



Date: July 12, 2019
To: Mayor and Councilmembers
Through: Kathryn L. Walker, Interim City Attorney *KW*
From: Kristina L. Bell, Assistant City Attorney *KL*
Subject: Proposed Ordinance Amendments to Chapter 7 – Civil Rights

I. BACKGROUND

On December 22, 2015, the Norman City Council passed Resolution R-1516-65 (attached as Exhibit 1), which provides that the City's prohibition of sex discrimination included in the City's personnel policies and Civil Rights Ordinance in Chapter 7 (current version of the ordinance attached as Exhibit 2) be interpreted and administered to guard against the use of assumptions and stereotypes associated with sexual orientation and gender identity.

Members of the local LGBTQ community, including the local advocacy group Norman United, have requested that the City add "sexual orientation" and "gender identity or expression" as specifically identified protected classes in the City's Civil Rights Ordinance. Staff has worked with local civil rights attorney Don Holladay to review the City's Civil Rights Ordinance and has identified other areas that need to be updated as well.

Staff presented proposed ordinance amendments to the Norman Human Rights Commission (HRC) at its January 28, 2019, meeting. On April 22, 2019, Staff presented a few additional modifications that were requested by the HRC. The HRC unanimously recommended that the proposed ordinance amendments be presented to the Council Oversight Committee for review and consideration.

Staff presented the proposed ordinance amendments to the Council Oversight Committee on May 9, 2019. The Oversight Committee directed Staff to prepare the amendments for full Council review and discussion.

II. DISCUSSION

On August 19, 1986, the City of Norman adopted Ordinance O-8687-2 prohibiting discrimination against citizens based on race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, and familial status. Substantive changes to the ordinance (other than increasing the penalty ranges) have not been made since May 14, 1996, over twenty years ago, when City Council adopted Ordinance O-9798-58, at which time "familial status" was added as a protected class based on the recommendation of the United States Department of Housing and Urban Development ("HUD").

The proposed amendments (annotated copy attached as Exhibit 3 and clean copy of proposed changes attached as Exhibit 4) include Norman United's initial request to add

office memorandum

“sexual orientation,” and “gender identity or expression” as separate protected classes. The amendments also add “marital status, including marriage to a person of the same sex” as a protected class in light of the United States Supreme Court’s decision in *Obergefell v. Hodges*, 135 S.Ct. 2584 (U.S. 2015), that the right to marry is a fundamental right inherent in the liberty of the person and that under the Due Process and Equal Protection Clauses of the Fourteenth Amendment couples of the same sex may not be deprived of that right and liberty. The Supreme Court also held that States must recognize lawful same-sex marriages performed in other States. These rulings led to the legalization of same-sex marriage throughout the country.

The proposed amendments also simplify and modernize the ordinance (for example, replacing the term “handicap” with the term “disability” and adding language referencing the City’s Americans with Disabilities Act Accessibility and Inclusion Statement) as well as streamline the HRC complaint process. The ordinance still addresses three specific areas of protection: employment, housing, and public accommodations.

A. LGBTQ Protections

“Sexual orientation,” “gender identity or expression,” and “marriage to a person of the same sex,” have been added as specific additional protected classes throughout the ordinance. They are included in the Declaration of policy and objectives in § 7-101 and in the general Prohibition of Discrimination and Retaliation in § 7-104. Corresponding definitions for “gender identity or expression” and “sexual orientation” have been added as re-numbered definition subsections (7) and (13) in § 7-103, respectively.

B. Clarification of HRC Role and Streamlining of HRC Complaint Process

The HRC is an advisory board, and the proposed amendments clarify this role, particularly as it relates to the receipt and resolution of complaints. The current ordinance language bestows upon the HRC the power to take testimony, issue subpoenas, and conduct a formal hearing. The reality of the HRC, however, is that it consists of citizen volunteers who do not necessarily have the training or financial resources to conduct such a formal adversarial hearing. The purpose of the complaint process is to find an amicable resolution that offers a real remedy to the aggrieved individual. The proposed ordinance amendments stream-line this process, providing both the aggrieved individual (the Complainant) and the individual or entity against whom a complaint is made (the Respondent) an opportunity to have notice, be heard, and be represented by legal counsel if they choose. See §§ 7-107(c) and (d).

The proposed amendments provide an Administrative Review process that allows the HRC to review the complaint and any information provided by the Complainant or Respondent and then make a written recommendation to the City Attorney’s Office for further investigation and/or further action, if appropriate, including, but not limited to, referral of the Complainant to other local, state, or federal entities (such as the Equal Employment Opportunity Commission (“EEOC”) or the Oklahoma Attorney General’s Office of Civil Rights Enforcement for employment issues or HUD for housing issues);

mediation of the matter between the involved parties, prosecution of the Respondent in Municipal Court (criminal prosecution); filing of injunctive relief in state or federal district court, or a determination that no further action should be taken. *See* proposed § 7-108. The ordinance still allows the HRC to dismiss a complaint if it determines by a majority vote that the complaint is unfounded, that no further action is warranted, or that the issue has been resolved. *See* proposed § 7-108. The proposed amendments also make clear that the City Attorney, the Commission Chair, and/or their designees can also contact the Complainant and Respondent to attempt facilitation of mediation or other informal resolution of the complaint prior to the complaint being heard by the HRC. *See* proposed § 7-107(b). Under the proposed revisions, the Complainant still retains the right to pursue other administrative remedies and/or a private civil action. *See* proposed § 7-110.

Complaints must be filed on a form approved by the HRC. *See* proposed § 7-106(a). The proposed form is attached as Exhibit 5. The amendments clarify that the form must be filed in the City Clerk's Office like other official forms and notices. *See* proposed § 7-106(a). Complaints must be filed within ninety (90) days after the alleged act of discrimination or retaliation, and the HRC shall review and discuss the complaint at its next regularly scheduled or special meeting that is at least thirty (30) days after receipt of the complaint. *See* proposed §§ 7-106(a) and 7-107(a).

The proposed amendments also include the additional duty of the HRC to "provide and promote education and awareness of the rights provided in this Code." *See* proposed § 7-102(7). They also include a new reporting duty for the HRC to submit to City Council an annual report of complaints filed and their resolution but notes that no report is required if no complaints are filed during a particular year. *See* proposed § 7-102(16).

C. Simplification of Substantive Protections

The substantive anti-discrimination and anti-retaliation protections did not really change, but instead of having multiple separate sections for employment, housing, and public accommodations, the protections are combined in a shorter, simpler prohibition section contained in proposed § 7-104. Section 7-105 outlines the same exceptions to the general prohibition which were in the current ordinance but combines them into this one new section with subsections for each category of employment, housing, and public accommodations.

D. Changes Requested by the HRC

1. Removal of Minimum Employee Number Requirement

The current ordinance provides that an employer must have five (5) or more employees to fall under the purview of the ordinance. *See* § 7-103(5). Minimum employee number requirements are common in anti-discrimination laws. Most of the federal laws the EEOC enforces require a minimum of fifteen (15) (such as Title VII claims for race, color, sex, religion, or national origin discrimination and disability discrimination arising under the Americans with Disabilities Act ("ADA")) or twenty (20) (such as age discrimination under the Age Discrimination in Employment Act ("ADEA")). There is no

minimum employee number requirement under the state definition of employer contained in 25 O.S. § 1301. Citizen advocates, particularly those in the LGBTQ community, have expressed concern that some citizens working in Norman would otherwise not have protection if they work for smaller employers that are not governed by the provisions of the EEOC. The HRC requested removal of this minimum employee number requirement. The proposed amendments remove that minimum number and use the definition of “employer” that is used in the state definition contained in 25 O.S. § 1301.

2. Definition of Domestic Service

The HRC also requested a definition and/or clarification of what is meant by the exclusion for “domestic service.” The definition of “employer” contained in § 7-103(5) has proposed amendments excluding independent contractors (because they are not employees) and including an explanation that “employment of individuals in domestic service as private household workers” must be those “employed in a private home” and gives examples, such as “nannies, housekeepers, and elder caregivers.” The state also exempts employment in the domestic service of the employer. 25 O.S. § 1302(B).

3. Electronic Communications

The HRC requested that the discrimination publication prohibition in § 7-104 specifically include electronic communication in light of new modern improvements, such as e-mail and social media.

E. Issues Discussed by the Oversight Committee

1. Hate Crimes

The Oversight Committee expressed a desire for the City to address hate crimes in the community, particularly the ability to denounce and condemn them and reaffirm the City’s commitment to inclusivity and acceptance.

Hate crimes under state law are addressed in 21 O.S. § 850, which provides the following:

A. No person shall maliciously and with the specific intent to intimidate or harass another person because of that person's race, color, religion, ancestry, national origin or disability:

1. Assault or batter another person;
2. Damage, destroy, vandalize or deface any real or personal property of another person; or
3. Threaten, by word or act, to do any act prohibited by paragraph 1 or 2 of this subsection if there is reasonable cause to believe that such act will occur.

A first offense constitutes a misdemeanor punishable by the imposition of a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a period of not more than one (1) year, or by both such fine and imprisonment. A second or subsequent offense constitutes an felony punishable by not more than ten (10) years incarceration in the custody of the Department of Corrections and/or a fine for a felony violation not to exceed Ten Thousand Dollars (\$10,000.00) 21 O.S. § 850(D)-(E).

11 O.S. § 14-111(C) provides that “municipalities having only a municipal court not of record shall not have authority to enact any ordinance making unlawful any act or omission declared by state statute to be punishable as a felony.” It further provides that the maximum fine for non-traffic misdemeanor non-alcohol-related or non-drug-related offenses prosecuted in a municipal court not of record is Seven Hundred Fifty Dollars (\$750.00) and the maximum amount of imprisonment in the county jail is sixty (60) days.

Under these statutory provisions, the City is preempted from prosecuting hate crimes in Municipal Court. The penalty ranges for state court are much greater than those in Municipal Court, which allow more severe punishment and deterrence than what Municipal Court could provide even if it were not preempted.

The City does have the ability to make public policy statements condemning the occurrence of such hate crimes, however. The City can always pass Resolutions with strong unambiguous language outlining its position on these issues. *See, e.g.*, Resolution R-1819-108, passed by City Council on May 14, 2019 (attached as Exhibit 6).

2. Antidiscrimination Contract Provisions and ADA Accessibility and Inclusion Statement

The Oversight Committee also discussed incorporating the additional LGBTQ protections into the antidiscrimination language incorporated into City contracts and bid specifications with outside vendors.

If Council passes the proposed amendments, the City will incorporate the new ordinance language into its Certificates of Nondiscrimination to ensure consistency. Proposed contractual language is attached as Exhibit 7.

Once the ordinance is amended, the City would also need to adopt a Resolution modifying its ADA Accessibility and Inclusion Statement to include the additional LGBTQ protections.

3. Training for HRC and Local Businesses

The Oversight Committee also discussed providing training opportunities for both the HRC members and local businesses and employers. Section 7-102(8) of the City's Civil Rights Ordinance charges the HRC with the duty to “institute and conduct educational and other programs to promote the equal rights of all persons” and to “promote understanding among all persons and groups.” The Oklahoma Attorney General's Office of Civil Rights Enforcement has advised that it can provide some training opportunities. Staff will work with the HRC to research and discuss additional training opportunities both for members of the HRC and for local businesses.

