



Health, Education & Welfare Committee Agenda February 21, 2024 at 5:00 PM

Health, Education & Welfare Committee

Dara Wood, Chair
Keely Paul
Jay Shatz

Staff Liason

Scot Lahrmer, Village
Manager

MINUTES

1. Approval of minutes: January 24, 2024

TOPICS OF DISCUSSION

1. Jen Scott, Statewide Field Manager for Equality Ohio, regarding the Amberley Village human rights ordinance

ADJOURNMENT

Health Education and Welfare Meeting 1-24-24

Committee Members: Dara Wood, Chair, Keely Paul, Jay Shatz

Present: Dara Wood, Chair, Keely Paul, Scot Lahrmer (Village Manager), Bob Rosen, Jymi Bolden

Minutes from Nov 6 meeting – approval of minutes as written.

Interview of Jymi Boland for member of Human Rights Commission. Jymi has lived in Amberley Village for 20 years. The committee recommends Jymi for the committee. (Make a motion to appoint Jymi Bolden to the HRC at the next committee meeting.

WeTHRIVE Committee would like to see the Village do something around the subject of food insecurity. At their meeting they brainstormed ideas. They would love to see us take on something i.e., group volunteers once a month at a place (prep, serve etc.). Another idea is that at the One Stop Drop we add the component of bringing canned foods and non-perishable items to be donated. Also, perhaps on the flyer for ice Cream Social we can ask people to bring a canned food item to donate. Not to take away from the focus of that event, but just an added thing that is easy to do and makes a statement that we want to give back as a community. Members of WeTHRIVE are looking into different food pantries to see who/where they serve – seeing if they have some Amberley Village families/people that have food insecurity. Jim Rulli from WeTHRIVE and Dara will reach out to Kathy Kraemer, who oversees One Stop Drop to propose the idea. Jim or Dara will reach out to Sgt. Tim Schmidtgoessling to check into the idea of doing something at Ice Cream Social.

The committee supports these ideas.

Meeting adjourned at 4:50

CHAPTER 102: HUMAN RIGHTS COMMISSION; DIVERSITY AND INCLUSION

Section

- 102.01 Statement of intent
- 102.02 Definitions
- 102.03 Human Rights Commission; purpose
- 102.04 Human Rights Commission; members
- 102.05 Human Rights Commission; organization
- 102.06 Human Rights Commission; meetings
- 102.07 Human Rights Commission; powers and duties
- 102.08 Public contracts
- 102.09 Construction; nonexclusive remedies

§ 102.01 STATEMENT OF INTENT.

(A) It is the intent of Amberley Village to protect and safeguard the right and opportunity of all persons to be free from all forms of discrimination, including discrimination based on one's membership in a protected class such as age, race, color, religion, ethnicity, national origin, ancestry, disability, marital status, family status, military status, sex, gender identity or expression, or sexual orientation ("protected class"). The purpose of this chapter is to promote the public health and welfare of all persons who live in, work in, or visit the village.

(B) It is important to ensure equal access to employment, housing, public accommodations, and education in the village. The denial of these rights to persons in a protected class is contrary to the principles of freedom and equality of opportunity and is destructive to a free and democratic society.

(Ord. 2018-4, passed 4-9-18)

§ 102.02 DEFINITIONS.

All words utilized in this chapter shall be ascribed their ordinary meaning unless otherwise defined herein.

(Ord. 2018-4, passed 4-9-18)

§ 102.03 HUMAN RIGHTS COMMISSION; PURPOSE.

A non-partisan Human Rights Commission is hereby established to be known as the Amberley Village Human Rights Commission (the "Commission"). The purpose of the Commission is not to penalize, but to encourage and endeavor to bring about mutual understanding and respect among all persons, and to safeguard the right and opportunity of all persons to be free from all forms of discrimination.

(Ord. 2018-4, passed 4-9-18)

§ 102.04 HUMAN RIGHTS COMMISSION; MEMBERS.

(A) The Human Rights Commission shall be comprised of five members appointed as follows: one member shall be appointed by the Village Manager; one member shall be appointed by the Village Mayor; and three members shall be appointed by a majority vote of Village Council. All members of the Commission shall be residents of the Village.

(B) Members of the Commission shall serve voluntarily and without compensation, except for reimbursement of any reasonable and necessary expenses incurred in performance for the Commission. No member shall be a current employee, officer, elected official, agent, or contractor with the village.

(C) Except for members' initial terms which shall be staggered, each member shall serve a term of three years commencing on the effective date of this chapter. Members shall be eligible for reappointment; however, no member shall serve more than three consecutive terms. Members shall serve beyond the end of a term until a replacement is appointed by the respective authority. A member shall be deemed to have abandoned the position and resigned upon missing three consecutive regular meetings of the Commission without being excused by the Commission as reflected in the minutes. Any vacancy shall be filled by the authority which made the initial appointment for the position. Members appointed to fill a vacancy shall serve the remainder of the term of the vacant position.

(Ord. 2018-4, passed 4-9-18)

§ 102.05 HUMAN RIGHTS COMMISSION; ORGANIZATION.

The Human Rights Commission is a non-legislative public body of the village. The Commission shall convene the initial organizational meeting of appointed members at its earliest opportunity. The Commission shall organize at its initial meeting by electing one member as Chair and one member as Vice-Chair. The Commission may select additional members to serve

as officers if found to be necessary and proper for the effective organization and operation of the Commission. Each officer shall serve for a term of one year or until a successor officer is duly elected.

(Ord. 2018-4, passed 4-9-18)

§ 102.06 HUMAN RIGHTS COMMISSION; MEETINGS.

