

# City of Morgantown Human Rights Commission

Regular Meeting Agenda for

**20 July 2023 at 6:30 p.m.**

Morgantown Public Safety Building, Spruce Street

Training Office (in person)

Commission Members:

Chair: Annie CRONAN YORICK

Vice Chair: Bonnie Brown

Secretary: (Vacant),

Commissioners Danny Trejo, Cal Carlson, and Zoey Vilasuso (2 Vacancies)

*Ex Officio* Liaisons:

Tim Hairston, *State of WV Human Rights Commission*

Brian Butcher, *Morgantown City Council*

1) CALL TO ORDER

2) ELECTIONS:

- a) *Pro Tempore* Chair to take nominations and votes for the Chair position
- b) The elected Chair will assume leadership for the remainder of the meeting
- c) Nominations and Voting for the offices of Vice-Chair and Secretary

3) PUBLIC PORTION

4) MINUTES:

Motion to Adopt the deferred Regular Meeting Minutes for to date

5) COMMUNICATIONS & UPDATES:

- a) Liaison Updates
- b) Commissioner Updates

6) PRIORITY BUSINESS:

- a) MEI - Discuss the proposed Report and vote if appropriate
- b) Discuss the *Indigenous People's Day* Declaration
- c) Decide the questions, form, and timing for the *City-wide Population Needs Study*

7) NEW BUSINESS:

- a) Drafting the 2022 Annual Report required by the City Charter
- b) Assess the need to indicate that Brian Butcher is the HRC's official City Council Liaison

- 8) UNRESOLVED BUSINESS:
- a) HRC Website and Facebook Page updates
  - b) HRC Records Storage and Retrieval

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## Morgantown Municipal Equality Index 2022

### **SECTION I. NON-DISCRIMINATION LAWS**

#### **Non-Discrimination in Private Employment, Housing, and Public Accommodations.**

On October 17, 2017, the Morgantown City Council adopted a comprehensive non-discrimination ordinance, amending Article 153 of the Morgantown City Code. The ordinance addresses both sexual orientation and gender identity and applies to private employment, housing and public accommodations – in a state in which no community is supposed to have such classification protected under existing State Code. Morgantown is one of 18 municipalities in the State of West Virginia where non-discrimination protections for sexual orientation and gender identity have been adopted. The city has also added protection for persons with veteran status demonstrating to its public that sexual orientation and gender identity are not the only classifications which are insufficiently covered by the existing State Code.

Since the Council passed the ordinance, the Morgantown City Attorney, with the participation of the Morgantown Human Rights Commission, has developed a complaint procedure protocol to assist the Commission in managing and enforcing complaints as needed until the State Code is upgraded and the State Human Rights Commission can use its attorneys to address complaints relating to sexual orientation, gender identity, and veteran status. The form for filing complaints can be found here: <https://www.morgantownwv.gov/DocumentCenter/View/2560/Human-Rights-Complaint-Form---Adopted-July-19-2018-?bidId=>

#### **Flex: All-Gender Single-Occupancy Facilities.**

All single-user sex-segregated facilities within the Morgantown City Hall (built 1917) have been converted to all-gender facilities except two. At the municipal airport (built 1937, renovated 1986) and ice arena (constructed 1979) where only single large restrooms are available, no changes have been presently deemed possible. Wherever small multiple restroom facilities are built-in to facilities, all-gender facilities conversions have been implemented.

#### **Flex: Protects Youth from Conversion Therapy.**

On October 19, 2021, the Morgantown City Council unanimously passed an ordinance banning conversion therapy for minors within city limits, becoming the second city in West Virginia to do so. This updated Section 153.02 of the City Code: ([https://library.municode.com/wv/morgantown/codes/code\\_of\\_ordinances?nodeId=PTONEADC\\_O\\_CHSEVENBOCO\\_ART153HURI\\_S153.02DE](https://library.municode.com/wv/morgantown/codes/code_of_ordinances?nodeId=PTONEADC_O_CHSEVENBOCO_ART153HURI_S153.02DE)).

## SECTION II. MUNICIPALITY AS EMPLOYER

### **Non-Discrimination in City Employment.**

The City of Morgantown has passed non-discrimination employment, housing and public accommodation amendments related to gender identity and sexual orientation as specified in Article 153 in the Morgantown City Code. In addition, the Commission prepared a “Strategic Plan for Diversity, Equity and Inclusion” (DEI Plan) which includes a specific non-discrimination ordinance related to city employment and volunteer management. This city comprehensive personnel non-discrimination ordinance relates to all phases of personnel management. The statement of purpose for the DEI Plan is stated as follows:

“The purpose of the City of Morgantown Strategic Plan for Diversity, Equity, and Inclusion (DEI Plan) is to create a diverse volunteer assemblage and respected community of employees in the City’s workforces consistent with the City’s population. The plan’s mission is:

- 1) *To demonstrate diversity and inclusivity in City employment and volunteer participation in the City;*
- 2) *To overcome actual or perceived discrimination on the basis of race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, age, blindness, disability, familial status or veteran status which can limit opportunities for individuals and the potential proficiency of the City; and*
- 3) *To affirm the demonstrated benefits of a diverse workplace where empowered persons are treated with equity and justice while working together to provide quality, customer-oriented services to meet the needs of the public. (DEI Plan – Part Five, Paragraph 3.2, Page 12.)”*

This DEI plan was adopted by City Council Resolution on March 3, 2020.