III. RECOMMENDATION

The proposed ordinance amendments above are presented for your review and discussion. Staff will be available at the July 16, 2019, Study Session to answer questions and receive feedback and direction.

ATTACHED EXHIBITS:

1. Resolution R-1516-65 (December 22, 2015);
2. Current Chapter 7 – Civil Rights Ordinance;
3. Proposed Amendments (Annotated);
4. Proposed Amendments (Clean);
5. Proposed Complaint Form;
6. Resolution R-1819-108 (May 14, 2019); and
7. Proposed amended Contractor Certificate of Nondiscrimination.

Cc: Mary Rupp, Interim City Manager
Brenda Hall, City Clerk

Resolution

R-1516-65

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN ACKNOWLEDGING RECENT DEVELOPMENTS IN FEDERAL LAW INTERPRETING TITLE VII SEX DISCRIMINATION PROTECTION PROHIBITING SEX BASED CONSIDERATIONS IN EMPLOYMENT AND IN CHAPTER 7 OF THE CITY OF NORMAN CODE OF ORDINANCES TO INCLUDE GUARDING AGAINST CONSIDERATION OF SUCH ASSUMPTIONS OR STEREOTYPES STEMMING FROM SEXUAL ORIENTATION OR GENDER IDENTITY AND SETTING FORTH THE POLICY OF THE CITY OF NORMAN THAT THE REASONING PROVIDED THEREIN BE INCORPORATED INTO CITY POLICY WHEN ADDRESSING SUCH ISSUES.

- § 1. WHEREAS, on August 19, 1986, the City of Norman adopted Ordinance O-8687-2 prohibiting discrimination against citizens based on race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status; and
- § 2. WHEREAS, in Chapter 7, Section 7-101 of the Code of the City of Norman, it is the stated policy that all citizens of this community shall have an equal opportunity to purchase, rent, lease or occupy housing accommodations, or to avail themselves of public accommodations, and have an equal opportunity in the job market and the social and economic life of the City, without regard to race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status; and
- § 3. WHEREAS, on July 22, 2008, the City of Norman adopted Resolution R-0809-12 joining the National League of Cities' Partnership for Working toward Inclusive Communities and affirming inclusion as a fundamental aspect of the community; and
- § 4. WHEREAS, under the Norman City Charter, the City Council, as the governing body for the City of Norman, is the policy making body, and the City Manager is charged with administrative responsibility to administer and enforce City policies and ordinances; and
- § 5. WHEREAS, the City Council, as governing body, desires to formally express to the City Manager its intent regarding certain City policies and ordinances related to sex discrimination issues; and
- § 6. WHEREAS, the U. S. Supreme Court has recently extended federal protection under the 14th Amendment to the U. S. Constitution to include the fundamental right of all citizens to have equal access to marriage regardless of sexual orientation, and to protect such marriages and the children being raised in those marriages; and



- § 7. WHEREAS, interpreting the City of Norman's existing prohibition against sex discrimination in Chapter 7 of the City of Norman Code of Ordinances to include assumptions and stereotypes associated with discrimination based on sexual orientation and gender identity would be consistent with the interpretation given such language under Title VII of the Civil Rights Act of 1964 by the Equal Employment Opportunity Commission (EEOC) for all workplaces with 15 or more employees and with the federal government's policy to prohibit discrimination based on sexual orientation and gender identity within executive branch civilian employment and employees of federal contractors; and
- § 8. WHEREAS, interpreting the City of Norman's existing prohibition against sex discrimination in Chapter 7 of the City of Norman Code of Ordinances to include assumptions or stereotypes associated with sexual orientation and gender identity would be consistent with the interpretation of such language under the Fair Housing Act by the federal Department of Housing and Urban Development (HUD), EEOC guidance, and trends in U.S. Supreme Court jurisprudence and would further the City's policy of inclusion to ensure that all citizens shall enjoy equal rights.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

- § 9. THAT the City Manager of the City of Norman be directed to administer all City personnel policies prohibiting discrimination based on sex in such a manner that respects the Council's policy guidance to guard against use of assumptions or stereotypes associated with sexual orientation and gender identity; and
- § 10. THAT the City Manager of the City of Norman be directed to administer City policy consistent with this Resolution, and further be directed to administer Chapter 7 of the City of Norman Code of Ordinances, wherein sex discrimination is prohibited, in such a manner that respects the Council's policy guidance to guard against use of assumptions or stereotypes associated with sexual orientation and gender identity.
- § 11. THAT notice of this Resolution shall be made accessible to the public on the City's website and in its relevant public documents.

PASSED AND ADOPTED this 22nd day of December, 2015.

ATTEST:

City Clerk

Brenda Hall



Chapter 7 - CIVIL RIGHTS

Sec. 7-101. - Declaration of policy and objectives.

- (a) It is the policy of the City of Norman that all citizens of this community shall have an equal opportunity to purchase, rent, lease or occupy housing accommodations, or to avail themselves of public accommodations, and have an equal opportunity in the job market and the social and economic life of the City, without regard to race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status. It is further declared and determined to be the policy of the City of Norman that all citizens of this community should be provided with an opportunity to reach their full potential as human beings, without being inhibited by conditions relating to race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status.
- (b) The provisions and sections of this chapter shall be liberally construed in order to further the general purpose of this declaration of policy and objectives.

(Ord. No. 0-8687-2; Ord. No. 0-9798-58)

Sec. 7-102. - The Norman Human Rights Commission.

The duties of the Norman Human Rights Commission shall be as follows:

- (1) To study problems of discrimination in any or all fields of human relations and to encourage fair treatment and mutual understanding among all citizens; and to combat those misconceptions, prejudices and stereotypes that tend to prevent individuals from reaching their full potential as human beings;
- (2) To hold such meetings as the Commission may deem necessary or proper to assist in carrying out its functions;
- (3) To make recommendations to the City Council of the City of Norman for action it deems necessary to the furtherance of equality and human rights, including the recommendation of legislation to promote the objectives of this chapter;
- (4) To appoint subcommittees to concern themselves with specific human rights problems, which subcommittees shall:



- (a) Be composed of bona fide adult residents of the community, and
 - (b) Be chaired by a member of the Commission;
- (5) To serve as a citizens' advisory committee for the purpose of coordinating, studying and making reports concerning citizen involvement in human rights matters;
 - (6) To perform such other duties as may be assigned to it from time to time by the City Council;
 - (7) To receive and investigate written complaints of discrimination in violation of this Code, and to seek satisfactory resolution of such complaints according to the procedures hereinafter set forth;
 - (8) To institute and conduct educational and other programs to promote the equal rights of all persons regardless of race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status, and to promote understanding among all persons and groups;
 - (9) To cooperate with interested citizens, private agencies, and the agencies of local, state, and federal governments in the promotion of human rights;
 - (10) To insure publications and reports of investigations and research in the field of human rights, and to cooperate with and accept grants from public and private agencies, including foundations and institutions of higher learning engaged in similar research;
 - (11) To assist in the enforcement of fair employment practices in city contracts;
 - (12) To monitor the policies and procedures of all agencies, trusts, departments, and commissions of the City of Norman for the compliance with the laws of the City of Norman, the State of Oklahoma and of the United States promoting human rights;
 - (13) To adopt bylaws, rules and regulations for the conduct of the Commission's business;
 - (14) To keep an open, public record of its resolutions, transactions, minutes, and determinations; and
 - (15) To create and fill such offices as it may determine are necessary for the performance of its functions.

(Ord. No. 0-8687-2; Ord. No. 0-9798-58)

Sec. 7-103. - Definitions.

The following words and phrases when used in this chapter shall for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

- (1) *Age*: That period of time when a worker is at least forty (40) years old and less than sixty-five (65) years old.
- (2) *Commission*: The Norman Human Rights Commission.
- (3) *Dwelling*: Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
- (4) *Employer*: Any person who employs five (5) or more employees, exclusive of the parents, spouse, or children of such person, including the City of Norman, its departments, boards, commissions, and authorities, and any other governmental agency within its jurisdiction, but excluding any religious, fraternal, or sectarian organization which is not supported in whole or part by any governmental appropriations.
- (5) *Employment*: Excludes the employment of individuals in domestic service.
- (6) *Employment agency*: Any person regularly undertaking with or without compensation, to procure opportunities for employment or to procure, recruit, refer or place employees.
- (7) *Housing accommodation*:
 - (a) A building, structure, or portion thereof which is used or occupied, or is intended, arranged or designed to be used or occupied, as a home, residence or sleeping place by a person, by a family, or by a group of persons living together, or
 - (b) A parcel of real property or lot available for the construction of a housing accommodation.
- (8) *Labor organization*: Any organization which exists for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in relation to employment.

- (9) *Lending institution:* Any bank, insurance company, savings and loan association, or any person regularly engaged in the business of lending money or guaranteeing loans.
- (10) *Owner:* The owner, co-owner, lessee, sublessee, mortgagee, assignee, manager, agent, employee or any other person having the right of ownership or possession or the authority to sale, rent, or lease any housing accommodation, or any person having an equitable or security interest in any housing accommodation, including the city, and its departments, boards, commissions, and authorities.
- (11) *Person:* An individual, association, corporation, joint apprenticeship, committee, joint stock company, labor union, legal representative, mutual company, partnership, receiver, trust, trustee, unincorporated organization, or other legal or commercial entity, including the City of Norman.
- (12) *Public accommodation:* Any place, business or activity which is open to, accepts or solicits the patronage of the general public or offers goods, services or recreation to the general public.
- (13) *Real estate broker:* Any person, who/which for a fee or other valuable consideration manages, sells, purchases, exchanges, or rents or negotiates, or offers or attempts to negotiate the sale, purchase, exchange, or rental of, the real property of another, or holds himself/itself out as engaged in the business of managing, selling, purchasing, exchanging or renting the real property of another, or collects rent for the use of the real property of another, and includes real estate salesmen or agents or any other person employed by a real estate broker to perform or to assist in the performance of his business.
- (14) *Sexual harassment:* Unwelcome sexual advances, requests of sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - (a) Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
 - (b) Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - (c)

Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

- (15) *Handicapped person:* A person who has a physical or mental impairment which substantially limits one or more of such person's major life activities, has a record of such an impairment, or is regarded as having such an impairment.

(Ord. No. 0-8687-2)

Sec. 7-104. - Unlawful employment practices: Employers.

It is an unlawful employment practice for an employer:

- (1) To fail or refuse to hire, to discharge, or otherwise to discriminate against an individual with respect to compensation or the terms, conditions, privileges, or responsibilities of employment, because of race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status unless such action is related to a bona fide occupational qualification reasonably necessary to the normal operation of the employer's business or enterprise; or
- (2) To limit, segregate, or classify an employee in a way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect the status of an employee, because of race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status unless such action is related to a bona fide occupational qualification reasonably necessary to the normal operation of the employer's business or enterprise.

(Ord. No. 0-8687-2; Ord. No. 0-9798-58)

Sec. 7-105. - Unlawful employment practices: Employment agencies.

