

HUMAN RIGHTS COMMISSION

CITY OF PALM SPRINGS, CALIFORNIA

www.palmspringsca.gov

MEETING AGENDA

**LOCATION: PALM SPRINGS CITY HALL – Large Conference Room
3200 East Tahquitz Canyon Way**

Monday,
June 13, 2016



3:00 p.m.

COMMISSIONERS

**Jack Newby, Chair
Jilska Chandrasena
Denise Chappell**

**Janel Hunt
Wes Rankins, Vice Chair
Suzanne Severin
Deborah Sutton-Weiss**

Student Representatives

**Angelina Pinkney, Palm Springs High School
Kelli Martin, Raymond Cree Middle School**

Staff Liaison:

**Lee Bonno
Director of Neighborhood & Community Relations**

City of Palm Springs Mission Statement: Palm Springs is an inclusive world-class city dedicated to providing excellent and responsive public services to enhance the quality of life for current and future generations.

Pursuant to G.C. Section 54957.5 the designated office for inspection of public records in connection with the meeting is the Office of the City Clerk, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs, California.

It is the intention of the City of Palm Springs to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting or in meetings on a regular basis, you will need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact the Office of Neighborhood and Community Relations, (760) 323-8255, TDD (760) 864-9527, at least 48 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible.

*(Please **TURN-OFF** all cell phone ringers during this meeting - thank you!)*

1. CALL TO ORDER:
2. FLAG SALUTE:
3. MISSION STATEMENT: "The Mission of the Palm Springs Human Rights Commission is to promote and protect the diversity of our community and to improve human relations through education and community awareness."
4. ROLL CALL:

5. **POSTING OF THE AGENDA:** This Agenda was available for public access at the City Hall exterior bulletin board (west side of Council Chamber), the City Clerk's office, and Planning Services counter on or before 4:00 p.m., Thursday, June 9, 2016. A courtesy web site posting of the Agenda may be found at the City's web site www.palmsprings-ca.gov. Pursuant to the Government Code Section 54957.5, the designated office for inspection of public records in connection with the public meeting of the Human Rights Commission is the office of the City Clerk, City Hall, at 3200 East Tahquitz Canyon Way, Palm Springs, California.
6. **PRESENTATION:** Equality Act Day
7. **PUBLIC COMMENTS:** Three (3) minutes per speaker
8. **GUEST SPEAKERS:** Antonio Lopez-Cochran, Chair of Some Fabulous Leos which supports local LGBT organizations
9. **APPROVAL OF THE MINUTES FROM THE MAY 9, 2016 MEETING**
10. **ITEMS FOR DISCUSSION / AND OR VOTE:**
 - 10.A Palm Springs Resolution Supporting the Passage of the Equality Act 2015 – Councilmember Geoff Kors
 - 10.B Non-discrimination in contracting draft ordinance(s) – Councilmember Geoff Kors
(Materials to follow)
 - 10.C Commission's annual report – Chair Newby
 - 10.D City of Palm Springs Administrative Policy Discrimination, Harassment and Retaliation
 - 10.E Scheduling and preparing for the Commission's September planning meeting
 - 10.F Selection of student representatives to the Commission
 - 10.G Task Force Reports:
 - Homelessness Committee – Commissioner Severin
 - Ethics and Transparency Task Force – Chair Newby
 - Logo Committee – Vice Chair Rankins and Commissioner Severin
 - 10.H Attendance at the Desert Highland Gateway Estates meetings
 - 10.I Public comment at the City Council meetings
 - 10.J Recap of the Harvey Milk Diversity Breakfast
 - 10.K Commission's tentative calendar:

JULY 2016: Ongoing business and orienting new Commissioners
 - 10.L Acknowledgement of outgoing Commissioners
11. **STUDENT COMMENTS:**

12. COMMISSIONER COMMENTS:
13. STAFF COMMENTS:
14. AGENDA ITEMS FOR THE JULY 11, 2016 HRC MEETING:
15. ADJOURNMENT

Enclosures:

1. Minutes from the May 9, 2016 HRC meetings
2. Palm Springs Resolution Supporting the Passage of the Equality Act 2015
3. City of Palm Springs Administrative Policy Discrimination, Harassment and Retaliation
4. Draft of the Commission's annual report
5. Excerpt from the Nov. 14, 2011 Human Rights Commission Minutes regarding selection of student representatives to the Commission

THE PUBLIC IS INVITED AND ENCOURAGED TO ATTEND THE HUMAN RIGHTS COMMISSION MEETINGS at 3:00 p.m. THE SECOND MONDAY OF EACH MONTH IN THE LARGE CONFERENCE ROOM IN CITY HALL, 3200 E. TAHQUITZ CANYON WAY.

HUMAN RIGHTS COMMISSION
of the
City of Palm Springs

Minutes from the May 9, 2016 Regular Meeting

<u>COMMISSIONERS</u>	<u>Present at this Meeting</u>	<u>Present FY Year-to-Date</u>	<u>FY 2015-16 Excused Absences</u>	<u>FY 2015-16 Unexcused Absences</u>
Jilka Chandrasena	X	9	1	0
Denise Chappell	X	9	1	0
Janel Hunt	0	8	2	0
Jack Newby	X	10	0	0
Wes Rankins	X	10	0	0
Suzanne Severin	X	10	0	0
Deborah Sutton-Weiss	X	7	3	0
Angelina Pinkney, Student Rep	0	4		
Kelli Martin, Student rep.	0	0		

The above roll call record is based on all meeting Minutes from July 13, 2015 thru May 9, 2016

