

ORDINANCE NO. 16-2020

ORDINANCE AMENDING SECTION 58, ARTICLE II – HUMAN RIGHTS
COMMISSION

WHEREAS, the Common Council after due consideration, wishes to amend Section 58, Article II, of the City of La Porte Municipal Code for the City of La Porte, Indiana;

WHEREAS, the Human Rights Commission shall be renamed the City of La Porte Diversity and Inclusion Committee;

WHEREAS, the Diversity and Inclusion Committee shall serve as a resource for City government and the community and provides information, education, and communication that facilitates a better understanding and celebrates our diversity, provides education regarding our city's overall diversity, and works with City departments to assist with employee training and outreach events in the community.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of La Porte, that, Section 58, Article II shall now be amended and revised as follows:

Sec. 58-26. - Public policy and purpose.

- (a) It is the public policy of the City of LaPorte, Indiana, to provide all of its citizens equal opportunity for education, employment, access to public conveniences and accommodations and acquisition, through purchase or rental of real property including but not limited to housing; and to eliminate segregation or separation based on race, color, religion, gender identity, sexual orientation, sex (including pregnancy), national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran in accordance with applicable federal, state, and local laws since such segregation is an impediment to equal opportunity. Equal education and employment opportunities and equal access to and use of public accommodations and equal opportunity for acquisition of real property are hereby declared to be civil rights.
- (b) The practice of denying these rights to persons because of race, color, religion, gender identity, sexual orientation, sex (including pregnancy), national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran is contrary to the principles of freedom and equality of opportunity and is a burden to the objectives of the public policy of the City of LaPorte, Indiana, and shall be considered as discriminatory practices. The promotion of equal opportunity without regard to race, color, religion, gender identity, sexual orientation, sex (including pregnancy), national origin, age,

disability, genetic information, marital status, amnesty or status as a covered veteran is the purpose of this article.

- (c) It is also the public policy of this City of LaPorte, Indiana, to protect employers, labor organizations, employment agencies, property owners or designated agent, real estate brokers and/or agency, builders and lending institutions from unfounded charges of discrimination.
- (d) It is hereby declared to be contrary to the public policy of the City of LaPorte, Indiana, and an unlawful practice for any person, for profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry into the neighborhood of a person or persons of a particular race, color, religion, gender identity, sexual orientation, sex (including pregnancy), national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran.
- (e) This article shall be construed broadly to effectuate its purpose.

Sec. 58-27. - Definitions.

As used in this article unless the context clearly requires otherwise:

- (1) The term "person" includes one or more individuals, partnerships, associations, organizations, corporations, labor organizations, cooperatives, legal representatives, trustees in bankruptcy, trustees, reviewers and other organized groups of persons.
- (2) The term "Committee" means the **City of La Porte Diversity and Inclusion Committee** hereinafter created.
- (3) The term "Committee Attorney" shall mean the City Attorney, or such assistants of the City Attorney as may be assigned to the **Committee**, or such other attorney as may be engaged by the **Committee**, or voluntarily lend his or her services to the **Committee**.
- (4) The term "Affirmative Action" shall mean those acts which the **Committee** deems necessary to assure compliance with the City Human Rights Ordinance.
- (5) The term "employer" includes the city or any department thereof, and any person employing six or more employees within the city; except that the "employer" does not include any not-for-profit corporation or association organized exclusively for fraternal or religious purposes, nor any school, educational or charitable religious institutions owned or conducted by, or affiliated with, a church or religious institution, nor any exclusively social club, corporation or association that is not organized for profit, and except that the term "employer" does not include any "state agency" as defined herein.

