be final until filed with the commission.

(c) In the event either party rejects mediation, fails to appear at the time mediation is scheduled, or the mediation does not result in a settlement, the mediation request will be dismissed.

(3) Complaints filed with enforcement agency.

(a) Pursuant to its contract with the city, BOLI, or such other enforcement agency with whom the city contracts, is authorized to enforce the provisions of sections 4.613 to 4.640 of this code in accordance with its adopted procedures and applicable state law.

(b) Complaints filed by persons claiming to be aggrieved by a practice prohibited by sections 4.613 to 4.640 of this code shall be processed and enforced by the enforcement agency in the same manner, and with the same enforcement powers as afforded to the enforcement agency under state law for violation of comparable state statutes.

(c) If a complaint is found to be justified, the complainant shall be entitled to the same remedies as afforded a complainant under comparable state statutes.

(d) Orders issued by an enforcement agency pursuant to this section shall be viewed as one issued by a hearings officer employed by the city within the meaning of ORS 46.045(3) and shall be fully enforceable by the city.

(4) Private Right of Action. Any person claiming to be aggrieved by an unlawful discriminatory act under the provisions of sections 4.620 to 4.640 of this code shall have

a cause of action in any court of competent jurisdiction for damages and such other remedies as may be appropriate. Such persons shall be subject to the procedural limitations that apply to similar grievances under state law, as provided in ORS 659A.870 to 659A.885. The court may grant such relief as it deems appropriate, including, but not limited to, such relief as is provided in ORS 659A.885.

(Section 4.645 amended by Ordinance No. 17256, enacted February 24, 1975; by Ordinance No. 17479, enacted November 24, 1975; Ordinance No. 19970, enacted July 11, 1994; and Ordinance No. 20264, enacted November 12, 2002, effective December 12, 2002.)

4.650 Human Rights - Limitation of Action. No complaint shall be accepted nor action taken unless filed within one year from the date of the occurrence of the alleged unlawful practice. Where the alleged unlawful practice is of a continuing nature the limitation period shall not commence to run until the unlawful practice has ceased.
(Section 4.650 amended by Ordinance No. 17479, enacted November 24, 1975; and Ordinance No. 19970, enacted May 11, 1994.)

4.655 Human Rights - Exemption. In addition to any specific exemptions set forth in sections 4.613 to 4.650 of this code, it shall not be unlawful for a person to fail to comply with sections 4.613 to 4.650:

- (a)** When compliance would substantially burden a person's exercise of religion; and
- (b)** When exempting that person from the application of sections 4.613 to 4.650 of this code would not impede the objectives sought to be advanced by those sections, as described in section 4.613 of this code.

(Section 4.655 added by Ordinance No. 19970, enacted July 11, 1994.)