It is an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against an individual because of race, color, religion, ancestry, sex, national origin, age, place of birth, or handicap, [or familial status] or to classify or refer for employment an individual on the basis of race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status.

(Ord. No. 0-8687-2; Ord. No. 0-9798-58)

Sec. 7-106. - Unlawful employment practices: Labor organizations.

It is an unlawful employment practice for a labor organization:

- (1) To exclude or to expel from membership, or otherwise to discriminate against a member or applicant for membership because of race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status; or
- (2) To limit, segregate, or classify membership, or to classify or to fail or refuse to refer for employment an individual in a way:
 - (a) Which would deprive or tend to deprive an individual of employment opportunities, or
 - (b) Which would limit employment opportunities or otherwise adversely affect the status of an employee or of an applicant for employment;because of race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status.

(Ord. No. 0-8687-2; Ord. No. 0-9798-58)

Sec. 7-107. - Unlawful employment practices: Training programs.

It is an unlawful employment practice for an employer, labor organization, or joint labor-management committee controlling apprenticeship, on-the-job, or other training or retraining program, to discriminate against an individual because of race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status, in admission to, or employment in, a program established to provide apprenticeship or other training.

(Ord. No. 0-8687-2; Ord. No. 0-9798-58)

Sec. 7-108. - Unlawful employment practices: Retaliation.

It is an unlawful employment practice for any employer, labor organization or employment agency to discriminate against any person because of that person's opposition to any unlawful employment practice forbidden in this chapter or because of that person's filing of a complaint, or testimony, or assistance in the investigation or proceeding brought under this chapter.

(Ord. No. 0-8687-2)

Sec. 7-109. - Unlawful employment practices: Sexual harassment.

- (a) It is an unlawful employment practice for any employer, labor organization or employment agency to engage in sexual harassment.
- (b) For purposes of this section, an employer, labor organization or employment agency has engaged in sexual harassment if:
 - (1) The agents and supervisory employees of an employer, labor organization or employment agency engaged in sexual harassment, regardless of whether the specific acts of sexual harassment were authorized or even forbidden, and regardless of whether the employer knew or should have known of their occurrence; or
 - (2) The nonsupervisory employees of an employer, labor organization or employment agency engaged in sexual harassment and the employer, labor organization or employment agency knew or reasonably should have known of the sexual harassment.

(Ord. No. 0-8687-2)

Sec. 7-110. - Other unlawful employment practices.

It is an unlawful employment practice for an employer, labor organization, or employment agency to print or publish, or cause to be printed or published, a notice or advertisement indicating a preference, limitation, specification, or discrimination, based on race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status unless such preference, limitation, specification, or discrimination is related to a bona fide occupational qualification for employment.

(Ord. No. 0-8687-2; Ord. No. 0-9798-58)

Sec. 7-111. - Exceptions: Religious educational institutions.

It is not an unlawful employment practice for a school, college, university or other educational institution to hire and employ a person of a particular religion if:

- (1) The school, college, university or other educational institution is wholly or substantially owned, supported, controlled or managed by a particular religion, religious corporation, association, or society; or
- (2) The curriculum of the school, college, university or other educational institution is directed to the propagation of a particular religion.

(Ord. No. 0-8687-2)

Sec. 7-112. - Bona fide seniority or merit systems.

Notwithstanding any other provisions of this chapter, it is not an unlawful employment practice for an employer:

- (1) To apply differing standards of compensation, or different terms, conditions, privileges, or responsibilities, of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production, or to employees who work in different locations, if such differences are not the result of an intention to discriminate on the basis of race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status.
- (2) To give and to act on the results of a professionally developed ability test, if the test, its administration, or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status.

(Ord. No. 0-8687-2; Ord. No. 0-9798-58)

Sec. 7-113. - Male and female employees.

Notwithstanding any other provision of this chapter, it shall not be an unlawful employment practice to differentiate in employment, compensation, terms, conditions or privileges of employment between male and female employees, when such differences are otherwise required

or permitted by the laws of the State of Oklahoma, or the provisions of the Federal Civil Rights Act of 1964, as amended, or the provisions of Section 6 (d) of the Federal Fair Labor Standards Act of 1938, as amended.

(Ord. No. 0-8687-2)

Sec. 7-114. - Affirmative action programs.

Notwithstanding any other provision of this chapter, it shall not be an unlawful employment practice for an employer to adopt and implement a plan designed to eliminate or reduce any imbalance respecting a particular race, color, sex, or national origin group, when that plan is otherwise authorized by the laws of Oklahoma or the laws of the United States.

(Ord. No. 0-8687-2)

Sec. 7-115. - Discrimination in housing.

No person, real estate broker, or lending institution shall directly or indirectly engage in the following acts because of a person's race, color, religion, sex, ancestry, national origin, place of birth, handicap, or familial status:

- (1) Print, publish, circulate, issue or display any communication, notice, advertisement or signs relating to the sale, rental, lease, sublease, assignment, transfer of listing of a housing accommodation which indicates any preference, limitation, specification, or discrimination.
- (2) Misrepresent that any housing accommodation is not available for inspection, sale, lease, sublease, rental assignment or other transfer.
- (3) Induce the sale, rental, or listing for sale or rental, of a housing accommodation by representing that a change has occurred, will or may occur with respect to the racial, religious, or ethnic composition of the street, block, neighborhood or area in which such housing accommodation is located.
- (4) Include in the terms, conditions or privileges of any lease, sublease, rental assignment or other transfer of any housing accommodations, such clause, condition, or restriction that discriminates against another person in the use or occupancy of such housing accommodation.

- (5) Discriminate against, segregate or assign quotas in connection with a sale, lease, sublease, rental assignment or other transfer of title, leasehold, or other interest in any housing accommodation.
- (6) After the making of a bona fide offer:
 - (a) Refuse to negotiate for the sale, lease, sublease, rental assignment or other transfer of a title, leasehold, or other interest in any housing accommodation.
 - (b) Refuse to sell, lease, sublease, rent, assign, or otherwise transfer a title, leasehold, or other interest in any housing accommodation.
 - (c) Deny or otherwise withhold any housing accommodation.
- (7) Utilizing any form or application for financial assistance, (for the purchase, lease, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation) or making any record or inquiry in connection with such application, which indicates or makes any limitation, specification, or discrimination.
- (8) Discriminating in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions or privileges of any application for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodation after the making of a bona fide offer, or in the extension of services in connection therewith.

(Ord. No. 0-8687-2; Ord. No. 0-9798-58)

Sec. 7-116. - Exceptions to discriminatory housing practices.

The provisions of section 7-115 of this Code shall not apply to those situations wherein:

- (1) A religious or sectarian institution or organization, or a charitable or educational organization (which is operated, supervised or controlled by or in connection with a religious organization), or any bona fide private or fraternal organization:
 - (a) Limits admission to, or gives preference to persons of the same religion or sect, or to members of such private or fraternal organization; or
 - (b)

Makes such selection as a calculated [effort] by that organization to promote the religious or sectarian principles or the aims, purposes, or fraternal principles for which it is established or maintained.

- (2) An owner privately offers property or gives preference to prospective tenants or buyers, as long as those reasons for the private offer or preference are based upon other than race, color, religion, sex, national origin, handicap, or familial status.
- (3) An owner rents a portion of a dwelling containing accommodations for not more than four (4) families, and one of those accommodations is the residence of the owner.
- (4) An owner sales or rents a single-family house, provided that:
 - (a) The private individual owner does not own more than three (3) such single-family houses at any one time: and
 - (b) The private individual owner resided in that house was the most recent resident prior to that sale (if the private individual owner did not so reside or was not the most recent resident, the exemption granted by this subsection shall apply only to one such sale within any twenty-four-month period; and
 - (c) Such bona fide owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one time; and
 - (d) Such sale or rental was:
 - 1. Without the use of the sales or rental facilities or services of any real estate broker, agent, employee, or any other person in the business of selling or renting dwellings; and
 - 2. Without the publication, posting, or mailing, after notice of advertisement or written notice in violation of item of section 7-115 of this Code.
 - (e) Nothing contained herein shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and such other professional assistance as is necessary to perfect or transfer the title.

(Ord. No. 0-8687-2; Ord. No. 0-9798-58)

Sec. 7-117. - Discrimination in public accommodations.

No owner, proprietor, or superintendent of any public accommodation shall engage in the following acts because of another person's race, color, religion, ancestry, national origin, sex, place of birth, handicap, or familial status:

- (1) Refuse, withhold from or deny to any person any of the accommodations, advantages, facilities, services or privileges, products or goods of such place of public accommodation, resort, or amusement;
- (2) Publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld, or that the patronage of such person is unwelcome, objectionable, or not acceptable, desired or solicited.

(Ord. No. 0-8687-2; Ord. No. 0-9798-58)

Sec. 7-118. - Disclosure prohibitions.

- (1) No commissioner, employee, or other elected or appointed official of the City of Norman shall make public the fact of a filing of a complaint, the information gathered during the investigation, or conciliation efforts except at a subsequent public hearing or in conjunction with the filing of a petition for injunctive relief or unless otherwise required by law.
- (2) No commissioner, employee, or other elected or appointed official of the City of Norman shall allow access to the records, files, or reports of the commission except as elsewhere authorized or except in cases where such records, files or reports are part of the public record of the commission.
- (3) Reports of investigating officials or conciliators made to the commission on the question of reasonable cause for public hearing or injunctive relief or on efforts at conciliation, shall be done in such manner as to reasonably protect the identity of parties involved.

(Ord. No. 0-8687-2)

Sec. 7-119. - Filing complaints.

- (a) A person claiming to be aggrieved by a discriminatory practice may file with the commission a written complaint stating that a discriminatory practice has been committed, and setting forth the facts upon which the complaint is based, and setting forth facts sufficient to enable the Commission to identify the person charged, hereinafter called the respondent. The Commission, by majority vote, may also initiate investigation and processing of a complaint filed by a member of the Commission.
- (b) The Commission or members of the Commission or staff shall promptly furnish the respondent with a copy of the complaint.
- (c) The complaint must be filed within ninety (90) days after the alleged discriminatory practice occurs.

(Ord. No. 0-8687-2)

Sec. 7-120. - Investigation of complaints.

- (a) Upon timely filing of a complaint, the Commission or members of the Commission shall promptly investigate the allegations of the discriminatory practice set forth in the complaint according to investigatory procedures established by the Commission.
- (b) During investigation of the complaint and any subsequent hearing, the Commission shall have the power to require answers to interrogatories, under the procedures established by 12 Oklahoma Statutes, Section 549, compel the attendance of witnesses, examine witnesses under oath or affirmation, and require the production of documents in connection with complaints filed under this Code said powers to be exercised only in relation to areas directly and materially related to the complaint.
- (c) At the conclusion of the investigation, the complaint, together with the report of such investigation, shall be referred to the Commission and shall be considered by the Commission at its next meeting, either regular or special, subject to the restrictions of section 7-118.
- (d)

Any member of the Commission who is designated to investigate the initial complaint shall not preside at any subsequent hearing and may not participate in any subsequent deliberation of the Commission concerning the case.

(Ord. No. 0-8687-2)

Sec. 7-121. - Dismissal of complaints.

