

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Human Rights Project Recommendations

Meeting Date: October 24, 2011
Department: Central Services
www.eugene-or.gov

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

ISSUE STATEMENT

Staff and Human Rights Commissioners have been assessing how to better achieve human rights framework goals and better support advisory groups connected to the council and stakeholders. This work session with the City Council, Human Rights Commissioners and staff is to report on the review and provide a series of recommendations for council's consideration.

BACKGROUND

In April, the City Manager directed staff to begin looking at potential improvements to the current human rights system. Broad input from commissioners, staff and key stakeholders was 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.

The Human Rights Listening Project has been a five-month, intensive project with several phases (see Attachment A). The project was overseen by a project team with equal representation from commissioners and City staff. The project reached over 600 community members to understand their views on the current status of human rights within the Eugene community and what they would like to see the commission and City of Eugene focus efforts on. Special outreach specifically to youth (14-24), immigrant communities, and community members who are currently un-housed were a priority of this project.

Listening sessions included perspectives on accessibility, housing, communities of color, elected officials, City staff, and the general public. All of the information gathered from surveys, stakeholder interviews, focus groups, listening circles, and community events was compiled and provided to the University of Oregon Community Planning Workshop who performed an independent analysis of the comments received (see Attachment B). Staff researched other municipal models to help guide an understanding of national best practices (see Attachment C). All of the information provided a clear picture of some of the key issues to be addressed or considered (see Attachment A).

A “think tank” representing current and past Human Rights Commissioners, current and past human rights staff, key community stakeholders, and City staff reviewed findings. The group then shared ideas for what opportunities or solutions might be considered by the commission and staff, with items divided into three areas: items that required City of Eugene council direction or ordinance changes, items that should be considered for Human Rights Commission work planning and items that should be given to the City Manager and staff for consideration.

Human Rights Commissioners and committee members and staff refined the recommendations. These items are the focus of this work session (see attachment D). They are:

- **Language in Chapter 2 of City of Eugene Code**
 - The current language is about 20 years old and needs to be updated to align with current human rights City efforts moving from a civil rights to human rights framing.
 - *Commissioners and community members would like the council to consider updating the overall introduction in Chapter 2 to reflect current human rights work and conditions. A human rights orientation moves the ordinance from a civil rights only focus to an inclusive, broader framework.*
- **The size of the Human Rights Commission**
 - Feedback from commissioners and think tank members is that the current size of the commission is too large and the City of Eugene should consider reducing the size to increase effectiveness. Case study research shows nationally there is an average of nine - 11 members for similar commissions in other communities.
 - *The commission would like the council to consider reducing the commission to 10 community members and one City Councilor.*
- **The current commission has four standing subcommittees codified in City of Eugene code**
 - Feedback from commissioners and community members clearly asks for the commission to be nimble and to tie task team and work groups to the current work plan.
 - Maintaining the current structure is neither sustainable nor effective.
 - *The commission would like the council to consider repealing provisions for the four subcommittees. These commission work groups would be established as needed, on a short-term basis, to support adopted work plans. An accessibility committee would be created as a department advisory committee to work directly with departments and City staff on the broad range of accessibility challenges.*
- **Effective commission appointments**
 - Feedback from commissioners and community members is that more focus on the recruitment and appointment process is critical to the commission’s success.
 - There is a strong desire to increase the commission’s role in supporting the council in making effective appointments.
 - *The commission would like the council to consider having the commission assume a more active role in screening and recommending candidates for council approval, thus aligning commission practices closer to those of other council advisory bodies.*

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 board and commission 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

1. Request that the City Manager set a public hearing on proposed code changes to Eugene Code Chapter 2 regarding the Human Rights Commission.
2. Request additional information and/or discussion opportunities on this topic.
3. Take no action.

CITY MANAGER’S RECOMMENDATION

The City Manager recommends that the council proceed to a public hearing on proposed code changes.

SUGGESTED MOTION

Move to direct the City Manager to schedule a public hearing on proposed code changes to Eugene Code Chapter 2 regarding the Human Rights Commission.

ATTACHMENTS

- A. Human Rights Listening Project Executive Summary
- B. University of Oregon Community Planning Workshop Memo
- C. Case Study Research Findings
- D. Human Rights Ordinance Recommended Changes
- E. Human Rights City Code Chapter 4.613
- F. Universal Declaration of Human Rights

FOR MORE INFORMATION

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Human Rights Listening Project

Executive Summary

This quote was offered as grounding for one of our community listening circles:

“Community isn’t always synonymous with warmth and harmony. Politeness is often a veneer for understanding, when in reality it masks uncovered territory, the unspeakable pit that we turn from because we know the pain and anger that can dwell there. It is important to remind ourselves that real community is forged out of struggle. This is the crucible from which real community grows.”

Linda Christensen
Reading, Writing, and Rising Up

Project Overview/Description

Over the past six months, the City of Eugene Equity and Human Rights staff in collaboration with the Human Rights Commission have sought to strengthen the Eugene community’s commitment to human rights. To that end, a project team comprised equally of City staff and commissioners was formed and the Human Rights Listening Project commenced. This process was accomplished through strategic and thoughtful engagement, and passionate and informed action. Project teams members and participants were invited to step out of their familiar and comfortable understanding of how to accomplish human rights work. Being open to a process that was at times mentally challenging and emotionally draining allowed for a depth of understanding and insight not ordinarily accessed.

Human Rights Listening Project Team Members:

Elizabeth Andrade (HRC)	Francisca Johnson (COE)
Raydeen Cuffe (HRC)	Holly LeMasurier (COE)
Martha Fish (HRC)	Ken Neubeck (HRC)
Kevin Finney (COE)	Craig Smith (COE)
Toni Gyatso (HRC)	Raquel Wells (COE)

The project team embarked on a process to engage commissioners, stakeholders, and community members. As a way to guide their work, the project team used the Human Rights Commissions Best Possible Outcome statement (created in March 2011) for the

project. It was important to this team to engage a wide range of individuals, especially those not traditionally represented. Through extensive and thoughtful outreach, the team was hopeful that through process would emerge recommendations that helped strengthen the commission and furthered the City’s commitment to human rights advocacy. Some specific “best outcomes” included a commission that is responsive to ever-changing community needs; cohesive commission membership built on trust, mutual support and a common vision; clear commission structure with clear membership expectations; and be a “beacon” to the community as an entity with an authentic ability to respond to identified needs and respond accordingly.

Figure1. Human Rights Listening Project Timeline

April	May	June	July	August	September	October
Meeting with City Manager	Meeting with City Council	Listening Circles	Listening Circles	Research	Think Tank Meeting 2	Project Team Meets
Project Team Meets	Listening Circles	Outreach and Stakeholder Interviews	Outreach and Stakeholder Interviews	U of O Community Planning Workshop	HRC/Staff Human Rights Listening Project Meeting	Present to City Council
	Surveys	Surveys				
	Outreach and Stakeholder Interviews	Research	Think Tank Meeting 1		City Attorney Review	HRC Work planning process
	Project Team Meets	Project Team Meets	HRC Meets	HRC Meets	HRC Meets	HRC Meets
	HRC Meets	HRC Meets				

Summary of Outreach Strategies & Methodology

The Human Rights Listening Project used a variety of outreach methods and tools in an effort to engage a diverse cross-section of the Eugene community on issues that focused on the roles and priorities of the Human Rights Commission (HRC) and the Equity and Human Rights Center (EHRC). Outreach strategies included the use of on-line surveys, paper surveys, community listening sessions, and stakeholder interviews. This process engaged

over **600** individuals with special attention to youth, community members who are unsheltered, immigrant communities, and new audiences.

Figure2. Outreach Table

Type of Contact	Total Number
Online Electronic Surveys	92
Paper Survey: We Are Bethel Event, Take Back the Night Event, Barrier Awareness Day Event	57
Eugene City Council Listening Session	28
Accessibility Listening Circle Session	24
Advocacy and Support Listening Circle Session	18
Housing/Homelessness Listening Circle Session	29
Community Event Eugene Pride	37
Communities of Color Listening Circle Session	17
Outreach to High School Students	131
Community Stakeholder Interviews	9
General Youth Outreach (Ages 14-22 Yrs.)	28
Juventud Faceta Youth Group	9
Food For Lane County Dining Room Outreach	126
Looking Glass New Roads Youth Interviews	10
Human Rights Commissioner Interviews	12
GRAND TOTAL	664

Outreach Strategies

During interviews with HRC members, members shared their views regarding priority human rights issues, effectiveness of the HRC, and how to increase HRC effectiveness. From those target areas, HRC members identified a range of priority issues including: size of the commission, commission recruitment process, need for more public restrooms, increased bilingual signage in public spaces, long and short-term goals, increased committee diversity, and clear role of HRC within the City organization.

Individuals who took part in the surveys were asked to share their opinions on the following topics: inclusive and equitable City services, accountability and responsibility of the City and HRC regarding human rights work, feedback regarding dissemination of human rights information to the community, and prioritization of community issues that HRC and City should address.

The community interviews and listening sessions included approximately 10 community meetings with between 20-30 people in attendance at each. Some of the issues and stakeholder interests discussed included homelessness, institutional change, accessibility, youth, communities of color, undocumented rights and protection, services for the mentally ill, housing, language access, and cultural competency trainings.

Outreach interviews and survey information was compiled and organized to capture the main themes expressed during the information gathering portion of the project. For complete summary of the outreach process, see attachments.

Case Study Research

In order to provide a holistic perspective on municipal human rights programs and Human Rights commissions, the project researcher reviewed several other comparable cities throughout the nation. These cities were chosen based on their relative similarity to Eugene in terms of population size, economic and racial demographics. The following cities were included in the case study: **Alexandria, Virginia; Austin, Texas; Des Moines, Iowa; Fort Collins, Colorado; and Tacoma, Washington** (and informally with City of Portland and City of Salem). Research was gathered based on available on-line information, Census data, and telephone interviews with City staff and when available, current commissioners.

This study gathered information related to three specific areas which were: the commission, the affiliated office or staff within the city organization, and the enforcement method. Within those broader topics, the components of the citizen commissions that were explored included: the structure of the commission, associated committees, relationship with City Council, and the role of enforcing city code/ordinances. The areas explored with regard to the affiliated city office/staff included: number of staff, job responsibilities/titles, operating budget, and relationship with the commission.

The research findings are structured into four main topic areas. These areas are commission structures, commission work agendas, city office or staff, and enforcement mechanisms.

Synthesis of Issues and Themes

The next phase of the process involved creating a “Human Rights Think Tank,” the role of which was to review information and share perspectives on opportunities and possible considerations on varied issues. The Project Team really wanted to make sure to engage past HRC members and community leaders in this project.