The City's present Policy and Procedures Manual, approved January 2001, contains the following beginning statement:

*"The City of Morgantown Is an Equal Opportunity-Affirmative Action employer. As such, It Is the expressed policy of the City of Morgantown that it shall not discriminate against any person in any employment matter because of that person's race, color, sex, sexual orientation, creed, age, disability, religion, veteran status, or national origin. The City of Morgantown will maintain compliance with Federal Executive Order No. 11246 as amended, Title VII of the Civil Rights Act, The West Virginia Human Rights Act, Section 504 of the Vocational Rehabilitation Act, the Veterans Readjustment Act, the Age Discrimination in Employment Act as amended, the Pregnancy Discrimination Act, and other applicable laws and regulations. This policy shall govern all matters related to pay increases, promotions, transfers, terminations, disciplinary actions, temporary layoff procedures, and other terms and conditions of employment."*

### **Transgender-Inclusive Healthcare Benefits.**

The present City health insurance coverage does not yet include at least one municipal employee health insurance plan that expressly covers transgender healthcare needs, including gender-

affirming procedures, hormone therapy, mental health care, and other gender-affirming care. The present plan exclusion of transgender health needs is listed as Medical Exclusion #46.

The U.S. Supreme Court's recent ruling in *Bostock v. Clayton County*, (June 15, 2020) provides a premise for providing equal insurance coverage for transgender individuals through their employee, spousal or family policy in the same measure as coverage for those transgender the same as completeness of coverage to any other employee for any other reason.

The City is analyzing opportunities to provide coverage which may include psychological counselling therapy, medical, hospitalization, surgical, prescription coverage and any other similar benefit toward transgender persons, binary and non-binary under the City umbrella. Though the plans are not finalized, the city is working with an insurance broker and third party administrator to explore the types of coverage that may be provided. It is important to note that the City's healthcare coverage is a self-insured plan which is impacted by any changes to benefits.

### **City Contractor Non-Discrimination Ordinance or Policy.**

It is the City of Morgantown's adopted policy to execute all contracts with a form addendum which requires that contractors abide by the City's nondiscrimination ordinance.

*NONDISCRIMINATION – The City requires that all parties conducting business within the City, and with which the City enters contracts, abide by its Nondiscrimination Ordinance, as codified at Article 153 of the Codified Ordinances of the City. Vendor shall not discriminate with regard to race, religion, color, national origin, ancestry, sex, age, blindness, disability, sexual orientation, gender identity, familiar status, or veteran status in the performance of its duties, and Vendor shall obligate its agents, subcontractors, and all other related parties performing work or services for the City to comply with this policy and the Nondiscrimination Ordinance.*

### **Inclusive Workplace.**

The adopted DEI Plan specifically provides 12 diversity management practice categories relating to the recruitment, training, and retention of diverse employees and volunteers.

The primary goal of the DEI Plan is to create a more inclusive workplace. Providing direct outreach to LGBTQ+ organizations, as well as to other minority organizations, is a specific element in the DEI program. To meet this goal, the City of Morgantown posts all job listing on their website and distributes these job postings to a wide variety of organizations that represent both the LGBTQ+ community and other minority groups.

The City Council recognizes that using online and printed media to conduct outreach to inform special interest populations on externally posted city employment vacancies promotes a diverse and inclusive workforce. It is the intention of the City to promote the use of such outreach when reasonably possible to fill employment vacancies. Examples of outreach recipient organizations for personnel recruitment and annual reporting will include neighborhood associations; LGBTQ+ organizations; minority liaison organizations; social justice and minority advocacy organizations;

and interested service, education and religious organizations wishing to receive regular distribution of information. The Human Resources Director maintains a list of outreach recipient organizations and individuals who have expressed interest in receiving outreach notices. Individuals may request access to distributed information by submitting requests in writing to the Human Resources Director. The list for employment outreach will be reviewed annually by the Human Rights Commission and the City Manager's Office.

**Flex: City Employee Domestic Partner Benefits.**

Domestic partner benefits are available for married partners ("spouses") of both same-sex and different-sex domestic partners of city employees and their legal dependents. A marriage certificate is required at the time of enrollment for benefits for all employees claiming access to the benefits. This policy on marital eligibility coverage is documented in Section VI Eligibility for Coverage in the Health Benefits Handbook for Employees.

