



Legislation Text

File #: ORD 17-021, **Version:** 2

Second Reading and Action on Ordinance 17-021, an Ordinance amending Division 2 of Article V of Chapter 2 of the Code of Ordinances of the City of Brookings, SD and pertaining to the Human Rights Commission of the City of Brookings.

Summary:

Proposed Ordinance 17-021 would amend and strengthen definitions of discrimination in the City of Brookings' current Non-Discrimination Ordinance and would modify corresponding procedures for the Brookings Human Rights Commission.

Background:

The City of Brookings embraces our diverse and vibrant community and actively seeks ways to be inclusive of all our residents and visitors. On February 28, 2017, the City Council formally adopted this message with the passage of Resolution 17-022, "*A Resolution Reaffirming Brookings Values of Inclusion, Respect, Tolerance, Equality and Justice, and the City's Commitment Toward Action to Reinforce These Values*" ([Resolution No. 17-022](#) <http://www.cityofbrookings.org/DocumentCenter/View/4040>). Subsequently, the Brookings School Board adopted the resolution on March 13, 2017 and the Brookings County Commission adopted theirs on March 21, 2017.

- Brookings City Council Video:
http://cityofbrookings.granicus.com/MediaPlayer.php?view_id=3&clip_id=512
- Newspaper article:
<https://brookingsregister.com/article/council-approves-inclusion-resolution>.
- Television Interview:
<http://www.ksfy.com/content/news/Brookings-City-Council-passes-inclusive-resolution->

When the Resolution of Inclusion passed, the Brookings Human Rights Commission heard clear direction from the City Council that a Resolution was nice, but it was not enough. We need to take meaningful action to give those words weight and meaning.

Our current "Municipal Equality Index" Score is 50/100. This is the highest score in the state, but well below our expectations. The Human Rights Campaign MEI Score closely examines the state, city, and school's laws, discrimination policies, relationship recognition, city employee benefits, municipality services, law enforcement, and leadership on equality and rates them on the basis of inclusivity of people who live and work here. While working with the National Human Rights Campaign to understand where Brookings fell short on our MEI score, we discovered that our City's ordinance covering discrimination in employment, housing, and public accommodations was not truly reflective of our belief in the value of diversity and inclusion. The Human Rights Commission worked with the City Attorney to draft proposed language that better reflects Brookings' position on diversity and inclusion in the community. The City Attorney believes that this language is appropriate under Home Rule.

Currently, we score 0/30 in the Non-Discrimination Laws category. We have been advised by the Human Rights Campaign that adopting the proposed changes to the ordinance would get us all 30 of these points. We would be the first city in South Dakota to achieve a perfect 100 score. Adopting the revisions to the ordinance would be beneficial to our MEI score. More importantly, adopting these changes will align the ordinance with our community values of diversity and inclusion. The proposed changes to the ordinance are a necessary step towards giving the words of the Resolution of Inclusion weight and meaning.

Working closely with the HRC, we have taken several meaningful steps forward in other categories. Our new score will be released later this fall. Inclusivity initiatives undertaken by the Brookings Human Rights Commission this year include:

- 1) Diversity & Inclusion Training - The City of Brookings implemented diversity and inclusion training mandatory for all city staff. Training topics include harassment and discrimination, hate crimes, bullying, diversity and inclusion, at-risk populations, and all legal compliance areas and protected classifications including sexual orientation, gender identity, and marital status. Brookings Municipal Utilities and Brookings County have also been invited to participate.
- 2) Diversity Training Budget - The City approved an increase to the BHRC budget by \$2,500 for diversity training purposes.
- 3) City Adopts Safe Zone Program - The City has adopted the Safe Zone Program for its employees and facilities. The Safe Zone Program helps create a more accepting atmosphere in the community by providing visual statements of support and safe space. The HRC has also invited Brookings County to participate in the program.
- 4) Health Care Benefits - The City added trans-Inclusive healthcare benefits for City employees.
- 5) Youth Services - Last year the BHRC contacted the Brookings Boys and Girls Club inquiring what services they provide to LGBTQ youth and recommended they consider additional resources. This year, the Brookings Club has adopted the "LGBTQ Initiative," which guides staff members in introducing inclusive language; creating a safe and inclusive environment; and developing inclusive policies and practices, strategies for supporting youth and families, and activities to reduce discrimination and stigma.