Human Rights Project Think Tank Members:

Elizabeth Andrade (HRC)	Guadalupe Quinn (past HRC)
Aimee Goglia (COE)	Greg Rikhoff (U of O/past HRP)
Toni Gyatso (HRC)	Craig Smith (COE)
Linda Hamilton (HRC)	Laura Stockford (past HRC)
Karen Hyatt (U of O/past HRP)	Twila Souers (past HRC)
Leisha McParland (COE)	Raquel Wells (COE)
Francisca Johnson (COE)	Marshall Peters (past HRC)
Matt McCrae (COE)	Carmen Urbina (past HRC)
Stephanie Jennings (COE)	Michael Wisth (COE)
Colin Kiley (Community Member)	Greta Utecht (City of Springfield)
Keli Osborn (COE)	Jane Waite (Community Member)
<i>KEY: HRC – Human Rights Commission, COE- City of Eugene, HRP – Human Rights Program</i>	

Think Tank members offered insights, best ideas, and recommendations that would be forwarded to the Human Rights Commission and City Staff rather than solving the problems raised during this project (Appendix 1). To help information was placed into five distinct theme/issue areas: HRC structure, roles and responsibilities, services and provisions, human rights issues, and other.

Think Tank members met on two separate occasions for a total of six hours.

For each issue within each theme area, Think Tank members were asked to identify possible opportunities and recommendations, questions for the city attorney, and viability of the proposed recommendations.

Think Tank member thoughts were later organized and, based on their feedback, all of the issues were organized into three categories for next steps: issues that would be forwarded to the City Manager’s Office, issues that would be forwarded for the HRC work plan, and issues that would be part of a future City Council presentation.

Recommendations for City Council’s Consideration

Recommendations from the Think Tank members were forwarded for HRC and staff consideration at an all-day session in September. The retreat was facilitated by Cliff Jones from the Nonprofit Association of Oregon. Retreat attendees included current HRC and committee members, COE staff, and others. The goal of the retreat was to extract the best thinking of the group regarding recommendations to the City Council to revise the ordinances that have jurisdiction over the Human Rights Commission.

The issues that were discussed were:

- Update the language in City Code to reflect a Human Rights Framework
- Decrease the size of the Human Rights Commission (HRC);
- Reform the current screening and application of HRC commissioners; and
- Remove the codification of subcommittees in the current ordinance and consider creating a separate city department advisory board on accessibility.

Session Attendees:

Elizabeth Andrade (HRC)	Stephanie Jennings (COE)
Robin Brown-Wood (HRC committee)	Lorraine Kerwood (HRC)
Rod Buck (HRC)	Ron McMullin (HRC)
Raydeen Cuffe (HRC)	Leisha McParland (UO)
Martha Fish (HRC)	Ken Neubeck (HRC Vice-Chair)
Aimee Goglia (COE)	Keli Osborn (COE)
Toni Gyatso (HRC Chair)	Andrew Thomson (HRC)

Linda Hamilton (HRC)	Neil Van Steenberg (HRC committee)
Kristie Hammitt (COE)	Raquel Wells (COE)

Conclusion

This quote was offered as grounding for one of our community listening circles:

| “When we talk about that which will sustain and nurture our spiritual growth as a people,
we must once again talk about the importance of community. For one of the most vital ways
that we sustain ourselves is by building communities of resistance, places where we know
we are not alone.”

bell hooks
Teaching to Transgress

Appendix 1.

Figure 3. Delegation of addressing issues and themes

Where Issue should Go	Issue Area: Human Rights Structure
Sept 10th Meeting	Issue 1: Human Rights Commission Membership too large
Sept 10th Meeting	Issue 2: The current screening and application process for Human Rights commissioners is in need of reform. The present process does not produce candidates best suited for the positions nor clearly outline what is expected of commissioners.
HRC Work Plan Process	Issue 3: Commission meetings are not effective for getting work done nor connecting with the community
Sept 10th Meeting	Issue 4: Subcommittees are currently codified in ordinance and this has been a resource burden for both staff and HRC members to maintain. Should subcommittees be codified? If yes, which ones?
	Issue Area: Role and Responsibility
Sept 10th Meeting	Issue 1: Commissioners are volunteers and come to the table from various places and in various ways. What are fair and realistic expectations for the role of a HRC commissioner and what should

be expected of them?

HRC Work Plan Process

Issue 2: Desire for legal enforcement with penalties that hold people accountable for discrimination within the city limits

City of Eugene City Manager's Office

Issue 3: City Code 4.620 - Human Rights Complaints. Who should be responsible overall for the oversight of this? The City? HRC?

City of Eugene City Manager's Office/ HRC Work Plan Process

Issue 4: City Code 4.645(2) Mediation clause - who should be responsible for this and what is best way to provide this?

Issue Area: Services and Provisions

City of Eugene City Manager's Office

Issue 2: What services should the Equity and Human Rights Center provide? And how do they balance those services with the support of the commission?

HRC Work Plan Process

Issue 3: Perceived disconnect between HRC and City Council/government. What are more focused ways for advocating in city government to protect, respect, and fulfill human rights?

**HRC Work Plan Process/ City of Eugene City
Manager's Office**

Issue 4: Feedback from the listening project asks us to consider developing a proactive implementation of programs rather than a system that is reactive to local complaints or constantly waiting for new external legislation/mandates. How might this be addressed?

Issue Area: Human Rights Issues

HRC Work Plan Process

Issue 1: Have the HRC regularly hold public hearings or tribunals on human rights issues and help to channel recommendations from the broader community and advocacy networks to the City Council. What are easy ways to do this?

**HRC Work Plan Process/ City of Eugene City
Manager's Office**

Issue 2: Housing discrimination is an issue and the Human Rights Code has some language about this. What might be ways to strengthen, support, or help address issues of housing discrimination? What would be the city's role and what might be the HRC role?

**HRC Work Plan Process/ City of Eugene City
Manager's Office**

Issue 3: Homelessness comes up over and over as a top concern. What is an effective way for the code to support efforts or a role for the E&HR staff or HRC

HRC Work Plan Process/ City Council Direction Needed

Issue 1: Some would like the code to include Homelessness as a Protected Class

HRC Work Plan Process/ City Council Direction Needed

Issue 2: Some would like the code to allow for an oversight function for a community human rights group. What could this be? How can it be connected to HRC?

City of Eugene City Manager's Office

Issue 3: Some would like the code to remove the exclusion of SECTION 8 from the source of income class within the code. Section 8 is a federal housing choice voucher program.

HRC Work Plan Process/ City Council Direction Needed

Issue 4: Being more collaborative with existing boards and other groups (i.e. Budget Committee, Police Commission, Sustainability Commission, Planning Commission, Civilian Review Board, and Neighborhood Leaders Council). How might we structure the ordinance or commission system to help strengthen these relationships and not create duplication of efforts - but clarify the relationships?

July 28, 2011

To Raquel Wells, Equity and Human Rights Manager
From Monique G. López, Mackie Welsh, Joanna Bernstein, and Baofeng Dong
SUBJECT SUMMARY OF OUTREACH: HRC PRIORITIES

PURPOSE AND METHODOLOGY

The Equity and Human Rights Center (EHRC) and Human Rights Commission (HRC) have been employing a variety of methods to gather opinions from a diverse sample of interviewees about the role of the HRC and EHRC and priorities for each of these bodies. The outreach strategies used to solicit information included: online surveys, paper surveys, community listening sessions, and stakeholder interviews. Approximately 450 community members (everyone from HRC members, to people who are homeless, to members of neighborhood associations, to Latinas enrolled in ‘transition’ classes at Lane Community College) provided feedback regarding the following:

- what they felt the best outcomes for their input would be,
- what they felt the worst outcomes for their input would be, and
- the main issues they would like the Commission and City to focus their efforts on.

This memorandum highlights the main themes that emerged from these conversations, specifically around priorities for the Commission and City, and is organized in the following manner:

1. Priorities identified from the HRC;
2. Results from the EHRC survey;
3. Responses from community interviews and listening sessions; and
4. Synthesis.

We recommend that the HRC and the City use the comprehensive information presented in this memorandum to prioritize specific human rights issues as they further develop policies and plans for administering inclusive and equitable services, and as they continue to engage a diverse body of community members in their outreach processes.

I. HUMAN RIGHTS COMMISSION PRIORITIES

The information summarized in this section was born out of interviews with members of the Human Rights Commission. HRC members offered their opinions on what the most pressing community human rights issues are, the effectiveness of the HRC, and how to employ strategies to increase their effectiveness.

Community Issues

- Need for more public bathrooms for homeless residents. Explore what other cities are doing to address this issue

- Bilingual signage in public buildings, as well as a coordinated system for translation services
- Cultural competency training for City Staff
- Housing issues and resources
- Immigrant rights
- LGBTQI rights

HRC Structural Issues

- Meetings are too rushed and the HRC is forced to make decisions too quickly. Commissioners need to be on time and do the work and be more involved.
- The Commission at 15 members was cited numerous times as being too large and thus hindering progress.
- There has been previous collaboration between the Police Commission and the HRC. Respondents would like to maintain and further develop this relationship and partnership.
- There is a lack of diversity in the committees. Exploration of a different model that brings new people to the table should be pursued.
- The current screening and application process for Human Rights Commissioners is in need of reform. The present process does not produce candidates best suited for the positions nor clearly outline what is expected of commissioners.
- The style of the meetings can be isolating and exclusive due to how the meeting is run.
- The table separates the commission from the community and it is suggested that the community should feel welcome to collaborate and sit together with the HRC.

Suggestions for HRC

- Develop both short and long term goals.
- Provide more training/information regarding the role of the HRC within the context of the city organization.
- Develop a model to integrate more community volunteers into HRC work and provide advocacy training.
- Coordinate with community organizations and governmental agencies to ensure that people have access to the services they need.
- Develop a method that allows the HRC to focus on the work they are currently doing and respond to emerging community issues.
- Develop a more outcomes-based approach to commission activities, using a specific work-plan with one or two key goals for the year.
- Provide facilitation opportunities for all parties to represent their interests and augment the visibility of the HRC in the community.
- Create a greater HRC presence in the school district and work with school's equity committees (i.e. The Equity Committee of 4J) to respond to issues of bullying, gangs, LGBTQ rights, and race/ethnicity.

2. SURVEY RESULTS

The information presented in this section reflects the results of the Human Rights Survey. The survey was administered in paper form at a few community events; it was also available online through a link off the Human Rights Office's homepage. Most of the surveys that analyzed were online surveys. The survey was available in both English and Spanish.

