

City of Alexandria, Virginia

MEMORANDUM

DATE: APRIL 22, 2003

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER *PS*

SUBJECT: RECEIPT OF THE FISCAL YEAR 2002 ANNUAL REPORT OF THE ALEXANDRIA HUMAN RIGHTS COMMISSION

**ISSUE:** Receipt of the Fiscal Year 2002 Annual Report of the Human Rights Commission.

**RECOMMENDATION:** That City Council receive the report and thank the Commission for its work on behalf of the City.

**DISCUSSION:** The Alexandria Human Rights Commission was established with the passage of the City's Human Rights Ordinance in 1975. The Alexandria Human Rights Code, as amended, prohibits discrimination on the bases of race, color, sex, religion, age, national origin, disability, sexual orientation, ancestry, marital status, and familial status in employment, housing, commercial real estate practices, public accommodations, health and social services, credit, education, and City contracts. The Commission serves in an advisory capacity to City Council and in an enforcement capacity when violations of the Ordinance are alleged. The Office of Human Rights serves as staff to the Commission. The office conducts investigations into allegations of discrimination on the above bases, and provides information to the Commission on the status and outcome of those complaints.

The Human Rights Commission is a 14-member body appointed by City Council, as broadly representative of residents of the city as practicable. Nine of the Commission seats are occupied by citizens at-large, while the remaining five seats are held by individuals representing the Commission for Women, the Commission on Persons with Disabilities, the Economic Opportunities Commission, the Landlord Tenant Relations Board, and the Commission on Aging. The Commission's Annual Report was prepared and submitted pursuant to §12-4-15(12) of the Human Rights Code.

The attached report summarizes the activities and accomplishments of the Human Rights Commission and the Office of Human Rights for the period July 1, 2001, through June 30, 2002 (Fiscal Year 2002). The format for the FY 2002 report has been changed to enable the Commission to use the annual report as a public information brochure.

The report includes Commission and Office activities in the following areas:

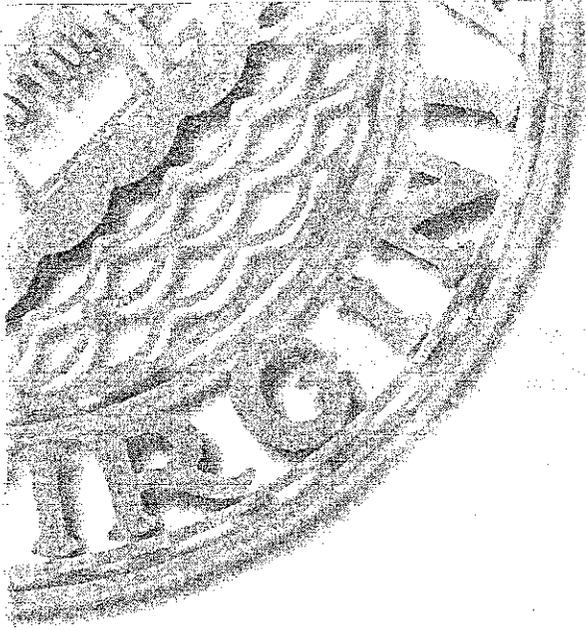
- Tolerance Efforts Post-September 11
- Student Human Rights Awards
- Community Outreach
- Enforcement/Investigation and Case Processing
- Public Hearings
- Public Education
- The City's Affirmative Action, Utilization Analysis and Applicant Tracking Reports
- Citizen Appointments to City Boards and Commissions
- City's Administrative Regulations
- Police and Fire Department Hiring, Promotional, and Internal Complaint Processes
- "Time of the Titans" Event Commemorating 30<sup>th</sup> Anniversary of Desegregation in the City's Secondary Schools and the 1971 Titan State Football Championship
- Legislation and the Virginia Association of Human Rights Commissioners (VAHRC)

**ATTACHMENTS:** Fiscal Year 2002 Annual Report of the Human Rights Commission

**STAFF:**

Michele Evans, Assistant City Manager

Jean Kelleher Niebauer, Director, Office of Human Rights



City of  
Alexandria



# HUMAN RIGHTS COMMISSION

*Annual Report*

City of Alexandria  
HUMAN RIGHTS COMMISSION  
2002

**Commissioners**  
Chester Avery  
Sherry de Vries  
Cecelia Godfrey  
John Harper  
Matt Harris  
Nancy O. Jenkins  
Raymond Johnson  
Justine Rowe  
Rodney Salinas  
Nancy Turner  
Jenny Wade