## SECTION III. MUNICIPAL SERVICES

### Human Rights Commission.

The City of Morgantown's Human Rights Commission was originally formed in 2001 and then reactivated in 2012. Since that time, it has met monthly to ensure Morgantown continues to be an inclusive city. The website is: <https://www.morgantownwv.gov/272/Human-Rights-Commission>

The Commission has developed an Anti-bullying ordinance with the assistance of the City Attorney and a Minority Liaison Coordinating Council – also approved and authorized by the action of the City Council.

Since 2012, the Commission has:

- Conducted a Human Rights Need Survey in the City;
- Developed a total of eight resolutions and two ordinances which have been approved by the Morgantown City Council;
- Generated a Section 208 compliant upgrade of the City web site;
- Generated **successful resolutions** increasing awareness and enforcement of the Fair Housing Act and advocating for a just transition for coal workers;
- Developed, with West Virginia University, plans and funding for an annual community/university human rights film festival which each year has addressed issues relating to sexual orientation.
- Generated authorization for drafting a DEI Plan for the City's Workforce, Volunteer Policy Advisors, and Community members and completed this draft with collaboration with City Administration for the Morgantown City Council;
- Upgraded the City's human rights ordinance to be a more comprehensive, human rights ordinance for the City;
- Developed, with the City Attorney, procedures for addressing citizen complaints which cannot be referred to the State Human Rights Commission;
- Established an annual December 10th Human Rights Day observance, during which community human rights initiatives are recognized and awards presented.
- Activated a 24/7 Human Rights Commission telephone information line as an adjunct to the Commission's site on the City of Morgantown web site;
- Worked on housing affordability and accessibility and fair housing resolutions for City Council, increasing awareness of code compliance, and participating in housing awareness events.
- Developed table and banner displays for special events and for response to emerging issues;
- Prepared an annual calendar of human rights observances for use by student, schools, and community organizations;
- Developed materials and maintained a comprehensive website as part of the City's website.
- Participated in the 2021 Morgantown Pride Block Party

- Developed ordinances and resolutions that were passed by Morgantown City Council regarding the banning of conversion therapy for minors; prohibition of bullying of in city services, activities, programs, and facilities; supporting the CROWN Act; and the human right to food

### **Non-Discrimination Ordinance Enforcement by Human Rights Commission.**

To responsibly enforce the new comprehensive non-discrimination amendments, which address non-discrimination for existing State Code classification and added local protections for classifications of sexual orientation, gender identity, and veteran status, the Commission requested that City administration provide guidelines and a protocol for conducting hearings relating to complaints submitted to the Commission. City Attorney Ryan Simonton helpfully worked with his staff and the Commission to generate such a procedural outline. Complaints which relate to classes covered by the State Human Rights Code will be referred to the State Commission, but any complaints address concerns not protected by the State Code can now be addressed for city residents by the Commission. Website link:

<http://morgantownwv.gov/DocumentCenter/View/2559/Human-Rights-Commission-Complaint-Procedures---Adopted-20180719>

In addition, the Commission created a step-by-step flow chart for the City's website to provide the community with an easily accessible guide regarding the complaint process.

Website links:

<https://morgantownwv.gov/DocumentCenter/View/3066/MHCC-Flowchart-pg1>

<https://morgantownwv.gov/DocumentCenter/View/3067/MHCC-Flowchart-pg2>

[https://morgantownwv.gov/DocumentCenter/View/3068/MHRC2\\_audio-guide](https://morgantownwv.gov/DocumentCenter/View/3068/MHRC2_audio-guide)

### **LGBTQ+ Liaison in the City Executive's Office.**

In 2020 the Commission received approval from the City Manager to establish an LGBTQ+ Liaison position that will work to enhance communications between the city and the LGBTQ+ community. In 2022, the LGBTQ+ Liaison was Ash Orr. The Liaison's contact information can be found here: <https://www.morgantownwv.gov/155/City-Manager>.

### **Flex: Youth Bullying Prevention Policy for City Services.**

The City passed an Ordinance Prohibiting Bullying in City Services, Activities, Programs and Facilities Serving Youth, which is Article III in a new Section 111.01 within its Administrative Code. This policy is intended to prohibit bullying, harassment and intimidation in all youth-serving City services, activities, programs, and facilities. All City agencies which serve youth (21 years of age or less) are directed by the ordinance to establish a clear, written policy for reporting, addressing, and preventing bullying as defined in the ordinance. These agencies are directed to submit policies to the City Council for its review no later than one hundred eighty days from the adoption of the ordinance which took place on July 2, 2019.

Upon inquiry, the Morgantown Human Rights Commission learned that the city followed up with appropriate organizations and service providers to ensure anti-bullying policies were indeed in place.

In West Virginia the State Board of Education has taken leadership on the issue of preventing bullying. The Monongalia County Board of Education locally approved Policy 9-39 regarding Expected Behavior in Safe and Supportive Schools on July 10, 2012. The policy requires administrators to identify biased-based bullying. WV Bully-Free (the public education campaign to secure effective anti-bullying policies in West Virginia) supports these new reporting policies because they provide specific characteristics that students are often bullied for including; physical appearance, socio-economic status, sexual orientation, and gender identity and expression.