Not all who took the survey agree with the goals and purpose of the EHRC and HRC. These individuals made their statements known in spaces where open-ended questions allowed the survey respondent to write a response to a question (i.e. defining equitable and inclusive, identifying issues of priority, and questions that contained an "other" category). Some individuals who took the survey expressed feelings rooted in non-equitable or inclusiveness toward the LGBTQI community, non-Christian religious groups, and Latino Community and stated the following:

- "Eugene Human Rights Commission should not use city dollars to advocate for what it believes are human rights issues, but often with a bias in views regarding moral issues;"
- "There is too much emphasis in serving the Hispanics;" and
- "Our money should not go to the illegal immigrants. Our tax money! Not theirs!"

Inclusive & Equitable Services

Question Preface/Explanation: The City of Eugene would like to consider our services to insure they are inclusive and equitable. Help us define these elements in relationship to City of Eugene services (i.e. courts, planning, police, parks, maintenance, recreation, library, etc.)

Question 1. To me, inclusive services are...(write in response here)

Question 2. To me, equitable services are...(write in response here)

Due to the ambiguity created by the actual fill in the blank question, survey respondents produced many types of answers due to their interpretations of what the questions were actually asking of them. People primarily interpreted both questions in two different ways, though many also blankly stated that they could not answer because the questions did not make sense to them. The first way that folks tended to answer both questions was by providing their own definition of 'inclusive service' and 'equitable service.' For example, someone responded that inclusive services are "equal and confidential services for all." The second way that folks tended to answer the question was by simply listing city services or departments. Presumably, the folks that answered in this way either did so to indicate that such services/departments either are, or should be, inclusive and/or equitable. The majority of those who commented in the "other" category had responses that either were unusable because made no sense or was an isolated statement that does not fit into the categories of the major themes identified. In the categories developed for "inclusive" definition, examples of a response that was unusable because made no sense include: "ok" and "open." Examples of responses that made sense but were isolated statements include: "free for everyone" and "none available." In the categories developed for "equitable" definition, examples of a response that was unusable because made no sense include: "ok" and "money and

foodstamps.” Examples of responses that made sense but were isolated statements include: “specific and measurable,” “same as above and ditto” and “none available.”

Table 1: Types of responses to the open-ended survey question regarding defining "inclusive" and "equitable."

Types of Responses	Inclusive		Equitable	
	Count	Percentage	Count	Percentage
Provided their own definition	73	50%	64	44%
Listed departments and/or city services	12	8%	10	7%
The question did not make sense	5	3%	4	3%
Other	31	21%	34	23%
Did not respond	24	17%	33	23%
Total	145	100%	145	100%

The count and frequency listed below in table 2 highlights only the responses from the survey that were a) comprehensible and answered the question b) was a statement made on numerous occasions in response to the question thus creating a pattern that was significant enough to be counted and measured. Therefore, the table below and subsequent tables do not reflect the full range of responses given on the survey, but just those that met the criteria stated above.

Table 2: Frequency of themes for the definition of the term “Inclusive.”

Inclusive	Count	Frequency
Accessible to all, regardless of race, ethnicity, socioeconomic status, sexual orientation, gender, age, and physical or mental ability	64	High
Public services including court system, police, library, parks and recreation	16	Medium
Free services (to not limit those with limited financial resources)	4	Low
Listening to community feedback to improve services	4	
Developing metrics so all services have the same standards and procedures	3	

Source: Equity & Human Rights Center Survey

Table 3: Frequency of themes for the definition of the term “Equitable.”

Equitable	Count	Frequency
Non-discriminatory and welcoming for all regardless of race, ethnicity, socioeconomic status, sexual orientation, gender, age, and physical or mental ability	58	High
Public services including court system, police, library, parks and recreation	9	Medium
Timely	1	Low
Confidential	1	

Source: Equity & Human Rights Center Survey

Accountability

How can the City and the Commission demonstrate accountability in their Equity & Human Rights work?

This question is still relatively vague (because neither accountability nor equity and human rights work is defined within the question) but respondents tended to answer this question more directly than they answered the open-ended questions about inclusive and equitable services. Many respondents gave answers that had little to do with how the City and commissions demonstrate accountability in their equity and human rights work. For example, many people complained about inadequate parking and sidewalks. The most common type of response to this question came in the form of folks essentially reiterating what inclusive and/or equitable services should be, and to whom they should be offered/made available.

Table 4: Frequency of themes on how to demonstrate accountability in HRC & City.

How to Demonstrate Accountability in HRC & City	Count	Frequency
Share work (and failures) openly and transparently with community	5	High
Publicize public forums, meetings, and meeting minutes more effectively	4	
Publish progress reports and updates on information through a variety of media	4	
Administer more community-based surveys to hard to reach, vulnerable populations	4	
Civilian police oversight	3	Medium
Involve outside community organizations in HRC work	3	
Take immediate action on bias/discrimination incident reports	3	
Address racial and ethnic inequalities	3	

Source: Equity & Human Rights Center Survey

Issues

We strive to make Eugene a safe, livable, supportive community for everyone. Eugene is working on becoming a human rights city, can you identify specific issues or topics we should focus on in these efforts?

Table 5: Frequency of issues the HRC should focus upon according to survey respondents.

Topics & Issues HRC should focus on	Count	Frequency
Homelessness	7	High
Support for the Latino/a community	7	
Focus on racism in the community	7	
Preventing hate crimes and building tolerance for LGBTQ persons	7	
Rights and services for undocumented immigrants	6	
Services for troubled youth	6	
Diversity trainings for police and city employees	4	Medium
More support services for elderly population	3	
Support for the mentally ill	3	
Increased safety and lighting in public parks	3	
Resources for the deaf and hard of hearing	3	

Source: Equity & Human Rights Center Survey

HRC Activities

The City of Eugene and Human Rights Commission aims to raise the profile of our human rights work in the community and be a visible public resource. Check any of the following options that reflect your preferred method for getting community human rights information.

The results show a trend that half (6 out of 12) of the topics, 50% or greater respondents listed these action items as top priorities for the HRC. Figure 1 graphically represents priorities for the HRC and each is displayed using a percentage of those who responded to the questions to normalize results. HRC Action Items listed as ‘Very Important’ (50% or more) according to the Survey Online:

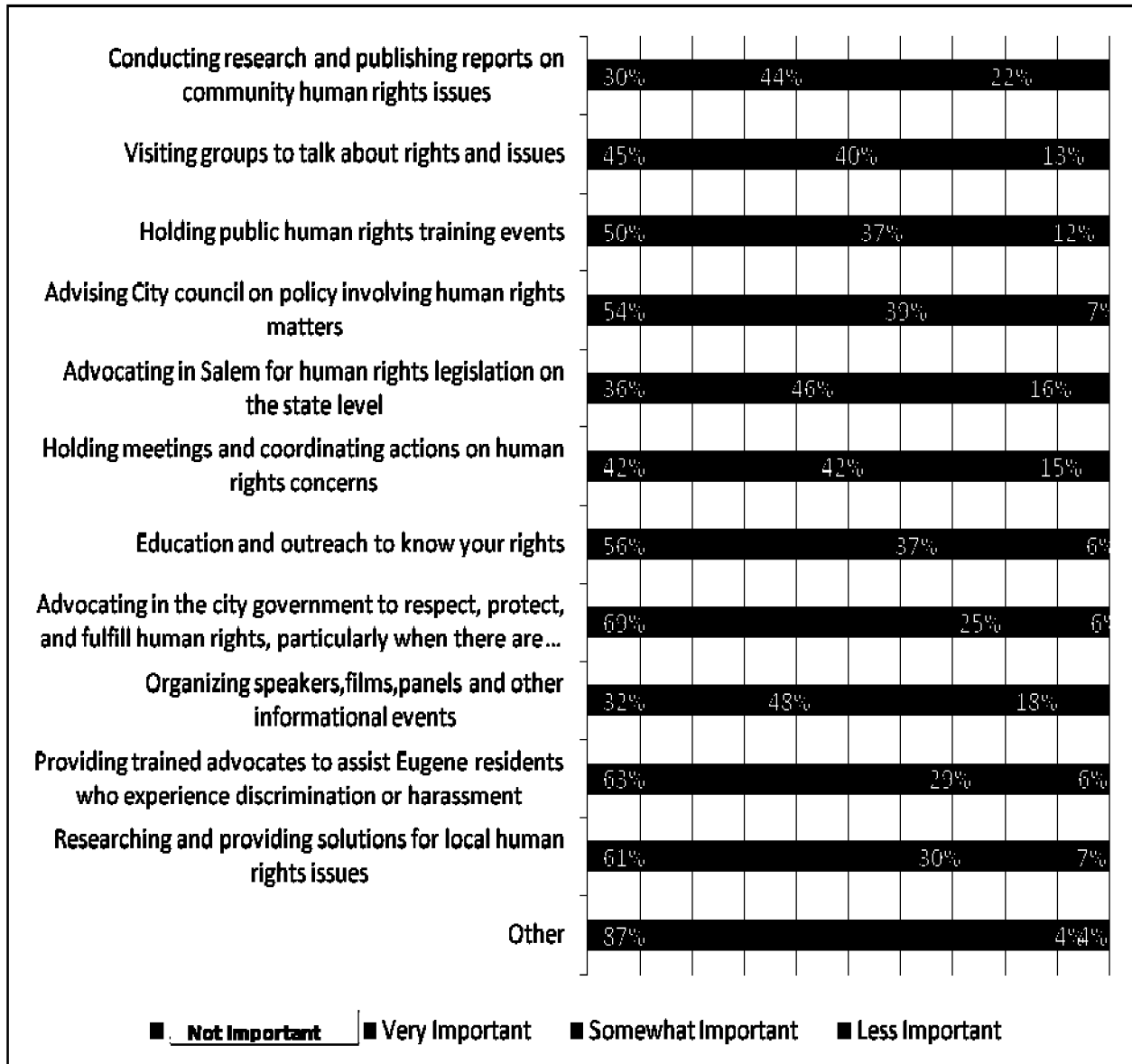
- Advocating in city government to protect, respect, and fulfill human rights
- Providing trained advocates to assist Eugene residents who face discrimination or harassment;
- Researching and providing solutions for human rights issues;
- Education and outreach providing information on ‘knowing your rights’;
- Advising city council on policy involving human rights matters; and
- Holding public human rights training events.

Among the least popular responses include: conducting research and publishing reports on human rights issues, advocating in Salem for human rights legislation on the state level, and holding public meetings and coordinating actions on human rights concerns. Twenty-one

respondents wrote a comment in the “other” category. Some of the most frequent responses for top priorities in the “other” category include:

- legal enforcement with penalties that hold employees accountable for discrimination;
- taking programs into middle and high school and college;
- the HRC be more action oriented; and
- collaborating with the City of Springfield on human rights issues.