1. Chair Newby called the meeting to order at 3:00 p.m.
2. Commissioner Severin led the flag salute.
3. Commissioner Sutton-Weiss recited the Mission Statement.
4. Commissioners Present: Newby, Chappell, Rankins, Severin, Sutton-Weiss, Chandrasena.
Commissioners Absent: Hunt, excused
Student Representatives Angelina Pinkney and Kelli Martin were also absent.
5. POSTING OF THE AGENDA: The agenda was posted in accordance with the Brown Act on or before 4:00 p.m., on Thursday, May 5, 2016.
6. PUBLIC COMMENTS: Three (3) minutes per speaker:
 - Richard Noble noted that he would like the HRC to support the City of Palm Springs in a making a resolution in support of the Equalib Act. He distributed the wording of a proposed resolution to the Commissioners. He also spoke in favor of the HRC endorsing the designation of October 10th as Indigenous Peoples' Day. Mr. Noble asked that both resolutions be put on the agenda for the HRC's June meeting.
7. GUEST SPEAKERS: Commissioner Chandrasena introduced Julia Sauter and Jesus Palominos to speak on the topic of ableism. Ms. Sauter is a volunteer and substitute teacher at the Braille Institute. She has mild spastic cerebral palsy and is an advocate for people with disabilities. She graduated summa cum laude from Mount St. Mary and has a MA in ethics. Mr. Palomino, also a volunteer at the Braille Institute, holds a MA in Music from the Cal State Fullerton. Mr. Palomino was born with retinitis pigmentosa. Mr. Palomino was in special education during elementary school but later was encouraged to pursue further education. Both Ms. Sauter and Mr. Palomino want to broaden the public's awareness of the negative effects of ableism.
 - Ms. Sauter noted that ableism is the institutionalized discrimination against those with disabilities. She thanked her family, friends and mentors for their encouragement and support. Ms. Sauter described her disability and its symptoms. Noted that most people with disabilities do their best to live their lives as independently as possible. The skills, talents and intelligence of people with disabilities are often overlooked and there is a lack of resources for people with disabilities across the nation and around the world that often creates roadblocks to their reaching their full potential. Ableism tends to water down the goals and intent of the ADA. Called on the HRC and others with

spheres of influence to support programs and opportunities for people with disabilities. Ms. Sauter advocates that the HRC, the City and Valley businesses can do two important things to assist the disabled in overcoming ableism - the first is education and the second is employment. Ms. Sauter, on behalf of herself and Mr. Palomino, urged the HRC to work with the City to designate a certain number of City jobs for the disabled and encouraged the HRC to sponsor additional education and outreach to community businesses where the disabled might be gainfully employed. She cited the success of Pizza Hut, Walgreen's and the Hilton Hotel chain in hiring disabled persons. Commissioner Severin thanked Ms. Sauter for her educational comments and the challenge to raise the bar on disabled opportunities. Commissioner Rankins thanked Ms. Sauter and asked for resources/literature on ableism for the Commission to distribute. She will provide some resources to the Commission.

- Mr. Palomino described his background and feels that his story can be helpful in understanding ableism. He described that it wasn't until he was 19 that a counselor at the Braille Institute recommended that he attend college. He overcame early educational discrimination and the stigma of disability to become someone who is a helper himself. Commissioner Sutton-Weiss asked Mr. Palomino if he believed that improvements had been made in the educational system since his childhood. He stated that he has not seen much progress in the way disabled students are treated.

8. APPROVAL OF THE MINUTES FROM THE APRIL 11, 2016 MEETINGS: Commissioner Severin said regarding the enclosures for the May meeting, the reference to the Dec. 16, 2016 staff report should read 2015. The minutes were approved 6-0 following a motion by Commissioner Sutton-Weiss and second by Commissioner Chappell. (Commissioner Hunt was absent.)

9. ITEMS FOR DISCUSSION / AND OR VOTE

9.A Election of a Vice Chair to serve the remainder of the current fiscal year. Lee Bonno noted that the next election for Chair/Vice Chair shall take place at the July 13, 2016 meeting. Both Commissioners Rankins (nominated by Commissioner Sutton-Weiss and seconded by Chair Newby) and Severin (nominated by Commissioner Chandrasena and seconded by Commissioner Chappell) were nominated and both received an equal number of votes for a tie. Chair Newby and Commissioners Sutton-Weiss and Rankins voted for Commissioner Rankins. Commissioners Chandrasena, Chappell and Severin voted for Commissioner Severin. No further action was taken at this time until Ms. Bonno consulted with City Clerk, Jay Thompson.

9.B Harvey Milk Diversity Breakfast May 20th – Commissioner Severin has secured a table for 10. Commissioners who will attend are: Sutton-Weiss, Newby, Rankins, Chappell, Severin and staff liaison Ms. Bonno. Chair Newby suggested that the extra seats go back to the breakfast organizers for seating others who might not otherwise be able to attend. Commissioner Rankins recommended that the HRC check with the Mayor's Office first to see if City representatives are in need of seats before the five seats are released to the organizers. Chair Newby clarified that the Mayor's Office would be contacted first and then the organizers.

9.C Medical Cannabis Dispensaries in Palm Springs. In the packet of materials prepared for this meeting, Ms. Bonno provided a comprehensive overview of information regarding the City's regulations as well as the approval process for siting dispensaries in response to Commissioner Chandrasena's concerns that the dispensaries are often located where vulnerable populations congregate. Commissioner Chandrasena asked that the topic be carried forward for discussion at the fall planning retreat. Commissioner Rankins expressed concerns that this issue is not within the purview of the HRC and is leery of any violation of the civil rights of those who have received medical marijuana cards. Commissioner Sutton-Weiss, Chair Newby and Commissioner Severin concurred with Commissioner Rankins and Commissioner Chappell noted that the materials provided demonstrated a comprehensive process.

