



Submission For The
HUMAN RIGHTS CAMPAIGN
Municipal Equality Index
Based on 2022

Due Date: August 31, 2023

FOREWORD:

The City of Morgantown is unique in the State of West Virginia. It is the home of WVU, the State's only R1 Land-Grant University. As such, the City can combine efforts with the university to protect Human Rights, especially for those in the LGBTQ+ community. WVU offers myriad programs and services that are available to all people of Morgantown. (See <https://lgbtq.wvu.edu/> and <https://www.alumni.wvu.edu/chapters/interest-groups/lgbtq-alumni>) The City supports but does not duplicate some of these programs. Were WVU to discontinue these services, the City would likely fund them as municipal projects because they are consistent with City policy.

Morgantown is a progressive city; it is consistently named "The Most 'Hippie' Town" in the State. (See <https://www.onlyinyourstate.com/>)

Morgantown is proud of its progressive record, especially when the State of West Virginia is frequently named the "Most 'RED' State in the U.S. The 2022/23 State Legislature took great strides to repeal and restrict civil and human rights. (See <https://www.wvlegislature.gov/wvcode/code.cfm>). Morgantown is dedicated to preserving and enlarging those rights. (See "City of Morgantown Strategic Plan for Diversity, Equity, and Inclusion for City Workforce, Volunteer Policy Advisors, and Community Members" at <https://www.morgantownwv.gov/documentcenter/view/3269>)

This document revisits some information from previous MEI submissions. The areas where Morgantown was deemed deficient in the 2023 Draft Scorecard are highlighted in **green**. Other salient points are highlighted in **yellow**.

SECTION I. NON-DISCRIMINATION LAWS

Non-Discrimination in Private Employment, Housing, and Public Accommodations

In October 2017, the Morgantown City Council adopted a comprehensive non-discrimination ordinance that amended Article 153 of the City Code. The ordinance recognizes sexual orientation and gender identity as protected classes. It applies to public and private employment, housing, and public accommodations. The City also adds protection for veteran status, demonstrating that sexual orientation and gender identity are not the only classifications insufficiently covered by the West Virginia State Code (See <https://www.morgantownwv.gov/documentcenter/view/1548>)

The Morgantown Human Rights Commission (HRC) uses a complaint procedure to manage, adjudicate, and enforce penalties for violations of sexual orientation, gender identity, and veteran protection. This protocol will remain in place until the State grants protected status and the West Virginia Human Rights Commission can address complaints related to sexual orientation, gender identity, and veteran status. (See <https://morgantownwv.gov/DocumentCenter/View/2559/Human-Rights-Commission-Complaint-Procedures---Adopted-20180719>)

According to "Movement Advancement 2023", Morgantown is one of only 17 municipalities in West Virginia to have non-discrimination protections for sexual orientation and gender identity. (See "West Virginia's Equality Profile", page 8 at https://www.lgbtmap.org/equality_maps/profile_state/WV)

FLEX: All-Gender Single-Occupancy Facilities

Generally, the City is in the process of converting its existing small multiple-user restrooms to single-occupancy/all-gender facilities. Renovations are underway in several city buildings with more to follow.

The City Hall (built in 1917) is being renovated. All restrooms within the building are being converted to single-occupancy/all-gender facilities except for two traditional "stall" facilities in the basement.

The City Hall Annex, currently the City business seat, has only single-occupancy/all-gender restrooms.

The City commissioned a study to upgrade the Municipal Airport (built in 1937 and renovated in 1986). The plans include one set of traditional "stall" restrooms on either side of the single-occupancy/all-gender restroom on the upper floor in the passenger waiting area. All other restrooms are slated to be single-occupancy/all-gender facilities, including those for employees and airline crew members – some of which will include a shower.

The Woodburn Community Center, a former elementary school, is being renovated on the main level. It will have only single-occupancy/all-gender facilities.

The Ruby Amphitheater has gender-neutral port-a-johns for large events and traditional "stall" restrooms for the public. The single-occupancy/gender-neutral restrooms in the main building are for employee and performer use.

Protection of Youth from Conversion Therapy

The City of Morgantown adopted a definitive "Protection of Youth from Conversion Therapy" ordinance on October 19, 2021. (See <https://www.morgantownwv.gov/documentcenter/view/4770>)

SECTION II. MUNICIPALITY AS EMPLOYER

Non-Discrimination in City Employment

The City codified its Amendments on non-discrimination in employment, housing, and public accommodation based on gender identity and sexual orientation as found in Article 153 of the Morgantown City Code. (See https://library.municode.com/WV/Morgantown/CODES/Code_of_Ordinances?nodeId=PTONEADCO_CHSEVENBOCO_ART153HURI)

It is incorporated in the *Employee Handbook* given to every City employee as the terms of employment. The City's comprehensive Personnel Non-discrimination Ordinance covers all phases of personnel management.

The City's present Policy and Procedures Manual, approved in January 2001 (amended June 2022), contains the following opening 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."

(See <https://www.morgantownwv.gov/Search?searchPhrase=Employee Handbook - Effective 7.1.2022>)

The HRC prepared a "Strategic Plan for Diversity, Equity and Inclusion" (DEI Plan) which includes a specific non-discrimination ordinance covering City employment and volunteer management. The statement of purpose for the DEI Plan:

"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:

- To demonstrate diversity and inclusivity in City employment and volunteer participation in the City.
- To overcome actual or perceived discrimination based on 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
- 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.