Figure 1: Activities HRC should focus on according to survey respondents.



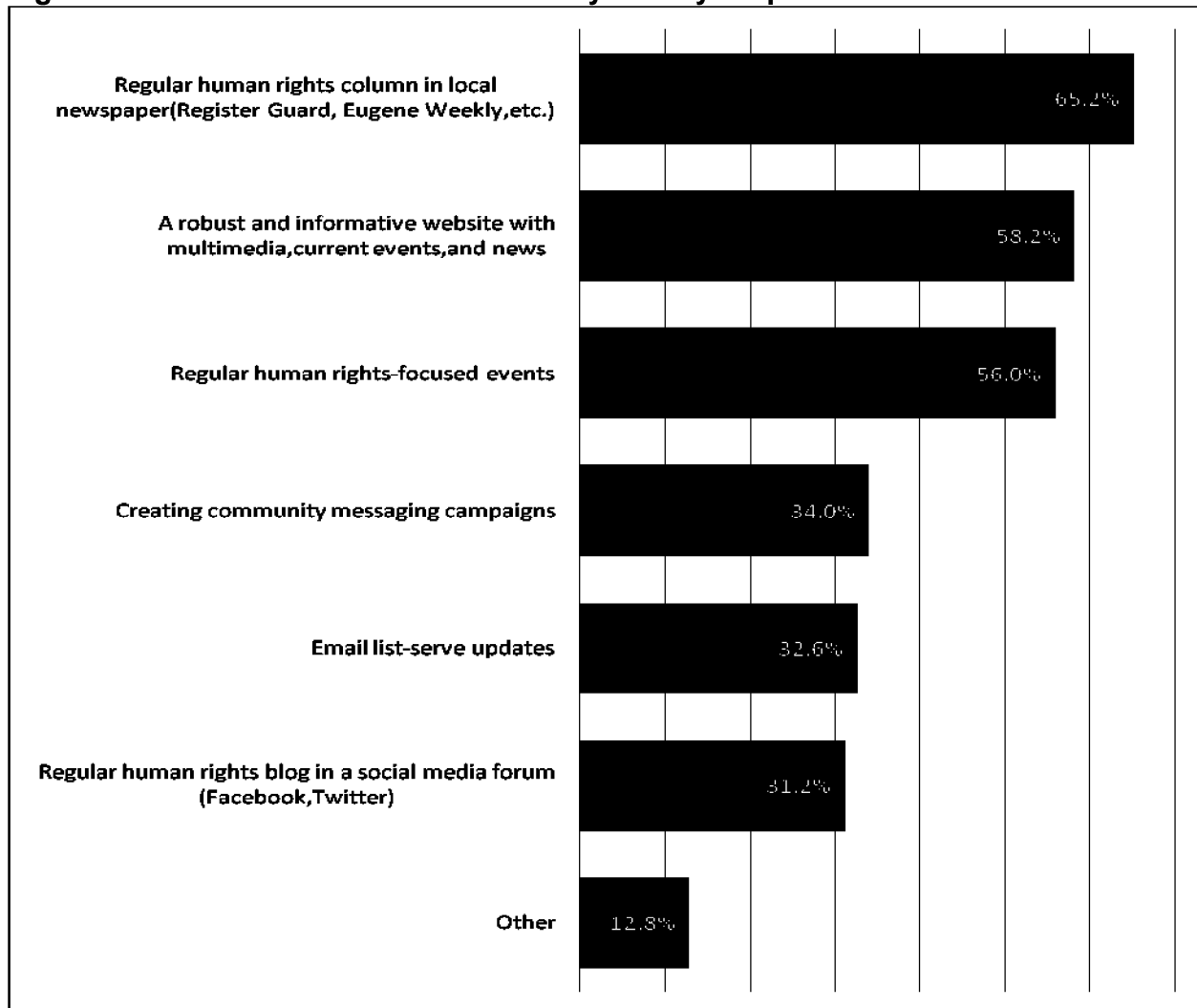
Source: Equity & Human Rights Center Survey

Community Outreach Preference

The City of Eugene and Human Rights Commission aims to raise the profile of our human rights work in the community and be a visible public resource. Check any of the following options that reflect your preferred method for getting community human rights information.

The three most preferred method of getting information include: local newspapers/publications (65%), robust website (58%), and human rights focused events (56%).

Figure 2: Preferred outreach indicated by survey respondents.



Source: Equity & Human Rights Center Survey

3. COMMUNITY INTERVIEWS & LISTENING SESSIONS

This section synthesizes information presented by individuals through community meetings and focus groups. The HRC held more than ten community meetings and focus groups. On average, these meetings were comprised of between 20-30 people. Groups/types of participants ranged from neighborhood association members, to homeless persons, to the sustainability

commission, to board members at Centro LatinoAmericano. Each community meeting had unique concerns and ideas; however, common ideas emerged. The following is a summary of the most frequently heard issues and suggestions either across or within community meetings and focus groups. Please note that this is a very course summary and does not capture the breadth and depth of all that was discussed.

Most Frequently Heard Issues and Suggestions for the HRC and EHRC

Institutional Change

- Measurable and Meaningful Outcomes
 - Revise old ordinance because the structure of the current commission no longer effective for the work that is needed.
 - Develop a proactive implementation of programs rather than a system that is reactive to local complaints or constantly waiting for new external legislation/mandates.
 - Make priorities explicit, and strategies and desired outcomes should be aligned.
 - Ensure that HRC has regular check-ins on progress and emerging issues with Council through quarterly reports.
 - Measure actions to maintain effectiveness.
 - Integrate human rights into the entire city structure; it should not be a “stand alone” entity.
 - Clearly define and fund advocacy work.
- Collaboration & Communication
 - Collaborate to develop advocacy at all levels-policy, system, and individual.
 - Communicate to everyone, especially those that are not usually engaged.
 - Encourage NGO’s and agencies to work together as Human Rights Advocates.
 - Pay more attention to messaging strategies that will break down stereotypes and seek to address issues from other than the “usual suspects.”
 - Provide assistance and training for City staff and outreach to business owners.
 - Have the HRC regularly holds public hearings or tribunals on human rights issues and helps to channel recommendations from the broader community and advocacy networks to the City Council.

Accessibility

- Make accessibility a lasting priority with clear direction, initiatives, and funding to accomplish them.
- Increase access to sign language interpreters/ADA for D/HH community.
- Educate employers about hiring individuals with disabilities, improving job access, information about accommodations (automatic door openers, accessible bathrooms, etc.).

Homelessness

- Provide more accessible bathroom facilities with showers and lockers for personal belongings.
- Acknowledge that it is difficult to find transportation that is affordable.

- Provide information about locations in city limits where public camping is allowed.
- Improve relations between EPD and homeless.

Communities of Color

- Acknowledge that some communities of color feel a disconnect from the City process, City services, and overall inclusion.
- Grow City and community leadership in the community of color.
- Have the HRC coordinate a project for communities of color to tell their story of their experiences in the community (i.e. a history board).
- Have a community calendar that includes community of color events and multicultural events sponsored by the city.

University of Oregon & Lane Community Students

- Provide Renters Rights education; there is an urgent need for increased advocacy on behalf of students who are exploited by campus landlords.
- Acknowledge that hunger and homelessness affect significant portion of the student population.
- Conduct more education and outreach events on campus and collaborate with community groups.

Immigrant Communities

- Provide information regarding legal rights, available services and relevant organizations that will assist immigrant communities.
- Acknowledge that people in these communities experience problems with employment concerning unfair salaries, poor handling of work-related injuries and gender discrimination.

Youth

The youth respondents provided information about issues that impact them in their school or community:

- Lack of information and education regarding rights of undocumented students in the educational and work systems.
- Tokenizing of successful students of color.
- Bullying of students because of religious affiliation, race/ethnicity and pejorative language about sexual orientation used frequently on school grounds.
- Negatively sexualizing young girls.
- Getting to and from school is difficult because there is not a bus pass program.

LGBTQI**

- Healthcare coverage at Lane Community College that cover the health needs of the Transgender community covered in their healthcare plan.

*** The Equity and Human Rights Center did not hold a circle specifically on LGBTQ issues, but in the advocacy session agencies representing this community were present. EHRC will be doing outreach at the Pride celebration and will have more information to about LGBTQI issues in the community at that time.*

Housing**

- Increase and secure safe, clean, decent, affordable, “low-cost” housing options.
- Increase housing that accommodates those that are disabled.

- More transitional housing options needed to assist the homeless in transitioning away from street life.
- Advocates and mediators needed in order to prevent rental companies from discrimination and harassing tenants. These issues include:
 - Requiring to move non-operating vehicles in paid for parking spaces;
 - Requiring additional payments for rent when rent had been paid;
 - Requiring payments for renovations such as new carpet and paint when no significant damage has been done as the tenant moves; and
 - Requiring deposits to secure housing that is twice the amount that is normally required makes securing housing difficult.

*** This section has been primarily organized by listing the concerns and needs of various communities. Even though housing does not fall into a “community” category, it is an issue that was brought up numerous times in various listening circles. Therefore, we conclude it is important to highlight this issue on its own.*

4. SYNTHESIS

Although each of the outreach strategies asked slightly different questions, all participants were given the opportunity to state their priorities for the HRC and the EHRC. Table 6 shows which priority area was identified by each group. This course synthesis can be a starting point for deciding priorities. (NOTE: This data is very course and does not represent all the individual differences within the respondents.)

Table 6: Priorities by public involvement strategy.

Issue	Community Interviews and Listening Sessions	HRC Commissioners Interviews	Community Survey (online/paper)
Institutional Change	x	x	x
Homelessness	x	x	x
Accessibility	x		
Youth	x		x
Communities of Color	x		x
College Students	x		
Immigrant Communities	x	x	x
Undocumented Rights & Protection	x		x
LGBTQI Rights & Protection	x	x	x
Mentally Ill Services			x
Deaf/Blindness Access			x
Elderly			x
Language Access		x	
Housing	x	x	x
Cultural Competency Training		x	

APPENDIX A: RESPONDENT TOTALS

OUTREACH TOTALS TO DATE	
<i>Type of Contact</i>	<i>Total Number</i>
Online Surveys	82
Paper Survey: We Are Bethel	26
Paper Survey: Take Back the Night	10
Paper Survey: Disability Awareness Day	21
Council Listening Session	28
Accessibility Listening Session	24
Housing/Homelessness Listening Session	29
Outreach to High School Students	131
Stakeholder Interviews	5
Outreach to Transiciones para Latinas	23
Sustainability Commission	14
Whiteaker Community Council Meeting	10
Advocacy and Support Listening Session	18
Grand Total	421

APPENDIX B: SURVEY RESPONSES

Question Preface/Explanation: The City of Eugene would like to consider our services to insure they are inclusive and equitable. Help us define these elements in relationship to City of Eugene services (i.e. courts, planning, police, parks, maintenance, recreation, library, etc.)