9.D Resolution supporting the Equality Act – Continued to June 13, 2016. Ms. Bonno noted that Councilmember Kors has been working on a resolution with the Human Rights Campaign that would come before the HRC in June and then go to the City Council also in June, which is Pride month.

9.E Appointment of a Commissioner to serve on the Transgender Community Coalition Planning Committee. Commissioner Sutton-Weiss is already serving on the Coalition. In order to ratify her appointment by the HRC, Chair Newby called for a motion to approve Commissioner Sutton-Weiss' appointment. The motion was made by Commissioner Rankins and seconded by Commissioner Chappell. The motion was carried 6-0. (Commissioner Hunt absent.)

9.F HRC/Palm Springs Library Event confirmed for Wednesday, Oct. 12, from 6:30 to 7:45 p.m. The title of the program and details (movie/speaker) are needed by Aug. 9. Possible request for funding – Commissioner Severin recommended a 53-minute film titled, "The Home Stretch" which follows three homeless teens who fight to stay in school, graduate and build a future. The film deals with the struggles they face. Commissioner Severin said she has spoken to Arlene Rosenthal from the Well in the Desert and she is interested in partnering with the Commission on this. There is a cost of \$259 to rent the movie. The event will be noted in the Library's program. Commissioner Rankins further recommended doing some partnering with the City's Task Force on Homelessness and perhaps split the cost of the film. Commissioner Severin indicated that she could find people who could donate the funds to show the film. A motion was made by Commissioner Sutton-Weiss to go with Commissioner's Severin's recommendation on the film. Following a seconded by Commissioner Chappell, the motion was approved 6-0. (Commissioner Hunt absent.)

9.G Commission's annual report – Chair Newby distributed a fiscal year draft of the HRC Annual Report to the Commissioners. Chair Newby noted with double asterisks the accomplishments of the Commission that the Commission had wanted to address. He asked the Commissioners to send their edits/comments to Ms. Bonno so that they can be incorporated into the report. Commissioner Severin noted that there were two cases that were brought for mediation – one was resolved through facilitation and the other did not move forward to the mediation process because one of the parties did not respond.

9.H Commissioner Chandrasena's recommendation that the HRC recognize three Girl Scouts who received Gold Awards. They are:

Kayla Carrera – Computer Science Education: Introduced Computer Coding workshop at Raymond Cree Middle School

Mihiri Chandrasena – Collaborated with INCIGHT adding golf as an Adaptive Sport to the CV Adaptive Sports Festival

Jazmin Menroy – Introduced a My Life, My Skills class to the Boys & Girls Club of Palm Springs

Ms. Bonno asked Commissioner Chandrasena if she wanted these Girl Scouts recognized at the Community Service Award Ceremony in February or if she intended for some recognition to come sooner. Chair Newby asked Commissioner Chandrasena for clarification. She responded that providing them with a certificate at a HRC meeting would be a positive and supportive measure. Commissioner Sutton-Weiss stated that acknowledging the three at the Community Service Awards would be a more powerful statement. Commissioner Severin pointed out that waiting until February was a downside. She said she supports acknowledging people throughout the year. Commissioner Rankins stated that the purpose of the annual Community Service Awards is to acknowledge people and indicated that he felt that these three young women would be good candidates for the Community Service Awards nomination process. Commissioner Sutton-Weiss and Chappell agreed with Commissioner Rankins and, sensing a consensus, Chair Newby recommended that this recognition should be part of the Community Service Awards Committee's consideration for the February 2017 awards.

9.I Task Force Reports:

- Homeless Committee – Commissioner Severin noted several key issues from the April 14th meeting of the Task Force:
 - Location for a comprehensive triage services hub – money is in the City's budget, but the location is still to be determined
 - Mental health workers are developing a rapport with the homeless and creating an independent comprehensive data base on the demographics of the homeless

- Veterans continue to receive shelter in Riverside County – In 2015, 400 veterans received housing and the effort continues
 - Police are responding to reports of homeless camps and are trying to respond quickly
 - Noted that Riverside County mental health professionals report that it takes approximately 70 requests before a homeless person asks for help
 - Councilmember Kors has been researching how other cities handle the issue of access to public restroom facilities
 - The 4th annual Coachella Valley free medical, dental and optical clinic, sponsored by Golden Voice and California Care Force, was held in April and it was very well attended by those in need of no-cost medical attention
 - The Task Force is working with the Well in the Desert and the Workforce Development Center in Indio to have a mobile van for those homeless who are job ready and want to go back to work – the van supplies assistance in getting resumes together and locating documentation that they are going to need to get back to work and to do some training.
- Ethics and Transparency Task Force – Chair Newby reported that he was unable to attend the last meeting of the Task Force. However, he did report that there are several recommendations being brought forward to the City Council from the various sub-committees of the Task Force. One issue that was discussed was how various City committees are subject to the Brown Act. Chair Newby notes that if all the recommendations suggested by the Task Force were to be implemented it would be a time consuming and expensive project. However, he said there are some incremental steps that can be made that will open up the process more to the community. Some of the ideas that are being discussed might require a Charter Amendment that would be put to the public for a vote.
 - Logo Committee – Commissioner Severin said that a new HRC banner is being produced by Signs By Tomorrow at a cost of \$150. She will bring the banner to the next HRC meeting. There is a balance of \$350 for logo materials that should be spent prior to the end of the fiscal year. Commissioner Severin indicated that she had priced note pads, magnets and pens. She recommends ordering as many as possible at this time with the remaining funds. Commissioner Sutton-Weiss asked about ordering shirts for the Commissioners with the new logo. Commissioner Severin indicated that if the Commissioners want t-shirts that would cost roughly \$20 each and polo shirts would run about \$36 a piece. Commissioner Severin's recommendation is that the HRC get new shirts when the new budget is in place or that Commissioners purchase their own shirts and the remaining funds this fiscal year be used for promotional items. Commissioner Rankins made a motion for Commissioner Severin to spend the remaining funds in the budget on promotional materials with the new logo. The note pads, magnets and pens will carry the new logo and the website address. Commissioner Rankins' motion and seconded by Commissioner Sutton-Weiss and approved 6-0. (Commissioner Hunt was absent.) Commissioner Rankins asked about a logo launch party and after some discussion it was the consensus of the group that any such party could be held in conjunction with a larger event (Pride parade, etc.) and after the press release has been issued. Ms. Bonno suggested it be discussed at the fall planning retreat. Chair Newby asked for a copy of the new logo to add to the Commission's Annual Report.