This DEI Plan was adopted as a City Council Resolution on March 3, 2020. (See <https://www.morgantownwv.gov/documentcenter/view/3269>)

Transgender-Inclusive Health Care Benefits

The City continues to seek viable insurance coverage for transgender persons, binary and non-binary, under the City umbrella. Efforts have been frustrated in that the City's healthcare is a self-insured plan that is deeply impacted by any changes to benefits. The goal is to provide coverage that will include psychological therapy, medical, hospitalization, surgical, and prescription coverage, and any other appropriate benefits.

The City's *Employee Benefits Guide* enumerates coverage that can be applied to gender-affirming hormone therapy. For instance, when a patient (adult or juvenile) is under the treatment of a physician who has diagnosed them with Gender Dysphoria, a diagnosis recognized in the DSM-V, and the physician deems hormone therapy medically necessary, it would be covered. "Medically necessary" is ultimately determined by the Plan Administrator but given the City's many ordinances in support of gender affirmation and transgender equality, denial of coverage for medically necessary hormone therapy for Gender Dysphoria would violate the laws and policies of the City. Moreover, gender-affirming hormone therapy is not listed in the "Exclusions to Coverage" section of the insurance policy. The City has never denied coverage for gender-affirming hormone therapy.

Sadly, "Sex transformation operations and associated services and expenses" are excluded. Again, this is due to the prohibitive cost that would be incurred by and for all employees at this time. The City continues to explore options to add this coverage. (See <https://www.morgantownwv.gov/documentcenter/view/5024>)

City Contractor Non-Discrimination Ordinance or Policy

The City of Morgantown adopted an Ordinance to execute all contracts with a form addendum that requires contractors to abide by the City's nondiscrimination ordinance.

The addendum form provides:

"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 in Article 153 of the Codified Ordinances of the City. Vendor shall not discriminate about race, religion, color, national origin, ancestry, sex, age, blindness, disability, sexual orientation, gender identity, familial 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.

(See *Attachment #3 Addendum to City Contracts(01426083-2xA377B)[19075].pdf)

Inclusive Workplace

The DEI Plan provides 12 diversity management practice categories regarding the recruitment, training, and retention of diverse employees and volunteers. The DEI Plan's purpose is to create a more inclusive workplace. Direct outreach to LGBTQ+ organizations and other minority organizations is a fundamental tenet.

The City Council finds 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. The City promotes outreach to fill employment vacancies. Examples of outreach recipient organizations for personnel recruitment and annual reporting include neighborhood associations; LGBTQ+ organizations; minority liaison organizations; social justice and minority advocacy organizations; and interested service, education, and religious organizations wishing to receive a regular distribution of information. The Human Resources Department posts all job listings on its website and distributes these job postings to a wide variety of organizations that represent both the LGBTQ+ community and other minority groups. (See: *Attachment #1 DEI Job Outreach Statement from the City HR Director.)

City Employee Domestic Partner Benefits

The City has identical Dependent benefits for legally married same-sex and non-same-sex spouses and their enumerated family members. Unmarried Domestic Partners are not covered for any employee. Every employee's spouse, child, stepchild, legally adopted child, and child placed for adoption with the employee are fully covered under the policy. Also included are eligible children under the age of 26 who were, before the age of 19, determined to be incapable of self-support because of mental or physical handicap (provided that the Plan Administrator was notified of this determination within 30 days).

A marriage certificate is required at the time of enrollment for benefits for all employees claiming access to the benefits. (See <https://www.morgantownwv.gov/documentcenter/view/5024>)

SECTION III. MUNICIPAL SERVICES

Human/Civil Rights Commission

The City of Morgantown's Human Rights Commission (HRC) was reactivated in 2012. Since then, it has met monthly to work to fulfill its mission of helping Morgantown to become a more inclusive City. (See the HRC's 2021 Annual Report at <https://morgantownwv.gov/272/Human-Rights-Commission>)

In the past ten years, the Commission:

- Conducted a Human Rights Needs Survey in the City (2014). The next Study is planned for early 2024.
- Presented ten resolutions, three ordinances, and multiple resolutions that have been approved by the Morgantown City Council.
- Generated a Section 208-compliant upgrade of the City website.
- Produced successful resolutions increasing awareness and enforcement of the Fair Housing Act and advocating for a just transition for coal workers.
- In partnership with West Virginia University, coordinates plans and funding for an annual community/university human rights film festival that addresses issues of sexual orientation and gender identification.
- Secured authorization to draft a *DEI Plan for the City's Workforce, Volunteer Policy Advisors, and Community Members*. The DEI was adopted in 2020 and is regularly reviewed for possible updates.
- Upgraded the City's Human Rights ordinance to include Gender Identity, Sexual Orientation, and Veteran status.
- Developed procedures to address citizen complaints that cannot be addressed to the State Human Rights Commission, specifically, those stemming from discrimination based on Gender Identity, Sexual Orientation, and Veteran status.
- Established the annual observance of the *December 10th International Human Rights Day* observance. Concurrently, HRC-designated community-based Human Rights initiatives/activists are recognized for their contributions. Awards are presented to the recipients by the Mayor at a December public City Council meeting.
- Activated a 24/7 Human Rights Commission telephone information line as an adjunct to the Commission's site on the City of Morgantown website. This line can directly link callers to the WVHRC Office in Charleston or allow callers to leave a voicemail message for the Morgantown

HRC. Those messages are immediately directed to the HRC Chair or another designate through the HRC's direct email address. Messages are usually checked daily. (See <https://www.morgantownwv.gov/272/Human-Rights-Commission>)