Question 1. To me, inclusive services are...(write in response here)

'Definitional' Responses to Question 1 (Inclusive Services): (The list below is not an exhaustive list. They are the categories from the universe of answers.)

- Available to people regardless of their race, economic background, ethnicity;
- Available outside of normal work hours, non-native English speakers have access;
- Ability to acquire information directly from people;
- Assistance for the homeless;
- Freely readily available;
- Services that do not exclude any particular group of people;
- Services that employ techniques to ensure everyone can fully participate and are seen as valuable & contributing members;
- Easy access without extra money;
- Services for people with disabilities;
- Being aware of potential barriers that would exclude someone from a service or event;
- Translation and cultural sensitivity;
- Intentionally non-discriminatory: thoughtfully designed to reach a broad spectrum of individuals within the community regardless of race, sexual orientation, ableness, shelter status, age, etc.;
- Services that do not limit my ability to express my opinion; and
- Those that include serving the very poor and previously criminally involved and mentally ill.

'List' Responses to Question 1 (Inclusive Services):

- Police, courts;
- Parks, recreation, library;
- Library, courts, public works, planning; and
- Community arts program.

Question 2. To me, equitable services are...(write in response here)

'Definitional' Responses to Question 2 (Equitable Services):

- Equal and confidential services for all;
- Far and impartial, do not discriminate;
- Services that encourage equality, learning, and understanding;

- Services everyone has access to regardless of race, ethnicity, gender, socioeconomic status, language spoken;
- Affordable services;
- Services that comply with fair/equal rights laws;
- Services that allow for equal access and contribution;
- Services available to all citizens, not just those that are easy to work with; and
- Everyone receives the same quality and quantity of services, based on their individual needs and nothing else

'List' Responses to Question 2 (Equitable Services):

- Police, courts;
- Parks, recreation, library;
- Library, courts, public works, planning;
- Community arts program; and
- Fire/EMS and safety services.

Inclusive & Equitable Services

Accountability

How can the City and the Commission demonstrate accountability in their Equity & Human Rights work?

The list below is not an exhaustive list. They are the categories from the universe of answers.

- Answer to the public;
- Civilian police oversight;
- Publicize meetings and public forums effectively (where important decisions are being made) and print meeting minutes in Register Guard or Eugene Weekly;
- Publish reports that clearly demonstrate known problems and solutions enacted;
- Everything should be available in English and Spanish;
- Track civil rights violations with perpetrators, victims, and officers doing intake;
- Celebrate victories publically;
- Quantifiable outcomes with monitored progress;
- Rights/protection for undocumented immigrants;
- Have a clear and accountable process for reporting and responding to bias incidents;
- Empowerment of African-American and Latino/a youth;
- City employees should have better understanding of human rights issues and how to deal with them when they arise;
- Accurately defining our weaknesses and strengths as a diverse city;
- More in-tune with elderly population's needs;
- Keep people safe from sex offenders;

- Make sure the HRC is comprised of as diverse of a population as possible (should reflect diversity of the community);
- Numerous listings of department names (parks, police, courts, etc);
- Invite/encourage participation from numerous community organizations; and
- We can start by ensuring that the DESP is disseminated and applied throughout the organization. Currently it does not appear to be something used at all by managers from supervisor to Division Manager level; these people need to be held accountable for the elements of the DESP that apply under their authority.

**Municipal Human Rights and Citizen
Commissions**

**Comparison of Structure, Staffing and
Enforcement Mechanisms.**

Prepared by Leisha McParland

July, 2011

Objective & Methodology

The purpose of this study is to profile a sample of municipal human rights programs and citizen human rights commissions throughout the nation as a point of comparison for the City of Eugene as it evaluates its own program. Included are the following cities: Alexandria Virginia, Austin Texas, Des Moines Iowa, Fort Collins Colorado and Tacoma Washington. Berkeley, California and Ann Arbor, Michigan were also contacted but were not available for interviews within the timeframe of this project. Cities in this study were chosen on the basis of reasonable comparability in terms of population size, economic and racial demographics to Eugene. Research was gathered using available information provided by city government online resources, census data and informational interviews conducted by telephone with city staff, and when possible, current Commissioners on their respective Human Rights or Human Relations Commissions.

Programs are profiled in several parts: the Commission or citizen body, the affiliated office or staff within the city organization and the enforcement mechanism or process outlined in the City Human Rights Code or Ordinance. The components of the citizen Commissions considered include the following: structure of the Commission, associated committees and relationship to City Council, as well its role in enforcing City Code or Ordinance. With regards to the affiliated city staff, the number of staff, specific job titles and responsibilities, operating budget and relationship to the citizen Commission are used to assess the organizational component of the human rights or equity program in place.

***Note** The equity and human rights program of Portland, Oregon was also profiled but is not included in full in this study. The program is currently in a state of transition and as such much of the information presently available will likely not be relevant in the future. Due to the high profile nature of this transition and the close proximity of Portland, interviews were done in person with the City Commissioner charged with opening the city's new Office of Equity as well as with one member of the Office of Equity Creation Committee.

Portland already operates an Office of Human Relations in which the Human Rights Commission is presently housed. With an operating budget of \$589,509 and 4 FTE the office also supports the following programs: New Portlanders aimed at integrating immigrant and refugee communities, Intergroup Dialogue and the Education and Peace Building Program. However, in February, 2011 the Mayor announced the creation of the new Office of Equity. Portland City Council allocated \$1 million with \$100,000 earmarked specifically to open the office. The dispersal of the remaining funds is contingent on final approval by the Council of the office and its work plan. Half of this budget will come from the existing Office of Human Relations which will likely be absorbed into the new office.

These changes have garnered significant public attention and have been met with considerable criticism. As noted previously, the Mayor and City Commissioner convened an Office of Equity Creation Committee comprised of 30 representatives from diverse social justice groups, community organizers

and interested members of the community. To date, there have been only three meetings with no clear direction for the future. There seems to be concern with leadership on this project as well as a lagging progression in defining the mandate of the office and moving forward with its operation. There also remain unanswered questions regarding the resignation of the former Director of the Office of Human Relations who was asked to step down and has yet to be replaced. Members of the community, the Creation Committee and the Human Rights Commission have expressed concern in the media regarding the direction of this project.

At this point there are more questions regarding the future of this office than there are answers; however, this office does represent a significant investment of the City of Portland in equity and human rights in that community. Although there have been concerns with the rate of progress, the City has been intentional in including diverse voices in designing the work of the new office. It remains to be seen what will come of the Office of Equity, but this project warrants further observation in the future.

Findings

Commission Structures: The commissions included in this study range from 7 to 15 members but are weighted towards smaller group size. Of the two larger commissions in Alexandria and Tacoma, the former includes five representatives from other boards and commissions and only nine “at large” commissioners. Most staff was in agreement that the smaller sizes of their commissions facilitate strong and manageable working arrangements as well the cultivation of relationships amongst the Commissioners.

Of the five Commissions studied, only Fort Collins maintains codified, standing committees. The work of this Commission is focused primarily on community outreach and education and the committees organize regular events throughout the year. The remaining Commissions allow for ad hoc committees or work groups that operate within a specific time frame and with clearly outlined goals. It should be noted that several staff mentioned that the small size of the Commission encouraged the entire group to take on projects together.

None of the Commissions studied require specific qualifications to serve although cities vary in their outreach and recruitment efforts. Nearly all of the Commission By-Laws call for a body that represents the make-up of the community but several staff mentioned that goal is often not met.

Commission Work Agendas: The efforts of each of the Commissions studied vary somewhat ranging from primarily public outreach and education to being research, policy, and legislation driven. Those Commissions that weigh towards the former emphasize regular public events, interactive learning opportunities and community engagement. Use of local media is especially important in both recognizing local leaders as well as bringing attention to emerging issues in the communities. Those Commissions with the strongest working relationship with City Council seem to be most involved in policy review and recommendations. Several of the Commissions are granted authorities in

investigation and enforcement of their human rights code; however, these powers are employed inconsistently amongst the Commissions and will be discussed further in later sections.

City Office or Staff: There is a significant variation among the City Governments considered in this study in the extent to which it funds and prioritizes equity and human rights work; although as a general trend, staff find their programs or offices to be under constant threat of budget cuts and under-staffing. Only Fort Collins does not have an office affiliated with its Human Relations Commission and offers no enforcement mechanism or investigative process for complaints of discrimination. There was a change to the City Ordinance in 2001 giving authority to the Human Relations Commission to hear appeals to City Manager decisions regarding claims of discrimination but according to the staff liaison, this function of the Commission is seldom called upon.

The remaining cities studied each have an office or department that supports their Human Rights or Human Relations Commission in addition to promoting equity and human rights and providing investigatory and reconciliation services for complaints of discrimination. Larger cities including Tacoma, Washington and Austin, Texas support the largest departments dedicated to equity and human rights each with 8 FTE; Des Moines, Iowa is similar in size but operates on a much smaller budget and tends to rely on AmeriCorps Vistas and interns to augment its capacity. The Director of their Office of Human Rights mentioned that the State Human Rights Commission often absorbs the workload beyond the capacity of their office. Alexandria, Virginia is a smaller city but maintains twice the staff size as Des Moines yet still feels that they are understaffed for the case load they receive. It should be noted that in each of these departments or offices, supporting their Commissions constitutes a small portion of staff workloads and most efforts are directed towards internal policy or acting as a community resource. In some cases there is one dedicated staff or liaison to support the Commission.

Enforcement Mechanisms: The responsibility of enforcing the human rights code is the work of both city staff and to a varying degree, the Human Rights or Human Relations Commission in all four cities that have codified enforcement mechanisms in place. The investigatory and enforcement systems in each city tend to be the primary responsibility of staff with opportunities for oversight and power of appeals granted to the Commissions. Each office or department staffs investigation specialists who come from varied professional backgrounds including public safety, law, and human relations, and are charged with managing the caseload. The common trend is for initial intake and assessments to be done by staff in order to assess the allegations made. At this point, before a formal investigation is undertaken, mediation services are offered to the involved parties to negotiate an early settlement of some sort. Among these four programs, mediation services are offered by staff, professional mediators, or trained Commissioners. Where mediation is either unsuccessful or unwanted, the investigative staff is charged with doing an impartial investigation to determine if the accused party is in violation of City Code. It is important to note that the investigative staff does not work on behalf of either party in any of these programs. This process is often directed by the counsel of the City Attorney whose office is the primary legal resource in each of these four programs. Before cases reach the court system, staff tries to reach conciliation between the parties. Typically cases are resolved in either early settlement stages or conciliation after the completed investigation.