9.J Attendance at the Desert Highland Gateway Estates meetings – Commissioners Chandrasena and Chappell will attend the May 10th meeting.

9.K Public Comment from the Commission at City Council Meetings. Ms. Bonno suggested that a representative of the Commission speak at the next City Council meeting regarding the HRC's request for an additional \$500 for the Commission's 2016-2017 budget. Chair Newby will prepare a letter to the Council requesting the additional monies and will be present at the meeting. Other Commissioners indicated that they will make an effort to attend.

9.L Commission's tentative calendar:

JUNE 2016: LGBT Issues

Guest Speaker(s): Annette Paterson, Executive Director, Joshua Homecoming
Coordinated by: Commissioner Sutton-Weiss

JULY 2016: Ongoing business and orienting new Commissioners

10. STUDENT COMMENTS – There were none.

11. COMMISSIONERS COMMENTS:

- Commissioner Rankins thanked Commissioner Chandrasena for inviting Julia Sauter and Jesus Palomino to speak before the Commission. He indicated that their presentations opened his eyes to what ableism is and how it affects the lives of people with disabilities.

NOTE: Lee Bonno noted that the City Clerk responded regarding the tie vote for Vice Chair. A tie vote is a failed motion and the item can be brought up again when all Commissioners are present or have the Chair accept another nomination that can get more votes. Commissioner Severin said she would like to concede to Commissioner Rankins and she withdrew her name. Chair Newby moved to nominate Commissioner Rankins as Vice Chair and the motion was seconded by Commissioner Sutton-Weiss. The vote was 5-0 with Commissioner Rankins abstaining and Commissioner Hunt absent.

12. STAFF COMMENTS: Noted that Councilmember Kors had been in communication with the Agua Caliente Band of Cahuilla Indians regarding the proposed indigenous peoples day and that conversation is moving forward. Councilmember Kors will let staff know when to put this topic on the Commission's agenda. She further noted that Palm Springs is once again being included in the Human Rights Campaign's Municipal Equality Index.

NOTE: Staff will look into whether or not the HRC has a Councilmember Liaison and report back at the next meeting.

13. AGENDA ITEMS FOR THE JUNE 13, 2016 HRC MEETING:

- Annual Report
- Task Force Reports
- Attendance at Desert Highlands neighborhood meetings
- Attendance at City Council
- Resolution on the Equality Act
- Packet to include the City's nondiscrimination policy in hiring

14. ADJOURNMENT: The meeting was adjourned at 4:31 p.m.

Respectfully submitted,



Terry Towne
Volunteer, Office of Neighborhood & Community Relations

Lee A. Bonno
Staff Human Rights Commission Liaison
Director of Neighborhood & Community Relations

PALM SPRINGS RESOLUTION SUPPORTING THE PASSAGE OF THE EQUALITY ACT 2015

WHEREAS, the City of Palm Springs has a long history of opposing discrimination on the basis of race, color, religion, national origin, ancestry, disability, age, sexual orientation, gender identity, and sex; and

WHEREAS, it is a unifying principal of our democracy that individuals should be able to fully participate in society. Discrimination undermines both individual and societal stability; and

WHEREAS, lesbian, gay, bisexual, and transgender people commonly experience discrimination in credit, education, employment, housing, government funded programs, jury service, and public accommodations such as stores, restaurants, and transportation services; and

WHEREAS, women commonly experience discrimination in government funded programs and public accommodations, including sexual harassment, differential pricing and denial of services in places such as stores, restaurants, and transportation services; and

WHEREAS, regular and ongoing discrimination contributes to negative social, health and economic outcomes; and

WHEREAS, states such as California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Minnesota, Nevada, New York, New Mexico, New Jersey, Oregon, Rhode Island, Vermont, and Washington plus the District of Columbia have laws prohibiting discrimination on the basis of sexual orientation, gender identity, and sex in employment, housing, and public accommodations; and

WHEREAS, Members of Congress have carefully crafted a federal solution to discrimination against LGBT people and women, the Equality Act of 2015.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Palm Springs that:

Section 1. As public officials elected to protect the welfare of the City of Palm Springs, we find that federal laws fully prohibiting discrimination on the basis of sexual orientation, gender identity, and sex are essential to furthering the wellbeing of the residents and visitors of Palm Springs.

