

City of Alexandria, Virginia

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6-25-02

MEMORANDUM

DATE: JUNE 19, 2002

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER ^{DS}

SUBJECT: RECEIPT OF THE FISCAL YEARS 2000 AND 2001 ANNUAL REPORTS OF THE ALEXANDRIA HUMAN RIGHTS COMMISSION

ISSUE: Receipt of the Fiscal Years 2000 and 2001 Annual Reports of the Human Rights Commission.

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

DISCUSSION: The Alexandria Human Rights Commission was created to administer the provisions contained in §12-4-1 et seq. of the City's Human Rights Ordinance, which was codified in 1975. The Code 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 it 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 to administer the provisions of the City's Human Rights Code. Nine of the Commission seats are occupied by citizens at-large, with the remaining five seats being 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 Reports were prepared and submitted in accordance with §12-4-15(12) of the Human Rights Code.

The attached reports summarize the activities and accomplishments of the Human Rights Commission and the Office of Human Rights for the periods July 1, 1999, through June 30, 2000 (Fiscal Year 2000), and July 1, 2000, through June 30, 2001 (Fiscal Year 2001). The format for the FY 2001 report has been changed to enable the Commission to use the annual report information in a promotional brochure for FY 2002.

Both reports include Commission and Office activities in the following areas:

- Community Outreach
- Enforcement/Investigation and Case Processing
- Public Hearings
- Public Education
- City Affirmative Action and Utilization Analysis and Applicant Tracking Reports
- Citizen Appointments to City Boards and Commissions
- City Administrative Regulations
- Police and Fire Departments' hiring, promotional, and internal processes
- Establishment of a Safe Haven for Male Victims of Domestic Violence
- 25th Anniversary of the Human Rights Ordinance
- Disability Parking Policy
- Legislation and the Virginia Association of Human Rights Commissioners (VAHRC)

ATTACHMENTS:

Attachment 1. Fiscal Year 2000 Annual Report of the Human Rights Commission

Attachment 2. Fiscal Year 2001 Annual Report of the Human Rights Commission

STAFF:

Michele Evans, Assistant City Manager

Jean Kelleher Niebauer, Director, Office of Human Rights

Alexandria Human Rights Commission Annual Report for FY 2000

This report on the City of Alexandria's Human Rights Commission (HRC) highlights activities and projects undertaken by the Commission during the period of July 1, 1999 to June 30, 2000.

The Human Rights Commission was established in 1975 with the passage of Alexandria's Human Rights Ordinance. Since its enactment, the original ordinance has undergone several revisions and amendments.

The Commission is a body of fourteen citizen members appointed by the Alexandria City Council. Five seats are designated for representatives of other City Commissions and Boards: Commission on Persons With Disabilities, Commission on Aging, Commission for Women, Economic Opportunities Commission and Landlord-Tenant Relations Board.

The members of the Commission are dedicated to ensuring that equal rights are afforded to all the citizens of the City of Alexandria regardless of their race, sex, color, religion, ancestry, national origin, marital status, age, disability, familial status or sexual orientation. More specifically, the Commission advises the City Manager and Council on matters of human rights concerns, educates on responsibilities and protections related to the Ordinance, and adjudicates specific complaints.

The work of ensuring that the Commission's policies are implemented, and that the duties assigned are carried out, is the responsibility of the Director of the Office on Human Rights (OHR). The Director is a City employee who has a staff of trained investigators (two full time, one part time) to review, examine and conciliate complaints of unlawful discrimination. This staff also participates in outreach efforts and conducts training on diversity and discrimination.

In the June 2000 reorganization announced by City Manager Sunderland, the Office on Human Rights now reports directly to the City Manager's Office.