- Works on housing affordability and accessibility and fair housing resolutions for the City Council, increasing awareness of code compliance, and leading/participating in housing awareness events.
- Morgantown's HRC commissioners and liaisons met with the local Housing Authority (HA) to address its lack of local action in the Morgantown community. This resulted in improvements including new signage placed in the HA's office marquis and more HA outreach throughout the community to increase awareness.
- Created table and banner displays for special events and responses to emerging issues.
- Prepared and distributed an annual calendar of Human Rights observances for use by students, schools, organizations, and members of the community.
- Developed materials and maintained a comprehensive website as part of the City's website.
- The HRC has a social media presence on Facebook and Instagram. The Morgantown HRC uses social media to increase community awareness of issues significantly affecting the LGBTQ+ community. A major update is planned in the next few months. (See Facebook page: "Morgantown Human Rights Commission")
- Select Details of Accomplishments:
- *Successful Resolutions:*
 - In 2014, the HRC prepared two resolutions passed by the City Council (*marriage equality* See <https://www.morgantownwv.gov/documentcenter/view/401>) and (*employment and housing non-discrimination* See <https://www.morgantownwv.gov/documentcenter/view/398>).
 - The HRC also advocated for these issues at the State Legislature and with the City Council. In 2015 two more resolutions relating to housing and just-transitions for coal workers were developed and approved by the City Council.
- *Successful Ordinances:*
 - The HRC developed the *Ordinance, Prohibiting Conversion Therapy*. (See <https://www.morgantownwv.gov/documentcenter/view/4770>)
- *Table and Banner Displays:*
 - In 2017, the City Council adopted the HRC's proposed *Inclusive Welcome Statement* (See <https://www.morgantownwv.gov/documentcenter/view/394>) and *Resolution of Inclusivity Supporting Immigrants, Refugees, and Asylees* (See <https://www.morgantownwv.gov/documentcenter/view/393>)
 - The *Welcome Statement* is prominently displayed at the City Hall, the Municipal Airport, a large local hotel, and at West Virginia University. The Statement on the 6'6" standing banners reads:

"Welcome to Morgantown! The City of Morgantown welcomes all people regardless of race, religion, national origin, sex, color, ethnicity, age, sexual orientation, abilities, gender identity, economic status, or life situation. We strive to be an inclusive community for our residents and visitors. We ask everyone to act with helpful intent, respond to each other with civility, and treat our environment with respect."
- *Human Rights Exhibit at the Morgantown Arts Center:*
 - The City of Morgantown traditionally provides funding to support the HRC's annual Human Rights Poster exhibit at the Morgantown Arts Center in December (2020 and December 2021 there was a hiatus in 2022). The exhibits are part of the *International Human Rights Day* observance. There have been over one hundred Civil and Human Rights posters on display, along with eight flags representing multiple social initiatives, including a large section on the LGBTQ+ movement.

Enforcement of Non-Discrimination Ordinance by Human Rights Commission

To responsibly enforce the 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 the City administration provide guidelines and a protocol to conduct hearings for complaints submitted to the HRC. Working with the City Administration, the HRC generated a procedural outline.

Complaints relating to classes protected by the West Virginia Human Rights Code are referred to the WVHRC. All complaints for classes not protected by the State are addressed by the HRC. This is limited to discrimination cases based on Sexual Orientation, Gender Identity, and Veteran status. (See <http://morgantownwv.gov/DocumentCenter/View/2559/Human-Rights-Commission-Complaint-Procedure---Adopted-20180719>)

The HRC added a step-by-step flowchart to the City's website to provide the community with an easily accessible guide to the complaint process. (See: <https://morgantownwv.gov/DocumentCenter/View/3066/MHCC-Flowchart-pg1>; <https://morgantownwv.gov/DocumentCenter/View/3067/MHCC-Flowchart-pg2>; and https://morgantownwv.gov/DocumentCenter/View/3068/MHRC2_audio-guide)

Members of the HRC met with the newly hired City Manager to ensure his awareness of his role as leader of the enforcement requirements of the *Diversity, Equity, and Inclusion Plan*. The MEI standards were discussed to make him aware of his role as City Manager for the City to demonstrate its commitment to inclusivity for the LGBTQ+ community.

LGBTQ+ Liaison to the City Executive

In 2020 HRC requested the City Manager to establish an LGBTQ+ Liaison position to work to facilitate communications between the city and the LGBTQ+ community. That position is held by Ash Orr. (See <https://www.morgantownwv.gov/155/City-Manager>). Contact Morgantown LGBTQ+ Liaison: <http://www.morgantownwv.gov/directory.aspx?id=148>)

In 2019, the HRC recommended that the City create a coordinating council to facilitate input and interaction with community minority groups – including LGBTQ+. The City Council approved the plan by resolution. A Minority Liaisons Coordinating Council is being selected based on recommendations from the Commission and will meet no less than quarterly as a group with the City Manager. The City Council established this Liaison program by Resolution in 2019. (See <https://www.morgantownwv.gov/documentcenter/view/4766>)

Proposed Liaisons are to be selected from nominations of the various groups concerned, including Morgantown PRIDE, racial diversity - NAACP, religious diversity - Synagogue, Muslim Center, Hindu Association, Buddhist Congregations, persons with disabilities - Northern West Virginia Center for Independent Living, Parents of Children with Special Needs - PACE, the Homeless - Morgantown Health Right, youth Morgantown High School, and others to be identified.

In meeting with the City Manager, Liaisons will be able to present concerns and gather information about supportive organizations. This is to create opportunities for community nurturing and support; it will also foster informed referrals to City Boards and Commissions.

Bonus: Enumerated Anti-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 serving 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. The agencies were directed to submit policies to the City Council for its review no later than one hundred eighty days from the adoption of the ordinance, July 2, 2019.