Section 2. We affirm that LGBT people and women have a right to live free from discrimination in the core aspects of their lives included but not limited to, employment, education, housing, public accommodations, all government funded programs and jury service.

Section 3. We call upon Congress to pass the Equality Act of 2015 to ensure that federal civil rights laws are fully inclusive of protections on the basis of sexual orientation, gender identity and sex.

Section 4. We direct the City Clerk to send a copy of this resolution, duly adopted, to the Member of Congress representing the City of Palm Springs, Senator Merkley, Representative Cicilline, the Director of the LGBT Congressional Equality Caucus and the President of the United States.

PASSED and ADOPTED by the City Council of Palm Springs upon this _____ day of _____ month, 2016.



City of Palm Springs Administrative Policy Discrimination, Harassment and Retaliation

Policy Statement

The City is committed to providing a workplace free of discrimination, harassment and retaliation based on an employee's race, religion, creed, color, national origin, ancestry, veteran status, physical disability, mental disability, medical condition, genetic information, HIV/Aids related conditions, pregnancy, use of leave under FMLA and/or CFRA, marital and domestic partner status, family and parental status, age, sex, gender, gender identity, gender expression, sexual orientation, or any other basis protected by applicable federal, state or local law (hereinafter referred to as "Protected Characteristic"). The City will not tolerate discrimination harassment or retaliation against employees by managers, supervisors or co-workers. Further, the City will not tolerate discrimination, harassment or retaliation against employees by non-employees with whom the City's employees have a business, service or professional relationship.

Any employee that is found to have committed or participated in prohibited discrimination, harassment and/or retaliation will be subject to appropriate discipline, up to and including termination. Further, where such conduct occurs, appropriate action may also be taken to deter any future discrimination, harassment and/or retaliation.

Statement of Equal Employment Opportunity and Non-Discrimination

The City is an equal opportunity employer and will not discriminate against any qualified employee or applicant for employment based on any employee's or applicant's Protected Characteristic. Equal employment opportunity will be extended to all persons in all aspects of the employer-employee relationship, including recruitment, hiring, training, promotion, transfer, discipline, layoff, recall and termination.

Prohibited employment discrimination is any adverse employment action respecting the compensation, terms, conditions, or privileges of employment taken against any applicant or employee based on any applicant's or employee's Protected Characteristic.

Discrimination Examples

Prohibited discrimination can take many forms and includes, but is not limited to, the following:

- 1) Basing an employment decision as to a job applicant or employee (e.g., decision to hire, promote, transfer, terminate, etc.) on that applicant's or employee's Protected Characteristic;
- 2) Treating an applicant or employee differently with regard to any aspect of employment based upon a Protected Characteristic;
- 3) Engaging in prohibited harassment, as more specifically defined below; or
- 4) Engaging in prohibited retaliation by taking adverse employment action (e.g., demotion, transfer, discipline, termination) against an employee based on the employee opposing discrimination in the workplace, assisting, supporting, or associating with a member of a

protected group who complains about discrimination, or assisting in an investigation of discrimination.

Prohibited Harassment

Prohibited harassment is unwanted verbal, visual, or physical conduct based upon a Protected Characteristic wherein: (1) submission to the conduct is made either an explicit or implicit condition of employment; (2) submission to or rejection of the conduct is used as the basis for an employment decision; or (3) the harassment unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Harassment Examples

Prohibited harassment may include, but is not limited to, the following unwanted conduct: offensive jokes, slurs, statements, gestures, pictures, drawings, computer images, cartoons, assault, and/or impeding or blocking another's movement or otherwise physically interfering with normal work based upon an employee's Protected Characteristic.

Prohibited Sexual Harassment

Sexual harassment is a form of prohibited harassment that the City affords particular attention through a specialized complaint procedure set forth in Rule 17 of the City's Personnel Rules. In the event provisions of this Policy contradict those set forth in Rule 17, the terms and procedures of Rule 17 shall govern.

Sexually harassing conduct includes all of the prohibited actions set forth at Section 17.3.1 above, as well as other unwelcome conduct such as unwanted sexual advances, requests for sexual favors or visual, verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made a term or condition of employment; or (2) submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment can occur between members of the same or opposite sex.

Employees are hereby informed that no supervisor, manager, or officer of the City, or other person or entity doing business with the City, is authorized to condition the receipt or denial of any benefit, compensation, or other term or condition of employment on an employee's consent to any sexual demand. To the contrary, all employees are instructed that they must refuse such demands and report them promptly either to their immediate supervisor or the Personnel Officer. Any employee who is found to have obtained any benefit from the City because he or she submitted to an unreported sexual demand may be disciplined appropriately, and may further be subject to reimbursing the City for the value of any benefits received. Any employee making such a demand may also subject to appropriate discipline.

Sexual Harassment Examples

Sexual harassment can take many forms and includes, but is not limited to:

- 1) Unwanted sexual advances;
- 2) Offering employment benefits in exchange for sexual favors;
- 3) Making or threatening reprisals after a negative response to sexual advances;

- 4) Unwanted visual conduct such as leering, making sexual gestures, displaying of sexually explicit jokes;
- 5) Unwanted verbal sexual advances or propositions;
- 6) Unwanted verbal abuse of a sexual nature, graphic verbal commentary about an individual's body or dress, sexually degrading words to describe an individual, suggestive or obscene letters, notes or invitations; and
- 7) Unwanted physical conduct such as touching, assault, impeding or blocking movements.