The general trend regarding Commission involvement in this process is providing support to complainants and citizen oversight to the process more generally. Commissioners may be available to help walk community members through the process of filing a complaint and describing the upcoming process and available options with which to proceed. In some cases Commissions are authorized to hold public hearings, subpoena witnesses and documents by way of the City Attorney and make its own findings. Typically, this is the process of appeals available to parties dissatisfied with the decisions or findings of the investigators and still other Commissions can at their discretion hold public hearings. In general, Commissions are expected to either uphold or reject the findings of the investigators and the case proceeds from there; the Commission seldom has binding authority. One exception is the case of Alexandria where the Commission has the authority to assign fines of up to \$5,000 for violations to the City Code.

Concluding Thoughts: There were some common themes mentioned regarding successful components of the Commissions. Those ranging in seven to nine members boast stream-lined working processes and strong relationships. By having a smaller group size, the work is cohesive and Commissioners seem to feel included in the process. Staff also mentioned that supporting the needs of the Commissioners is easier with a smaller group. Additionally, Commissions who design very clear and outcome-driven work plans with steps outlined and measurable units of success create drive and accountability amongst the Commissioners.

Regarding diversity on the Commissions, while it is a common goal to have the make-up reflective of the diversity in the community, most cities are currently stopping short of achieving this aim. The problem seems to be rooted in insufficient recruitment efforts. Without proper outreach mechanisms in place the Commissions continue to be overrepresented by white, middle and upper-middle class demographics which in turn may not create a welcoming environment for minority groups. Targeted efforts to encourage greater diversity will need to be prioritized to reverse this trend. The Human Rights Commission of Alexandria has five codified positions for members of other Commissions representing women, persons with disabilities, landlord/tenant issues, aging persons, and the Commission on economic issues in addition to nine “at large” seats. Reserving seats for representatives of existing groups is an example of how to codify diverse representation on the Commission within the legal framework.

From these examples, it seems that the necessary staffing requirements to support an investigative and enforcement mechanism are at least two investigators or staff trained as investigators and a supervisor or manager in addition to the administrative or other programmatic staffing needs of the office. These investigators can come from public safety, legal or human relations backgrounds, although in some cases it may be helpful to have specialists trained in housing and other issues. In situations of under-funding it may be helpful to take on legal interns or service learning programs such as AmeriCorps. Partnering with the City Attorney also relieves the need to keep a lawyer on staff. Given the limitations of Commissioner terms and time availability and the varied skill sets that they bring, it seems important that the principal responsibility of investigations and enforcement rest in the city staff.

The role of the Commission in investigation and enforcement processes depends on the proper training and capacity building of the Commissioners. Programs with significant Commission involvement have also made significant investments into the skill set of the Commissioners. In those cities where the Commission holds public hearings with regularity, there seems to be greater visibility of the Human Rights Program within the community. The Commission appeals process also provides an important sense of citizen oversight and fairness. As most cases never make it to litigation, it seems that investing in mediation and conciliation services is an efficient use of time and resources and may be a role for either staff or Commissioners to play.

City of Alexandria, Virginia

Office of Human Rights and Human Rights Commission

City Population	139,966
City Demographics	White 56% African Am. or Black 22% Asian or Pacific Islander 6% Multi Racial 2% Hispanic 15%
Median Income	\$82,487
Organizational Support for the Human Rights Commission	Human Rights Office
Number of Staff dedicated to Human Rights work and Job Titles	6 FTE, 1 Law Intern Director, 3 Investigators, ADA Program Manager, Administrative *Ideal staff would include 1 FTE exclusive to housing issues, ½ FTE for education & outreach
Budget % of total City Budget allocated to Human Rights	\$550,000 total, \$75,000 post-personnel expenses
Number and type of seats on Human Rights Commission	14 Council appointed Commissioners 9 “at large” 5 representatives from Commission on Aging, the Economic Opportunities Commission, the Commission on Persons with Disabilities, and the Commission for Women and the Landlord Tenant Relations Board
Standing Sub-committees	None
Advisory, Quasi-judicial, Judicial Body	Human Rights Office has primary responsibility for investigation and enforcement of the Ordinance. Investigators receive and investigate complaints and make findings. The Commission can hold public hearings and under a civil penalties clause in the Code, recommend penalties up to \$5,000 to the City Manager for HR violations. The Commission also has an advisory role to City Council.
Contact	Director: Jan Niebauer 703.746.3140

Alexandria Virginia

Primary functions of Human Rights Office & Staff:

Human Rights Director is appointed by the City Manager and reports to the City Manager's Office. The Commission makes recommendations for said appointment. The Director is the primary staff support for the Human Rights Commission and also oversees the investigatory process of complaints received. This person is also charged with negotiating contracts and work agreements with other Commissions and local, state and federal agencies.

Investigators are charged with assessing complaints received and when appropriate, managing investigations and making findings.

ADA Program Coordinator manages ADA who addresses the rights of persons with disabilities and their advocacy efforts; conducts legal research and analysis and interprets the impact of disability-related laws and rulings on persons with disabilities; educates the public on the Americans with Disabilities Act; and refers persons with disabilities to the appropriate and available community and legal resources at the local, state, and federal levels.

The Office serves as the local EEO office and receives, investigates, makes findings and conciliates complaints of discrimination brought under the Ordinance and applicable federal laws, which arise out of employment relationships within the City of Alexandria.

The Office was designated in 1975 as a Fair Employment Practices Agency (FEPA), and has been under contract with the U.S. Equal Employment Opportunity Commission (EEOC) since 1978 to receive and investigate complaints brought under applicable federal laws. The Office also investigates allegations of discrimination in Housing and Commercial Real Estate, Public Accommodations, Health and Social Services, Education, City Contracts, and Credit.

Investigations are the primary responsibility of Staff and although the Human Rights Commission has oversight of office activities, it is not privy to details of cases for reasons of confidentiality during investigation. In some cases Investigators elect to hold a Predetermination Conference or Confidential Advisory Hearings facilitated by a Tribunal of three Human Rights Commissioners in order to speed up cases not likely to go to litigation. If investigators uphold the claim of violations to the Code, they make every effort to offer mediations and reach a conciliation agreement between the involved parties. There is no right of appeal to the Commission; however, in cases where probable cause has been established by investigators and conciliation between parties is not reached, it will be forwarded to the Commission which may elect to hold a public hearing. A civil penalty clause in the Ordinance affords the Commission the power to recommend the imposition of a \$5,000 fine against any person found to have violated any section of the Human Rights Code. This recommendation is made to the City Manager, following a public hearing. The Commission may also issue an order requiring the respondent (party charged with the violation) to be in compliance with the code and to provide for any necessary relief. Additionally, for

cases extending beyond 180 days, the Office must seek approval by the Commission to continue working on the case.

Mediation Program: provides parties with an alternative to the traditional discrimination complaint investigation process. The Alexandria Office of Human Rights has a mediation agreement with the Human Rights Commission in Prince William County, whereby a PWC investigator trained in mediation can mediate claims. Roughly 40% of cases are settled in mediation or alternative dispute resolution.

Commission: 14 members appointed by City Council; 9 citizens “at large”, 5 each represent the Commission on Aging, the Economic Opportunities Commission, the Commission on Persons with Disabilities, and the Commission for Women and the Landlord Tenant Relations Board.

Appointment/Recruitment Process: City Council appointments. The Human Rights Office provides information regarding all available positions for Boards and Commissions but has no part or impact in the appointment process. Requirements are limited to city residence.

Primary Functions: Advisory role to the Mayor and City Council. This relationship is very active; the Council looks to the HRC for regular legislative input. Each summer the Commission drafts legislative initiatives that are then submitted to City Council via the office Director. Council and the Commission collaborate to refine Human Rights legislation before sending it to Richmond for consideration on the state level (where according to the current Director, it often dies).

The Commission is very active in research and investigation of social conditions that give rise to discrimination. To this end, they hold public hearings, produce literature and facilitate public panels on emerging local issues. They just recently held a panel on age discrimination in employment that was well received and attended. They are also regularly invited to attend community meetings and “town hall” style discussions. This week they are invited to a community center discussion regarding recent racial tension in the area.

The Commission also has a formal relationship with the Police Department; they review all internal police complaints and are automatically contacted for hate crimes or possible hate crimes. Additionally, all high-profile cases are sent to the Commission who then advises the Police Chief on human rights implications present in the case.

Strengths of the Program: According to the current Director, because the city of Alexandria is politically progressive and has a legacy of innovation in civil and human rights, their program is able to continue to challenge the government to do the work better. The Commission has been successful in rooting themselves in the community and maintaining a presence in community issues which strengthens their political leverage. The Commission has a good reputation within the City organization and has developed strong working relationships which help them to leverage their influence in other departments and within the City government.

Challenges: Resources. For the size of the city, it is a relatively small office and has faced budget cuts in recent years. Specifically, they lack sufficient education and outreach resources.

Notes from the Director: The program is very careful in the selection of investigators and their credentials. They try to maintain a mixture of lawyers and people coming out of public safety to avoid promoting an image of exclusively “ex-cops” heading the investigative branch of their work.

They also pride themselves in the detailed determinations they produce with every case that includes a legal analysis and hope to be a model for other cities implementing a human rights enforcement mechanism.

City of Austin, Texas

Human Rights Commission

City Population	709,893
City Demographics	White 65% Afr. American or Black 10% Asian 4.6% Hispanic or Latino 30% Multiracial 3%
Median Income	\$42, 689
Organizational Support for the Human Rights Commission	Equal Employment/Fair Housing Office
Number of Staff dedicated to Human Rights work and Job Titles	8 FTE Including the Executive Liaison to the Human Rights Commission
Budget % of total City Budget allocated to Human Rights	Equal Employment/Fair Housing Office Budget: \$644,132 *\$420,000 is grant funding Human Rights Commission receives a budget of \$2,700 *The liaison mentioned that this budget is replenished when expended but was unclear on the process or limitations
Number and type of seats on Human Rights Commission	7 Commissioners appointed by City Council
Standing Sub-committees	None; they do on occasion create work groups. These groups must be fewer in number than quorum.
Advisory, Quasi-judicial, Judicial Body	The Equal Employment/Fair Housing Office is charged with EEOC intakes services and investigation, HUD and City Ordinance violation investigations.
Contact	Executive Staff Liaison: Tony Robertson 512.974.3259

Austin, Texas

Primary Functions of Equal Employment/Fair Housing Office and Staff: This office is charged with enforcing City Ordinance in the areas of Equal Employment, Fair Housing, Public Accommodations Ordinance and the city's AIDS Ordinance. The office also enforces the following federal statutes: Title VII and Title VIII of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990 (ADA), and the Age Discrimination in Employment Act of 1967 (ADEA). The EE/FHO is also empowered to take charges, under the Equal Pay Act of 1963 however these charges will be forwarded to Federal EEOC for actual investigation and resolution.