The schools in Morgantown, under the direction of the Monongalia County Board of Education, have the benefit of participating in a State-wide anti-bullying program adopted by the State BOE. This program has included a School Climate Survey of students in each of the high school grades, their parents, and teachers to determine the climate and behaviors prevalent in local schools. The survey has included special questions relating to sexual orientation and various types of bullying, hazing, and harassment behaviors - including cyber bullying. This survey has been followed up by training sessions for teachers and school staff persons in addition to awareness training for students. Fairness West Virginia has supported the progress on anti-bullying at the State level as has the Commission.

**Flex: City provides services to/supports LGBTQ+ youth.**

Morgantown's Friendship House is part of Health Right, a non-profit health center in Morgantown. The Friendship House receives \$10,000 in funding annually from the City and serves as a mental health drop-in center and recovery center for youth and adults with mental illness, substance use disorders and experiencing homelessness. With the current opioid epidemic, the Friendship House is serving an overwhelming number of LGBTQ+ youth who are unable to find assistance anywhere else. The Friendship House provides these LGBTQ+ youth with counseling, peer support services, mental health crisis support, recovery coaching, referral services, basic needs programs like food and respite, and recovery groups. Through Health Right's Harm Reduction Program, (a syringe exchange program) healthy sexuality education for harm reduction is provided.

**Flex: City provides services to/supports LGBTQ+ people experiencing homelessness.**

Morgantown's Friendship House is also an essential center for service for adults with mental illness, including substance use disorders and individuals experiencing homelessness. The Friendship House receives funding from the City and the House is open to LGBTQ+ homeless individuals in need of peer support services, mental health crisis support, recovery coaching, referral services, basic needs programs like food and respite, and recovery groups.

Additionally, the City of Morgantown allocated money in 2021 through the American Rescue Plan Act (ARPA) for mental health and social services, including \$800,000 to Health Right for a

new facility and the relocation of the Friendship House, \$125,000 to Morgantown Community Resources to continue building and renovating Hazel's House of Hope (a social services collaborative with community partners to assist those who are homeless, experiencing food insecurity, or those combatting addiction), \$72,879 allocated for a Street Outreach Coordinator position, \$70,000 to Mountain State Justice, and \$30,000 to Lauren's Wish Triage.

**Flex: City provides services to/supports LGBTQ+ older adults.**

BOPARC (Morgantown Board of Parks and Recreation) is home to the Wiles Hill Community Center, formerly known as the BOPARC Senior Center. BOPARC provides services for people of all ages, such as art classes and music programs, and has Senior/Adult Wellness classes geared towards those over the age of 55. Additionally, the City helps support the public health department's in-home and centralized services for persons of all ages.

**Flex: City provides services to/supports people living with HIV or AIDS.**

Caritas House is an agency in Morgantown specifically serving persons living with HIV or AIDS. provides education, shelter, health care assistance and advocacy for the population served. No person with HIV or AIDS is rejected from the care that the agency can provide. The City has helped the agency make its facilities accessible for persons with disabilities that affect their mobility as well as provided some resources from time-to-time for care delivery.

**Flex: City provides services to/supports the transgender community.**

Health Right, a non-profit health center in Morgantown, offers the transgender community clean syringes for their transition hormone therapy.

## **SECTION IV. LAW ENFORCEMENT**

### **LGBTQ+ Police Liaison or Task Force.**

In 2020, the City Manager and the Chief of Police have created an LGBTQ+ Liaison position within the Morgantown City Police Department. The position is currently filled by Patrolman Marshall Foster. The liaison's contact information can be found at <https://www.morgantownpd.com/about>.

### **Reported 2020 Hate Crimes Statistics to the FBI.**

There are four law enforcement agencies which relate to the City of Morgantown and its surrounding area: the Morgantown City Police, WVU Police Department, the Monongalia County Sheriff's Department, and the West Virginia State Police. Each of the four departments report crime statistics independently and monthly to the FBI. Additionally, the State Fire Marshal's office can report hate crimes. The Chief of the Morgantown Police Department states that the department is part of an Integrated Crime Reporting System which automatically reports crimes monthly to the FBI. Data for Hate Crime Statistics can be found at <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/hate-crime>

In 2020, the Morgantown Police Department reported 3 hate crimes, with 2 in the Anti-White category and 1 in the Anti-Heterosexual category. In the past 5 years prior to 2020, there have been a total of 5 hate crimes reported by the Morgantown Police Department, with 3 in the Anti-White category, 1 in the Anti-Arab category and 1 in the Anti-Heterosexual category. From the most recent FBI Hate Crime Statistics (2021), there were 6 hate crimes reported by the Morgantown Police Department, all under the Anti-Sikh category.