Prohibited Retaliation

The City prohibits retaliation against any employee because of (1) the employee's opposition to a practice the employee reasonably believes to constitute employment discrimination, harassment or retaliation or (2) because of the employee's participation in an employment discrimination, harassment or retaliation investigation, proceeding, or hearing.

Examples of Protected Opposition

A complaint about an employment practice constitutes protected opposition only if the employee communicates to the City a reasonable good faith belief that the practice opposed constitutes discrimination, harassment and/or retaliation. Protected opposition to perceived discrimination, harassment or retaliation includes, but is not limited to, threatening to file a discrimination, harassment and/or retaliation complaint with any federal or state agency, union or court, or complaining or protesting about alleged discrimination, harassment and/or retaliation to a supervisor, manager, the Personnel Officer, union official, co-worker or other official. Protected opposition also includes a complaint or protest made on behalf of another employee or made by the employee's representative.

Opposition not made in good faith, or made in a manner which disrupts the workplace, or which constitutes an unlawful activity, or which includes badgering or threatening of employees or supervisors is not protected.

Examples of Protected Participation

Protected participation includes, but is not limited to, filing a charge, testifying, assisting, or participating in any manner in an investigation, proceeding, hearing or litigation under federal or state discrimination, harassment or retaliation statutes or at other hearings regarding protected employee rights, such as unemployment compensation proceedings. The City also prohibits retaliation against persons closely related to or associated with the employee exercising such rights.

Procedures for Reporting and Investigating Complaints of Discrimination, Harassment and Retaliation

Any incident of discrimination, harassment or retaliation by City personnel or any other person, should be reported to the employee's immediate supervisor and/or to the Personnel Officer immediately. The complaint should include details of the incident(s), names of individuals involved, and the names of any witnesses. An employee is not required to complain first to his or her supervisor if that person is involved in the reported conduct. Instead, the employee may report the incident to the supervisor of the employee's immediate supervisor or to the Personnel Officer.

All complaints are to be made in good faith with a reasonable belief in their accuracy and a reasonable and good faith belief that prohibited discrimination, harassment or retaliation has occurred.

The procedures herein apply to the prohibited types of discrimination, harassment and retaliation based on an employee's Protected Characteristic. Employees should feel free, without fear of retaliation, to follow the procedures set forth herein or in Rule 17 of the City's Personnel Rules if they believe in good faith that they have been discriminated against, harassed or retaliated against.

Any employee that fails to cooperate with any discrimination, harassment or retaliation investigation may be subject to appropriate discipline, up to and including termination.

Supervisor's Responsibility

Supervisors and managers must immediately refer all discrimination, harassment and retaliation complaints to the Personnel Officer. If the Personnel Officer is involved in the reported conduct, the complaint should instead be referred to the City Attorney.

Personnel Officer's Responsibility

The Personnel Officer shall have every reported complaint of discrimination, harassment and retaliation investigated, promptly and in a confidential manner, but confidentiality is neither promised nor assured due to the need to thoroughly investigate such claims, including talking to potential witnesses.

City Manager's Responsibility

The City Manager or the City Manager's delegate, who shall not be a party to any portion of the complaint, may conduct an informal hearing for the purpose of further investigation of the complaint or shall render a final and binding decision regarding the matter.

Employee Failure to Follow Procedure

All employees should note that their failure to follow the City's complaint reporting procedure may result in the defeat of any claim of discrimination, harassment or retaliation, if litigated.

Additional Enforcement Information

Discrimination, harassment and/or retaliation because of an employee's Protected Characteristic are illegal. In addition to notifying the City about discrimination, harassment and/or retaliation pursuant to the City's complaint and investigation procedure, affected employees may also direct their complaints to the federal Equal Employment Opportunity Commission ("EEOC") and the California Department of Fair Employment and Housing ("DFEH"), which have authority to conduct investigations and prosecute complaints of discrimination, harassment or retaliation in employment. Time limits for filing complaints with the EEOC and the DFEH vary and those agencies should be contacted directly for specific information. The addresses and telephone numbers (as of the date of this policy) are:

EEOC Los Angeles District Office
255 E. Temple, 4th Floor
Los Angeles, CA 90012
Telephone: (213) 894-1000
TTY: (213) 894-1121

DFEH San Bernardino District Office
1845 S. Business Center Drive, Suite 127
San Bernardino, CA 92408-3426
Telephone: (909) 383-4373
TTY: (800) 700-2320

DRAFT

Palm Springs Human Rights Commission Review of 2015 – 16 Year – Annual Report

Commission Retreat – September 12, 2015

This is the list of topics and areas of focus identified by the Commission at the September 12 planning meeting.

1. Homelessness
2. Veterans Issues
3. Race Relations
4. Ableism
5. Affordable/Fair Housing
6. Income Disparity
7. LGBT Issues
8. Seniors
9. Women's Representation in Boards and Commissions
10. Equal Access in Education/government
11. Child Hunger

Commissioners Outlined the following Calendar and assigned commissioners:

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| October 2015: | Gender Neutral Bathrooms and Transgender Issues **
Guest Speakers: Jane Mills / Thomi Clinton
Coordinated by Commissioners Sutton-Weiss and Hunt |
| November 2015: | Homelessness **
Guest Speakers: Martha's Village and Well in the Desert
Coordinated by Commissioners Chappell and Rankins w/
Input by Commissioner Severin |
| December 2015: | Affordable/Fair Housing **
Guest Speakers: Dale Cook and Others
Coordinated by Commissioner Rankins |
| January 2016: | Review/Re-strategize HRC Outreach Efforts
Coordinated by Chair Wilson-Barton |
| February 2016: | Community Service Awards ** |
| March 2016: | Race Relations **
Guest Speakers: Desert Sun Race Relations Survey Group
Coordinated by Commissioner Carriazo ** |