The HRC verified that the City followed up with appropriate organizations and service providers to ensure anti-bullying policies were indeed in place. (See: <https://www.morgantownwv.gov/documentcenter/view/4768>.)

Bonus: City Provides Services to LGBTQ+ Youth

See Above Sections on Anti-Bullying and the Prohibition of Conversion Therapy

The Morgantown Health Rights *Harm Reduction Program* a “needle/syringe exchange” project and healthy sexuality education for harm reduction is funded by the City. (See Attachment #2: *City of Morgantown Capital Escrow Fund Budget Detail* at Page 19)

Bonus: City Provides Services to LGBTQ+ Homeless

Morgantown’s Friendship House was an essential center for service for adults with mental illness, including substance use disorders, and the homeless. The Friendship House received funding from the City and the House was 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. The program is currently out-of-service post-COVID. The City hopes to see it re-open soon. In the meantime, the City contributes funding for warming shelters, the Coalition to End Homelessness, Sobering Center, Morgantown Health & Wellness, Bartlett House, Morgantown Housing Authority, Morgantown Health Right, and the Monongalia County Health Department. All funding is contingent upon services being rendered to LGBTQ+ people without discrimination or distinction. (See: Attachment #2, *City of Morgantown Capital Escrow Fund Budget Detail* at Page 19)

Bonus: City Provides Services to/Supports LGBTQ+ Elders

The Parks and Recreation Commission of the City welcomes LGBTQ+ Residents at the City Senior Center. Participants benefit from noonday meals, exercise activities, art and music programs, transportation, educational events, and budget-accessible travel in tour groups to places of shared interest. Also, the City funds the Public Health Department’s in-home and centralized services for persons of all ages. Again, Funding is contingent upon providing services to LGBTQ+ residents without discrimination or distinction. (See Attachment #2, *City of Morgantown Capital Escrow Fund Budget Detail* at Page 19)

Bonus: The City Provides Services to/Supports Persons Living with HIV or AIDS

Caritas House is the agency in Morgantown that specifically serves persons living with HIV or AIDS. The agency operates a shelter in an undisclosed location within the city limits. It 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 funded the agency to make its facilities accessible for persons with disabilities affecting their mobility and provides funding for care delivery. (See Most

Recent *CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)*
<https://www.morgantownwv.gov/187/Plans-Reports>)

Bonus: City Provides Services to Support Transgender-Specific Programming

Health Right, a City-funded non-profit health center in Morgantown, offers the transgender community clean syringes for safe transition hormone therapy. (See Attachment #2: *City of Morgantown Capital Escrow Fund Budget Detail* at Page19)

The City has also partnered with West Virginia University's LGBTQ+ Center to facilitate services to the transgender community. (See <https://lgbtq.wvu.edu/>)

SECTION IV. LAW ENFORCEMENT

LGBTQ+ Police Liaison or Task Force

In 2020, the City Manager and the Chief of Police created an LGBTQ+ Liaison position within the Morgantown City Police Department. The job description was posted, and the position was filled by Patrolman Marshall Foster. (See job description at <https://www.morgantownwv.gov/documentcenter/view/3417>)

(To contact the MPD LGBTQ+ Liaison, See: <https://www.morgantownwv.gov/directory.aspx?cid=142>)

Reported 2020 Hate Crimes Statistics to the FBI

Four law enforcement agencies serving the City of Morgantown and surrounding area. They are the Morgantown City Police, the West Virginia University Police Department, the Monongalia County Sheriff's Department, and the West Virginia State Police. Each agency reports crime statistics independently and monthly to the FBI. The Morgantown Police Department is part of an Integrated Crime Reporting System that automatically report crimes monthly to the FBI.

The Federal Bureau of Investigation Crime Data Explorer shows six Hate Crimes committed in The City of Morgantown in 2021. All of those crimes were anti-Sikh. (See: <https://cde.ucr.cjis.gov/LATEST/webapp/-/pages/explorer/crime/hate-crime>)

SECTION V. RELATIONSHIP WITH THE LGBTQ+ COMMUNITY

Leadership's Public Position on LGBTQ+ Equality

The Mayor and City Council of Morgantown is the leadership of the City. They voted unanimously to designate the month of June as LGBTQ+ Pride Month by Proclamation. This is a public position of celebration, unity, and equality with the City's LGBTQ+ community. (See: <https://www.morgantownwv.gov/documentcenter/view/4127>).

Pride Month – Morgantown commemorates the anniversary of the June 28, 1969, Stonewall Riot in New York City, the event that launched the modern Gay Rights movement in the United States. LGBT Pride Day is observed on the last Sunday in June. (See: <https://www.morgantownwv.gov/documentcenter/view/396>)

This year, the City committed to always providing security for the Annual Pride Parade, even if it has to hire outside security. As with most cities, Morgantown has a shortage of police officers. It hasn't always been easy to secure the parade with an adequate police presence. (See *Attachment #4 *Morgantown Ensures Future Parades Will Be Supported*)

The spirit of inclusiveness and equality in the city can be seen at the Morgantown Public Library where the website clearly states, "We honor human diversity by offering access to resources that present multiple views, and we provide inclusive opportunities for all." The library's Aull Center also provides ongoing LGBTQ+ programming to the public. (See: Library policies: <https://www.mympls.org/use-the-library/policies/> and anti-bullying: <https://www.morgantownwv.gov/documentcenter/view/4768>)

In the DEI Plan, the City of Morgantown self-identifies as a “Welcoming and Inclusive Community” as part of its strategic goal. Specifically, the City aims to (1) “Encourage all residents to participate fully in the social, cultural, governmental, and economic life in the region without discrimination” and (2) “Provide training for all city staff on inclusivity and sensitivity.” When combined with the City Council’s 2017 unanimous adoption of the comprehensive non-discrimination ordinance and its 2019 adoption of the Anti-bullying Ordinance, Morgantown amply demonstrates that its leaders are pro-equality.