## **SECTION V. LEADERSHIP ON LGBTQ+ EQUALITY**

### **Leadership's Public Position on LGBTQ+ Equality.**

One resolution, mentioned above, advocated for the State Legislature to act by supporting a bill entitled "Employment and Housing Non-Discrimination Act." Although this bill had nearly passed in the 2014 State Legislative Session, Fairness West Virginia asked that the bill be withdrawn because of an amendment excluding transgender from the coverage. The Morgantown resolution was passed with the hope that the bill would be passed in the 2015 WV Legislature, but it failed in an election year to be reported out of committee.

It was hoped that the EHND and equality in marriage bill would both be passed during the 2015 WV Legislative session. The Morgantown City Council made the EHND a pre-session priority in a meeting with the local legislative delegation before the session (through the leadership of City Councilor Mike Fike who was also a member of the Human Rights Commission). Unfortunately, due to the hostile legislative environment, the bills were not introduced. Even so, the Morgantown resolutions supporting both LGBTQ+ issues were again distributed to the legislative leadership and key State committee members through the active advocacy from the Commission.

In the 2016 State legislative session, there were only a few friendly legislators on the Senate and House side as the Commission supported Fairness West Virginia's successful efforts to defeat a bill which would have taken away LGBTQ+ protections and undermined the work of local municipal human rights commissions throughout the State. The Commission (as reported in detail in previous sections of this application) has worked throughout 2016, and 2017 to establish a more comprehensive City ordinance to protect employment, housing and public accommodations for LGBTQ+, gender identity, and other vulnerable citizens in the City. Three identical bills were introduced with 7 different bi-partisan sponsors signing on to each bill, but even with the growing support of younger legislators, House leadership blocked floor action.

In the 2018 State Legislative Session, once again multiple identical bills with multiple bi-partisan sponsors received support and again the Speaker of the House prevented the bills from coming to the House floor for a vote – even with their passage in the Senate. With a new speaker of the house in 2019, it was hoped protections for sexual orientation and diversity in gender identity would be adopted. In this 2019 session, however, even though there was majority bi-partisan support for the legislation, the chair of the Senate Judiciary Committee refused to allow a House approve bill to be brought to the Senate floor for a vote. The legislation again was killed.

For 2020, in regard to pro-equality legislative and policy efforts, although there was a great deal of delegate and senate support, there was no legislation passed. The main barrier to change is the Speaker of the House who has been unwilling to reconsider his position on these matters.

### **Leadership's Pro-Equality Legislative or Policy Efforts**

One resolution, mentioned above, advocated for the State Legislature to take action by supporting a bill entitled "Employment and Housing Non-Discrimination Act." Although this bill had nearly passed in the 2014 State Legislative Session, Fairness West Virginia asked that the bill be withdrawn because of an amendment excluding transgender from the coverage. The

Morgantown resolution (*Attachment #10*) was passed with the hope that the bill would be passed in the 2015 WV Legislature, but it failed in an election year to be reported out of committee.

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For 2020, regarding pro-equality legislative and policy efforts, although there was a great deal of delegate and senate support, there was no legislation passed. The main barrier to change is the Speaker of the House who has been unwilling to reconsider his position on these matters.

### **Flex: Openly LGBTQ+ Elected or Appointed Municipal Officials**

As of 2022, there are not any openly LGBTQ+ elected officials serving the City of Morgantown. However, City Council has appointed numerous members of the LGBTQ+ community to serve on the City's boards and commissions.

**Flex: City Tests Limits of Restrictive State Law (3 flex points).** This category (formerly called “Resisting Dillon’s Rule”) only applies to cities located in states with statewide laws that restrict cities’ authority to pass LGBTQ-inclusive ordinances. Such cities that take distinct actions to push back against state limits to their ability to pass pro-equality laws will qualify for three flex points in this section. Cities can advocate against restrictive state law through council resolutions

or declarations and engagement with state legislators. For more information on preemption laws, please see the issue brief entitled, Power Struggles and Preemption, here or at [www.hrc.org/mei](http://www.hrc.org/mei).

- **Required Documentation:** Links to relevant news articles, copies of council resolutions or declarations, summaries of state-level advocacy by city officials, etc.

## References

BOPARC Wiles Hill Community Center: <http://www.boparc.org/senioradult-wellness-programs.html>

FBI Hate Crime Statistics: <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/hate-crime>

Morgantown Annual Budget for Fiscal Year 2022-2023:  
<https://www.morgantownwv.gov/ArchiveCenter/ViewFile/Item/231>

Morgantown City Code Section 153: Human Rights Commission:  
[https://library.municode.com/wv/morgantown/codes/code\\_of\\_ordinances?nodeId=PTONEADC O\\_CHSEVENBOCO\\_ART153HURI](https://library.municode.com/wv/morgantown/codes/code_of_ordinances?nodeId=PTONEADC O_CHSEVENBOCO_ART153HURI)