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April 2016: Equal Access in Education/Government **
Guest Speaker: TBA
Coordinated by Commissioners Hunt and Vice Chair Newby

May 2016: Women's Issues/Child Hunger
Guest Speakers: TBA
Coordinated by Chair Wilson-Barton and Student Rep. Angelina Pinkney
Commissioner Hunt to address Child Hunger

A Veterans offsite event at the American Legion
Coordinated by Commissioner Severin

June 2016: LGBT Issues
Guest Speaker: TBA
Coordinated by Commissioner Sutton-Weiss

** Designates that this issue was reviewed and discussed by the Human Rights Commission during the year

Human Rights Commission Meeting – October 12, 2016

Guest Speakers: Thomi Clinton, President and Founder of Transgender Community Coalition and TDOR Palm Springs speaking on the legal obligations and requirements to provide successful integration of transgender people into our community.

Jane Mills, Director of Student Services for the Palm Springs Unified School District speaking about understanding the law of transgender topics in the school system.

Community Outreach: Commissioners were assigned to provide outreach and information to various community organizations:

- Mizell: Newby and Chandrasena
- Desert Highland – Wilson-Barton and Hung
- LGBT Center: Newby, Rankins and Chappell
- Libraries: Severin and Chandrasena
- Board of Education: Sutton-Weiss, Chandrasena & Wilson-Barton
- ONE-PS – Newby
- Palm Springs Art Museum: Severin
- Desert AIDS Project: Newby and Chappell

Task Force Assignments: Homelessness Committee – Commissioner Severin
CDBG – Chair Wilson-Barton
Mizell-Senior – Vice-Chair Newby
Logo Committee – Commissioners Rankins, Severin, Carriazo

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Human Rights Commission Meeting – November 9, 2016

Guest Speakers: Janice Delagrammatikas, Principal for the Come Back Kids Program, Riverside County Office of Education speaking about the program and how it helps young people overcome challenges by drugs, alcohol, or life choices to obtain a high school diploma

Arlene Rosenthal, Director of Well in the Desert speaking on issues of homelessness in Palm Springs and how the City and public can assist in finding solutions to these problems and in promoting awareness and understanding

Participation: Veterans Day Parade and Transgender Day of Remembrance Vigil

Service Awards: Committee updated commission on work and application process.

Human Rights Commission Meeting – December 14, 2015

Guest Speakers: Dale Cook, Community Development Administrator for the City of Palm Springs addressed affordable rental opportunities in Palm Springs and tenants facing rent increases

Monica Lopez, Program Manager of Fair Housing Council of Riverside County addressed the fair housing legalities on rental agreements, renewals, and rent increases and issues affecting the local rental market

Task Force: Logo Committee: Reported on its progress of developing a new logo for the HRC and secured the help of a local graphics company to assist pro-bono
Homelessness Committee: Commissioner Severin provided an update on the committee work

Service Awards: The Committee reported on the award recipients for February 8

- Mark Walthour – Desert Highlands Gateway
- American Legion Post 519
- Dimitri Halkidis founder of Boo2bullying
- Hank Plante – Emmy Award winning journalist
- Thomi Clinton – for her work on transgender issues
- Olive Crest – for 40 years of work with families and at risk youth in prevention of child abuse
- Safe House of the Desert – emergency shelter, intervention and outreach to youth in crisis and education and prevention of Human Trafficking
- Incight for work in assisting people with disabilities

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Human Rights Commission Meeting – January 11, 2016

Service Awards: The procedures of the Community Service Awards set for February 8 were reviewed and Commissioners were assigned award recipients to contact and meet prior to the awards.

Upcoming Calendar: The Commission reviewed upcoming presentations on the subjects that were assigned during the retreat

Human Rights Commission Meeting – February 8, 2016

Service Awards: Mayor Moon was present representing the City of Palm Springs and assisted in presenting awards to the various recipients. He invited Councilmember Kors who was present in the audience to also assist and participate in the awards presentations.

Chair Wilson-Barton made opening remarks on the scope of the Human Rights Commission outreach efforts, activities and event participation. She highlighted the HRC Mediation Program and made special mention of the recent passing of activist George Zander.

Human Rights Commission Meeting – March 14, 2016

Guest Speakers: Palm Springs Police Chief Bryan Reyes and Police Captain Walter Combs spoke about race relations in Palm Springs and the Department's training and outreach efforts to various aspects of the community. There was also discussion of issues specific to the Desert Highland Community

Events: The Commission determined to participate in the ONE-PS Annual Picnic on March 19

The Commission voted to participate and sponsor a table at the Harvey Milk Diversity Breakfast on May 20

Task Force: Logo Committee: The Logo Committee presented possible designs. After review of the proposed logos and discussion, the Commission approved the logo design – see below:



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Homelessness Committee: Commissioner Severin continues to attend these meetings and provided a report to the Commission

Changes: Chair Wilson-Barton resigned as of this Commission Meeting and Commissioner Carriazo announced his resignation as well.

Human Rights Commission Meeting – April 11, 2016

Guest Speakers: Palm Springs Chief of Staff/City Clerk discussed the outreach efforts currently being made by the City of Palm Springs in recruiting for Boards and Commissions as well as the meeting notice process and policies for Board, Commission and City Council Meetings. He also spoke of the availability of email notification of meeting agendas.

Changes: Following the resignation of Chair Wilson-Barton, an election was held for a new Commission Chair to serve through June. Vice-Chair was elected to serve as Chair.