Since 2012, the Commission has brought eight resolutions and two ordinances before the City Council. Without exception, each has been adopted. These actions have included:

- Two resolutions supporting State legislative action on same-sex marriage & employment and housing non-discrimination in 2014.
- Two resolutions on housing inspection and just transition for coal workers in 2016,
- Two inclusive welcome statements in May 2017 and:
- Two resolutions supporting the establishment of minority liaisons coordinating council.

Fairness West Virginia and individual members of the local LGBTQ+ community supported and assisted the HRC with each of these actions. In addition, organizations such as Mountaineers for Progress, the League of Women Voters, members of local clergy, and several religious and humanist organizations have also enthusiastically demonstrated support. Even the local newspapers and broadcast media have either provided support or else notable non-resistance.

The City-funded *Your Community Foundation* is administering an LGBTQ+ Minority Nursing Scholarship in honor of Demetry Walker. Demetry is the late son of the former Morgantown WV House Delegate who valiantly represented her district in a hostile workplace. Demetry died of Acute Myeloid Leukemia which he bravely battled for years. He was proudly LGBTQ+. The City of Morgantown is honored to support and be affiliated with the administration of this scholarship. We are equally proud of Demetry’s openly LGBTQ+ mother who has served the people of Morgantown so well. (See: *Attachment #5 Walker Memorial Scholarship.pdf)

Leadership's Pro-Equality Legislative and Policy Efforts

One resolution, mentioned above, advocated for the State Legislature to enact the 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 adopted in 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. (See <https://www.morgantownwv.gov/482/fair-housing>)

The EHND and equality in marriage bill were proposed for 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 active advocacy from the Commission. (See <https://www.morgantownwv.gov/documentcenter/view/401>)

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 that 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, 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-approved bill to be brought to the Senate floor for a vote. The legislation again was killed.

In 2020, there were pro-equality legislative and policy efforts. Although there was a great deal of delegate and senate support, 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.

Bonus: Openly LGBTQ+ Elected or Appointed Municipal Leaders

Morgantown has numerous openly LGBTQ+ appointed municipal leaders including the City LGBTQ+ Liaison, Ash Orr (a prominent nonbinary, transgender person in Morgantown), two newly appointed Commissioners of Human Rights for the City, and several other Commissioner appointees who have not been specifically enumerated.

Additionally, Morgantown has benefited from the contributions of past LGBTQ+ City Councilmembers and City Commissioners who have made substantive contributions to the work of protecting and supporting human rights for city residents.

The City's Human Resources Department is aware of several openly LGBTQ+ employees.

Bonus: City Tests Limits of Restrictive State Law

Currently, the State of West Virginia does not protect sexual orientation or gender identity as classes of discrimination. (See <https://code.wvlegislature.gov/5-11-2/>). There is active pending legislation against LGBTQ+ rights. Specifically, the WV Legislature is considering House Bill 109 to add WV 15A-4-13a, a new provision to prohibit using state funds “for certain procedures or benefits that are not medically necessary for persons in the custody of the commissioner; authorizing the commissioner to establish rules, policies, or regulations relating to certain levels of care”. This is widely understood to block any gender-affirming care or surgery. The Judiciary Committee added language to prohibit “the provision of contraception using dispensing drugs or medical procedures”. (See https://www.wvlegislature.gov/Bill_Status/Bills_history.cfm?input=109&year=2023&sessiontype=1X&btype=bill)

A. The West Virginia Human Rights Act prohibits discrimination in employment and places of public accommodations and provides all of its citizens equal employment opportunity, and equal access to places of public accommodations. Equal opportunity in the areas of employment and public accommodations is declared to be a human right or civil right of all persons without regard to race, religion, color, national origin, ancestry, sex, age, blindness, or disability. Equal opportunity in housing accommodations or real property is also declared to be a human right or civil right of all persons without regard to race, religion, color, national origin, ancestry, sex, blindness, disability, or familial status.

In WV Code 21, 61-6-21 **Prohibiting Violations of an Individual's Civil Rights** -- All persons within the boundaries of the State of West Virginia have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliation, or sex. **Both of these laws fail to provide anti-discrimination protections due to Sexual Orientation, Gender Identity, or Veteran status.**

In October 2017, the City of Morgantown adopted an ordinance amending Article 153 of the City Code providing for the Human Rights Commission for Non-Discrimination. Within this amendment, the City added Sexual Orientation, Gender Identity, and Veteran status to its list of protected classes of individuals. The City's Human Rights Commission has the jurisdiction and an adopted procedural process for addressing discrimination complaints. All necessary information regarding complaints of discrimination can be found on the City's website. **The passage and implementation of this city ordinance allow the City of Morgantown to provide protections above and beyond the restrictive and limited state laws.**

B. To promote diversity, equity, and inclusion for the City workforce and policy volunteers, the City Administration authorized its Human Rights Commission to prepare a Strategic Plan for Diversity, Equity, and Inclusion for promoting comprehensive diversity and equity in the city workforce and volunteer services. **This Plan is the first such known municipal diversity management plan in West Virginia. With its adoption in October 2019, it has had a constructive impact in supporting diversity and equality in city personnel and serves to encourage and sustain diversity and equality in Morgantown and other city organizations in the State.** The Plan includes two ordinances to enable implementation: one is a non-discrimination ordinance that relates specifically to city employees and the second ordinance authorizes the adoption and implementation of the plan and its procedures. *(The Strategic Plan for Diversity, Equity, and Inclusion was attached in a previous year's report.)*