- (a) If it is determined by the Commission that there is no reasonable cause to believe that the respondent has engaged in a discriminatory practice, the Commission shall dismiss the complaint, and shall furnish a copy of the order dismissing the complaint to the complainant, the respondent, the City Attorney and such other public officers and persons as the Commission deems proper.
- (b) The Commission shall have no authority to reconsider a complaint after it has been dismissed.

(Ord. No. 0-8687-2)

Sec. 7-122. - Conciliation.

If the Commission determines after investigation that there is reasonable cause to believe the allegations of the complaint, the commission shall attempt to effect compliance with the policy of the City of Norman by means of conference, negotiation and conciliation with the respondent. The commission shall not make public the details of such informal proceedings unless otherwise required by law.

(Ord. No. 0-8687-2)

Sec. 7-123. - Complaints of housing discrimination: Preliminary injunctive relief.

If the Commission determines that a housing accommodation or housing accommodations involved in a complaint of an unlawful housing practice under section 7-115 of this Code may be sold, rented, or otherwise disposed of, before a determination of the case has been made, and if the Commission believes that there is reasonable cause to believe the allegations of the complaint, the Commission may request the City Attorney to seek an injunction restraining the sale, rental, or other disposition of the housing accommodation or housing accommodations.

(Ord. No. 0-8687-2)

Sec. 7-124. - Commission authority after determination of reasonable cause.

If the Commission has determined that there is reasonable cause to believe the allegations of the complaint, and if the Commission is unable to resolve the complaint by means of conciliation or other informal proceedings, the Commission may:

- (1) Hold a public hearing to determine whether or not unlawful practice has been committed; or
- (2) Without holding a public hearing, certify the case to the City Attorney; or
- (3) Without holding a public hearing, refer the complaint to the Human Rights Commission of Oklahoma pursuant to 25 Oklahoma Statutes, Section 1706 (a).

(Ord. No. 0-8687-2)

Sec. 7-125. - Public hearings.

- (1) When a public hearing is ordered, the Commission shall designate one member as hearing officer, who shall conduct the hearing.
- (2) The Commission shall serve the respondent with the complaint, any amended complaint, and the report of the Commission's investigation, and a notice of hearing which shall identify the time and place of the hearing.
- (3) The respondent may also inspect, upon request, all material statements taken by the commission during the course of the investigation, and such other documents or information material to the complaint.
- (4) The hearing shall be held not less than ten (10) days after the service of the complaint and notice.
- (5) The respondent shall have the right to:
 - (a) File an answer to the statement of charges;
 - (b) Appear at the hearing in person;
 - (c) Be represented by an attorney;
 - (d) Examine and cross-examine witnesses;
 - (e) Present to the Commission the respondent's case in defense against the allegations of the complaint, subject to reasonable procedures established by the Commission or the Presiding Officer.

- (6) The complainant shall also have the right to:
 - (a) Appear at the hearing in person;
 - (b) Be represented by an attorney;
 - (c) Examine and cross-examine witnesses;
 - (d) Present to the Commission the complainant's case in support of the allegations of the complaint, subject to reasonable procedures established by the Commission or the Presiding Officer.
- (7) The Commission shall not be bound by the strict rules of evidence prevailing in a court of law or equity.
- (8) The testimony taken at the hearing shall be under oath and shall be transcribed.
- (9) No formal action by the Commission shall be taken in any matter pending before it except upon the affirmative majority vote of the commission.
- (10) If upon all evidence presented, the Commission finds that the respondent has not engaged in any unlawful practice, it shall state its findings of fact in writing and dismiss the complaint.

(Ord. No. 0-8687-2)

Sec. 7-126. - Commission orders and remedies.

- (a) If upon all the evidence presented, the Commission finds that the respondent has engaged or is engaging in an unlawful practice, it shall state its findings of fact in writing and shall issue such order in writing as the facts warrant to effectuate the purposes of chapter 7 of the Code of the City.
- (b) Such order may require the respondent to cease and desist from such unlawful practice and to take such affirmative action, including but not limited to, the hiring, reinstatement or upgrading of employees, with or without back pay, admission or restoration to membership in any respondent labor organization, the selling, renting, or leasing of a housing accommodation or housing accommodations upon equal terms and conditions and with such equal facilities, services, and privileges, the tendering of money, whether or not secured by mortgage or otherwise for the requisition, construction, rehabilitation, repair or maintenance of any housing accommodation, the granting, permitting, selling, or admission to any of the accommodations, advantages, facilities, services or privileges, products or goods of

any respondent place of public accommodation, resort, recreation or amusement, upon such equal terms and conditions to any person discriminated against or to all persons as, in the judgement of the Commission, will effectuate the purposes of this chapter and are warranted by the facts presented at the hearing, including a requirement for a report or reports of the manner of compliance.

(c) Copies of the order shall be served on all parties.

(Ord. No. 0-8687-2)

Sec. 7-127. - Prosecution.

In the event the respondent refuses or fails to comply with any order of the Commission or violates any of the provisions of this chapter, the Commission shall certify the case and the entire record of its proceedings to the City Attorney who shall invoke the aid of an appropriate court to secure enforcement or compliance with the order or to impose the penalties set forth in section 7-128 of this Code, or both.

(Ord. No. 0-8687-2)

Sec. 7-128. - Penalties.

Any person convicted of violating any section or subsection of this chapter shall be punished by a monetary fine in an amount of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00), or by imprisonment for a period not to exceed sixty (60) days, or by both such fine and imprisonment.

(Ord. No. 0-8687-2; Ord. No. 0-9596-45; Ord. No. 0-9900-11; Ord. No. 0-0506-10)

Sec. 7-101. - Declaration of policy and objectives.

- (a) It is the policy of the City of Norman that the protection of civil rights is a matter of local concern and that in order to ensure public safety, public health, and the general welfare of all citizens of this community, shall have an no individual shall be denied equal protection of the laws, nor shall an individual be denied the enjoyment of his or her civil rights or be discriminated against because of opportunity to purchase, rent, lease or occupy housing accommodations, or to avail themselves of public accommodations, and have an equal opportunity in the job market and the social and economic life of the City, without regard to race, color, religion, ancestry, sex, national origin, age, place of birth, handicap disability, sex, sexual orientation, gender identity or expression, or familial status, or marital status, including marriage to a person of the same sex. It is further declared and determined to be the policy of the City of Norman that aAll citizens of this community shall should be provided with have an equal opportunity to purchase, rent, lease, or occupy housing accommodations; to avail themselves of the full enjoyment of public accommodations; to have an equal opportunity in the job market and the social and economic life of the City; and to reach their full potential as human beings, without regard being inhibited by conditions relating to race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, disability, sex, sexual orientation, gender identity or expression, or familial status, or marital status, including marriage to a person of the same sex.
- (b) The provisions and sections of this chapter shall be liberally construed in order to further the general purpose of this declaration of policy and objectives.

Sec. 7-102. - The Norman Human Rights Commission.

The duties of the Norman Human Rights Commission shall be as follows:

- (1) To study problems of discrimination in any or all fields of human relations and to encourage fair treatment and mutual understanding among all citizens; and to combat those misconceptions, prejudices and stereotypes that tend to prevent individuals from reaching their full potential as human beings;
- (2) To hold such meetings as the Commission may deem necessary or proper to assist in carrying out its functions;
- (3) To make recommendations to the City Council of the City of Norman for action it deems necessary to the furtherance of equality and human rights, including the recommendation of legislation to promote the objectives of this chapter;
- (4) To appoint subcommittees to concern themselves with specific human rights problems, which subcommittees shall:
 - (a) Be composed of bona fide adult residents of the community, and
 - (b) Be chaired by a member of the Commission;



- (5) To serve as a citizens' advisory committee for the purpose of coordinating, studying and making reports concerning citizen involvement in human rights matters;
- (6) To perform such other duties as may be assigned to it from time to time by the City Council;
- (7) To provide and promote education and awareness of the rights provided in this Code, ~~To receive and investigate~~ written complaints of discrimination in violation of this Code, and to seek satisfactory resolution of such complaints according to the procedures hereinafter set forth;
- (8) To institute and conduct educational and other programs to promote the equal rights of all persons regardless of race, color, religion, ancestry, ~~sex~~, national origin, age, place of birth, ~~handicap~~ disability, sex, sexual orientation, gender identity or expression, or familial status, or marital status, including marriage to a person of the same sex, and to promote understanding among all persons and groups;
- (9) To cooperate with interested citizens, private agencies, and the agencies of local, state, and federal governments in the promotion of human rights;
- (10) To insure publications and reports of investigations and research in the field of human rights, and to cooperate with and accept grants from public and private agencies, including foundations and institutions of higher learning engaged in similar research;
- (11) To assist in the enforcement of fair employment practices in city contracts;
- (12) To monitor the policies and procedures of all agencies, trusts, departments, and commissions of the City of Norman for the compliance with the laws of the City of Norman, the State of Oklahoma and of the United States promoting human rights;
- (13) To adopt bylaws, rules and regulations for the conduct of the Commission's business;
- (14) To keep an open, public record of its resolutions, transactions, minutes, and determinations; and
- (15) To create and fill such offices as it may determine are necessary for the performance of its functions.
- (16) To submit to City Council an annual report of complaints filed and their resolution.
No report is required if no complaints are filed during a particular year.

Sec. 7-103. - Definitions.

The following words and phrases when used in this chapter shall for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

- (1) *Age*: That period of time when a worker is ~~at least~~ forty (40) years old or older. ~~and less than sixty five (65) years old.~~
- (2) *Commission*: The Norman Human Rights Commission.

- (3) ~~*Dwelling:* Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.~~
- (3) *Disability:* A physical or mental impairment that substantially limits one or more of the major life activities of an individual, a record of such impairment, or being regarded as having such an impairment.
- (4) *Discriminate or discrimination:* Any act which, because of race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex, results in the unequal treatment, separation, or termination of any person; or denies, prevents, limits, or adversely affects the benefit or enjoyment of any person as to employment, ownership, or occupancy of real property or access to public accommodations and public services.
- (5) *Employer:* Any person or entity who pays one or more individuals a salary or wages for work performance, employs five (5) or more employees, exclusive of the parents, spouse, or children of such person, including the City of Norman, its departments, boards, commissions, and authorities, and any other governmental agency within its jurisdiction, but excluding any religious, fraternal, or sectarian organization which is not supported in whole or part by any governmental appropriations. Excludes independent contractors; employment of the parents, spouse, or children of such person; and employment of individuals in domestic service as private household workers employed in a private home, such as nannies, housekeepers, and elder caregivers.
- (6) ~~*Employment:* Excludes the employment of individuals in domestic service.~~
- (6) *Employment agency:* Any person regularly undertaking with or without compensation, to procure opportunities for employment or to procure, recruit, refer or place employees.
- (7) ~~*Housing accommodation:*~~
- (a) ~~A building, structure, or portion thereof which is used or occupied, or is intended, arranged or designed to be used or occupied, as a home, residence or sleeping place by a person, by a family, or by a group of persons living together, or~~
- (b) ~~A parcel of real property or lot available for the construction of a housing accommodation.~~
- (7) *Gender identity or expression:* The actual or perceived gender-related identity, appearance, expression, mannerisms, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.
- (8) *Labor organization:* Any organization which exists for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances, terms or

conditions of employment or of other mutual aid or protection in relation to employment.