**Commission Leadership**  
Jim McClellan, *Chair*  
Susan Higashi Rumberg, *Vice Chair*  
Scott Schwartz, *Vice Chair*

**Human Rights Office**  
Jean Kelleher Niebauer, *Director*  
Patricia L. Ruble, *Investigator*  
Miladis Martinez, *Secretary*

**Affirmative Action Officer**  
Steven J. Mason

*Membership is comprised of fourteen citizens appointed by City Council; five Commission seats are designated for representatives from the Commission on Persons with Disabilities, the Commission on Aging, the Commission for Women, the Economic Opportunities Commission and the Landlord-Tenant Relations Board*

**Commission Goal:** It is the goal of the Commission to eliminate discrimination in the City of Alexandria and to facilitate communication and understanding among Alexandria's diverse communities. The Commission strives to achieve this goal by working with citizens, employees, businesses and associations to ensure that all individuals understand their rights, protections and responsibilities, advising the City Manager and the City Council on matters of human rights concerns, and adjudicating specific complaints.

**What is Unlawful Discrimination?** The Human Rights Commission is dedicated to ensuring that equal rights are afforded to all citizens of Alexandria regardless of their race, sex, color, religion, ancestry, national origin, marital status, age, disability, familial status or sexual orientation – in employment, housing, credit, education, public accommodation, health, social services and city contracts.

*The Commission Works Against Discrimination by:*

- Overseeing thorough investigations of discrimination complaints conducted by the Office of Human Rights.
- Ensuring that parties suffering from discrimination receive fair and impartial conciliation and hearings to resolve their claims.
- Advising the City Council and Mayor on human rights issues.
- Conducting outreach and community education through public hearings, festivals, TV programs, mailings and press releases, diversity training and showcasing human rights achievements.
- Speaking publicly on human rights in order to promote diversity, educate citizens, encourage participation on Boards and Commissions, and celebrate accomplishments in civil rights.
- Participating in revising the City's Affirmative Action Plan and in annually reviewing the progress made by the City in ensuring its employees reflect the City's diverse population.
- Monitoring minority student education programs in a system that serves a population of 11,000 students from 86 counties, speaking 65 languages, whose composition is 44% African American, 27% Hispanic and 22% white.
- Proposing legislative initiatives to be included in the City's legislative package for the General Assembly.

### **Filing a Complaint with the Office of Human Rights:**

Any person who believes that he or she has suffered discrimination in the City of Alexandria may file a complaint against an individual or a company with the Office of Human Rights within 300 days (365 days for a housing complaint) of the action viewed as discriminatory. The intake questionnaire is available in English and Spanish by mail, facsimile, or electronically on the City's web site. Where appropriate, referrals to other City departments or social service agencies may be made.

The Office of Human Rights investigates, evaluates the validity of, and resolves complaints that allege violations of federal, state and local anti-discrimination laws. A formal complaint is defined as a sworn affidavit alleging violation of the City's Human Rights Ordinance, the Virginia Human Rights Act, Title VII of the U.S. Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act (ADEA), and/or the Americans with Disabilities Act (ADA).

### **Complaint Resolution**

	FY 2000	FY 2001	FY2002
Number of formal complaints filed	85	82	79
Number of formal complaints resolved	85	71	108
Number of informal complaints received*	880	1,320	1,250
Number of informal complaints resolved	775	1,150	1,226

*\*Informal complaints are questionnaires requested or inquiries that do not meet formal complaint criteria.*

### **History of the Commission:**

Alexandria's Human Rights Commission was established March 25, 1975, after months of debate, discussion and public hearings, with the passage of the City's Human Rights Ordinance: Chapter 4, Section 12-4 of the City Code. Its first Commissioners met in May 1975. That first year, staff investigated and resolved 82 formal cases and assisted local businesses in developing affirmative action plans.

In 1978, the Commission began working with the Police Department on community and Department procedures. By 1990, the Commission had adopted a formal process for an annual appraisal of the Department's progress in recruiting, hiring and promoting applicants and staff from minority and other protected classes. Similar meetings with the Fire Department began in 1999. The Commission also began regular discussions with the Police Department regarding cases of harassment, demeaning language and excessive force, as well as hate crimes.