Morgantown City Code Section 153.02:  
[https://library.municode.com/wv/morgantown/codes/code\\_of\\_ordinances?nodeId=PTONEADC O\\_CHSEVENBOCO\\_ART153HURI\\_S153.02DE](https://library.municode.com/wv/morgantown/codes/code_of_ordinances?nodeId=PTONEADC O_CHSEVENBOCO_ART153HURI_S153.02DE)

Morgantown Human Rights Commission Website: <https://www.morgantownwv.gov/272/Human-Rights-Commission>

Morgantown LGBTQ+ Liaison: <https://www.morgantownwv.gov/155/City-Manager>

Morgantown Police Department LGBTQ+ Liaison: <https://www.morgantownpd.com/about>

Morgantown Police Department LGBTQ+ Liaison job description:  
<https://www.morgantownwv.gov/DocumentCenter/View/3417/MPD-LGBTQ-Liaison-Position-Description>

Morgantown Strategic Plan Interim Report, 2021-2023:  
<https://www.morgantownwv.gov/DocumentCenter/View/4648/2021-2023-Strategic-Plan-Interim-Report>

Morgantown 2021 ARPA funds distribution:  
<https://www.morgantownwv.gov/DocumentCenter/View/5018/ARPA-Project-Updates-Infographic>

**City of Morgantown**  
**HUMAN RIGHTS COMMISSION**  
**Operating Procedures - Renamed Bylaws (6/16/19)**

**Article 1: Name and Internal Operating Procedures**

- A. **Name:** The name of this Commission shall be the City of Morgantown Human Rights Commission.
  
- B. **Role of Internal Operating Procedures:** The intent of these Internal Operating Procedures shall be to inform and expedite the implementation of the policies, objectives, functions and services of Sections 153.01 – 153.09 of the Morgantown City Code as applied to the City of Morgantown Human Rights Commission. Should there be any instance in which these Internal Operating Procedures may be determined to be in conflict with ordinances of the City Code, City Council’s interpretation of the City Code shall prevail.

**Article 2: Organization**

- A. **Authority:** The role of municipal government is not only to provide services but to maintain ways in which a community can live together inclusively, functionally, and justly despite differences, complexities, and conflicts. A city organization must focus on more than stewardship and service but also on the quality of community life and the protection of the community from preventable unfair damage to the lives of individual citizens and families. The Morgantown Human Rights Commission (hereafter referred to as “the Commission”) has been established by the City Council using Section 153.01 et seq. of the Morgantown City Code to authorize and empower the Commission to assist the City of Morgantown in providing leadership for addressing community interaction and fairness concerns.
  
- B. **History:** The State of West Virginia has addressed human rights concerns by first passing a West Virginia Human Rights Act (codified as WV 5-11-1 et seq.) in 1961. The action preceded the passage of the federal Civil Rights Act of 1964, which outlawed discrimination nationwide. The West Virginia Human Rights Act has been amended over the years from an act designed to “encourage” and “endeavor to bring about mutual understanding” to enable power within the State to compel equal opportunity. Related federal legislation to protect human rights includes the American Disabilities Act, the Equal Opportunity Employment Act and the Fair Housing Act. The Morgantown City Council first established a Human Right Commission in 2001. The work of the Commission was redirected and reactivated in 2012 following National League of Cities designation of Morgantown as an “Inclusive City” in 2006 and collaborative work of an Inclusive City Committee thereafter.

## **Article 3: Definitions**

### **A. When used in these internal operating procedures:**

1. “Person” means one or more individuals, partnerships, associations, organizations, corporations, labor organizations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers and other organized groups of persons;
2. “Commission” means the Human Rights Commission of the City.
3. “Inclusive City” and “Inclusive Community” as used in this ordinance, shall mean the same thing, e.g., a city that helps people thrive by: supporting hospitality; welcoming diversity; promoting civility; promoting safe, affordable dwellings; enabling participation in community, services, and local government; supporting fairness in access to opportunities and services; reducing violence; supporting social justice; encouraging awareness and understanding of opportunities/limitations; making residents aware of the West Virginia Human Rights Commission; and working for a more sustainable community for present and future citizens.
4. “Discriminate” or “discrimination” means to exclude from, or fail or refuse to extend to, a person equal opportunity in employment, public accommodations, housing, or other real property transactions because of race, religion, color, national origin, ancestry, sex, age, blindness, disability, sexual orientation or familial status. Discriminate includes to separate or segregate based on any of these characteristics;
5. “Race, religion, color, national origin, ancestry, sex, age, blindness, handicap or disability, and familial status” are defined herein to be equivalent to the definitions in the West Virginia Human Rights Act, Code 5-11-3;
6. “Sexual orientation” means having a preference for heterosexuality, homosexuality, being transgendered, or bisexuality, having a history of such preference or being identified with such preference.
7. “National League of Cities” means the National League of Cities and its various institutes and programs which relate to diversity in municipal populations throughout the United States and to efforts to support development of more equitable and sustainable communities.
8. “A conflict of interest” is a question of direct personal or monetary interest – other than being considered for elective office or representation of the Commission - that is not common to other members of the organization.