C. **In 2019, The City of Morgantown adopted a comprehensive anti-bullying ordinance for the City even though State law only provides for anti-bullying coverage through Boards of Education.**

* * * * *

Response Prepared by:

Annie CRONAN YORICK, Esq.,
Chair, Morgantown Human Rights Commission
520 Pocahontas AVE
Morgantown, WV 26505
304-212-2251 acyorickattorney@gmail.com
Based on previous reports prepared by Kristen Cooper

For the MORGANTOWN HUMAN RIGHTS COMMISSION upon the Request of Mayor, Jenny Selin

Chair: Annie CRONAN YORICK
Vice Chair: Bonnie Brown
Secretary: Cal Carlson
Commissioner: Zoey Vilasuso
Commissioner: Daniel H. Trejo
City Council Liaison: Brian Butcher
WV Human Rights Commission Liaison: Tim Hairston
Associate: Don Spencer

Survey Contact Person:

HRC Chair, Annie CRONAN YORICK, acyorickattorney@gmail.com

Attachments:

- *Attachment #1 DEI Job Outreach Statement from the City HR Director.pdf
- *Attachment #2 Capitol Escrow Budget Contributions.pdf
- *Attachment #3 Addendum to City Contracts(01426083-2xA377B)[19075].pdf
- *Attachment #4 Morgantown Ensures Future Parades Will Be Supported.pdf
- *Attachment #5 Walker Memorial Scholarship.pdf

Distribution:

The survey was to be completed and submitted with transmittal correspondence by August 31, 2023, to the:

Human Rights Campaign at mei@hrc.org

Document Submitted by:

The City of Morgantown, WV

389 Spruce Street

Morgantown, WV 26505

Through:

Annie CRONAN YORICK, Esq.,

Chair, Morgantown Human Rights Commission

520 Pocahontas AVE

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acyorickattorney@gmail.com



The City of Morgantown
389 Spruce Street
Morgantown, West Virginia 26505
(304) 284-7439 Fax:(304) 284-7525 www.morgantownwv.gov

Office of the Mayor

July 27, 2023

The Human Rights Campaign
Municipal Equality Index Evaluation and Rating
1640 Rhode Island Ave. N.W.
Washington, D.C. 20036-3278

Dear Human Rights Campaign,

The 2023 Morgantown, West Virginia submission for the 12th Annual Human Rights Campaign Municipal Equality Index evaluation and rating is attached. Morgantown is proud to participate in this program for the ninth consecutive year.

As the third largest city in West Virginia and the home to its largest public university, WVU, Morgantown is honored to be among the cities you evaluate. We are pleased to report the City's progress toward achieving an ever-improving MEI rating.

Since the adoption of the Diversity, Equity, and Inclusion Plan by the City Council, we continue to refine and update the Plan to expand its benefits to City employees and residents.

The City is proud of its Updated Morgantown Employee Handbook. This ordinance was brought to fruition through the dedicated efforts of the City's Human Rights Commission. The changes were motivated by the evaluations in prior Human Rights Campaign's MEI Reports; thank you for helping us move in the right direction. We appreciate the opportunity to participate in the MEI evaluation process.

Sincerely,

July 27, 2023

Jennifer Selin,
Mayor



July 25, 2023

To Whom It May Concern:

The City of Morgantown works to create a diverse, equitable and inclusive work environment. To that end, the City provides direct employment outreach to LGBTQ organizations, as well as to other minority organizations.

The following is a list of the individual and organizations that receive notification of all job openings for the City of Morgantown:

Morgantown (LGBTQ) Pride Organization

West Virginia University LGBTQ Center

Fairness West Virginia (LGBTQ West Virginians)

Northern West Virginia Center for Independent Living

Morgantown & Kingwood NAACP

Operation Welcome Home (Veterans)

Islamic Center of Morgantown

West Virginia Women Work Organization

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "John D. Bihun".

John D. Bihun

Director of Human Resources

Phone: 304-284-7451

Address: 430 Spruce St. Morgantown, WV 26505

City of Morgantown Capital Escrow Fund Budget - Detail

Budget Year 2023

| Account Description | 2020 Actual | 2021 Actual | FY22 YTD - as of 02/09/22 | 2022 Amended | 2023 Proposed |
|--|-------------|-------------|------------------------------|--------------|---------------|
| Capital Outlay Other- Other Projects | - | 6,150 | 15,254 | 23,357 | - |
| Capital Outlay Other- Traffic Calming | - | - | 160 | 10,000 | - |
| Capital Outlay Other- Sidewalks | 5,254 | - | - | 20,400 | - |
| Capital Outlay Other- Recreation Trail Match | 9,000 | 20,258 | 100,398 | 100,604 | - |
| Capital Outlay Other- Downtown Tree & Bumpout | - | 4,075 | - | - | - |
| Capital Outlay Other- Sabraton Improvements | 1,490 | - | - | 34,705 | - |
| Capital Outlay Other- Bike Lanes | 1,125 | - | - | 16,375 | - |
| Capital Outlay Other- Fuel Tanks | 4,778 | 48,806 | - | 146,416 | - |
| Capital Outlay Other- PSB Roof | 955,211 | - | 215,931 | 132,654 | - |
| Capital Outlay Other- Avalon-Parkway Connector | - | - | - | 50,000 | - |
| Capital Outlay Other- Spruce St Trail Connector Decker | - | - | - | 35,000 | - |
| Capital Outlay Other- White Park Remediation | - | - | - | 50,000 | - |
| Capital Outlay Equip- Vehicles | - | 212 | 1,636 | 2,600 | 2,705 |
| <i>Total - Capital Outlay</i> | 976,859 | 79,502 | 333,378 | 622,110 | 2,705 |
| Total 420 - Engineering | 1,184,015 | 186,882 | 350,195 | 1,063,050 | 2,705 |