In 1981, the Commission successfully mediated several longstanding disputes between tenants and landlords in the City. In 1984, the Commission completed a study and held a public hearing on discrimination against families with children in apartment complexes, paving the way for an ordinance amendment prohibiting discrimination on the basis of familial status.

Commissioners testified in support of legislation before the General Assembly to create human rights protections throughout the Commonwealth, culminating in the 1987 Virginia Human Rights Act. In 1988, Alexandria showed its leadership again by passing an amendment which protects citizens on the basis of sexual orientation, the first such legislation in Virginia.

In 1991, Alexandria's ordinance was again amended to include fair housing protection prohibiting discrimination against families with children in rental housing and to update its protection for the physically handicapped to include all disabilities. In 1994, the Ordinance was amended to allow three-Commissioner panels to hear complaints at confidential advisory hearings as an alternative means to process charges and assist parties in resolving disputes without requiring a public hearing.

In 2000, the Commission celebrated the 25<sup>th</sup> Anniversary of Alexandria's Human Rights Ordinance by commemorating the 1939 sit-in by five courageous black men who were denied access to Alexandria's public library. This significant event was one of the earliest non-violent protests of the modern civil rights movement. The Mayor, other City leaders and friends and family of those African-Americans dedicated a plaque at the site of that sit-in, now the lobby of the Barrett Library.

In 2001, the Commission commemorated the 30th anniversary of the end of segregation in Alexandria's public secondary schools through the recognition of the 1971 undefeated season of the T.C. Williams High School football team. The plaque now in the T. C. Williams High School lobby commemorating that event states:

*The first students and teachers to walk these hallways will be remembered for having had the courage to challenge one of the most harmful assumptions of the world into which they were born.*

*They had grown toward adulthood in a society that had for centuries presumed one race to be more capable than another, that had divided the community by something as trifling as their color of its citizens' skin, that believed no good could come from contact between people of different races, that used the law to force people apart.*

*The United States Supreme Court ordered an end to racial segregation in 1954. Most school districts in Virginia refused to comply. Some closed down their public schools in defiance. Alexandria began integration of its schools in 1959. In 1971, students from schools that were for whites only and students from schools that had been exclusively for blacks met here at T. C. Williams for the first time as classmates.*

*It was here in this high school and on the football field that the Titans of 1971 proved the assumptions of their society false. Students and coaches of different races found they could not only be friends, they could trust one another, and achieve together what would have been impossible to achieve apart.*

*The T. C. Williams Football Team won thirteen straight games, defeating schools still segregated along the way to the Virginia State Championship.*

*The Titans of '71 outscored their opponents by a combined 357 to 45, posting nine shut-outs in the process. In the end, they learned that the common color of their jerseys was far more important than the different colors of their skin.*

*This plaque is dedicated to the Titans, students, teachers, and school administrators of 1971 and to all since their time who have been willing to judge their classmates and colleagues by their ability and character rather than their race or color.*

*May these corridors forever echo with the footsteps of people who have the courage to think for themselves and who have a commitment to fulfill the dream of equality and human dignity that inspired the Titan's championship season.*

#### **Highlights of FY 2002:**

**Cases of Discrimination:** In Fiscal Year 2002, the Office of Human Rights (OHR) closed 108 cases, opened 79, and received 1,250 requests for assistance; monetary compensation to victims totaled \$197,654. Based on the OHR's performance, the U.S. EEOC provides federal funds to aid the OHR in its work.

**Hearings:** After conciliation and two tribunals failed, the Commission held a formal public hearing in February 2002, sustaining a charge of unlawful termination. In response

to a public hearing at which Hispanic residents aired concerns about health care and other social conditions which could lead to discrimination, Alexandria INOVA Hospital provided the Commission with a report on changes implemented in training, health care access, increased interpreter services and information translation.

*September 11<sup>th</sup>:* In the wake of the tragedy of September 11<sup>th</sup>, the Commission encouraged tolerance and understanding by Alexandrians toward its Muslim residents by immediately passing a "Sense of the Commission" statement promoting diversity, civil and human rights, and due process. It reviewed with Alexandria's Police Department five alleged hate crimes that occurred subsequent to September 11<sup>th</sup>.

*Legislation:* The Commission proposed five issues to City Council, each of which was approved and forwarded to the State Senators and Delegates.

