

October 11, 2018 City Council Work Session with the Office of Human Rights/Human Rights Commission

The Office of Human Rights (OHR) and the Human Rights Commission (HRC) have 3 primary responsibilities:

A. **Outreach and Leadership**

The OHR does community outreach in three ways:

1. We provide **general outreach** through attendance at different community events. That involves having tables with materials from the office to distribute to the public along with answering questions about the office and the HRC. This is the primary method of outreach for the HRC members. The OHR also publishes an electronic newsletter and the HRC has a Facebook page for the posting of events connected to the commission and the office. Some of the events we have a presence at are:
 - MLK UVA/Community Celebration
 - African American Cultural Arts Festival
 - Festival of Cultures
 - Day Soiree
 - West Haven Community Day
 - City of Promise
 - Cville Pride
 - Cville Sabrosa
 - Best of Both Worlds Dance and Step Show
 - Junior Best of Both Worlds Dance and Step Show
 - Juneteenth
 - Screenings of the film "I'm Not Racist...Am I?"
 - Community Based Recovery Support Services outreach events
 - Office time at Sin Barreras (once a month)

2. **Education and awareness** is another way in which the OHR does community outreach. Staff develops presentations about human and civil rights and collaborates with City departments and/or community partners in the discussion about culturally-based issues.
 - Neighborhood Development Services
 - Police Department
 - Fire Department
 - Department of Social Services
 - Community Attention
 - Mary Williams Center
 - Timberlake Place
 - Piedmont Housing Alliance
 - Various faith-based groups
 - Equal Employment Opportunity Commission (EEOC)
 - Leadership Charlottesville
 - Gang Reduction through Active Community Engagement (GRACE Task Force)

- Jefferson Madison Regional Library
- Preservers of the Daughters of Zion Cemetery
- Sin Barreras
- Beloved Community Cville
- Charlottesville High School staff
- Charlottesville City School Division
- Buford Middle School
- Mountaintop Montessori
- Charlottesville Day School
- Peabody School
- City of Charlottesville Youth Council
- Piedmont Virginia Community College International Week programs
- Albemarle County School Division Social Studies staff
- Piedmont Virginia Community College
- University of Virginia School of Nursing faculty
- University of Virginia Curry School of Education
- City of Charlottesville Adult Education classes
- Charlottesville Albemarle Safe Space Training coalition
- Charlottesville Food Justice Coalition
- Welcoming Greater Charlottesville
- International Rescue Committee
- Charlottesville Regional Chamber of Commerce Diversity Business Council

3. The final way in which the OHR does outreach is through **facilitation and leadership**. Staff is asked to lead discussions that focus on topics related to the work of the OHR. Staff also participates on different committees that have action-oriented outcomes for Charlottesville and the surrounding area that are connected to human and civil rights.

- Dialogue on Race
- Dialogue on Race with Charlottesville High School students
- Disproportionate Minority Task Force for Juveniles
- Disproportionate Minority Committee for Adults
- Americans with Disabilities Act Advisory Committee
- Albemarle/Charlottesville Reentry Council
- Charlottesville Redevelopment and Housing Authority
- Roundtable on Affordable Housing
- Everyday Democracy
- University and Community Action for Racial Equity (UCARE)
- Virginia Association for Human Rights
- Presidential Precinct's Young African Leaders Institute (YALI)
- Presidential Precinct's Young Leaders Institute (from Europe)
- Guest lecturer for UVA courses: Gender Violence and Social Justice; Community Population and Public Health; Foundations of Community Engagement
- Guest lecturer for PVCC course: Sport and Society
- University of Virginia Center for Politics: Youth Leadership Initiative

- “For Freedom’s” Art Initiative with the University of Virginia Fralin Art Museum
- University of Virginia President Ryan’s Community Work Group
- University of Virginia Equity Initiative
- Charlottesville Food Justice Network

B. Address systemic concerns of discrimination through the Human Rights Commission.

The role of the HRC is to:

1. Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues;
2. Collaborate with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination citywide;
3. Assist individuals who believe they are the victim of an act of unlawful discrimination within the City;
4. Make recommendations regarding the City’s annual legislative program, with an emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination.