What We Provide

The goal of the Human Rights Commission is to ensure equal opportunity for all citizens of the City of Alexandria. In this pursuit a variety of services are offered, including:

- Neutral and thorough investigations
- Outreach to promote diversity (civic and neighborhood associations, local festivals, public television programs, city-sponsored events, public hearings)
- Diversity training for employers, service industries and city employees, in conjunction

- with other local jurisdictions and schools
 - Speakers and literature on human rights issues and causes
 - Citizen referral to other appropriate agencies
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Commission Accomplishments and Initiatives

Office Turnover and Reorganization

The Office of Human Rights staff turnover reached 100% this year, with most individuals electing to pursue new opportunities. Initially there was concern over workload and continuity, but the the City Manager and the Special Assistant to the City Manager for Human Relations hired an Acting Administrator, which minimized challenges and resulted in a smooth transition. The Chair participated in the selection process for the position, retitled Director, and a new hire was in place after three months. By fiscal year end, the Commission had welcomed a new Director, Secretary and Investigator. More importantly, the new City Manager reaffirmed his commitment to Human Rights by elevating this Office, to report directly to the Assistant City Manager for Council Relations and Administration, in his reorganization announced in June 2000.

Human Rights Ordinance 25th Anniversary

On April 25, 2000, at the Queen Street (now the Kate Waller Barrett) Library, the Commission hosted a reception for Council, invited guests and the public to celebrate the 25th anniversary of passage of the City's Ordinance. On behalf of the City and the Commission, Mayor Donley dedicated a plaque honoring five young men whose sit-in on August 21, 1939 became one of the first non-violent actions employed to end discrimination in Alexandria and the country. William Evans, Otto Tucker, Edward Gaddis, Morris Murray and Clarence Strange walked into the then-segregated library and sat down at a table to protest a library policy that prevented persons of color from using the facilities.

Public Hearing with State Council

The HRC hosted the Virginia Council on Human Rights' Northern Virginia forum on September 23, 1999, at the Masonic Temple. The Council solicited input from the public, using a Q&A format, on issues of concern in Northern Virginia with the goal of compiling statewide data for the Governor. In addition to the Council members, one of whom also sits on the HRC, representatives from Arlington, Fairfax and Prince William Human Rights Commissions were in attendance, and the session began with their presentations followed by comments from the public. Concerns were expressed in many areas, among them sexual orientation, race, education, housing, disability and ethnicity. Media and Jones Intercable were in attendance to document the proceedings. No follow up has occurred (www.chr.state.va.us/forum1.htm).

Public Hearings

Although the Human Rights Code mandates public hearings to resolve complaints if conciliation fails between respondent and complainant after a finding of probable cause, the OHR does an exceptional job of successfully negotiating resolutions. The HRC faced the likelihood of

convening eight hearings this year, but only one was held. The October 23rd hearing on Siraj vs. The Hermitage, the first public hearing held in five years, found against the Complainant who had alleged discrimination based on national origin and religion.

Community Outreach

The Human Rights Commission outreach program continues to educate and inform citizens about the Office of Human Rights toward the goal of achieving diversity in the City that reflects its demographics. Through pamphlets, brochures, press releases, extensive mailings, television advertisements, the City's web site, booths at fairs and conferences, diversity training and speeches, the Commission has informed citizens, businesses and 300+ Alexandria civic associations of its purpose, where to ask questions and how to file a discrimination complaint.

Education

The HRC continued its interactions with the Superintendent's office and the School Board on issues of concern for protected classes in the ACPS – retention, enrollment in special programs, SAT test participation, disciplinary actions, standards of learning testing, and recruiting and training of a diverse work force. The City's Ordinance authorizes the HRC to conduct studies, hold hearings and review the policies and practices of any public educational institution with respect to human rights discrimination. Again this fiscal year, the Superintendent elected not to meet with the Commission but rather directed his staff to provide additional data for analysis.

Utilization Analysis (UA)/Applicant Tracking Report (ATR)

The HRC participated with other interested Commissions (Aging, Persons with Disabilities, for Women) in the UA/ATR annual analysis review process, working to resolve issues to permit submission of the completed reports to City Council with full endorsement by these Commissions.

Police Department Review

The Police Chief and his staff made their 9th annual presentation on November 16, 1999. The presentation reflected continued success of the Department in recruiting and promoting minorities and women.. For the third year, the Police Department continued its investigation reviews in April, August and December with the HRC Executive Committee, presenting case summaries related to citizen complaints against officers that fall into the categories of harassment, excessive force and demeaning language. Fewer than twenty cases were summarized for review in FY00. The Commission expressed concerns on specific cases, and further discussions were held with the Police Department until all had been resolved.