~~(9) *Lending institution:* Any bank, insurance company, savings and loan association, or any person regularly engaged in the business of lending money or guaranteeing loans.~~

(940) *Owner:* The owner, co-owner, lessee, sublessee, mortgagee, assignee, manager, agent, employee or any other person having the right of ownership or possession or the authority to sale, rent, or lease any housing accommodation, or any person having an equitable or security interest in any housing accommodation, including the city, and its departments, boards, commissions, and authorities.

(101) *Person:* An individual, association, corporation, joint apprenticeship, committee, joint stock company, labor union, legal representative, mutual company, partnership, receiver, trust, trustee, unincorporated organization, or other legal or commercial entity, including the City of Norman.

(112) *Public accommodation:* Any place, business or activity which is open to, accepts or solicits the patronage of the general public or offers goods, services or recreation to the general public.

~~(13) *Real estate broker:* Any person, who/which for a fee or other valuable consideration manages, sells, purchases, exchanges, or rents or negotiates, or offers or attempts to negotiate the sale, purchase, exchange, or rental of, the real property of another, or holds himself/itself out as engaged in the business of managing, selling, purchasing, exchanging or renting the real property of another, or collects rent for the use of the real property of another, and includes real estate salesmen or agents or any other person employed by a real estate broker to perform or to assist in the performance of his business.~~

(124) *Sexual harassment:* Unwelcome sexual advances, requests of sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (a) Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- (b) Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(d) For purposes of this chapter, an employer, labor organization or employment agency has engaged in sexual harassment if:

(1) The agents and supervisory employees of an employer, labor organization or employment agency engaged in sexual harassment, regardless of whether the specific acts of sexual harassment were authorized or even forbidden, and regardless of whether the employer knew or should have known of their occurrence; or

(2) The nonsupervisory employees of an employer, labor organization or employment agency engaged in sexual harassment and the employer, labor organization or employment agency knew or reasonably should have known of the sexual harassment.

~~(15) *Handicapped person:* A person who has a physical or mental impairment which substantially limits one or more of such person's major life activities, has a record of such an impairment, or is regarded as having such an impairment.~~

(13) *Sexual orientation:* An individual's actual or perceived heterosexuality, homosexuality, asexuality, or bisexuality.

Sec. 7-104. – Prohibition of Discrimination and Retaliation.

No person, persons, or entity shall discriminate against any person or persons within the City of Norman regarding employment, housing, public accommodations, and public services on the basis of race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex. It is an unlawful employment practice for any employer, labor organization, or employment agency to engage in sexual harassment. Prohibited acts of discrimination on the basis of any reason set forth above shall include the publishing, circulation, display, posting, or mailing of any written, ~~or~~ printed, or electronic communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, goods, products, service and privileges of any public place shall be refused, withheld, or that the patronage of such person is unwelcome, objectionable, or not acceptable, desired, or solicited. No person, persons, or entity shall discriminate or retaliate against any person or persons because of that person's opposition to any unlawful practice forbidden in this chapter or because of that person's filing of a complaint or assistance or cooperation in any investigation, attempted resolution, or other proceedings brought under this chapter.

Sec. 7-104. Unlawful employment practices: Employers.

It is an unlawful employment practice for an employer:

~~(1) To fail or refuse to hire, to discharge, or otherwise to discriminate against an individual with respect to compensation or the terms, conditions, privileges, or responsibilities of employment, because of race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status unless such action is related to a bona fide occupational qualification reasonably necessary to the normal operation of the employer's business or enterprise; or~~

~~(2) To limit, segregate, or classify an employee in a way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect the status of an employee, because of race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status unless such action is related to a bona fide occupational qualification reasonably necessary to the normal operation of the employer's business or enterprise.~~

~~Sec. 7 105. Unlawful employment practices: Employment agencies.~~

~~It is an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against an individual because of race, color, religion, ancestry, sex, national origin, age, place of birth, or handicap, [or familial status] or to classify or refer for employment an individual on the basis of race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status.~~

~~Sec. 7 106. Unlawful employment practices: Labor organizations.~~

~~It is an unlawful employment practice for a labor organization:~~

- ~~(1) To exclude or to expel from membership, or otherwise to discriminate against a member or applicant for membership because of race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status; or~~
- ~~(2) To limit, segregate, or classify membership, or to classify or to fail or refuse to refer for employment an individual in a way:~~
 - ~~(a) Which would deprive or tend to deprive an individual of employment opportunities, or~~
 - ~~(b) Which would limit employment opportunities or otherwise adversely affect the status of an employee or of an applicant for employment;~~

~~because of race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status.~~

~~Sec. 7 107. Unlawful employment practices: Training programs.~~

~~It is an unlawful employment practice for an employer, labor organization, or joint labor-management committee controlling apprenticeship, on the job, or other training or retraining program, to discriminate against an individual because of race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status, in admission to, or employment in, a program established to provide apprenticeship or other training.~~

~~Sec. 7 108. Unlawful employment practices: Retaliation.~~

~~It is an unlawful employment practice for any employer, labor organization or employment agency to discriminate against any person because of that person's opposition to any unlawful employment practice forbidden in this chapter or because of that person's filing of a complaint, or testimony, or assistance in the investigation or proceeding brought under this chapter.~~

~~Sec. 7-109. Unlawful employment practices: Sexual harassment.~~

- ~~(a) It is an unlawful employment practice for any employer, labor organization or employment agency to engage in sexual harassment.~~
- ~~(b) For purposes of this section, an employer, labor organization or employment agency has engaged in sexual harassment if:~~
 - ~~(1) The agents and supervisory employees of an employer, labor organization or employment agency engaged in sexual harassment, regardless of whether the specific acts of sexual harassment were authorized or even forbidden, and regardless of whether the employer knew or should have known of their occurrence; or~~
 - ~~(2) The nonsupervisory employees of an employer, labor organization or employment agency engaged in sexual harassment and the employer, labor organization or employment agency knew or reasonably should have known of the sexual harassment.~~

~~Sec. 7-110. Other unlawful employment practices.~~

~~It is an unlawful employment practice for an employer, labor organization, or employment agency to print or publish, or cause to be printed or published, a notice or advertisement indicating a preference, limitation, specification, or discrimination, based on race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status unless such preference, limitation, specification, or discrimination is related to a bona fide occupational qualification for employment.~~

~~Sec. 7-111. Exceptions: Religious educational institutions.~~

~~It is not an unlawful employment practice for a school, college, university or other educational institution to hire and employ a person of a particular religion if:~~

- ~~(1) The school, college, university or other educational institution is wholly or substantially owned, supported, controlled or managed by a particular religion, religious corporation, association, or society; or~~
- ~~(2) The curriculum of the school, college, university or other educational institution is directed to the propagation of a particular religion.~~

~~Sec. 7-112. Bona fide seniority or merit systems.~~

~~Notwithstanding any other provisions of this chapter, it is not an unlawful employment practice for an employer:~~

- ~~(1) To apply differing standards of compensation, or different terms, conditions, privileges, or responsibilities, of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production, or to~~

~~employees who work in different locations, if such differences are not the result of an intention to discriminate on the basis of race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status.~~

- ~~(2) To give and to act on the results of a professionally developed ability test, if the test, its administration, or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status.~~

~~Sec. 7-113. Male and female employees.~~

~~Notwithstanding any other provision of this chapter, it shall not be an unlawful employment practice to differentiate in employment, compensation, terms, conditions or privileges of employment between male and female employees, when such differences are otherwise required or permitted by the laws of the State of Oklahoma, or the provisions of the Federal Civil Rights Act of 1964, as amended, or the provisions of Section 6 (d) of the Federal Fair Labor Standards Act of 1938, as amended.~~

~~Sec. 7-114. Affirmative action programs.~~

~~Notwithstanding any other provision of this chapter, it shall not be an unlawful employment practice for an employer to adopt and implement a plan designed to eliminate or reduce any imbalance respecting a particular race, color, sex, or national origin group, when that plan is otherwise authorized by the laws of Oklahoma or the laws of the United States.~~

~~Sec. 7-115. Discrimination in housing.~~

~~No person, real estate broker, or lending institution shall directly or indirectly engage in the following acts because of a person's race, color, religion, sex, ancestry, national origin, place of birth, handicap, or familial status:~~

- ~~(1) Print, publish, circulate, issue or display any communication, notice, advertisement or signs relating to the sale, rental, lease, sublease, assignment, transfer of listing of a housing accommodation which indicates any preference, limitation, specification, or discrimination.~~
- ~~(2) Misrepresent that any housing accommodation is not available for inspection, sale, lease, sublease, rental assignment or other transfer.~~
- ~~(3) Induce the sale, rental, or listing for sale or rental, of a housing accommodation by representing that a change has occurred, will or may occur with respect to the racial, religious, or ethnic composition of the street, block, neighborhood or area in which such housing accommodation is located.~~
- ~~(4) Include in the terms, conditions or privileges of any lease, sublease, rental assignment or other transfer of any housing accommodations, such clause, condition, or restriction~~

~~that discriminates against another person in the use or occupancy of such housing accommodation.~~

- ~~(5) Discriminate against, segregate or assign quotas in connection with a sale, lease, sublease, rental assignment or other transfer of title, leasehold, or other interest in any housing accommodation.~~
- ~~(6) After the making of a bona fide offer:
 - ~~(a) Refuse to negotiate for the sale, lease, sublease, rental assignment or other transfer of a title, leasehold, or other interest in any housing accommodation.~~
 - ~~(b) Refuse to sell, lease, sublease, rent, assign, or otherwise transfer a title, leasehold, or other interest in any housing accommodation.~~
 - ~~(c) Deny or otherwise withhold any housing accommodation.~~~~
- ~~(7) Utilizing any form or application for financial assistance, (for the purchase, lease, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation) or making any record or inquiry in connection with such application, which indicates or makes any limitation, specification, or discrimination.~~
- ~~(8) Discriminating in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions or privileges of any application for financial assistance for the purchase, lease, acquisition, construction rehabilitation, repair, or maintenance of any housing accommodation after the making of a bona fide offer, or in the extension of services in connection therewith.~~

~~Sec. 7-116. Exceptions to discriminatory housing practices.~~

~~The provisions of section 7-115 of this Code shall not apply to those situations wherein:~~

- ~~(1) A religious or sectarian institution or organization, or a charitable or educational organization (which is operated, supervised or controlled by or in connection with a religious organization), or any bona fide private or fraternal organization:
 - ~~(a) Limits admission to, or gives preference to persons of the same religion or sect, or to members of such private or fraternal organization; or~~
 - ~~(b) Makes such selection as a calculated [effort] by that organization to promote the religious or sectarian principles or the aims, purposes, or fraternal principles for which it is established or maintained.~~~~
- ~~(2) An owner privately offers property or gives preference to prospective tenants or buyers, as long as those reasons for the private offer or preference are based upon other than race, color, religion, sex, national origin, handicap, or familial status.~~
- ~~(3) An owner rents a portion of a dwelling containing accommodations for not more than four (4) families, and one of those accommodations is the residence of the owner.~~
- ~~(4) An owner sales or rents a single family house, provided that:~~