- (6) The term "employee" includes any person employed by another for wages or salary; provided, however, that it shall not include any individual employed by his parents, spouse, or child, or in domestic services of any person.
- (7) The term "labor organization" includes 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 for other mutual aid or protection in relation to employment.
- (8) The term "educational institution" includes all public and private schools and training centers except those affiliated with religious institutions which may give preference to members of their religious group in selecting their students, and except those within the definition of "state agency".
- (9) The term "employment agency" includes any person undertaking with or without compensation to procure, recruit, refer, or place employees, except such as are agencies of the State of Indiana.
- (10) The term "discriminatory practice" shall mean the exclusion of a person by an individual from equal opportunities because of race, color, religion, gender identity, sexual orientation, sex (including pregnancy), national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran; or a system which excludes persons from equal opportunities because of race, color, religion, gender identity, sexual orientation, sex (including pregnancy), national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran; or the promotion of racial segregation or separation in any manner, including but not limited to, the inducing of, or the attempting to induce, for profit, any person to sell or rent any dwelling by representations regarding the entry or prospective entry in the neighborhood of a person or persons of a particular race, color, religion, gender identity, sexual orientation, sex (including pregnancy), national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran. Every discriminatory practice relating to the acquisition or sale of real estate, education, public accommodations or unemployment shall be considered unlawful unless it is specifically exempted by this article. It shall also be considered a discriminatory practice to discharge, expel or otherwise discriminate against any other person because he or she filed a complaint before this Committee.
- (11) The term "public accommodation" means any establishment which offers its services or facilities or goods to the general public, except those owned and operated by state agencies.
- (12) The term "complainant" means any individual charging on his or her own behalf to have been personally aggrieved by a discriminatory practice that a discriminatory practice was committed against a person, other than

him/herself, or a class of people in order to vindicate the public policy of the State of Indiana, and the public policy of the City of La Porte, Indiana, as defined in this article.

- (13) The term “complaint” means any written grievance filed by a complainant with the **Committee**. To be acceptable by the **Committee** a complaint shall be sufficiently complete so as to reflect properly the full name and address of the complainant; the name and address of the respondent against whom the complaint is made; the alleged discriminatory practice and a statement of particulars thereof; the date or dates and places of the alleged discriminatory practice if it is of a continuing nature, the dates between which said continuing acts of discrimination are alleged to have occurred; and a statement as to any other action, civil or criminal, instituted in any other form based upon the same grievance as is alleged in the complaint, together with a statement as to the status or disposition of such other action. The City of LaPorte will not impede complainant from filing with State within the statute of limitations as set forth by law.
- (14) The term “respondent” means one or more persons against whom a complaint is filed under this chapter, and whom the complainant alleges has committed or is committing a discriminatory practice.
- (15) The term “sex” as it applies to segregation or separation in this article shall apply to all types of employment, education, public accommodations, and housing, except those specifically exempted, and includes pregnancy. Provided, however, that (1) it shall not be a discriminatory practice to maintain separate restrooms or dressing rooms; and that (2) it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to employ any individual in any such program on the basis of sex in “those certain instances where sex is a bona fide occupational restriction reasonably necessary to the normal operation of that particular business or enterprise”.
- (16) The term “sexual orientation” means homosexuality, bisexuality, **asexual**, **pansexual**, **demisexual**, **graysexual**, or heterosexuality, whether such orientation is actual or perceived, and includes association with another individual of a particular sexual orientation.
- (17) The term “gender identity” means **cisgender**, **transgender**, **gender nonconforming**, **nonbinary**, and **gender fluid**, whether its a person’s actual or perceived gender-related attributes, self-image, appearance, expression or behavior, whether or not such characteristics differ from those traditionally associated with the person’s assigned sex at birth.

- (18) The term “disabled or disability” means a physical or mental condition of a person which constitutes a substantial disability. In reference to employment, under this chapter, “disabled or disability” also means the physical or mental condition of a person which constitutes a substantial disability unrelated to such person’s ability to engage in a particular occupation.
- (19) The term “veteran” means (1) a veteran of the armed forces of the United States; (2) a member of the Indiana National Guard; or (3) a member of a reserve component.
- (20) The term “state agency” means every office, officer, board, commission, department, division, bureau, committee, fund, agency, and without limitation by reason of enumeration herein, every other instrumentality of Indiana, every hospital, every penal institution and every other institutional enterprise and activity of the State of Indiana, wherever located; the universities supported in whole or in part by state funds; and the judicial department of the State of Indiana. “State agency” does not mean counties, county departments of public welfare, cities, town, townships, school cities, school towns, school townships, school districts, or other municipal corporations, political subdivisions, or units of local government.