Fire Department Review

The Fire Chief gave his second annual presentation to the HRC on June 20, 2000, and it reflected much effort to enhance minority recruiting. Promotion of female and minority firefighters and Emergency Medical Personnel is also increasing. Turnover in this Department is minimal; therefore, its employee diversity is growing more slowly. Although very few in number, citizen complaints and the process for review was discussed. The Chief and Affirmative Action Officer were commended. The Commission intends to extend this invitation again next year.

Disability Parking Policy

The HRC became involved in the City's disability parking issue as a result of investigating the complaint which triggered the hearing process before the Parking and Traffic Board and City Council. The ad hoc committee which resulted was tasked to create disabled parking procedures, compromises were reached by task force members setting a limit of one space per City block and a citizen appeal procedure defined, and the procedure should be put before Council in FY01.

Safe House for Male Victims of Domestic Violence

The HRC established a pilot program, with the cooperation of the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Commission for Women and the Police Department, to assess the need for a safe house for male victims of domestic violence or sexual assault, regardless of sexual orientation or gender of the abuser. Although no male victims elected to seek temporary shelter, three during the past year contacted the hotline and were given that opportunity. A review with the supporting entities will be coordinated in FY01 toward the goal of formalizing the process.

Legislation and the Virginia Association of Human Rights Commissioners (VAHRC)

Established in July 1995, the VAHRC numbers members from around the Commonwealth. Its current President, Dr. Jim McClellan, is an Alexandria HRC Commissioner whose strong leadership is contributing greatly to its success in tracking legislation and increasing membership. The Association named one of the Alexandria Commissioners, Nancy Jenkins, as the VAHRC Commissioner of the Year in June.

This fiscal year the association and the HRC supported the Mattaponi Indian Tribe in its quest to preserve land and oppose the construction of a reservoir by diverting the Mattaponi River, participated on Delegate Baskerville's advisory group supporting HB 1504, which would provide for a new state-wide Civil Rights Commission, proposed including sexual orientation and gender in Hate Crimes legislation, and began discussions on the restoration of voting rights to ex-felons.

Group Homes

The HRC supported the Commission on Persons with Disabilities, Commission on Aging and the Community Services Board in their review of the zoning ordinance amendment requiring special use permits through the Planning Commission for group homes.

Internal Commission Organization

Communication using the e-mail among the Commissioners and the Office of Human Rights has greatly improved all aspects of the Commission's work. The Acting Administrator and later Director have revised internal processes to streamline complaint intakes, close cases and track data. The October 1998 clarification of roles for the First and Second Vice Chairs has served the internal workings of the Commission well. The Commission runs more smoothly and substantial burden previously placed on the Chair has been drastically reduced as the two Vice Chairs

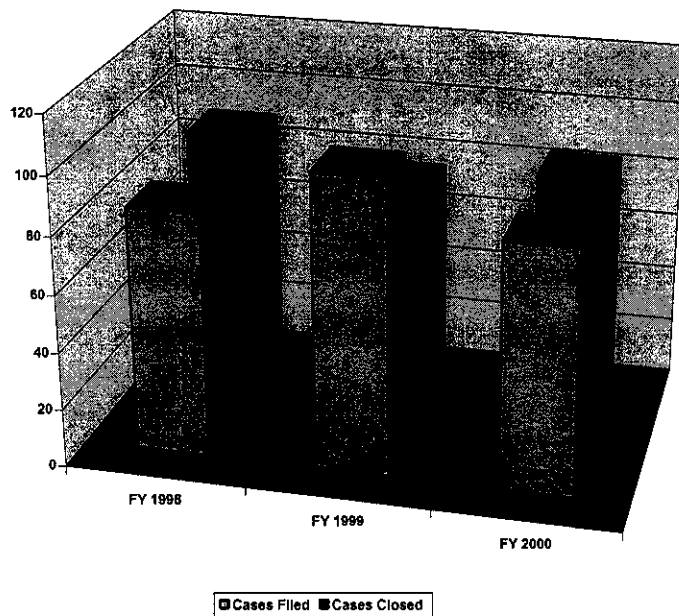
assume more of the day-to-day internal and external oversight and coordination.

