



CIVIL RIGHTS COMMISSION AGENDA:

August 15, 2024

Municipal Building 15 South College Ave. Oxford, Ohio 45056 Second Floor Conference Room

4:00 PM

Approval of Agenda

Approval of Minutes

1. Minutes of the March 14, 2024, meeting.

Old Business

New Business

1. Discussion Item - Role of the Civil Rights Commission - Review proposed changes to Section 143 Civil Rights Commission

Adjournment



MINUTES
OXFORD CIVIL RIGHTS COMMISSION
MUNICIPAL BUILDING 15 SOUTH COLLEGE AVE. OXFORD, OHIO 45056
SECOND FLOOR CONFERENCE ROOM
THURSDAY, MARCH 14, 2024 AT 4:00 PM

Approval of Agenda

Motion – To Approval of the Agenda
(Voice Vote) 1st Ms. Howard 2nd Mr. Revalee
AYE # 4
NAY # 0
ABS # 0

Members Present: Ms. Suzanne Zazycki, Ms. Cathryn Loucas, Mr. Brian Revlaee, and Ms. Rebecca Howard

Staff Members Present: Mr. Douglas Elliott, City Manager/Director; Ms. Jessica Greene, Assistant City Manager; Mr. Chris Conard, Law Director; and Ms. Heather Barbour, Clerk of Council

Public Present: Four students, including two reporters

A regular meeting of the Civil Rights Commission was called to order by Director Mr. Douglas Elliott on Thursday, March 14, 2024, at 4:02 pm.

Approval of Minutes

1. Minutes from the September 8, 2022, meeting.

Motion – To Approval of the Minutes after correcting Ziolkowski in two places.
(Voice Vote) 1st Ms. Loucas 2nd Ms. Howard
AYE # 3
NAY # 0
ABS # 1

Old Business

1. None.

None.

New Business

1. Introduction and Welcome of New Member Suzanne Zazycki

Mr. Elliott welcomed the new member and started with a round of introductions.

2. Discussion of Complaint Received on January 12, 2024 and Withdrawn on February 14, 2024

Mr. Elliott gave a brief history of the past complaints filed within the past 17 years. Mr. Elliott reviewed the information submitted from the most recent complaint and provided a handout of OCR 143.05 Complaint Procedure (handout included in minutes). Ms. Loucas asked about what authority the commission has over private companies? Ms. Howard had concerns about the ease of the filing process. Ms. Howard mentioned needing clear instructions on the City's website. Ms. Greene shared an update on the newly added fillable form, which is now live on the city's website. Ms. Zazycki asked if the complaint could be refiled.

3. Discussion of EEOC and Enforcement of Sexual Orientation and Gender Identity (SOGI) Employment Discrimination

Mr. Elliott and Mr. Conard provided an update and began the discussion.

4. Role of City of Oxford Civil Rights Commission

Mr. Elliott and Mr. Conard reviewed the creation of the Civil Rights Commission. Mr. Elliott asked the commissioners what they think the role of the Civil Rights Commission should be. Mr. Revalee mentioned providing resources to those in need by helping people file claims with bigger organizations that have more authority. Ms. Howard shared educating the public and the power of public perception are ways the CRC can get involved. Ms. Howard noted that those who need help might not know how to file a complaint. Ms. Zazycki mentioned an educational campaign and the need for more information. Ms. Loucas mentioned the role as being more of a mediator not an advocate. Ms. Greene will work with an intern over the summer to gather information from other cities similar in size and scale and then report back in August. Mr. Conard asked the commissioners to create a policy/purpose statement and the next steps for how to file with more prominent organizations. Mr. Conard mentioned this could be added to the Commission's web page. The next meeting is scheduled for August 15th, 2024.

Adjournment

Motion – To Adjourn at 5:00 p.m.