- ~~(a) The private individual owner does not own more than three (3) such single family houses at any one time; and~~
- ~~(b) The private individual owner resided in that house was the most recent resident prior to that sale (if the private individual owner did not so reside or was not the most recent resident, the exemption granted by this subsection shall apply only to one such sale within any twenty four month period; and~~
- ~~(c) Such bona fide owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single family houses at any one time; and~~
- ~~(d) Such sale or rental was:

 - ~~1. Without the use of the sales or rental facilities or services of any real estate broker, agent, employee, or any other person in the business of selling or renting dwellings; and~~
 - ~~2. Without the publication, posting, or mailing, after notice of advertisement or written notice in violation of item of section 7-115 of this Code.~~~~
- ~~(e) Nothing contained herein shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and such other professional assistance as is necessary to perfect or transfer the title.~~

~~Sec. 7-117. Discrimination in public accommodations.~~

~~No owner, proprietor, or superintendent of any public accommodation shall engage in the following acts because of another person's race, color, religion, ancestry, national origin, sex, place of birth, handicap, or familial status:~~

- ~~(1) Refuse, withhold from or deny to any person any of the accommodations, advantages, facilities, services or privileges, products or goods of such place of public accommodation, resort, or amusement;~~
- ~~(2) Publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld, or that the patronage of such person is unwelcome, objectionable, or not acceptable, desired or solicited.~~

~~Sec. 7-118. Disclosure prohibitions.~~

- ~~(1) No commissioner, employee, or other elected or appointed official of the City of Norman shall make public the fact of a filing of a complaint, the information gathered during the investigation, or conciliation efforts except at a subsequent public hearing or in conjunction with the filing of a petition for injunctive relief or unless otherwise required by law.~~

- ~~(2) No commissioner, employee, or other elected or appointed official of the City of Norman shall allow access to the records, files, or reports of the commission except as elsewhere authorized or except in cases where such records, files or reports are part of the public record of the commission.~~
- ~~(3) Reports of investigating officials or conciliators made to the commission on the question of reasonable cause for public hearing or injunctive relief or on efforts at conciliation, shall be done in such manner as to reasonably protect the identity of parties involved.~~

Sec. 7-105 – Exceptions.

For purposes of this chapter, the following exceptions shall not constitute unlawful discrimination or retaliation:

(1) Employment Exceptions:

(a) Religious educational institutions: It is not an unlawful employment practice for a school, college, university, or other educational institution to hire and employ a person of a particular religion if:

(1) The school, college, university, or other educational institution is wholly or substantially owned, supported, controlled, or managed by a particular religion, religious corporation, association, or society; or

(2) The curriculum of the school, college, university, or other educational institution is directed to the propagation of a particular religion.

(b) Bona fide seniority or merit systems: Notwithstanding any other provisions of this chapter, it is not an unlawful employment practice for an employer:

(1) To apply differing standards of compensation, or different terms, conditions, privileges, or responsibilities, of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production, or to employees who work in different locations, if such differences are not the result of an intention to discriminate on the basis of race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex.

- (2) To give and to act on the results of a professionally developed ability test, if the test, its administration, or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex.
- (c) Bona fide occupational qualifications: Notwithstanding any other provision of this chapter, it shall not be an unlawful employment for an employer to consider bona fide occupational qualifications that are reasonably necessary as to the normal operation of that particular business or enterprise as allowed under Title VII of the Civil Rights Act of 1964 and interpreted by federal and state law.
- (d) Affirmative action programs: Notwithstanding any other provision of this chapter, it shall not be an unlawful employment practice for an employer to adopt and implement a plan designed to eliminate or reduce any imbalance respecting a particular race, color, sex, or national origin group, when that plan is otherwise authorized by the laws of Oklahoma or the laws of the United States.
- (2) Housing Exceptions: Notwithstanding any other provision of this chapter, the following shall not be an unlawful discriminatory housing practice in situations wherein:
 - (a) Religious or Sectarian Institutions: A religious or sectarian institution or organization or a charitable or educational organization (which is operated, supervised, or controlled by or in connection with a religious organization), or any bona fide private or fraternal organization:
 - (1) Limits admission to, or gives preference to persons of the same religion or sect or to members of such private or fraternal organization; or
 - (2) Makes such selection as a calculated effort by that organization to promote the religious or sectarian principles or the aims, purposes, or fraternal principles for which it is established or maintained.
 - (b) Private offers: An owner privately offers property or gives preference to prospective tenants or buyers, as long as those reasons for the private offer or preference are not based upon race, color, religion, ancestry, national origin, age, place of birth,

disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex.

- (c) Senior Living: With respect to age only, the sale, rental, or lease of housing accommodations meeting the requirements of federal, state, or local housing programs for senior citizens, or accommodations otherwise intended, advertised, designed, or operated for the bona fide purpose of providing housing accommodations for persons fifty (50) years of age or older.
- (d) Immediate Family: In regards to the rental of housing accommodations in a building which contains housing accommodations for not more than two families living independently of each other if the owner or a member of the owner's immediate family resides in one of the housing accommodations, or to the rental of a room or rooms in a single-family dwelling by a person if the lessor or a member of the lessor's immediate family resides in the dwelling.
- (e) State or Federal Exceptions: Any other situation wherein state or federal law and/or agencies charged with enforcement of those laws provide other exceptions.

Sec. 7-14906. - Filing complaints.

- (a) A person claiming to be aggrieved by a discriminatory practice or act of retaliation (hereinafter referred to as the Complainant) may file in the City Clerk's Office a written complaint on a form approved by the City of Norman Human Rights Commission. with the commission a The written complaint stating that a discriminatory practice has occurred been committed, and shall setting forth the facts upon which the complaint is based, and shall include the name, mailing address, electronic mail address, and telephone number of the Complainant and the person(s) or entity against whom the allegations are made (hereinafter referred to as the Respondent) as well as the location, date, and description of the alleged violation of this chapter. and setting forth facts sufficient to enable the Commission to identify the person charged, hereinafter called the respondent. The Commission, by majority vote, may also initiate investigation and processing of a complaint filed by a member of the Commission. The complaint must be filed within ninety (90) days after the alleged discriminatory practice occurs. Reasonable accommodations to assist in the filing of complaints shall be provided to individuals with disabilities upon request in accordance with the policies and procedures outlined in the City's Americans with Disabilities Act Accessibility and Inclusion Statement.

- (b) A copy of the complaint ~~The Commission or members of the Commission or staff shall be promptly furnished to the Respondent along with a notice of the date and time of the Commission meeting at which the complaint will be heard, with a copy of the complaint.~~
- (c) ~~The complaint must be filed within ninety (90) days after the alleged discriminatory practice occurs.~~

Sec. 7-~~120~~07. - Investigation Administrative review of complaints.

- (a) Upon timely filing of a complaint, the Commission shall review and discuss the complaint at its next regularly scheduled or special meeting that is at least thirty (30) days after receipt of the complaint. ~~or members of the Commission shall promptly investigate the allegations of the discriminatory practice set forth in the complaint according to investigatory procedures established by the Commission.~~
- (b) Prior to the Commission's administrative review of the complaint, the City Attorney, the Commission Chair, and/or their designees may contact the Complainant and the Respondent to attempt facilitation of mediation or other informal resolution of the complaint. If the complaint is resolved prior to the administrative review date, administrative review of the complaint may be cancelled. ~~During investigation of the complaint and any subsequent hearing, the Commission shall have the power to require answers to interrogatories, under the procedures established by 12 Oklahoma Statutes,~~
- (c) The Complainant may appear at the administrative review in person with or without an attorney and/or additional witnesses and present information for the Commission's consideration, including, but not limited to, documents, photographs, or any other information in support of the allegations in the complaint.

~~At the conclusion of the investigation, the complaint, together with the report of such investigation, shall be referred to the Commission and shall be considered by the Commission at its next meeting, either regular or special, subject to the restrictions of section 7-118.~~

- (d) The Respondent may file a written response to the complaint, appear at the administrative review in person with or without an attorney and/or additional witnesses, and present information for the Commission's consideration, including, but not limited to, documents, photographs, or any other information responsive to the allegations in the complaint.

~~Any member of the Commission who is designated to investigate the initial complaint shall not preside at any subsequent hearing and may not participate in any subsequent deliberation of the Commission concerning the case.~~

Sec. 7-~~121~~08. - ~~Dismissal of complaints.~~ Resolution of complaints.

The Commission shall review, discuss, and consider the complaint, response, and the information provided during the administrative review and then make a recommendation as to the merits of the complaint and whether further action is warranted. The Commission may work with the Complainant and Respondent to seek an amicable resolution by mediation or other alternative dispute resolution. If the Commission determines by majority vote that the complaint is unfounded, that further action is not warranted, or that the issue has been resolved, it shall dismiss the complaint. If by a majority vote of the Commission, the Commission recommends that further action is warranted, the Commission shall provide a copy of the complaint, the response, and any other supporting information along with a written recommendation to the City Attorney for further investigation and, if appropriate, further action, including, but not limited to:

- (1) Referral of the Complainant to other local, state, or federal entities;
- (2) Mediation of the matter between the involved parties;
- (3) Prosecution of the Respondent in Municipal Court;
- (4) Filing of injunctive relief in state or federal district court; or
- (5) Determination that no further action should be taken.

~~If it is determined by the Commission that there is no reasonable cause to believe that the respondent has engaged in a discriminatory practice, the Commission shall dismiss the complaint, and shall furnish a copy of the order dismissing the complaint to the complainant, the respondent, the City Attorney and such other public officers and persons as the Commission deems proper.~~

- ~~(b) The Commission shall have no authority to reconsider a complaint after it has been dismissed.~~

~~Sec. 7-122. Conciliation:~~

~~If the Commission determines after investigation that there is reasonable cause to believe the allegations of the complaint, the commission shall attempt to effect compliance with the policy of the City of Norman by means of conference, negotiation and conciliation with the respondent. The commission shall not make public the details of such informal proceedings unless otherwise required by law.~~

~~Sec. 7-123. Complaints of housing discrimination: Preliminary injunctive relief.~~

~~If the Commission determines that a housing accommodation or housing accommodations involved in a complaint of an unlawful housing practice under section 7-115 of this Code may be sold, rented, or otherwise disposed of, before a determination of the case has been made, and if the Commission believes that there is reasonable cause to believe the allegations of the complaint, the Commission may request the City Attorney to seek an injunction restraining the sale, rental, or other disposition of the housing accommodation or housing accommodations.~~

~~Sec. 7-124.— Commission authority after determination of reasonable cause.~~

~~If the Commission has determined that there is reasonable cause to believe the allegations of the complaint, and if the Commission is unable to resolve the complaint by means of conciliation or other informal proceedings, the Commission may:~~

- ~~(1) Hold a public hearing to determine whether or not unlawful practice has been committed; or~~
- ~~(2) Without holding a public hearing, certify the case to the City Attorney; or~~
- ~~(3) Without holding a public hearing, refer the complaint to the Human Rights Commission of Oklahoma pursuant to 25 Oklahoma Statutes, Section 1706 (a).~~