Outreach: Commissioner Severin confirmed a table at the Harvey Milk Diversity Breakfast and asked for Commissioner participation.

Library Presentation: Commissioner Severin confirmed a film presentation for Wednesday, October 12. Subjects for the film are being finalized.

Homelessness Committee: Commissioner Severin reported on her attendance at the committee meetings. The major concern is maintaining a location for Well in the Desert as well as establishing a 24/7 resource center and location for homeless individuals.

Ethics and Transparency Task Force: Commissioner Newby is a member of this task force and reported on its progress and timeline.

New Business: Commissioner Chandrasena brought up concerns about the Medical Marijuana Dispensaries in Palm Springs. Following Discussion, this item will be on the May Agenda with information provided to Commissioners prior to the Meeting regarding the ordinance and how it is implemented.

Human Rights Commission Meeting – May 9, 2016

Guest Speakers: The topic for this meeting was Ableism. The guest speakers were Jesus Palominos and Julia R. Sauter. Ms. Sauter is a volunteer and substitute teacher at the Braille Institute. She has mild spastic cerebral palsy and is an advocate for people with disabilities. She graduated Magna Cum Laude from Mount St. Mary and has an MA in ethics. Mr. Palominos was born with retinitis pigmentosa. He related his experiences in special education and how it was not supportive. He has overcome early educational discrimination to be able to seek a further education.

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Ms. Sauter noted that ableism is the institutionalized discrimination against those with disabilities.

Public Requests: Richard Noble requested a Resolution from the Commission the Equality Act. He also spoke in favor of the HRC endorsing the designation of October 10th as Indigenous People’s Day.

Vice-Chair: Wes Rankins was elected to serve the remaining term for Vice-Chair – next election will be July 11.

Outreach: Commissioner Suzanne Severin was selected to be the HRC Representative on the Transgender Community Coalition planning committees.

The Commission has a table at the upcoming Harvey Milk Diversity Breakfast.

A Human Rights Commission Library event for showing of a film was confirmed for Wednesday, October 12 at 6:30PM. Commissioner Severin recommended the film “The Home Stretch” which follows three homeless teens. The Well In the Desert is interested in partnering on this presentation.

Medical Cannabis: Commissioner Chandrasena requested information regarding the approval of Medical Marijuana Dispensaries. City staff provided comprehensive information on the process of selection as well as other supporting documentation. Following discussion, it was determined that there was no action necessary by the Human Rights Commission

Member Reports: Commissioner Severin reported on the activities of the Homelessness Committee. Chair Jack Newby reported on the Ethics and Transparency Committee and some of the draft recommendations. The Logo Committee reported on their activities and it was determined to expend funds on logo branded material.

Commission Report: Chair Newby provided a draft of the report and asked for feedback. Commissioner Severin asked that the Commission Mediation Services be highlighted in the report.

Human Rights Commission Meeting – June 13, 2016

Guest Speakers: LGBT Issues – Antonio Lopez-Cochran, Chair of Some Fabulous Leos which supports local LGBT organizations in the area

Equality Act Resolution: The Commission reviewed information regarding the Equality Act. Councilmember Geoff Kors made the presentation

Contracting Non-Disc: The Commission was asked to review a Non-discrimination in contracting draft ordinance and provide input – Presented by Councilmember Geoff Kors

City Hiring Policy: A review of the City’s non-discrimination hiring policy was conducted

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Human Rights Commission – Mediation Services

Commissioner Suzanne Severin has been working hard on promoting the existence of the Mediation Services provided by the Human Rights Commission. She is a certified mediator and after talking to City Manager David Ready, met with City Attorney Douglas Holland to discuss offering mediation when applicable for issues such as neighbor to neighbor disputes, possible housing disputes, and similar issues. During the course of the year, two matters were referred for Mediation. One resulted in a successful mediated resolution. In the second, the mediation session was unable to be scheduled because one of the parties did not agree to participate.

From the Nov. 14, 2011 Human Rights Commission Minutes

9.D Student participation on the Human Rights Commission: Vice Chair Rodriguez distributed proposed language that defines the student representative selection process. He proposed leaving the process somewhat open for the principals, to give them some flexibility. Commissioners discussed when the principals should open the nomination process and when the selections should be made. They also discussed whether the student representatives needed to be Palm Springs residents or just attend the middle school or high school. It was decided that they must be Palm Springs residents. Vice Chair Rodriguez made a motion that:

The Palm Springs Human Rights Commission allows for the appointment of two student representatives to sit on the Commission. One student shall come from a middle school within the City of Palm Springs and one shall come from a high school within the City of Palm Springs. Both students must be residents of the City of Palm Springs.

Student representatives shall be chosen through their school sites by their school principals in conjunction with any other school administrators or staff the principal deems necessary. Principals shall open up nominations for the student representative the last month of the school year with a selection to be made by the beginning of the new school year. The nominations should be open to the entire student body. Principals may determine their own criteria in selecting the student representatives, but are encouraged to select a representative that best fits the mission of the Palm Springs Human Rights Commission. Student representatives may serve concurrent terms, but must be re-nominated and appointed each year.

Student representatives should be prepared to come to the Human Rights Commission meetings and give a report on any topics from their school sites relevant to the work and mission of the Human Rights Commission. Student Representatives are also encouraged to communicate the work of the Human Rights Commission back to their school sites. Student Representatives have a voice, but do not have a vote in matters brought before the Human Rights Commission.

Commissioner Trussell seconded the motion which then was approved 7-0-1 (Commissioner Newby absent.)