Sec. 58-28. – **Committee created—Membership—Terms.**

- (a) There is hereby created a **Diversity and Inclusion Committee** that strives to be composed of **five (5)** members representative of the racial, ethnic, religious, economic, and educational groups in the City of LaPorte. Three (3) members shall be appointed by the Mayor and two (2) members shall be appointed by the City Council. They shall be appointed by the Mayor with the advice and consent of the City Council within 60 days from the date of passage of this article. Of the **five (5)** members first appointed, one (1) shall be appointed for one year (Mayoral appointment), two (2) for two years (one Mayoral appointment and one City Council appointment), and two (2) for three years (one Mayoral appointment and one City Council appointment). Thereafter each appointment shall be for a term of three years. The City Attorney, the Director of Human Resources and the Director of Code Enforcement will serve as advisors to the **five (5)** member **Committee**. The City Council shall appoint one (1) City Council member as a liaison to the **Committee**.
- (b) If a member dies or resigns, his or her successor shall be appointed to serve the unexpired period of the term to which his or her predecessor has been appointed. The Mayor may remove **Committee** members for cause (which is a legitimate justified reason related to legal misconduct), but for no other reason.
- (c) The **Committee** shall elect from its membership at its first meeting and thereafter at its April meeting annually a Chairman, Vice-Chairman and Secretary. The first meeting of the **Committee** shall be held within 30 days after

its appointment. The expenses for carrying on the Committee's ' activities shall be paid out of funds in the city treasury.

- (d) A majority of appointed members shall be in attendance to constitute a quorum.

Sec. 58-29. - Powers and duties.

The Committee shall have the following powers and duties:

- (1) Advise and instruct residents of their rights under state and federal law;
- (2) Serve as a resource for City government and the community by providing information, education, training, and communication that facilitates a better understanding of our diversity, our rights, and our legal obligations to all persons in our City;
- (3) Provide education regarding the City's overall diversity;
- (4) Periodically work with City departments to assist with events, training, and activities;
- (5) Engage the community regarding diversity and inclusion and solicit feedback and information to the City;
- (6) Assist the City in supporting and working with all areas of government and the community to eliminate and prevent all forms of discrimination, hate, and bias;
- (7) Provide recommendations and information to the City Council that identifies opportunities to address issues of diversity, promote diversity programs, and/or provide guidance to create a more equitable, accessible, safe, welcoming and inclusive government and community;
- (8) Advise the City Council on best practices for conducting outreach to the community;
- (9) Make recommendations to the City Council on new events and activities that are appropriate and relevant for the community; and
- (10) Provide recommendations to the City Council on other matters within the Committee's jurisdiction

Sec. 58-30. - City contracts: contractors.

Every contract to which the city or any of its political or civil subdivisions is a party, including franchises granted to public utilities, shall contain a provision requiring the contractor and his sub-contractors not to discriminate against any employee or applicant for employment, to be employed in the performance of such contract, with respect to his/her hire, tenure, terms, conditions, or privileges of employment or any matter directly or indirectly related to employment, because of his or her race, color, religion, gender identity, sexual orientation, sex (including

pregnancy), national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran. Breach of this covenant may be considered a material breach of the contract. The **Committee** may issue affirmative action guidelines.

Sec. 58-31. - Programming.

In order to eliminate prejudice among the various groups in the city and to further goodwill among such groups, the **Committee** on its own or in partnership with the Indiana Civil Rights Commission and other entities will work to offer educational programs designed to emphasize and remedy the denial of equal opportunity because of a person's race, religion, color, sex, national origin, ancestry, sexual orientation, gender **identity** , or disability, its harmful effects, and its incompatibility with the principles of equality. The **Committee** will discuss opportunities to participate in federal and state policy changes impacting the City of LaPorte.

Sec. 58-33. - Relationship with civil rights commission.

The legal department may enter into a working relationship with the Indiana Civil Rights Commission to perpetuate the mutual objectives set forth in this chapter and the Indiana Civil Rights law.

SECTION I. Any ordinance in conflict shall be repealed.

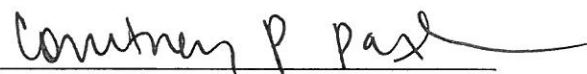
SECTION II. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and publication as required by law.

PASSED AND ADOPTED by the Common Council of the City of La Porte, Indiana, this 21st day of September, 2020.



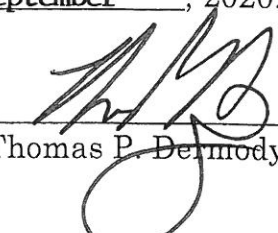
Thomas P. Dermody, Mayor

Attest:



Courtney P. Parthun, Clerk-Treasurer

APPROVED by me this 21st day of September, 2020.



Thomas P. Dermody, Mayor

Attest:

Courtney P. Parthun
Courtney P. Parthun, Clerk-Treasurer