(Voice Vote) 1st Ms. Zazycki 2nd Ms. Howard

AYE # 4

NAY # 0
ABS # 0

143.05 COMPLAINT PROCEDURE.

- (a) Whenever it is charged in writing, by a person or aggrieved organization, hereinafter referred to as "complainant", that any person, employer, employment agency and labor organization, hereinafter referred to as the "respondent", has engaged in or is engaged in any unlawful discriminatory practices as defined in this chapter, or upon its own initiative, in matters relating to such discriminatory practices, the Civil Rights Director may initiate a preliminary investigation. Such charge shall be filed with the Director within six months after the alleged unlawful discriminatory practices are committed. If the Director determines after such investigation, that it is not probable that unlawful discriminatory practices have been or are being engaged in, the Director shall notify the complainant of the determination and recommendation to not pursue further action on the matter.
- (b) If the Director determines, after such investigation, that it is probable that unlawful discriminatory practices have been or are being engaged in, he shall endeavor to eliminate such practices by informal methods of conference, conciliation and persuasion. If after such investigation and conference, the Director is satisfied that any unlawful discriminatory practice of the respondent will be eliminated, it may treat the complaint as conciliated and notify the complainant that it will not initiate prosecution of the matter.
- (c) If the Director fails to effect the elimination of such unlawful discriminatory practices or to obtain conciliation of the matter, or, if the circumstances warrant, in advance of or during any such preliminary investigation or endeavors to conciliate the matter, the Director shall issue and cause to be served upon the respondent a notice of an investigative hearing, notifying the respondent of an investigative hearing before the Civil Rights Commission, at a time and place therein fixed to be held not less than ten days after the service of such notice and stating the charges specified in the original charge against the respondent.
- (d) Any such charge may be amended by the Director or complainant at any time prior to or during the hearing based thereon. The respondent shall have the right to file an answer or to amend an answer to the original or amended charge, and to appear at such hearing in person, by attorney or otherwise to examine and cross-examine witnesses.
- (e) The complainant shall be a party to the proceeding, and any person who is an indispensable party to a complete determination or settlement of the question involved in the proceeding shall be joined. Any person who has or claims an interest in the subject of the hearing and in obtaining or presenting relief against the acts or practices complained of, may be, in the discretion of the Civil Rights Commission, permitted to appear for the presentation of oral or written argument.
- (f) In any proceeding the Civil Rights Commission shall not be bound by the rules of evidence prevailing in the courts of law or equity, but shall in ascertaining the practices followed by the respondent, take into account all reliable, probative and substantial evidence, statistical or otherwise, produced at the hearing, which may tend to prove the existence of an unlawful discriminatory practice or a predetermined pattern of unlawful discriminatory practice under this chapter, provided that nothing contained in this section shall be construed to authorize or require any person to observe the proportion which persons of any race, color, religion, national origin, ancestry, sexual orientation, sex, gender identity, disability, age, pregnancy, height, weight, or veteran status bear to the total population or in accordance with any criterion other than the individual qualifications of the applicant.
- (g) The testimony taken at the hearing shall be under oath and shall be reduced to writing, and filed with the Civil Rights Commission. Thereafter, in its discretion, the Commission upon notice to the plaintiff, Civil Rights Director and to the respondent with an opportunity to be present may take further testimony or hear arguments.
- (h) No person shall be compelled to be a witness against himself in any hearing, formal or informal, before the Civil Rights Director or Civil Rights Commission.
- (i) In conducting any hearing as provided herein, the Commission may subpoena as witnesses any person believed to have knowledge of facts relevant to such hearing, may compel the production of books, papers, records or other evidence relative to such hearing by the person having custody or control thereof and may administer oaths, take testimony and issue such rules as shall be necessary to effectuate an investigatory hearing under this section.
- (j) Upon written application of the respondent, complainant or Director, the Civil Rights Commission shall issue subpoenas as if issued on its own motion.
- (k) If upon all the reliable, probative and substantial evidence the Commission determines that the respondent has engaged in, or is engaging in, any unlawful discriminatory practice under this chapter, whether against the complainant or others, the Commission may endeavor to eliminate such practices by informal methods of conference, conciliation and persuasion. If the Commission fails to effect the elimination of such unlawful discriminatory practices or to obtain conciliation of the matter, or, if the circumstances warrant, in advance of or during such investigative hearing, or endeavors to conciliate the matter, the Commission may direct the Civil Rights Director to guide the complainant in the prosecution of this matter in the appropriate court of record.
- (l) If the Commission finds that no probable cause exists for crediting the charges, or if upon all the evidence the Commission finds that the respondent has not engaged in any unlawful discriminatory practice under this chapter, against the complainant or others, it shall state its findings or fact, and shall notify the complainant and respondent that it will not prosecute the matter further. (Ord. 3399. Passed 4-4-17.)