Department: 422 - Human Resources

Contracted Services

| | | | | | |
|--|--------|---------|-------|--------|--------|
| Training & Education - Tuition Reimbursement Program | 35,986 | (3,059) | 4,110 | 35,000 | 35,000 |
| <i>Total - Contracted Services</i> | 35,986 | (3,059) | 4,110 | 35,000 | 35,000 |
| Total 422 - Human Resources | 35,986 | (3,059) | 4,110 | 35,000 | 35,000 |

Department: 424 - Contributions

Contributions

| | | | | | |
|--|---------|----------|---------|---------|---------|
| Contrib Govt Entities Sunnyside Redevelopment | 100,000 | - | 200,000 | 200,000 | 100,000 |
| Contrib Govt Entities Land Reuse & Preservation Assoc. | - | - | - | 20,000 | 10,000 |
| Other Contributions- Other | - | 5,000 | - | 27,250 | 5,000 |
| Other Contributions- Morgantown Health Right | 10,000 | 10,000 | - | - | - |
| Other Contributions MAYSP | - | - | - | - | 6,500 |
| Other Contributions- Bartlett House | 20,000 | 20,000 | - | - | 14,000 |
| Other Contributions- Human Rights Commission | 1,278 | 714 | 26 | 4,958 | - |
| Other Contributions- Morgantown Housing Authority | - | (18,000) | - | 55,000 | - |
| Other Contributions-Friends of Deckers Creek | - | - | - | - | 3,000 |
| Other Contributions- Safe Communities Initiative | 23,819 | - | - | - | - |
| Other Contributions- Main Street | 109,000 | 69,000 | 38,121 | 50,000 | 50,000 |
| Other Contributions- Mon Health Department | 16,000 | 16,000 | 10,000 | 10,000 | - |
| Other Contributions- Mon River Trail Conservancy | 40,000 | 40,000 | 9,329 | 92,000 | 96,600 |
| Other Contributions- Celebration America | - | 3,131 | - | 11,869 | - |
| Other Contributions- Botanic Gardens | 26,210 | 26,210 | 30,000 | 30,000 | 35,000 |
| Other Contributions- MLK Day | 1,850 | 785 | 330 | 1,500 | 1,500 |
| Other Contributions- Your Community Foundation | 112,500 | 100,000 | 67,500 | 75,000 | 75,000 |
| Other Contributions- Upper Mon River Association | 2,500 | 2,500 | 2,500 | 2,500 | 3,000 |
| Other Contributions- WVU School of Public Health | 8,247 | 9,681 | 4,166 | 11,498 | - |
| Other Contributions- Green Team | 343 | - | - | - | - |
| Other Contributions- Mgtm Health & Wellness | 9,000 | 500 | - | - | - |
| Other Contributions- Mgtm Pedestrian Safety Board | - | - | - | 40,000 | - |
| Other Contributions- Coalition to End Homelessness | 10,000 | - | - | - | - |
| Other Contributions- Downtown Initiative | - | - | - | 115,000 | - |
| Other Contributions- Sister Cities-Xuzhou City Garden | - | 14,950 | - | - | - |
| Other Contributions- Sobering Center | - | - | 100,000 | 100,000 | 100,000 |
| Other Contributions- Riverfront Initiative | - | - | - | 75,000 | - |
| Other Contributions- Mgtm Community Resources | - | - | 50,000 | 50,000 | 50,000 |
| Other Contributions Other- Morgantown Area Partnership | - | - | - | - | 50,000 |
| <i>Total - Contributions</i> | 490,746 | 300,470 | 511,972 | 971,575 | 599,600 |
| Total 424 - Contributions | 490,746 | 300,470 | 511,972 | 971,575 | 599,600 |

Department: 436 - Code Enforcement

Contracted Services

| | | | | | |
|-------------------------------------|---|--------|--------|---------|---------|
| Contracted Services Demolition Fund | - | 73,116 | 37,828 | 210,099 | 100,000 |
| <i>Total - Contracted Services</i> | - | 73,116 | 37,828 | 210,099 | 100,000 |

AGREEMENT ADDENDUM

In the event of conflict between this addendum and the agreements, this addendum shall control:

