

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 4-1001 OF CHAPTER 4 OF THE CODE TO CLARIFY THE DUTIES OF THE HUMAN RIGHTS COMMISSION CONSISTENT WITH THE DUTIES LISTED IN CHAPTER 7 OF THE CODE; AMENDING SECTIONS 7-101 THROUGH 7-128 OF CHAPTER 7 OF THE CODE TO ADD SPECIFIC PROTECTIONS AGAINST DISCRIMINATION AND RETALIATION ON THE BASIS OF SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, OR MARITAL STATUS, INCLUDING MARRIAGE TO A PERSON OF THE SAME SEX, IN THE AREAS OF EMPLOYMENT, HOUSING, AND PUBLIC ACCOMMODATIONS; AMENDING SECTION 7-102 TO ADD PROVISION AND PROMOTION OF EDUCATION AND AWARENESS OF THE RIGHTS PROVIDED IN THE CODE AND SUBMISSION OF AN ANNUAL REPORT OF COMPLAINTS TO CITY COUNCIL TO THE DUTIES OF THE HUMAN RIGHTS COMMISSION; AMENDING SECTION 7-103 TO MODIFY THE DEFINITION OF AGE AND ADD NEW LANGUAGE TO THE DEFINITION OF SEXUAL HARASSMENT; ADD DEFINITIONS OF DISABILITY, DISCRIMINATE OR DISCRIMINATION, GENDER IDENTITY OR EXPRESSION, AND SEXUAL ORIENTATION; REMOVE DEFINITIONS OF DWELLING, EMPLOYMENT, HOUSING ACCOMMODATION, LENDING INSTITUTION, REAL ESTATE BROKER, AND HANDICAPPED PERSON; AND AMEND THE DEFINITION OF EMPLOYER TO REMOVE THE MINIMUM NUMBER OF EMPLOYEES; AND RENUMBER REMAINING DEFINITIONS; ADD A NEW AND RENUMBERED SECTION 7-104 TO PROVIDE A GENERAL PROHIBITION OF DISCRIMINATION AND RETALIATION; DELETE SECTIONS 7-104 THROUGH 7-118; ADD A NEW AND RENUMBERED SECTION 7-105 TO PROVIDE SPECIFIC EMPLOYMENT AND HOUSING EXCEPTIONS; AMEND AND RENUMBER SECTION 7-119 REGARDING THE FILING OF COMPLAINTS TO PROVIDE FOR FILING IN THE CITY CLERK'S OFFICE ON A FORM APPROVED BY THE HUMAN RIGHTS COMMISSION; AMENDING AND RENUMBERING SECTIONS 7-120 THROUGH 7-121 TO CLARIFY AND STREAMLINE THE HUMAN RIGHTS COMMISSION'S ADMINISTRATIVE REVIEW AND RESOLUTION OF COMPLAINTS PROCESS; DELETING SECTIONS 7-122 THROUGH 7-127; ADDING A NEW SECTION 7-110 TO PRESERVE A COMPLAINANT'S RIGHT TO PURSUE OTHER ADMINISTRATIVE REMEDIES AND/OR A PRIVATE CIVIL ACTION; RENUMBERING SECTIONS NOT DELETED; AND PROVIDING FOR THE SEVERABILITY THEREOF.

7.5-21 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN BY DELETING CERTAIN DEFINITIONS ADDRESSED BY STATE LAW; ADDING DEFINITIONS OF A CAMPAIGN COMMITTEE, MUNICIPAL OFFICE, AND MUNICIPAL POLITICAL COMMITTEE TO CONFORM TO STATE LAW; AND RENUMBERING REMAINING DEFINITIONS; DELETING SECTIONS 7.5-22, 7.5-23, AND 7.5-24 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN REMOVING CAMPAIGN STATEMENT FILING REQUIREMENTS NOW GOVERNED BY STATE LAW; AMENDING SECTION 7.5-25 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN TO MODIFY THE DUTIES OF THE CITY CLERK TO BE CONSISTENT WITH APPLICABLE PROVISIONS OF STATE LAW; AMENDING SECTION 7.5-26 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN TO MODIFY THE DUTIES OF THE NORMAN ELECTION COMMISSION TO BE CONSISTENT WITH STATE LAW; AMENDING SECTION 7.5-27 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN TO PROVIDE A CITY OF NORMAN ELECTION COMMISSION COMPLAINT REFERRAL PROCEDURE THAT IS CONSISTENT WITH STATE LAW; DELETING SECTION 7.5-28 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN REGARDING PENALTIES TO BE CONSISTENT WITH STATE LAW; RENUMBERING SECTIONS NOT DELETED; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

- § 1. That Section 4-1001 of Chapter 4 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

Sec. 4-1001. – Duties and powers of the Commission.

The Human Rights Commission shall have the power and duty to:

(a) Provide and promote education and awareness of the rights provided in chapter 7 of this Code, receive written complaints of discrimination and retaliation in violation of chapter 7 of this Code, and seek satisfactory resolution of such complaints according to the procedures set forth in chapter 7 of this Code.

(b) Study and investigate by means of public hearings or otherwise any conditions having an adverse effect on intergroup relations in the City, and study the problems of

prejudice, intolerance, bigotry and discrimination as they affect the public safety and general welfare of the City.

(c) Institute and conduct educational and other programs to promote the equal rights, opportunities, and mutual understanding of all persons, regardless of 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. In the performance of this duty, the Commission may cooperate with interested citizens, private agencies, and agencies of the federal, state, and local governments.

(d) Issue publications and reports of investigation 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.

(e) Assist in the enforcement of fair employment practices in City contracts.

(f) Recommend legislation to promote and ensure equal rights and opportunities for all persons regardless of 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.

(g) Provide minutes of its meetings to the office of the City Clerk within ten (10) days from the date of their approval.

§ 2. That Chapter 7 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

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 education and awareness of the rights provided in this Code, to receive written complaints of discrimination and retaliation 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, 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 issue 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 and employment of the parents, spouse, or children of such person.
- (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.
- (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 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. 7-106. - 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 state or federal 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.

§ 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day
of _____, 2019.

Breea Clark, Mayor

ATTEST:

Brenda Hall, City Clerk

NOT ADOPTED this _____ day
of _____, 2019.

Breea Clark, Mayor