~~Sec. 7-125.— Public hearings.~~

- ~~(1) When a public hearing is ordered, the Commission shall designate one member as hearing officer, who shall conduct the hearing.~~
- ~~(2) The Commission shall serve the respondent with the complaint, any amended complaint, and the report of the Commission's investigation, and a notice of hearing which shall identify the time and place of the hearing.~~
- ~~(3) The respondent may also inspect, upon request, all material statements taken by the commission during the course of the investigation, and such other documents or information material to the complaint.~~
- ~~(4) The hearing shall be held not less than ten (10) days after the service of the complaint and notice.~~
- ~~(5) The respondent shall have the right to:~~
 - ~~(a) File an answer to the statement of charges;~~
 - ~~(b) Appear at the hearing in person;~~
 - ~~(c) Be represented by an attorney;~~
 - ~~(d) Examine and cross-examine witnesses;~~
 - ~~(e) Present to the Commission the respondent's case in defense against the allegations of the complaint, subject to reasonable procedures established by the Commission or the Presiding Officer.~~
- ~~(6) The complainant shall also have the right to:~~
 - ~~(a) Appear at the hearing in person;~~
 - ~~(b) Be represented by an attorney;~~
 - ~~(c) Examine and cross-examine witnesses;~~
 - ~~(d) Present to the Commission the complainant's case in support of the allegations of the complaint, subject to reasonable procedures established by the Commission or the Presiding Officer.~~

- ~~(7) The Commission shall not be bound by the strict rules of evidence prevailing in a court of law or equity.~~
- ~~(8) The testimony taken at the hearing shall be under oath and shall be transcribed.~~
- ~~(9) No formal action by the Commission shall be taken in any matter pending before it except upon the affirmative majority vote of the commission.~~
- ~~(10) If upon all evidence presented, the Commission finds that the respondent has not engaged in any unlawful practice, it shall state its findings of fact in writing and dismiss the complaint.~~

~~Sec. 7-126. Commission orders and remedies.~~

- ~~(a) If upon all the evidence presented, the Commission finds that the respondent has engaged or is engaging in an unlawful practice, it shall state its findings of fact in writing and shall issue such order in writing as the facts warrant to effectuate the purposes of chapter 7 of the Code of the City.~~
- ~~(b) Such order may require the respondent to cease and desist from such unlawful practice and to take such affirmative action, including but not limited to, the hiring, reinstatement or upgrading of employees, with or without back pay, admission or restoration to membership in any respondent labor organization, the selling, renting, or leasing of a housing accommodation or housing accommodations upon equal terms and conditions and with such equal facilities, services, and privileges, the tendering of money, whether or not secured by mortgage or otherwise for the requisition, construction, rehabilitation, repair or maintenance of any housing accommodation, the granting, permitting, selling, or admission to any of the accommodations, advantages, facilities, services or privileges, products or goods of any respondent place of public accommodation, resort, recreation or amusement, upon such equal terms and conditions to any person discriminated against or to all persons as, in the judgement of the Commission, will effectuate the purposes of this chapter and are warranted by the facts presented at the hearing, including a requirement for a report or reports of the manner of compliance.~~
- ~~(c) Copies of the order shall be served on all parties.~~

~~Sec. 7-127. Prosecution.~~

~~In the event the respondent refuses or fails to comply with any order of the Commission or violates any of the provisions of this chapter, the Commission shall certify the case and the entire record of its proceedings to the City Attorney who shall invoke the aid of an appropriate court to secure enforcement or compliance with the order or to impose the penalties set forth in section 7-128 of this Code, or both.~~

~~Sec. 7-128~~09. - Penalties.

Any person convicted of violating any section or subsection of this chapter shall be punished by a monetary fine in an amount of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00), or by imprisonment for a period not to exceed sixty (60) days, or by both such fine and imprisonment.

Sec. 7-110. – Private Civil Action.

Nothing in this chapter shall preclude Complainant's right to pursue other administrative remedies and/or a private civil action for appropriate injunctive relief, damages, or both against the Respondent.

Sec. 7-101. - Declaration of policy and objectives.

- (a) It is the policy of the City of Norman that the protection of civil rights is a matter of local concern and that in order to ensure public safety, public health, and the general welfare of all citizens of this community, no individual shall be denied equal protection of the laws, nor shall an individual be denied the enjoyment of his or her civil rights or be discriminated against because of race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex. All citizens of this community shall have an equal opportunity to purchase, rent, lease, or occupy housing accommodations; to avail themselves of the full enjoyment of public accommodations; to have an equal opportunity in the job market and the social and economic life of the City; and to reach their full potential as human beings without regard to race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex.
- (b) The provisions and sections of this chapter shall be liberally construed in order to further the general purpose of this declaration of policy and objectives.

Sec. 7-102. - The Norman Human Rights Commission.

The duties of the Norman Human Rights Commission shall be as follows:

- (1) To study problems of discrimination in any or all fields of human relations and to encourage fair treatment and mutual understanding among all citizens; and to combat those misconceptions, prejudices and stereotypes that tend to prevent individuals from reaching their full potential as human beings;
- (2) To hold such meetings as the Commission may deem necessary or proper to assist in carrying out its functions;
- (3) To make recommendations to the City Council of the City of Norman for action it deems necessary to the furtherance of equality and human rights, including the recommendation of legislation to promote the objectives of this chapter;
- (4) To appoint subcommittees to concern themselves with specific human rights problems, which subcommittees shall:
 - (a) Be composed of bona fide adult residents of the community, and
 - (b) Be chaired by a member of the Commission;
- (5) To serve as a citizens' advisory committee for the purpose of coordinating, studying and making reports concerning citizen involvement in human rights matters;
- (6) To perform such other duties as may be assigned to it from time to time by the City Council;
- (7) To provide and promote awareness of the rights provided in this Code, to receive written complaints of discrimination in violation of this Code, and to seek satisfactory resolution of such complaints according to the procedures hereinafter set forth;



- (8) To institute and conduct educational and other programs to promote the equal rights of all persons regardless of race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, or familial status, or marital status, including marriage to a person of the same sex, and to promote understanding among all persons and groups;
- (9) To cooperate with interested citizens, private agencies, and the agencies of local, state, and federal governments in the promotion of human rights;
- (10) To insure publications and reports of investigations and research in the field of human rights, and to cooperate with and accept grants from public and private agencies, including foundations and institutions of higher learning engaged in similar research;
- (11) To assist in the enforcement of fair employment practices in city contracts;
- (12) To monitor the policies and procedures of all agencies, trusts, departments, and commissions of the City of Norman for the compliance with the laws of the City of Norman, the State of Oklahoma and of the United States promoting human rights;
- (13) To adopt bylaws, rules and regulations for the conduct of the Commission's business;
- (14) To keep an open, public record of its resolutions, transactions, minutes, and determinations; and
- (15) To create and fill such offices as it may determine are necessary for the performance of its functions.
- (16) To submit to City Council an annual report of complaints filed and their resolution. No report is required if no complaints are filed during a particular year.

Sec. 7-103. - Definitions.

The following words and phrases when used in this chapter shall for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

- (1) *Age*: That period of time when a worker is forty (40) years old or older.
- (2) *Commission*: The Norman Human Rights Commission.
- (3) *Disability*: A physical or mental impairment that substantially limits one or more of the major life activities of an individual, a record of such impairment, or being regarded as having such an impairment.
- (4) *Discriminate or discrimination*: Any act which, because of race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex, results in the unequal treatment, separation, or termination of any person; or denies, prevents, limits, or adversely affects the benefit or enjoyment of any person as to employment, ownership, or occupancy of real property or access to public accommodations and public services.

- (5) *Employer*: Any person or entity who pays one or more individuals a salary or wages for work performance, including the City of Norman, its departments, boards, commissions, and authorities, and any other governmental agency within its jurisdiction, but excluding any religious, fraternal, or sectarian organization which is not supported in whole or part by any governmental appropriations. Excludes independent contractors; employment of the parents, spouse, or children of such person; and employment of individuals in domestic service as private household workers employed in a private home, such as nannies, housekeepers, and elder caregivers.
- (6) *Employment agency*: Any person regularly undertaking with or without compensation, to procure opportunities for employment or to procure, recruit, refer or place employees.
- (7) *Gender identity or expression*: The actual or perceived gender-related identity, appearance, expression, mannerisms, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.
- A person's gender-related self-identity, appearance, expression, or behavior, regardless of the person's assigned sex at birth.
- (8) *Labor organization*: Any organization which exists for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in relation to employment.
- (9) *Owner*: The owner, co-owner, lessee, sublessee, mortgagee, assignee, manager, agent, employee or any other person having the right of ownership or possession or the authority to sale, rent, or lease any housing accommodation, or any person having an equitable or security interest in any housing accommodation, including the city, and its departments, boards, commissions, and authorities.
- (10) *Person*: An individual, association, corporation, joint apprenticeship, committee, joint stock company, labor union, legal representative, mutual company, partnership, receiver, trust, trustee, unincorporated organization, or other legal or commercial entity, including the City of Norman.
- (11) *Public accommodation*: Any place, business or activity which is open to, accepts or solicits the patronage of the general public or offers goods, services or recreation to the general public.
- (12) *Sexual harassment*: Unwelcome sexual advances, requests of sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
- (a) Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
 - (b) Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - (c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- (d) For purposes of this chapter, an employer, labor organization or employment agency has engaged in sexual harassment if:

(1) The agents and supervisory employees of an employer, labor organization or employment agency engaged in sexual harassment, regardless of whether the specific acts of sexual harassment were authorized or even forbidden, and regardless of whether the employer knew or should have known of their occurrence; or

(2) The nonsupervisory employees of an employer, labor organization or employment agency engaged in sexual harassment and the employer, labor organization or employment agency knew or reasonably should have known of the sexual harassment.

(13) *Sexual orientation:* An individual's actual or perceived heterosexuality, homosexuality, asexuality, or bisexuality.

Sec. 7-104. – Prohibition of Discrimination and Retaliation.

No person, persons, or entity shall discriminate against any person or persons within the City of Norman regarding employment, housing, public accommodations, and public services on the basis of race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex. It is an unlawful employment practice for any employer, labor organization, or employment agency to engage in sexual harassment. Prohibited acts of discrimination on the basis of any reason set forth above shall include the publishing, circulation, display, posting, or mailing of any written, printed, or electronic communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, goods, products, service and privileges of any public place shall be refused, withheld, or that the patronage of such person is unwelcome, objectionable, or not acceptable, desired, or solicited. No person, persons, or entity shall discriminate or retaliate against any person or persons because of that person's opposition to any unlawful practice forbidden in this chapter or because of that person's filing of a complaint or assistance or cooperation in any investigation, attempted resolution, or other proceedings brought under this chapter.

Sec. 7-105 – Exceptions.