The BHRC continues its efforts to assist the recently formed Brookings High School SAGA (sexuality and gender alliance), which is a support group for LGBTQ students.

- 6) Law Enforcement Liaisons - Brookings increased the number of LGBTQ Law Enforcement Officer Liaisons to four representing three agencies: Brookings Police Department, Brookings County Sheriff's Office, and South Dakota State University Police. All four serve as official liaisons to the Brookings Human Rights Commission and attend meetings.
- 7) Inclusivity Team - After adoption of Resolution 17-022, the HRC formed the Inclusivity Team comprised of school representatives, the Interfaith Council, SDSU Diversity and Inclusion Officer, city staff, and HRC members. Initiatives include the signage campaign noted below and development of a Teaching Tolerance program in the Brookings School District.

- 8) Teaching Tolerance - The HRC Inclusivity Team is working with the school to provide training and resources to implement the Teaching Tolerance program in the Brookings School District. There is a ready cache of proven, award-winning materials to help turn K-12 schools into strong communities that welcome diversity. These resources are freely provided by Teaching Tolerance, an organization dedicated to reducing prejudice, improving intergroup relations, and supporting equitable school experiences for our nation's children. The Team is seeking private funding to provide training and incentives to bring a senior curriculum manager at Teaching Tolerance to provide a district-wide customized training and consultation; establish two annual teaching awards for Brookings K-12 educators for Outstanding Teaching Tolerance and Innovation in Teaching Tolerance; and create a graduate course that grants academic credit to teachers who complete online Teaching Tolerance training webinars.
<https://www.tolerance.org/>

9) Signs

Neighborhoods - As a follow-up to the Resolution, the HRC partnered with the Brookings Interfaith Council to purchase yard signs that read in Spanish, English, and Arabic, "No matter where you are from, we're glad you're our neighbor." Two hundred forty signs were offered free to the public and now blanket the community. The University posted signs during August move-in weekend for incoming freshmen.

Business Window Clings - Another welcoming & inclusion initiative the HRC is working on are business window clings that will say: "You Are Welcome Here, Hate is Not. People of every race, gender identity, ethnicity, sexual orientation, faith, and nationality are welcome and safe in this business." The HRC will work with the downtown organizations and the Chamber of Commerce to promote visible inclusiveness.

- 10) Religious Pluralism Panel & Feature Column Series - The BHRC will host the Community Common Read panel discussion "Religious Pluralism in America: A Day in the Life of Your Neighbor" on Monday, October 23, 2017 at 6:30 pm in the City & County Government Center 3rd Floor Chambers. The panelists will consist of community members representing various faiths and provide an overview of their faith, as well as answer questions related to their religious experience in the community.

Each week leading up to the event, the *Brookings Register* will feature an article from one of the panelists. These articles will strengthen community discussion regarding religious diversity by providing a deeper understanding of the panelists' background and experiences.

- 11) Social Equity & Sustainability - The BHRC and Sustainability Council attended comprehensive master plan meetings and strongly encouraged the consultants engage strategies to seek input from and develop policies for the underserved, under-represented, and under-participating residents.

- 12) Town Hall Meeting on Race Relations and Marginalized Communities - The BHRC co-sponsored a Town Hall Meeting as an open dialogue surrounding race relations between marginalized communities, law enforcement, and the media. The featured speaker was Sybrina Fulton, mother of Trayvon Martin, who was killed 5 years ago in Florida. A meet and greet involving various groups including law enforcement was held prior to the event.

13) Spring & Fall Diversity Potluck & Speaker's Series

BHRC sponsored its community-wide Diversity Potluck to bring people together for conversation, friendship, and good food. Everyone was encouraged to bring a dish to pass from his or her cultural background. The potlucks are free, open to all, and held at McCrory Gardens Education Center. A food drive for the Brookings Food Pantry is also held with each potluck.

- Spring - April 9 - Dr. Laura Renee Chandler & Cass Williams, Black Lives Matter
- Fall - October 8 - Nathan Ziegler

14) Dorothy & Eugene T. Butler Award for Human Rights - The City of Brookings honored Doris Giago as the recipient of the 18th annual Dorothy and Eugene T. Butler Human Rights Award on July 19. Professor Giago was recognized for her promotion of American Indian culture and storytelling.