Since the first group of commissioners was appointed in November 2013, the HRC has made three significant changes in the way they have fulfilled the obligations of the human rights ordinance:

1. 2013-2015, followed ordinance responsibilities as a large group with limited guidance on addressing community concerns;
2. 2015-2018, followed ordinance responsibilities through the creation of subcommittees
3. 2018, eliminated subcommittees in order to better utilize limited time as a commissioner; ad hoc committees will be created as necessary to address community concerns; commissioners have a better understanding of ordinance responsibilities and are better able to use limited expertise of commission members with specific issues.

Concerns of the HRC:

1. Expecting community members to become experts in order to review policies from all City departments seem unreasonable; more guidance is needed.
2. Need City Council to do a better job of reviewing applicants to the HRC in order to ensure a strong commission.
3. The HRC feels the OHR does not need a civil rights attorney
4. The OHR/HRC will add quarterly updates to Council (written or in person) to address City Council concern of only hearing from the OHR/HRC once a year.
5. Recent addition of staff to City Council agenda group will facilitate real-time response to upcoming City Council agenda items.

C. Address individual allegations of discrimination through the process outlined in the human rights ordinance.

The process involves; 1. File claim of discrimination that falls within the ordinance; 2. If appropriate, make an offer of mediation to the parties involved; 3. If mediation is not an option, continue with an investigation that leads to a finding (found or unfound) of the conclusion of the allegation. The

allegations can be made based on the 8 protected classes and 5 protected activities that are aligned the Virginia Human Rights Act and other federal civil rights laws.

The Charlottesville OHR has 2 trained, full-time employees capable of investigating employment, public accommodations, credit, and private education allegations of discrimination that fall within the human rights ordinance. We do not investigate housing discrimination allegations because the Charlottesville Human Rights Ordinance does not allow for the investigation of housing discrimination claims. The Charlottesville OHR currently provides assistance with housing concerns in the form of “housing counseling.” The OHR staff was trained by Piedmont Housing Alliance staff to provide assistance to individuals seeking guidance on possible landlord/tenant issues and with applications for housing rentals and referrals of individuals participating in voucher-related programs.

Based on the questioned raised during the annual OHR/HRC report to City Council on April 16, 2018, there has been an examination of the what is needed for the City to become a Fair Employment Practices Agency (FEPA). There are several things the City must do in order to become a FEPA¹:

1. The City has a fair employment practice law which makes unlawful employment practices based upon race, color, religion, sex, national origin or disability.
2. The City is able to grant relief from the unlawful practice; to seek relief from the unlawful practice; or to institute criminal proceedings with respect to the unlawful practice.
3. The City must submit a written request to the Chairman of the Commission.
4. A request for FEP agency designation should include a copy of the agency’s fair employment practices law and any rules, regulations and guidelines of general interpretation issued pursuant thereto. Submission of such data will allow the Commission to ascertain which employment practices are made unlawful and which bases are covered by the State or local entity.
5. Additional information such as:
 - (a) A chart of the organization of the agency or authority responsible for administering and enforcing said law;
 - (b) The amount of funds made available to or allocated by the agency or authority for fair employment purposes (includes staffing expectations);
 - (c) The identity and telephone number of the agency (authority) representative whom the Commission may contact with reference to any legal or other questions that may arise regarding designation;
 - (d) A detailed statement as to how the agency or authority meets the qualifications
6. When the Commission determines that an agency or authority meets the criteria outlined, a work share agreement is created and the requesting agency is granted permission to investigate unlawful employment practices under the authority of the Equal Employment Opportunity Commission.

¹ Equal Employment Opportunity Comm. Subpart G—FEP Agency Designation Procedures § 1601.70 FEP agency qualifications.