1. Restore voting rights for ex-felons.
2. Expand eligibility for unrelated individuals (i.e., domestic partners, elderly or disabled who choose to live together) to co-borrow under the Virginia Housing Development Authority.
3. Establish an independent Virginia Civil Rights Commission.
4. Add sexual orientation, gender and disability to the Virginia Hate Crimes Act, including protections for those actually or perceived to be among any of the protected classes.
5. Expand Medicaid eligibility criteria to allow persons who are above the current income eligibility requirements to receive coverage through Section 1115 waivers.

*Outreach:* Outreach to the Muslim community was given priority; Commissioners and staff participated in TV programs such as the "Maturity" show, which addressed fears of senior immigrants who speak their native languages, wear native dress and who might become targets for discrimination in the aftermath of September 11<sup>th</sup>. The Commission also provided training on human rights for realtors, landlords and lenders, and participated in programs for Fair Housing Compliance, the Interpreter Planning Partnership Forum, City Health Fair, Hispanic Heritage Festival and Interfaith Group.

*Proclamations:* December was proclaimed Human Rights Month, April Fair Housing Month and May was proclaimed the first Asian-Pacific American Heritage Month.

*Virginia Association of Human Rights Commissioners (VAHRC):* The Commission supported VAHRC's human rights legislative efforts in Richmond by meeting with Delegates, Senators and around the state to focus attention on racial profiling, restoration of voting rights for ex-felons and genetic discrimination.

*Human Rights Awards:* For the second consecutive year, the Commission granted three Human Rights Awards with nominees from T. C. Williams, Bishop Ireton, and St. Stephen's and St. Agnes Schools. These awards, generously funded by the Wm. D.



Euille Foundation, recognize individual students or groups whose promotion of equality, respect and understanding for all persons regardless of race, color, culture, religion, age, gender, sexual orientation or disability is deemed exceptional.

*Pictured at left: The 2002 Human Rights Award recipients with several members of the Commission.*

*"Time of the Titans":* See History.

*School Board Elections:* The Commission became involved with a School Board election when a School Board member unexpectedly resigned and a special election was scheduled before the City had redrawn its districts based on current census data as required by the

Voting Rights Act. Use of old district lines in the election resulted in including citizens who would not be a part of the new district and excluding citizens who would become a part of this new district. The Commission met with the Electoral Board and NAACP and appeared before the City Council's community meeting to recommend multiple districts.

UA/AT: The Commission put back on schedule the City's annual review of its hiring and promotion practices through the Workforce Utilization Analysis (UA) and Applicant Tracking (AT) Reports and made its recommendations to Council on ways to achieve further diversification of City staff.

*Police Department:* In December, the Police Department gave its 11<sup>th</sup> annual report to the Commission on hiring and promoting females and minorities, noting that currently 13 languages are spoken among the 78 Department personnel, 47 of whom are Spanish speakers. The Commission also reviewed internal Police Department investigations of cases involving allegations of harassment, demeaning language or excessive force, and worked with the Police Department to develop a new hate crime notification and tracking system.

*Fire Department:* In November, the Fire Department made its 3<sup>rd</sup> presentation to the Commission on recruiting and promotion practices as it continued to handle 16,000+ incidents with its 278 employees. The Department was recognized for its support at the Pentagon on and after September 11<sup>th</sup>, and for instituting a Citizens' Fire Academy, from which five Commissioners and staff have now graduated.

*Reports to Council:* The Commission published Boards and Commissions Reports for FY 2000 and 2001. These Reports compare Board and Commission composition to the City's demographics, concluding that more effort needs to be made to diversify membership. The Commission revised the City's non-discrimination voluntary data form, from which the data for the Boards and Commissions report are drawn. The Commission published its Annual Reports for FY 2000 and FY 2001 outlining its activities and accomplishments.

*City Ordinances and Regulations:* The Commission applauded the City's ordinance amendment related to contractor non-discrimination policies and inclusion of sexual orientation protections and continued working with City management on revising the Administrative Regulations to add human rights protections.

*Other Items:* The Commission participated in the Capital Pride Festival for gay, lesbian, bisexual and transgendered people; monitored the issue of genetic discrimination; voiced objection to the Boy Scouts being given free access to public school facilities, because of the organization's discrimination in national policy on the basis of sexual orientation; and initiated making the King Street Court House main entrance doors accessible to persons with disabilities.

For more information,  
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or visit

<http://ci.alexandria.va.us/human/alexhumrghthome.html>