Other Items of Note

- The Commission supported and continues to work on updating the City's OHR web page.
- An internal review of procedures dealing with complaints by City employees was begun.
- Tracking of alleged and founded hate crimes was begun, and victims contacted to assess their view on the Police process.
- The annual staff appreciation dinner was held in May to welcome, rather than to acknowledge support from, the all-new OHR staff.
- OHR internal processes were upgraded, i.e., EEOC reporting software, and HRC processes expanded, i.e., establishment of a standard hearing date to assist staff in scheduling hearings.

Human Rights Office Case Load

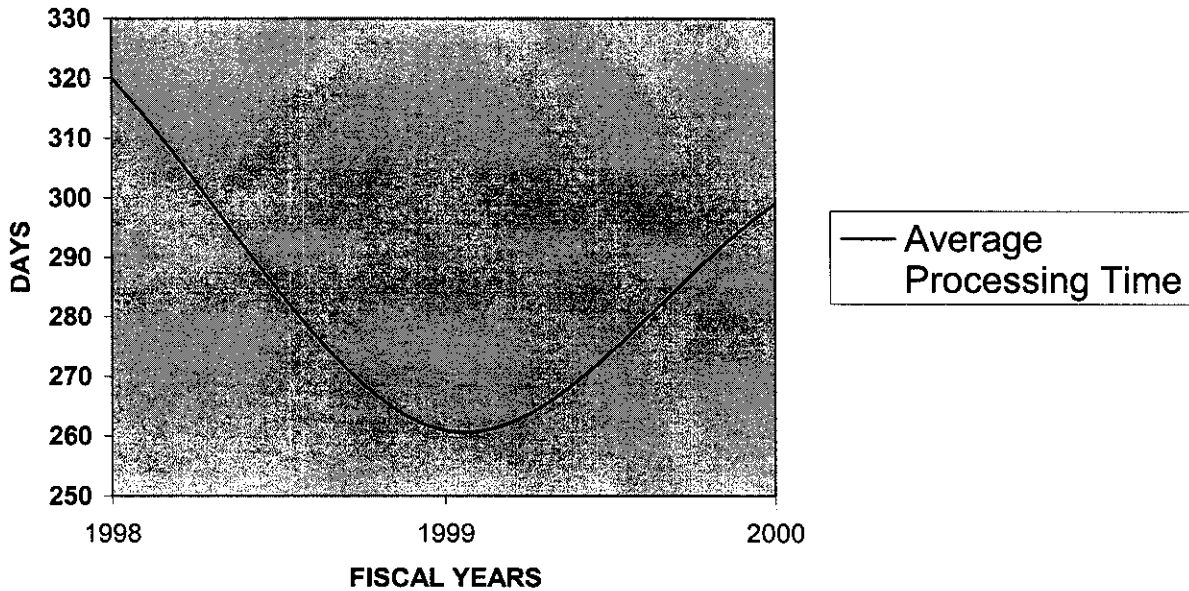
Eighty-five (85) cases were filed during FY 00 and 85 cases were closed by the Office. These numbers include charges dual-filed with the Equal Employment Opportunity Commission (EEOC) and Alexandria ordinance-only complaints.



Basis of Complaints Filed

Basis*	FY 1998		FY 1999		FY 2000	
	No.	%	No.	%	No.	%
Race.....	54	(30%)	36	(26%)	43	(51%)
Sex	26	(14%)	32	(23%)	14	(16%)
Sex Harassment	11	(6%)	8	(6%)	9	(11%)
Pregnancy	1	(--%)	4	(3%)	1	(1%)
National Origin	15	(8%)	22	(16%)	9	(11%)
Disability	17	(9%)	10	(8%)	10	(12%)
Religion	5	(3%)	2	(1%)	0	(--%)
Age	11	(6%)	8	(6%)	7	(8%)
Sexual Orientation	2	(1%)	2	(1%)	2	(2%)
Marital Status	2	(1%)	0	(--%)	0	(--%)
Familial Status	3	(2%)	1	(--%)	1	(1%)
Retaliation	21	(12%)	12	(9%)	5	(6%)

* Many complaints have more than one basis (i.e. race and gender, etc.)