For purposes of this chapter, the following exceptions shall not constitute unlawful discrimination or retaliation:

(1) Employment Exceptions:

(a) Religious educational institutions: It is not an unlawful employment practice for a school, college, university, or other educational institution to hire and employ a person of a particular religion if:

(1) The school, college, university, or other educational institution is wholly or substantially owned, supported, controlled, or managed by a particular religion, religious corporation, association, or society; or

- (2) The curriculum of the school, college, university, or other educational institution is directed to the propagation of a particular religion.
 - (b) Bona fide seniority or merit systems: Notwithstanding any other provisions of this chapter, it is not an unlawful employment practice for an employer:
 - (1) To apply differing standards of compensation, or different terms, conditions, privileges, or responsibilities, of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production, or to employees who work in different locations, if such differences are not the result of an intention to discriminate on the basis of race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex.
 - (2) To give and to act on the results of a professionally developed ability test, if the test, its administration, or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex.
 - (c) Bona fide occupational qualifications: Notwithstanding any other provision of this chapter, it shall not be an unlawful employment for an employer to consider bona fide occupational qualifications that are reasonably necessary as to the normal operation of that particular business or enterprise as allowed under Title VII of the Civil Rights Act of 1964 and interpreted by federal and state law.
 - (d) Affirmative action programs: Notwithstanding any other provision of this chapter, it shall not be an unlawful employment practice for an employer to adopt and implement a plan designed to eliminate or reduce any imbalance respecting a particular race, color, sex, or national origin group, when that plan is otherwise authorized by the laws of Oklahoma or the laws of the United States.
- (2) Housing Exceptions: Notwithstanding any other provision of this chapter, the following shall not be an unlawful discriminatory housing practice in situations wherein:

- (a) Religious or Sectarian Institutions: A religious or sectarian institution or organization or a charitable or educational organization (which is operated, supervised, or controlled by or in connection with a religious organization), or any bona fide private or fraternal organization:
 - (1) Limits admission to, or gives preference to persons of the same religion or sect or to members of such private or fraternal organization; or
 - (2) Makes such selection as a calculated effort by that organization to promote the religious or sectarian principles or the aims, purposes, or fraternal principles for which it is established or maintained.
- (b) Private offers: An owner privately offers property or gives preference to prospective tenants or buyers, as long as those reasons for the private offer or preference are not based upon race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex.
- (c) Senior Living: With respect to age only, the sale, rental, or lease of housing accommodations meeting the requirements of federal, state, or local housing programs for senior citizens, or accommodations otherwise intended, advertised, designed, or operated for the bona fide purpose of providing housing accommodations for persons fifty (50) years of age or older.
- (d) Immediate Family: In regards to the rental of housing accommodations in a building which contains housing accommodations for not more than two families living independently of each other if the owner or a member of the owner's immediate family resides in one of the housing accommodations, or to the rental or a room or rooms in a single-family dwelling by a person if the lessor or a member of the lessor's immediate family resides in the dwelling.
- (e) State or Federal Exceptions: Any other situation wherein state or federal law and/or agencies charged with enforcement of those laws provide other exceptions.

Sec. 7-106. - Filing complaints.

- (a) A person claiming to be aggrieved by a discriminatory practice or act of retaliation (hereinafter referred to as the Complainant) may file in the City Clerk's Office a written

complaint on a form approved by the City of Norman Human Rights Commission. The written complaint stating that a discriminatory practice has occurred shall set forth the facts upon which the complaint is based and shall include the name, mailing address, electronic mail address, and telephone number of the Complainant and the person(s) or entity against whom the allegations are made (hereinafter referred to as the Respondent) as well as the location, date, and description of the alleged violation of this chapter. The complaint must be filed within ninety (90) days after the alleged discriminatory practice occurs. Reasonable accommodations to assist in the filing of complaints shall be provided to individuals with disabilities upon request in accordance with the policies and procedures outlined in the City's Americans with Disabilities Act Accessibility and Inclusion Statement.

- (b) A copy of the complaint shall be promptly furnished to the Respondent along with a notice of the date and time of the Commission meeting at which the complaint will be heard.

Sec. 7-107. – Administrative review of complaints.

- (a) Upon timely filing of a complaint, the Commission shall review and discuss the complaint at its next regularly scheduled or special meeting that is at least thirty (30) days after receipt of the complaint.
- (b) Prior to the Commission's administrative review of the complaint, the City Attorney, the Commission Chair, and/or their designees may contact the Complainant and the Respondent to attempt facilitation of mediation or other informal resolution of the complaint. If the complaint is resolved prior to the administrative review date, administrative review of the complaint may be cancelled.
- (c) The Complainant may appear at the administrative review in person with or without an attorney and/or additional witnesses and present information for the Commission's consideration, including, but not limited to, documents, photographs, or any other information in support of the allegations in the complaint.
- (d) The Respondent may file a written response to the complaint, appear at the administrative review in person with or without an attorney and/or additional witnesses, and present information for the Commission's consideration, including, but not limited to, documents, photographs, or any other information responsive to the allegations in the complaint.

Sec. 7-108. - Resolution of complaints.

The Commission shall review, discuss, and consider the complaint, response, and the information provided during the administrative review and then make a recommendation as to the merits of the complaint and whether further action is warranted. The Commission may work with the Complainant and Respondent to seek an amicable resolution by mediation or other alternative dispute resolution. If the Commission determines by majority vote that the complaint is unfounded, that further action is not warranted, or that the issue has been resolved, it shall dismiss the complaint. If by a majority vote of the Commission, it is determined that further action is

warranted, the Commission shall provide a copy of the complaint, the response, and any other supporting information along with a written recommendation to the City Attorney for further investigation and, if appropriate, further action, including, but not limited to:

- (1) Referral of the Complainant to other local, state, or federal entities;
- (2) Mediation of the matter between the involved parties;
- (3) Prosecution of the Respondent in Municipal Court;
- (4) Filing of injunctive relief in District Court; or
- (5) Determination that no further action should be taken.

Sec. 7-109. - Penalties.

Any person convicted of violating any section or subsection of this chapter shall be punished by a monetary fine in an amount of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00), or by imprisonment for a period not to exceed sixty (60) days, or by both such fine and imprisonment.

Sec. 7-110. – Private Civil Action.

Nothing in this chapter shall preclude Complainant's right to pursue other administrative remedies and/or a private civil action for appropriate injunctive relief, damages, or both against the Respondent.

**NORMAN HUMAN RIGHTS COMMISSION
DISCRIMINATION/RETALIATION COMPLAINT FORM**

File with the Norman City Clerk, 201 A West Gray, P.O. Box 370, Norman, Oklahoma 73070.

COMPLAINANT

Person filing Complaint

Name: _____ Phone: _____

Address: _____ Email: _____

City: _____ State: _____ Zip Code: _____

Attorney's name and contact information (if applicable): _____

RESPONDENT

Person(s) or entity against whom Complaint is made

Name: _____ Phone: _____

Address: _____ Email: _____

City: _____ State: _____ Zip Code: _____

Job Title _____

Attorney's name and contact information (if known): _____

DATE(S) OF DISCRIMINATION/RETALIATION

Complaint must be filed within ninety (90) days.

ALLEGED VIOLATION

Check all that apply.

____ Employment

____ Sexual Harassment

____ Retaliation

____ Housing

____ Public Accommodations



TYPE OF DISCRIMINATION

Check all that apply.

☐ Race ☐ Color ☐ Religion ☐ Ancestry
☐ National Origin ☐ Age ☐ Place of Birth ☐ Disability
☐ Sex ☐ Sexual Orientation ☐ Gender identity/Gender expression
☐ Familial status ☐ Marriage to a person of the same sex

DETAILED DESCRIPTION OF THE ALLEGED DISCRIMINATION/RETALIATION

Attach additional sheets if necessary. Include all pictures, correspondence, or other documentation supporting the allegations, including names, titles, and contact information for additional witnesses or other people with pertinent information.

AFFIRMATION

OATH: I, the Complainant whose signature appears hereon, state that the foregoing facts are true and correct from my personal knowledge thereof.

Complainant Signature

Date

(SEAL)

Subscribed and sworn before me this _____ day of _____, _____.

My commission expires:

Notary Public

Resolution

R-1819-108

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CONDEMNING AND REJECTING ALL FORMS OF RACISM, RELIGIOUS DISCRIMINATION, AND OTHER FORMS OF INTOLERANCE, PREJUDICE, AND HATE; AND REAFFIRMING THE CITY'S COMMITMENT TO BUILDING AN INCLUSIVE COMMUNITY BASED ON THE FOUNDATION OF MUTUAL RESPECT AND APPRECIATION FOR ONE ANOTHER'S DIFFERENCES AND THE CULTURAL AND RELIGIOUS DIVERSITY THAT MAKE OUR COMMUNITY GREAT.

- § 1. WHEREAS, Section 7-101 of the City's Civil Rights Ordinance states that all citizens of this community should be provided with an opportunity to reach their full potential as human beings, without being inhibited by conditions relating to race, color, religion, ancestry, sex, national origin, age, place of birth, handicap, or familial status; and
- § 2. WHEREAS, on July 22, 2008, the City of Norman adopted Resolution R-0809-12 joining the National League of Cities' Partnership for Working toward Inclusive Communities, and the City continues to strive to become a more inclusive community providing all citizens the right to human dignity, justice, and the opportunity to live life fully and achieve their aspirations; and
- § 3. WHEREAS, the City of Norman is appalled by the recent racist and anti-Semitic and Islamophobic acts of vandalism and defacement of buildings and artifacts throughout our City; and
- § 4. WHEREAS, the City of Norman recognizes that it is home to numerous diverse faiths, cultures, and backgrounds, all of whom contribute substantially to the strength and beauty of our vibrant community; and
- § 5. WHEREAS, the City of Norman hereby reaffirms its commitment to building an inclusive community based on the foundation of mutual respect and appreciation for one another's differences and the cultural and religious diversity that make our community great.



NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

- § 6. THAT the City of Norman condemns and rejects all forms of racism, religious discrimination, and other forms of intolerance, prejudice, and hate and reaffirms its commitment to building an inclusive community based on the foundation of mutual respect and appreciation for one another's differences and the cultural and religious diversity that make our community great.

PASSED AND ADOPTED this 14th day of May, 2019.



Brenda Hall
City Clerk

[Signature]
Mayor

CERTIFICATE OF NONDISCRIMINATION

In connection with the performance of work under this contract, the contractor agrees as follows:

A. The contractor agrees not to discriminate against any employee or applicant for employment because of race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex. The Contractor shall take affirmative action to ensure that employees are treated without regard to their race, color, religion, ancestry, national origin, age, place of birth, disability, sex, sexual orientation, gender identity or expression, familial status, or marital status, including marriage to a person of the same sex. Such actions shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruiting or recruitment, advertising, lay-off, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Contractor and Subcontractor shall agree to post in a conspicuous place, available to employees and applicants for employment, notices to be provided by the City Clerk of the City of Norman setting forth the provisions in this section.

B. In the event of the Contractor's noncompliance with this nondiscrimination clause, the contract may be canceled or terminated by the City Council. The Contractor may be declared by the City Council ineligible for further contracts with the said agency until satisfactory proof of intent to comply shall be made by the Contractor.

C. The Contractor agrees to include this nondiscrimination clause in any subcontracts connected with the performance of this agreement.

I have read the above stated clauses and agree to abide by their requirements.

Contractor

ATTEST:

Name and Title