## **Article 4: Purpose**

### **A. The purpose of the Commission shall be to:**

1. Work to make Morgantown an inclusive city.
2. Enhance the ability of the City Government to respond to issues of inclusivity and potential or identified violations of human rights as authorized in the Section 153.01 et. seq. of the City Code.
3. Collaborate with the National League of Cities, West Virginia University, Monongalia County Commission and other partners as appropriate to encourage leadership in helping attain inclusivity in the City and its larger community.
4. Assess needs and identify barriers towards becoming a more inclusive community. Establish goals and objectives for sustaining welcoming environments, enhancing global awareness, and promoting optimum opportunities for supporting safe housing and thriving people.
5. Support as well as plan, publicize, implement, and evaluate programs, services and activities which promote appreciation for all peoples and the personal worth of every individual.
6. Enlist the cooperation of civic, community, corporate, educational, ethnic, health care, labor, racial, religious, social justice or other identifiable groups of the City in programs and services devoted to the advancement of tolerance, communication and understanding, and equal protection of the laws of all groups and people.
7. Encourage and endeavor to bring about mutual understanding and respect among all racial, religious and ethnic groups within the City; and shall strive to eliminate all discrimination in employment and places of public accommodations by virtue of race, religion, color, national origin, ancestry, sex, age, blindness, sexual orientation or disability, and shall strive to eliminate all discrimination in the sale, purchase, lease, rental or financing of housing and other real property by virtue of race, religion, color, national origin, ancestry, sex, age, blindness, sexual orientation or disability.

## **Article 5: Functions, Duties and Powers**

### **A. The work of the Commission shall be as follows:**

1. Do all acts and deeds necessary and proper to carry out and accomplish effectively the objectives, functions and services specified in Section 153.01 et

- seq. of the Morgantown City Code including the promulgation of rules and regulations implementing the powers and authority vested in the Commission.
2. Receive contributions from individuals and organizations identifying needs and requesting action pertaining to the purposes and work of the Commission.
  3. Study both opportunities to increase inclusivity and barriers which limit community inclusiveness and civil rights.
  4. Research best practices utilized in addressing specific issues.
  5. Study identified concerns and formulate recommended plans, steps and strategies for addressing priority needs and critical issues.
  6. Prepare a community plan for inclusivity based on public issue identification, study of survey results and outcomes of public participation, establishment of priorities-goals-objectives and collaborative strategies, and proposed evaluations.
  7. To keep the City Council and the City Manager informed of pertinent outcomes of studies, planning and recommendations which relate to program development or sensitive public concerns.
  8. To recommend to Council policies, procedures, practices and legislation in matter and questions affecting human rights.
  9. To generate public awareness of the results of research and studies through preparation of plans, programs, media, publications, and collaborative initiatives whenever feasible as in the Commission's judgment will tend to promote goodwill and public understanding and assist in minimizing or eliminating discrimination while protecting the identity of any parties involved.
  10. Review City plans and policies which contain matters relating to inclusivity or discrimination.
  11. Create such advisory agencies within the City as in the Commission's judgment will support study the problem of discrimination, foster goodwill, cooperation and conciliation, lead to recommendations to the Commission for the development of policies and procedures and/or programs of formal and informal education, which the Commission may recommend to the appropriate City agency.
  12. To prepare a written report on the Commission's work, functions and services for each year ending on June 30 and to deliver copies thereof to Council on or before the following December 1.

**B. The Commission is authorized and empowered to:**

1. Cooperate and work with federal, state and local government officers, units, activities and agencies in the promotion and attainment of more harmonious understanding and greater equality of rights between and among all racial religious and ethnic groups in this City.
2. Enlist the cooperation of racial, religious, and ethnic units, community and civic organizations, industrial and labor organizations and other identifiable groups of the City in programs and campaigns devoted to the advancement of tolerance, understanding and the equal protection of the laws of all groups and people.
3. Hold and conduct public meetings relating to any and all types of discrimination. (These meetings shall be of a non-adjudicatory nature and shall not constitute investigations or adjudication of individual complaints regarding unlawful discrimination.)
4. Refer any individual or group complaint regarding alleged acts of unlawful discrimination to the West Virginia Human Rights Commission for investigation and adjudication.

**Article 6: Complaints, Procedures**

- A. The Commission shall inform any individual claiming to be aggrieved by an alleged unlawful discriminatory practice under West Virginia Human Rights Act 5-11-9 that the Commission does not have the power to accept formal complaints of illegal practices. Any individual claiming to be so aggrieved shall be referred to the West Virginia Human Rights Commission for investigation and adjudication of the complaint.