Executive Staff Liaison: This person heads the EE/FHO and is also the primary staff support for the Human Rights Commission. They prepare the agenda and do most of the administrative work for the Commission. This person also helps to coordinate the Commission's public outreach events often in partnership with activities planned by the office.

Staff investigators, under guidance and direction from the City Attorney, may conduct investigations including holding public hearings and subpoenaing witnesses to determine if complaints received by the office constitute a violation of City Ordinance. During the investigation, the parties involved may at any time agree to a settlement (No Fault Settlement) that may be negotiated by the Investigator or other staff. If the Investigator finds insufficient evidence to support the claim of discrimination, the Charging Party can make an appeal to the Human Rights Commission. If sufficient evidence is found, a **Conciliator** will be assigned to the case who attempts to negotiate a settlement and bring the Respondent (person charged with the violation) up to code. Should conciliation fail the case can be forwarded to the City Legal Department for filing with the Municipal Court. According to current staff, most cases are conciliated and never make it to court.

City Attorney acts as a consultant for the EE/FHO staff in investigating claims of discrimination. He or she oversees the subpoena process and is available should any case reach the court system.

Human Rights Commission: is comprised of 7 commissioners who serve 3 year terms. The Commission serves primarily in an advisory and educational body. They do receive complaints of discrimination but they are forwarded to the Equal Employment/Fair Housing Office for processing. Cases can be appealed to the Commission but only those falling under City Ordinance, not federal statutes. Although in their bylaws they are given the authority to subpoena witnesses and documents and hold public hearings and investigations, this work is done exclusively by the staff of the EE/FHO.

The primary focus of the Commission is to advocate for public policy pertaining to emerging issues in the community. They have been particularly vocal on Immigration Legislation and the rights of undocumented persons. To this end they make public statements, produce press releases and lobby City Council. They are most visible for their community outreach efforts and public education programs which are typically done in concert with the EE/FHO.

Appointment/Recruitment Process: Commissioners are appointed by City Council for 3 year terms. There is no official recruitment process although there seems to be quite a bit of personal networking amongst Commissioners and staff to encourage participation.

Strengths: The current liaison feels that the strength of the Commission is its visibility in the community. In recent years they have put more effort into community outreach. This month in collaboration with the EE/FHO and other service providing agencies, they are participating in a “Meet and Greet” aimed at presenting information on services for veterans, the disabled and those looking for affordable housing or needing advice if facing certain forms of discrimination.

In hosting the upcoming international conference on Human Rights, the Commission is attempting to take on a greater leadership role on Human Rights issues. Staff and the Commission seem optimistic that this event will further energize the program.

Weaknesses: There is perception that Commissioners are not proactive in the work and require direction and leadership from the EE/FHO. There is regularly poor attendance and the Commission is not as active as some of the other commissions in Austin.

City of Des Moines, Iowa

Office of Human Rights and Human Rights Commission

City Population	193,886
City Demographics	White 91.3% Afr. American or Black 3% Am. Indian or Alaskan Native .4% Asian 1.7% Hispanic or Latino 5% Multiracial 2%
Median Income	\$48,065
Organizational Support for the Human Rights Commission	Office of Human Rights
Number of Staff dedicated to Human Rights work and Job Titles	3.5 FTE, 2 interns Human Rights Director 2 Investigators (Human Relations specialists, not attorneys) Part-time administrative support *City Attorney is on call for consultation *Occasionally host AmeriCorps Vistas *Ideal staff would be 6 FTE with 4 investigators
Budget % of total City Budget allocated to Human Rights	\$317,540 total, \$25,000-30,000 post-personnel expenses
Number and type of seats on Human Rights Commission	7 Council appointed Commissioners Representing the demographic make-up of the city
Standing Sub-committees	Ad hoc subcommittees informed by a clear function and goal and with a designated end date
Advisory, Quasi-judicial, Judicial Body	Human Rights Office has primary responsibility for investigation and enforcement of the Ordinance. Investigators receive and investigate complaints and make findings. The Commission can hold public hearings and offer mediation services. The Commission also has an advisory role to City Council.
Contact	Director: Rudy Simms 515.283.4284

Des Moines, Iowa

Primary Functions of Human Rights Office and Staff:

The Director is appointed by the Mayor and City Council and reports to the Human Rights Commission and is the primary staff charged with supporting the Commission's work plan. He or she also oversees the investigatory process of complaints and receives recommendations from the investigators on how to proceed with the case. If the alleged violation is upheld by the investigators, the director tries to negotiate a settlement between the involved parties. This settlement will be case-specific. If no agreement can be reached, a public hearing will be held. The decision of this hearing can be appealed to the Human Rights Commission who can call witnesses and is privy to all available information gathered by the investigators. Should the respondent (person found to be in violation of the Code) be unhappy with the finding of the Commission, the case can be further appealed to District Court. According to the current Director, cases are typically resolved before making it to court. The Director also teaches classes at the Police Academy on diversity and discrimination.

Investigators are impartial fact-seekers who receive complaints and manage investigations. After an official charge is sent to the parties involved, the investigators interview both parties, all available witnesses and review pertinent documents. After considering the details of the case, they make a finding of probable cause or no probable cause and in the case of the former, give a recommendation to the Director for how to go forward in negotiating a settlement.

City Attorney is available to advise the office at any stage during the investigation process and should the case go to district court, will be the acting attorney. However, in cases involving the city in any way, the Director will contract with private attorneys to avoid any conflict of interest.

The Human Rights Commission is charged with responding to claims of discrimination with investigation, conciliation or mediation when possible, doing community outreach, receiving complaints from residents, offering public education on fair housing laws and advising City Council. The Commission holds an annual educational event with the Real Estate Association on renter's rights and landlord/tenant relations in addition to an annual symposium addressing the Human Rights implications of emerging community issues. This year's symposium will address the right to marry within the gay community. The Commission may convene ad hoc subcommittees when it deems it necessary but must do so with a specific mandate as to its goal and function and will operate within a fixed timeline. According to the Director, subcommittees operate as work groups and typically engage in research or planning activities which are later brought back to the entire Commission. These committees are used only intermittently as the Commission is relatively small in size allowing for all Commissioners to participate in work activities.

When complaints are received by the Office of Human Rights, Commissioners will aid the community member in filing the necessary paper work and will offer mediation services if both parties agree to it. If mediation fails, or if either party does not agree to the process, the case will be handed over to the

investigators to proceed. As previously indicated the Commission may also call public hearings and hears appeals to findings put forth by the Director.

Appointment/Recruitment Process: The 7 Commissioners are meant to represent the City demographics and are nominated by City Council and appointed by the Mayor for 3 year terms and can serve for up to two consecutive terms. According to the current Director, many Commissioners only serve one term. There are no qualifications required outside of an interest in civil and human rights and according to current staff, the Commission is typically comprised of educators, lawyers and other professionals and not community members involved in advocacy or grassroots organizing. In order to recruit new commissioners, the Office of Human Rights runs an annual month-long ad on a local television station. In addition, the Director and staff tend to recruit candidates through personal and professional networks.

Strengths of the Program: The current Director feels that the strength of the Municipal Code facilitates the success of their program. The mandate of the Commission and Office of Human Rights is clearly outlined and they are expected to pursue claims of discrimination aggressively.

Challenges: The Office of Human Rights is understaffed given the size of their city as well as case load that they receive. The public education program is not as strong or visible as the office would like but there is not adequate staff support for these activities. The Director would like to see additional staff charged with general office support as well as two more investigators. They have faced four budget cuts in the last six years and were previously down to one investigator. The office relies on interns and AmeriCorps Vistas in order to fill these staffing gaps. The Director also mentioned that the State Commission often absorbs cases that the city office is unable to manage. Although the Commission and Office of Human Rights have a good working relationship with City Council, the Office feels that Council would prefer that they focus on community education more than their investigatory work. This is seen as an obstacle to obtaining their full funding needs.

City of Fort Collins Colorado
Human Relations Commission

City Population	129,467
City Demographics	White 89.6% Afr. American or Black 1% Am. Indian .6% Asian 2.5% Hispanic or Latino 9% Multiracial 2.5%
Median Income	\$50,652
Organizational Support for the Human Rights Commission	City Staff Liaison, City Council Liaison
Number of Staff dedicated to Human Rights work and Job Titles	1, City Staff Liaison
Budget % of total City Budget allocated to Human Rights	The Commission has an operating budget of \$6,733
Number and type of seats on Human Rights Commission	9 City Council appointed
Standing Sub-committees	Executive Committee, Educational Outreach, Media and Community Recognition, Government Relations
Advisory, Quasi-judicial, Judicial Body	Advisory
Contact	Staff Liaison: Rebecca O'Donnell 970.221.6819

Fort Collins, Colorado

Primary functions of Staff:

City Staff Liaison helps to manage the administrative needs of the Human Relations Commission; however, the Commission is charged with managing the majority of its own affairs.

City Council Liaison: The liaison maintains a relationship between the Commission and Council. He or she attends monthly meetings and reports back to the Council about the activities of the HRC.

The Human Relations Committee is comprised of 9 community members who serve for a period of three years. The primary focus of the Commission is community outreach and education. They hold an annual Human Relations awards breakfast recognizing community members whose efforts have improved community relations, hold “coffee talks” on emerging issues and publish regular newspaper editorials on equity and diversity issues.

The Commission maintains several standing committees including the Executive Committee, Government Relations, Media/Community Recognition and the Educational Outreach Committee. The Government Relations Committee has the most contact with the community and acts in collaboration with the Citizens Liaison Program to assist citizens in filing complaints against the Police Department. The Committee also maintains translation services, serves as a liaison to the Citizen Review Board and works with the Police Department to improve community relations.

As an advisory body to Council, the Commission also weighs in on both internal and public policy. Current staff emphasized the present make-up of Council has prioritized diversity efforts in the city and has developed a strong working relationship with the Commission.

Recruitment/Appointment Process: There are no specific requirements or qualifications to serve on the Human Relations Commission and appointments are made by the City Council. The County Clerk’s Office is charged with advertising for vacant seats on all boards and commissions and typically posts ads in the local paper as well as the web.

Note: An ordinance passed in 2001 authorized the Commission to hear appeals from decisions of the City Manager dismissing complaints alleging human rights violations; however, it seems that this function is rarely called upon and has not been prioritized by the Commission or the community.