1. ARBITRATION – Any references to arbitration contained in the agreement are deleted. Disputes arising out of the agreement shall be brought in the Circuit Court of Monongalia County, West Virginia.
2. HOLD HARMLESS – Any clause requiring the City to defend, indemnify, or hold harmless any party is deleted. Any such clause would violate the provisions of the West Virginia Constitution, Article X, Sections 4 and 6, and West Virginia Code Chapter 11, Article 8, Section 26.
3. GOVERNING LAW – The agreement is entered into in Morgantown, Monongalia County, West Virginia and shall be governed by the laws of the State of West Virginia. This provision replaces any references to any other State's governing law.
4. TAXES AND LICENSES – Prior to performing services under the agreement, Vendor shall obtain a business license from City, and Vendor shall maintain the license during the term of the agreement. Vendor will pay business and occupation tax and any other applicable taxes and fees to City for services performed under the agreement. Provisions in the agreement requiring the City to pay taxes are deleted. As an incorporated municipality of the State of West Virginia, the City is exempt from Federal, State, and local taxes and will not pay taxes for any Vendor nor file any tax returns or reports on behalf of Vendor or any other party.
5. PAYMENT – Any references to prepayment are deleted. Payment will be in arrears. Vendor shall accept payment by use of the State of West Virginia Purchasing Card upon request of City.
6. INTEREST – Should the agreement include a provision for interest on late payments, the City agrees to pay the lesser of the rate stated in the agreement or the maximum legal rate under West Virginia law. All other references to interest or late charges are deleted.
7. RECOUPMENT – Any language in the agreement waiving City's right to set-off, counterclaim, recoupment, or other defense is deleted.
8. FISCAL YEAR FUNDING – Service performed under the agreement may be continued in succeeding fiscal years for the term of the agreement, contingent upon funds being appropriated by Morgantown City Council or otherwise being available for this service. If funds are not appropriated or otherwise available for this service, the agreement shall terminate without penalty on the last day of the fiscal year during which the agreement is executed. City agrees to use its best efforts to have the amounts contemplated under the agreement appropriated for the services provided in the agreement. Non-appropriation or non-funding shall not be considered an event of default.
9. STATUTE OF LIMITATIONS – Any clauses limiting the time in which the City may bring suit against the Vendor, lessor, individual, or any other party are deleted.
10. SIMILAR SERVICES – Any provisions limiting the City's right to obtain similar services or equipment in the event of default or non-funding during the term of the agreement are deleted.
11. ATTORNEY FEES – The City recognizes an obligation to pay attorney's fees or costs only when assessed by a court of competent jurisdiction. Any contrary provision is deleted.
12. LIMITATION OF LIABILITY – The City, as a municipal entity, cannot agree to assume the potential liability of a Vendor or other party. Any such clause would violate the provisions of the West Virginia Constitution, Article X, Sections 4 and 6, and West Virginia Code Chapter 11, Article 8, Section 26. Accordingly, any provision precluding an action for damages for injury to persons or property, and any provision limiting the Vendor's liability for direct damages or limiting the vendor's liability under a warranty to a certain dollar amount or the amount of the agreement, are deleted.
13. RIGHT TO TERMINATE – City shall have the right to terminate the agreement upon thirty (30) days written notice to the Vendor.

14. TERMINATION CHARGE – Any provision requiring the City to pay a fixed amount or liquidated damages upon termination of the agreement is hereby deleted. The City may only agree to reimburse a Vendor for actual costs incurred or losses sustained during the current fiscal year due to wrongful termination by the city prior to the end of any current agreement term.

15. INSURANCE – Any provision requiring the City to insure equipment or property of any kind and name of the Vendor as beneficiary or as an additional insured is hereby deleted.

16. RIGHT TO NOTICE – Any provision for repossession of equipment without notice is deleted.

17. ACCELERATION – Any reference to acceleration of payments in the event of default or non-funding is deleted.

18. 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.

19. AMENDMENTS – The agreement may be amended only by a writing signed by authorized representatives of all parties.

ACCEPTED BY:

CITY OF MORGANTOWN

VENDOR

Signed: _____

Signed: _____

Title: _____

Title: _____

Date: _____

Date: _____

NEWS RELEASE

CITY OF MORGANTOWN



Contact: City of Morgantown Communications Department
304-225-4110 | [dbailey@morgantownwv.gov](mailto:d Bailey@morgantownwv.gov)

FOR IMMEDIATE RELEASE

August 8, 2023

City of Morgantown Ensures that Future Parades will be Supported

MORGANTOWN, W.Va. - In light of recent parade cancellations, the City of Morgantown is taking steps to ensure that upcoming parades will have adequate staffing.

City of Morgantown employees (such as Morgantown Police officers) will continue to receive priority when it comes to staffing parades and other special events.

However, if the city is unable to meet the required amount of staff needed to run these events, then it will utilize the services of a traffic-control company to block and/or reroute traffic during future parades in order to ensure attendees' utmost safety.

"We certainly prefer that our parades are staffed by City of Morgantown employees," said City Manager Kim Haws, "but we felt that it was necessary to formulate a backup plan to make absolute sure that we can provide sufficient traffic control for these events."

City administration recognizes the impact that major parades have on the history and quality-of-life of Morgantown. Therefore, City Manager Haws has authorized the payment of overtime for city employees who work during one of the events listed below:

- The Monongalia County Fair Parade
- The Morgantown Pride Parade
- University High School's Homecoming Parade
- Morgantown High School's Homecoming Parade
- West Virginia University's Homecoming Parade
- The Christmas Parade
- The Veterans' Day Parade

The utilization of employees who are regularly scheduled to work during the hours of these events will be encouraged, but overtime has been authorized to help meet staffing requirements. If staffing requirements still cannot be met, the city will supplement traffic control with a contracted company.



Demetry Walker Memorial Scholarship

The Demetry Walker Memorial Scholarship has been established with Your Community Foundation of North Central West Virginia, Inc. (YCF). Donations are accepted by check made payable to YCF, PO Box 409, Morgantown, WV 26507, or online via paypal www.ycfwv.org. All gifts are tax deductible.

The annual earnings from the endowment will provide scholarships to West Virginia residents pursuing an educational community program leading to a professional certification in nursing or other caregiving fields in West Virginia. The scholarship will be available statewide with priority for minority LGBTQ students with financial need residing in North Central West Virginia.

Questions may be directed to YCF at (304) 296-3433 or info@ycfwv.org