**Article 7: Membership**

- A. The Commission shall consist of seven members to be appointed by the City Council.
- B. Commissioners shall serve for two-year terms beginning with the first meeting after the beginning of the municipal fiscal year. Four of the seven members shall be appointed to serve terms of two years, while three shall be appointed to serve terms of one year. Thereafter terms of office for all commissioners will be two-year terms with four terms expiring one year and three terms expiring in the following year. Members may be reappointed to subsequent two-year terms.

- C. When each vacancy occurs, the Commission shall provide to the City Clerk for the City Council a list of recommended replacements of not more than three citizens who it believes can best support the work of the Commission at that time.
- D. The Commission may appoint, with the approval of City Council, ex-officio members who shall have the privilege of participation without the right to vote.

### **Article 8: Officers**

- A. Officers: The officers of the Commission shall be a Chairperson, Vice Chairperson, and Secretary. The Chairperson, Vice Chairperson, and Secretary shall be elected from the Commission membership. Officers elected shall hold term for one (1) year and be eligible for re-election. All nominees shall confirm their willingness to serve if elected, prior to their name being placed in nomination.
- B. Administration Representative: An Administration Representative may be appointed by the City Manager or his/her designee to be a non-voting member of the Commission. The Administration Representative shall provide reports as needed and supervise interns working with the Commission.
- C. Chairperson: The Chairperson of the Commission shall prepare agenda, call all meetings, preside at all meetings, serve as a liaison with the City Administration, be a consulting member of all committees formed, and perform all functions pertaining to the office.
- D. Vice-Chairperson: The Vice Chairperson shall act as Chairperson in the absence of the Chairperson. The Vice-Chairperson shall have such other duties, as the Commission may authorize from time to time to be assigned to the office.
- E. Secretary: The Secretary shall be responsible for the minutes of all regular and special Meetings of the Commission, keeping records of membership and meeting attendance, and for preparing correspondence and reports of the Commission to the City Manager, City Council or other body as needed or requested. The Secretary shall have custody of all records and have final responsibility for submitting copies of approved minutes to the City Clerk and City Public Information Officer in compliance with City policies.

### **Article 9: Commission Meetings**

- A. Regular Meetings: Meetings shall be conducted in compliance with the West Virginia Public Meetings Law and be open to the general public. Meetings shall be held monthly or no less than quarterly upon the call of the chairperson. Dates of regular meetings will be decided upon in advance or at the previous meeting. All

meetings will be publicized utilizing the City website and/or services of the City Public Information Officer in compliance with the West Virginia Open Governmental Proceedings Act.

- B. Public Sessions:** Each regular meeting shall provide an opportunity for a public session to allow citizens and visitors to comment on matters to be discussed or to have input on other matters of concerns. Each speaker shall provide their name and home address and limit remarks to five minutes or other time limit set by the chairperson. Any extended or audio-visual presentations must be arranged one week in advance of the meeting in consultation with the chair person.
- C. Special Meetings:** Special meetings may be called by the chairperson or by decision of the majority of the membership at a regular meeting. No business other than the subject of the special Meeting shall be transacted at the special meeting.
- D. Quorum:** Fifty percent (50%) of the voting members shall constitute a quorum for the transaction of business. Meeting attendance reports shall be reported in meeting minutes and reported to the City Clerk as requested.
- E. Decision Making:** Rules for meeting procedure will follow Robert's Rules of Order as Revised. Informal decision making may be decided by consensus.
- F. Committees:** The Commission shall have the authority to establish standing or ad hoc committees as necessary to meet its responsibilities. The Commission or its chairperson shall appoint chairpersons for committees. Committees shall report on progress at each regular meeting.
- G. Conflict of Interest:** A Commission member should not vote on a question in which she/he has a direct personal or monetary interest not common to other members. By general principle a member with a conflict of interest does not participate in discussion of a matter – unless invited by the Commission to do so - or vote on the question. However, a Commission member is not compelled to abstain because of such a conflict of interest.
- H. Accommodation:** Persons needing sound support or other accommodation for a meeting shall be required to make a request for the accommodation to the chairperson no less than one full week in advance of the meeting.

## **Article 9: Funding and Fiscal Responsibilities**

- A. Appropriation of Funds:** City Council may appropriate funds that it deems necessary to carry out the proposals submitted by the Commission. The Commission, with the approval of City Council, may apply for State, Federal or foundation financial aid in grants or other forms of assistance through the City Administration to assist in carrying out approved plans or projects.

- B.** Fiscal Responsibilities: The Commission shall not have the authority to maintain any account or to manage any appropriation, grant, gifts, endowments, bequests or investments. Any such accounts shall be managed by the office of the City Manager.

**Article 10: Changes to Internal Operating Procedures**

- A.** Amendments, revisions or additions to these Internal Operating Procedures or other rules of procedure may be approved by two-thirds (2/3) vote of the Commission membership.

Approved by action of the Morgantown Human Rights Commission,

*Date: December 18, 2014*

\_\_\_\_\_  
*Chair*

\_\_\_\_\_  
Secretary