City of Tacoma, Washington

Human Rights Commission

City Population	196,532
City Demographics	White 69% Afr. American or Black 11% American Indian 2% Asian 7.6% Hispanic or Latino 7% Multiracial 6%
Median Income	\$37, 879
Organizational Support for the Human Rights Commission	Human Rights and Human Services Department
Number of Staff dedicated to Human Rights work and Job Titles	8 FTE Human Rights and Human Services Department Director, Acting Human Rights Director, Office Director, 2 Office Assistants, 2 Human Rights Case Investigators, Landlord Tenant Specialist *There is not staff specifically assigned to support the HR Commission and it does much of its own administrative work.
Budget % of total City Budget allocated to Human Rights	Department Budget: \$14,658,372 *This budget reflects the entire Department allocation; specific data on the resources available specifically to Human Rights were not available
Number and type of seats on Human Rights Commission	15 nominated by the Mayor and appointed by majority vote of City Council
Standing Sub-committees	Ad hoc committees. The Human Rights and Human Services Department houses the following programs; Landlord Tenant Program, Fair Housing, Equal Employment and Public Accommodation Discrimination, Americans With Disabilities Act. There is also a separate Commission on Disabilities.
Advisory, Quasi-judicial, Judicial Body	The Department is charged with receiving and investigating discrimination complaints. In concert with the City Attorney’s office, they have subpoena power, conduct fact-finding conferences and make findings. If conciliation cannot be reached, the case will be forwarded to the City Hearings Examiner for a public hearing. The Commission reviews complaints regarding EEOC, ADA, and Fair Housing Standards and is expected to either approve or disapprove findings

	by city investigators. It may petition to reopen cases for which they find the ruling incorrect, but that is the scope of its influence. The Commission also serves as an advisory body to City Council
Contact	Office Manager: Audrey Hornbuckle 253.591.5151

Tacoma, Washington

Primary Functions of Human Rights and Human Services Department and Staff:

There are two divisions within the department: Human Rights and Human Services. Within the Human Rights Division is housed the Human Rights Commission, Landlord Tenant Program, Fair Housing, Equal Employment and Public Discrimination, the Commission on Disabilities and ADA Program Coordinator, and the Committee for the Dr. Martin Luther King Jr. celebration.

The Landlord/Tenant Specialist receives and investigates complaints regarding housing issues. The primary function of the Landlord/Tenant program is to receive, analyze, and resolve landlord-tenant disputes. They offer Dispute Resolution in regarding rent, deposit, repair and maintenance issues as well as code violations.

The Investigative Division pursues discrimination complaints regarding other matters. Office staff typically receives complaints and aid residents in filling out the necessary paperwork and supplying all of the required documents or information regarding the case. At this point, the party charged with the violation is notified and the Investigators attempt to convene an early settlement meeting before the investigation begins. If an agreement can be reached between the two parties, a no-charge settlement will be signed promising that no future charges will be made.

If early settlement is not possible, the Investigators will hold a fact finding conference during which both parties will have a chance to present their cases. It is important to note that the Investigators are impartial and are not working on behalf of the charging party. If it's discovered that a violation in the code did occur, staff will attempt to reach conciliation between both parties. If an agreement is reached, it goes before the Human Rights Commission to either uphold or reject the terms. If conciliation cannot be reached, the case must go the city's Hearing Examiner for public hearing. According to current staff, most cases are either settled in early settlement or conciliation after a fact finding conference.

ADA Coordinator: Ensures the timely and ongoing compliance of programs, practices, policies and facilities of the City of Tacoma with the Americans with Disabilities Act. The ADA Coordinator investigates constituent grievances; coordinates with other appropriate agencies to resolve complaints regarding discrimination on the basis of disability; conducts regular reviews of City facilities, programs, and policies; works with City Council, citizen commissions, and staff to clarify City responsibilities pertaining to persons with disabilities; acts as staff liaison to the Tacoma Area Commission on Disabilities, and coordinates the training of departmental ADA representatives and other City staff to ensure that all City operations are in compliance with the Americans with Disabilities Act.

Human Rights Commission: 15 members that according to City Code are meant to be representative of the general public and the employer, labor, religious, racial, ethnic, handicapped and women's groups in the city.

Appointment/Recruitment Process: The commissioners are nominated by the Mayor and elected by majority vote of City Council. According to current staff, in the past there was an active recruitment process for new commissioners that has since been abandoned. Positions are posted to the web with no other advertisement.

Primary Functions: Community outreach and education. Although the City website and City Code charges the Commission with receiving and investigating complaints of discrimination, staff has indicated that they actually play a minimal role in this process. They have focused their efforts on promoting human rights within the community and the available services through the Department of Human Services and Human Rights. Typically they choose an annual theme around which to organize all of their events including their Speakers Bureau. This year the theme is poverty.

There are five staff members charged with supporting the Commission but this is not the primary role of any staff member. According the office manager, the Commission is charged with doing much of its own administration.

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE HUMAN RIGHTS COMMISSION AND AMENDING SECTIONS 2.013, 2.265, 2.270, 2.275 AND 2.280 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The “Human Rights Commission” entry set forth in the listing of Boards, Commissions and Committees of Subsection (1) of Section 2.013 of the Eugene Code, 1971, is amended to provide as follows:

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] 10 Community members 1 Councilor or the Mayor
Appointment Process:	Commission reviews applications and makes recommendations to Council; Council appoints
Term:	3 years
Authority:	EC 2.260

Section 2. Sections 2.265, 2.270, 2.275 and 2.280 of the Eugene Code, 1971, are amended to provide as follows:

2.265 Human Rights Commission - Duties and Powers.

- (1) The commission shall affirm, encourage and initiate programs and services within the **community and advise and support city of Eugene services** 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.]~~ **place priority upon**

protecting, respecting, and fulfilling the full range of universal human rights as enumerated in the Universal Declaration of Human Rights. To support and promote human rights, the commission will:

- (a) **Provide human rights education;**
 - (b) **Be proactive in human rights efforts;**
 - (c) **Address human rights violations;**
 - (d) **Ensure active public participation;**
 - (e) **Be transparent and open; and**
 - (f) **Be publicly accountable for human rights progress.**
- (2) **The commission shall help the city of Eugene and the community work toward the elimination of systemic barriers to equitable treatment and toward inclusion and accommodation of differences among people. The commission will promote justice and equal opportunity for all. In these efforts, the commission may enlist the support of community groups and public agencies.**
- (3) **The commission shall endeavor to ascertain the status of civil and human rights in the community. The commission may explore, research and hold hearings to effectuate this provision.**
- (24) The commission shall make periodic recommendations to ~~[the mayor and council]~~ **elected officials and the city manager** concerning the civil and human rights of persons and groups in the community.
- (35) The commission shall cooperate with the city officials to ensure that the city **of Eugene** ~~[continues to be]~~ **is** a leader in extending equal opportunity to its ~~[citizens]~~ **community members**, including but not limited to:
- (a) Employment opportunities in city government;
 - (b) Training for city jobs;
 - (c) Equality of **city** services provided;
 - (d) Equality of all before the law; and
 - (e) Equal treatment of all by holders of city licenses, contracts and privileges.
- (46) The commission shall cooperate with the ~~[State Bureau of Labor and Industries and other governmental agencies]~~ **city of Eugene** in **ensuring that the city is** receiving, referring and/or investigating specific acts of discrimination against individuals in the community.
- (57) 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]~~ **work to educate and encourage community members to report acts of discrimination, hate and bias, to the city of Eugene.**

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]~~ **Ten community members** with a

demonstrated [~~interest in or~~] knowledge **and interest** [of] **in** the **civil and** 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~~]***in a way that strives to have balance on the commission that reflects the community and has protected class representation.***

- (42) 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.
- (3) ***Members shall be appointed by the council. The commission shall perform the initial review of applications and make recommendations to council for its consideration.***
- (24) 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.
- (35) Each [~~citizen~~] **community** member **of the commission** shall serve a three-year term. No member of the commission shall serve more than six consecutive years as a member of the commission.

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) ***The commission may approve a leave of absence, not to exceed three months, for a commissioner who is temporarily unable to fulfill the duties of a commissioner.***
- (45) Fifty percent plus one of the current membership, ***not including any commissioner who is on leave of absence***, shall constitute a quorum.
- (56) The city manager may, within his or her discretion, furnish staff assistance to the commission or to the commission's [~~committees~~] ***working groups***.

2.280 Human Rights Commission – [~~Committees~~]Work Plan and Task Groups.

- ~~(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.]~~

- (1) The Commission shall create a work plan that is reviewed by the city manager and approved by the mayor and city council.**
- (2) The commission may create working group(s) to help achieve the work plan goals.**
 - (a) Each working group will be led by a commission member.**
 - (b) Membership, powers and rules of conduct and procedure of the working group(s) will be determined by the whole commission.**
 - (c) Commission working group(s) will abide by Oregon public meetings law.**
- (3) The commission shall present its work plan accomplishments and work plan status annually to the city council.**

Section 3. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

___ day of _____, 2011

Approved by the Mayor this

___ day of _____, 2011

City Recorder

Mayor

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.)

Universal Declaration of Human Rights

In 1948, the United Nations General Assembly proclaimed this Universal Declaration of Human Rights (UDHR) a common standard of achievement for all people and all nations. To that end, every member of society must keep this declaration constantly in mind and strive by teaching and education to promote respect for all these rights and freedoms.

In the Universal Declaration of Human Rights, the United Nations has stated in clear and simple terms the rights that belong equally to every person. **These rights belong to you. Familiarize yourself with them. Help to promote and defend them!**

1. Right to equality.
2. Freedom from discrimination.
3. Right to life, liberty, personal security.
4. Freedom from slavery.
5. Freedom from torture and degrading treatment.
6. Right to recognition as a person before the law.
7. Right to equality before the law.
8. Right to remedy by competent tribunal.
9. Freedom from arbitrary arrest or exile.
10. Right to a fair public hearing.
11. Right to be considered innocent until proven guilty.
12. Freedom from interference with privacy, family, home and correspondence.
13. Right to free movement in and out of any country.
14. Right to asylum in other countries from persecution.
15. Right to a nationality and freedom to change it.
16. Right to marriage and a family.
17. Right to own property.
18. Freedom of belief and religion.
19. Freedom of opinion and information.
20. Right of peaceful assembly and association.
21. Right to participate in government and in free elections.
22. Right to social security.
23. Right to desirable work and to join trade unions.
24. Right to rest and leisure.
25. Right to adequate living standards.
26. Right to education.
27. Right to participate in cultural life and community.
28. Right to social order assuring human rights.
29. Community duties essential to free and full development.
30. Freedom from state and personal interference in the above rights.