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FUTURE GOALS AND AREAS OF CONCERN

The Commission remains committed to its involvement in the community. Continued emphasis on reaching the Hispanic and Asian communities is a priority, and conducting public hearings on issues of concern to these cultural groups will be held. Outreach efforts will continue to be expanded to ensure that all citizens and businesses and organizations understand their rights and responsibilities under Alexandria's Human Rights Ordinance. The HRC in its civic interactions will highlight the work of the City's Boards and Commissions and the process by which a citizen may apply. Across the City's population -- residents, employees, businesses and associations -- programs will be devised to solicit participation by females and minority groups on boards and commissions to reflect the demographics of our City.

With the City's student population consisting of 11,000 students from 66 countries, speaking 45 languages, education of minority students and implementation of the standards of learning (SOLs) will continue to be monitored.

Ordinance revisions will continue to be reviewed and pursued. Sexual harassment and non-discrimination policies for businesses need to be expanded and amendments drafted to model EEOC mandated policies. Contract compliance in the City's procurement procedures vis-à-vis federal regulations and the Ordinance requires review. The City's Administrative Regulations, which the Commission reviewed, and for which the Commission recommended specific changes, need follow up.

The Commission also will work to ensure that City employees receive fair, impartial and confidential service from the Office of Human Rights if they bring complaints against the City.

City of Alexandria Human Rights Commission

2001 Report to City Council

Nancy O. Jenkins, Chair
Chester Avery, Vice Chair
Scott Schwartz, Vice Chair

Commissioners

Sherry de Vries
Kelleen Griffin
John Harper, Jr.
Raymond Johnson
Jim McClellan
Richard Reno
Justine Rowe
Susan Higashi Rumberg
Rodney Salinas
Jenny Wade

Office of Human Rights

Jean Kelleher Niebauer, Director

Steven J. Mason, Investigator
Humberto Serna, Investigator
Miladis Martinez, Secretary
Patricia L. Ruble, Contract Attorney
Molly Garrett, Law Student Intern

Commission Goal:

To eliminate discrimination in the City of Alexandria.

How the Commission Meets that Goal:

By working with citizens, employees, businesses and associations in Alexandria to ensure that all individuals understand their rights and responsibilities.

Commission Membership:

Fourteen citizens are appointed by City Council; five of those 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.

Alexandria is committed not only to keeping abreast of the newest advances in civil rights protections, but to continuing its leadership role among Virginia's communities.

Chapter 4 of the City of Alexandria Code, Section 12-4, sets forth the responsibilities and authority of the Commission.

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, public accommodation, credit, health and social services, education and city contracts.

The Commission works against discrimination by:

- Overseeing that neutral, timely and thorough investigations of discrimination complaints are conducted and conciliated by the Office of Human Rights.
- Advising City Council and the Mayor on human rights issues.
- Conducting outreach and community education through public hearings, local festivals, public television programs, mailings and press releases, diversity training and showcasing human rights achievements.
- Speaking publicly on human rights – to promote diversity, educate citizens on the Boards and Commissions opportunities and process, and celebrate the accomplishments made in civil rights.
- Participating in revising the City's Affirmative Action Plan and in reviewing annually the progress made by the City in ensuring its employees reflect the diversity of the City.
- Monitoring minority student education programs in a system that serves a student population of 11,000 from 86 counties, speaking 65 languages, whose composition is 44% African American, 27% Hispanic and 22% white.
- Proposing to City Council legislative initiatives and changes 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 by mail, by facsimile or on the City's web site; it is available in English and Spanish, and the Office of Human Rights staff is multi-lingual. The Office serves the public with appropriate referrals to other City departments or social service agencies.

Complaint Resolution:

	FY 1999	FY 2000	FY 2001
Number of formal complaints filed	102	85	82
Number of formal complaints resolved	77	85	71
Number of informal complaints received	860	880	1,320
Number of informal complaints resolved	757	775	1,150

The Office on Human Rights investigates, evaluates the validity of, and resolves complaints that allege violations of federal and state anti-discrimination laws.

A formal complaint is defined as an actual investigation pertaining to violations of the City's Human Rights Ordinance, 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 may span multiple fiscal years.

Data on informal complaints reflect the number of complaint questionnaires requested by individuals who believe they were the victims of discrimination and inquiries from the public that do not meet the criteria for a formal complaint.

History of the Commission:

Alexandria's Human Rights Commission was established March 25, 1975 with the passage of the City's Human Rights Ordinance – Chapter 4, Section 12-4 of City Code – after months of debate, discussion and public hearings. Its first Commissioners met in May 1975.