15) Dr. Martin Luther King Day poster and essay contest - The following themes have been selected for this year's contest. The essay will specifically connect to the recent unrest in Charlottesville.

- Poster theme: "We may all have come on different ships, but we're in the same boat now."
- Essay theme: "True peace is not merely the absence of tension; it is the presence of justice."

16) Municipal Equality Index Scorecard - The BHRC participated in its 5th year of the Human Rights Campaign Municipal Equality Index program. The Human Rights Campaign is a national advocacy group that closely examines the state, city, and school's laws, discrimination policies, relationship recognition, city employee benefits, municipality services, law enforcement, and leadership on LGBT equality and rates them on the basis of inclusivity of LGBT people who live and work here.

Background - Human Rights Commission

The mission of the Brookings Human Rights Commission (BHRC) is to improve human relations in the Brookings area by fighting discrimination through education and a complaint resolution procedure. The Commission seeks to protect the rights of and prevent and eliminate bias and discrimination against individuals or groups because of their sex, race, color, creed, religion, ancestry, disability, familial status, national origin, age, marital status, ethnicity, sexual orientation, gender identity, or political affiliation, with respect to employment, labor union membership, housing accommodations, property rights, education, public accommodations or public services. The Commission promotes educational activities to make Brookings an inclusive and welcoming community.

The Brookings Human Rights Commission has a number of responsibilities including enforcement of the anti-discrimination laws by investigating and resolving allegations of illegal discrimination and harassment occurring in the City.

1. Promote human and civil rights for all its citizens and visitors.
2. Promote a mutual understanding and respect among all racial, religious and nationality

- groups and work to discourage and prevent discriminatory practices against any such group.
3. Attempt to foster, through community effort or otherwise, goodwill, cooperation, and conciliation.
 4. Study and determine the existence, character, causes and extent of discrimination in employment, housing accommodations, property rights, education, public accommodations, public services in the city, and discrimination based on age, disability, marital status, familial status, ethnicity, religion, sexual orientation, gender identity and political affiliation. The study and determination of discrimination is based on a broad understanding of civil and human rights as embodied in the 1964 Civil Rights Act as amended, which includes race, color, religion, gender and country of origin.
 5. Seek to prevent and eliminate bias and discrimination because of race, color, sex, creed, religion, ancestry, national origin, familial status, disability, marital status, gender identity, or sexual orientation by means of education, persuasion, conciliation and, to the extent permitted, enforcement, and utilize all the powers at its disposal to carry into execution the provisions of this chapter.
 6. Receive complaints alleging discrimination and conduct those investigations and inquiries as may reasonably appear necessary to find the facts with respect thereto. Investigations and inquiries can only be initiated upon the receipt of a complaint and shall be limited to the allegations contained in a complaint.
 7. Conduct public meetings and hearings, gather and disseminate information to governmental agencies and to the public.
 8. Utilize the records and services of municipal, state and federal governmental departments and agencies to the extent permitted by law, and pursuant to agreement with departments and agencies may refer matters for preliminary inquiry, conciliation, hearings, and findings.
 9. Furnish to any appropriate state or federal agency having jurisdiction in the premises a transcript of the proceedings and findings in any case in which a court of competent jurisdiction or the commission has, after hearings, found that any person has unlawfully discriminated.
 10. Enlist the cooperation of various racial, religious and ethnic groups, community, civil, labor and business organizations, student organizations, fraternal and benevolent associations, veterans' organizations, and other groups in educational campaigns and programs devoted to teaching the need for eliminating group tensions, prejudices, intolerance, bigotry and unlawful discrimination.
 11. Cooperate with federal, state and city agencies in developing programs showing the contributions of the various groups to the culture and traditions of our city and nation, the menace of prejudice, intolerance, bigotry and unlawful discrimination and the need for mutual respect.
 12. Advise the mayor, city council members, city manager and the respective departments of the city concerning matters consistent with the purposes and powers of the human rights commission.
 13. Recommend ordinances and other legislation pertinent to the purposes of protection of human rights.
 14. Conduct educational programs and disseminate information in furtherance of the purposes and policies of the human rights commission.
 15. Hear and investigate complaints alleging unlawful discrimination.

Recommendation:

Staff recommends approval.

Attachments:

Ordinance (with amendments)
Ordinance (clean)