Specifically, the Commission advises the City Manager and Council on matters of human rights concerns, educates on responsibilities and protections related to the ordinance and adjudicates specific complaints.

That first year, staff assisted local businesses in developing affirmative action plans and investigated and resolved 82 formal cases.

In 1978, the Commission began working with the Police Department on community and department procedures. In 1990, a formal process was adopted 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 to discuss with the Police Department cases involving harassment, demeaning language and excessive force, as well as hate crimes.

In 1981, the Commission mediated successfully 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 ordinance amendment prohibiting discrimination on the basis of familial status. Commissioners testified in support of legislation before the General Assembly that would create human rights protections throughout the Commonwealth, which passed in 1987. This followed in 1988 passage of amendments that prohibited discrimination against families with children in rental housing and, more boldly, on the basis of sexual orientation, the first such legislation in Virginia.

In 1991, Alexandria's ordinance was amended to include fair housing protection for families with children 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 advisor hearings as an alternative means to speed the processing of charges and predetermination conferences and confidential advisory hearings.

In 2000, the Commission celebrated the Ordinance's 25th Anniversary by commemorating the 1939 public library sit-in by five courageous black men who were denied access, 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.

Highlights of 2001:

- Cases: The Office of Human Rights Office filed 82 charges, closed 71 cases and responded to 1,320 requests for assistance. One case on

unlawful termination went to public hearing before the Commission in January 2001.

- **Legislation:** The Commission supported restoration of voting rights for ex-felons and assisted the State Crime Commission Task Force studying the issue. The Chair testified in Richmond in support of proposed amendments to Virginia Housing Development Authority regulations, expanding eligibility for co-borrowers. The Commission also supported adding sexual orientation, gender and disability to the Virginia hate crimes statute and establishing an independent Virginia civil rights commission.
- **Virginia Association of Human Rights Commissioners (VAHRC):** Commissioner McClellan presided over the VAHRC as it supported human rights legislative efforts around the state and focused on issues of racial profiling, the restoration of voting rights for ex-felons and genetic discrimination.
- **Human Rights Awards:** The Commission initiated Student Human Rights Awards, with the Wm. D. Euille Foundation's financial support, to high school students from T. C. Williams, Bishop Ireton, and St. Stephen's and St. Agnes Schools with three presentations made by the Mayor and Council of \$500 and a plaque. The awards recognize students who help to promote equality, respect and understanding for all persons regardless of race, color, culture, religion, age, gender, sexual orientation or disability.
- **Celebration:** Working with the School Board, the Commission hosted a celebration of the 30th anniversary of desegregation at the secondary school level and of the 1971 Titans' state football championship, bringing together courageous leaders of the time, football players and coaches, current City leaders and the community at T.C. Williams High School on December 3, 2001.
- **Public Hearing:** The Commission held a public hearing in February to elicit from the Spanish-speaking community concerns about social conditions that might give rise to discrimination. Problems presented relating to education, access to health care, recreation, and community safety received the attention of Commissioners who followed up with specific recommendations to City departments and private providers. The Commission endorsed the City's Multicultural Services Initiative.
- **UA/AA:** Working with the Commission on Persons with Disabilities, the Commission on Aging and the Commission for Women, the Commission reviewed the Applicant Tracking and Workforce Utilization Analysis reports and made recommendations to Council on achieving further diversification of City staff.

- Department Meetings: In November the Fire Department made its 3rd presentation to the Commission on recruiting and promotion practices. The Police Department in December gave its 11th annual report to the Commission on hiring and promoting females and minorities. The Commission also reviewed internal Police Department investigations 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.
- City Administrative Regulations: The Commission continued working with City management on revising the Administrative Regulations to add human rights requirements. The Commission assisted in a two-year effort that concluded in May to establish a policy and procedures for providing parking for persons with disabilities on residential streets.
- Safe House: The Commission concluded a pilot program to offer shelter for male victims of domestic violence and turned it over to the Domestic Violence Intervention Program (DVIP) of the Office on Women and the Police Department to administer.
- Other: The Commission participated in the Capital Pride Festival in June; passed resolutions opposing the "moment of silence" in public schools as passed by the General Assembly; and 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.