(A) The Human Rights Commission shall convene at least once each year to elect officers and as otherwise requested by a member of the Commission, the Village Manager, the Village Mayor, or the Village Council. Any three members of the Commission shall constitute a quorum for the transaction of business. The Commission may act upon a majority vote of members present at a meeting. The Commission shall report to the Village Council at least twice every 12 months.

(B) Meetings of the Commission must be public according to the Ohio Sunshine Laws. Public notice of any meetings must be provided at least 48 hours in advance, and minutes must be maintained. Any documents, evidence, and other records maintained or created by the Commission or submitted to the Commission, are public records subject to the Ohio Public Records Act.

(Ord. 2018-4, passed 4-9-18)

§ 102.07 HUMAN RIGHTS COMMISSION; POWERS AND DUTIES.

The Human Rights Commission is hereby authorized and empowered as follows:

(A) The Commission may create and modify rules regarding its meetings, hearings, and procedures to carry out its functions. At its discretion, the Commission may accept volunteer services, including volunteer services of private legal counsel.

(B) The Commission may create committees and sub-committees comprised of members and other volunteers, which in its judgment will aid in effectuating the purposes of the Commission, including, but not limited to: a committee formed to study the problem of discrimination; a committee formed to foster good will, cooperation and conciliation among the diverse groups and population of the village; and a committee formed to make recommendations to the Commission for the development and implementation of programs of formal and informal education and public awareness.

(C) The Commission may, with the consent and approval of the Village Manager, call upon other officers, (departments and agencies of the village government to assist in its programs and projects. The Commission may recommend to Village Council policies, procedures, practices and legislation in all relevant matters.

(D) The Commission may enlist the cooperation of racial, religious, ethnic, community and civic organizations, and other identifiable groups of the village, in its programs and campaigns devoted to the education and advancement of tolerance, understanding and equal protection of the law for all groups and individuals regardless of membership in a protected class.

(E) The Commission may seek and accept contributions, financial or otherwise, on behalf of the village from any person including but not limited to any private, public, governmental, charitable, religious, labor, civic or benevolent organizations, in furtherance of its mission.

(F) The Commission may formulate and develop programs and opportunities (i.e. forums, workshops, research, and publications) to collect and disseminate information regarding the work of the Commission, to minimize or eliminate discrimination, and to promote good will among all persons who live in, work in, or visit the village.

(G) The Commission shall develop a program to receive and report complaints from persons who live in, work in, or visit the village. In its discretion the Commission may seek to conciliate any complaint with the express written consent of the complainant in order to ensure equal access to employment, housing, public accommodations, and education in the village.

(H) The Commission shall cooperate and work with relevant federal, state and local government offices and agencies.

(Ord. 2018-4, passed 4-9-18)

§ 102.08 PUBLIC CONTRACTS.

The village shall give consideration to all contractors who have a stated inclusive policy against discrimination that is substantially similar to the village's policy as set forth in this chapter.

(Ord. 2018-4, passed 4-9-18)

§ 102.09 CONSTRUCTION; NONEXCLUSIVE REMEDIES.

(A) This chapter shall be liberally construed to accomplish its objectives and purposes. If any provision of this chapter is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect or invalidate the other provisions hereof, all of which are declared and shall be construed to be separate and severable.

(B) This chapter does not create or establish a cause of action in any court of law or equity and shall not prevent any person from exercising any right or seeking any remedy otherwise entitled to under any other law, regulation, or policy. All remedies provided by this chapter are in addition to, and not in lieu of, other remedies.

(Ord. 2018-4, passed 4-9-18)

CHAPTER 102: HUMAN RIGHTS COMMISSION; DIVERSITY AND INCLUSION

§ 102.01 STATEMENT OF INTENT.

- (A) It is the intent of Amberley Village to protect and safeguard the right and opportunity of all persons to be free from all forms of discrimination, including discrimination based on one's ~~membership in a protected class such as~~ age, race, color, religion, ethnicity, national origin, ancestry, disability, marital status, family status, military status, sex, gender identity or expression, or sexual orientation ("~~P~~protected ~~C~~lass"). The purpose of this chapter is to promote the public health and welfare of all persons who live in, work in, or visit the ~~V~~village.
- (B) It is important to ensure equal access to employment, housing, public accommodations, and education in the village. The denial of these rights to persons in a ~~P~~protected ~~C~~lass is contrary to the principles of freedom and equality of opportunity and is destructive to a free and democratic society.

(Ord. 2018-4, passed 4-9-18)

§ 102.02 DEFINITIONS.

All words utilized in this ~~Ordinance~~chapter shall be construed and ascribed ~~their ordinary~~ meaning in accordance with the definitions and terms of art used in Ohio's and the federal anti-discrimination statutes, specifically O.R.C. § 4112.01 et. seq. and Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq. unless otherwise defined herein, and as interpreted and applied by Ohio and federal courts.

(Ord. 2018-4, passed 4-9-18)

§ 102.03 HUMAN RIGHTS COMMISSION; PURPOSE.

A non-partisan Human Rights Commission is hereby established to be known as the Amberley Village Human Rights Commission (the "Commission"). The purpose of the Commission is not to penalize, but to encourage and endeavor to bring about mutual understanding and respect among all persons, and to safeguard the right and opportunity of all persons to be free from all forms of discrimination.

(Ord. 2018-4, passed 4-9-18)

§ 102.04 HUMAN RIGHTS COMMISSION; MEMBERS.

- (A) The Human Rights Commission shall be comprised of five (5) members appointed as follows: one member shall be appointed by the Village Manager; one member shall be appointed by the Village Mayor; and three members shall be appointed by a majority vote of Village Council. At least three (3) # members of the Commission shall be residents of the Village. Council may appoint a non-resident who has subject matter expertise in

investigating or addressing claims of discrimination or harassment. Council may also appoint a non-resident who is the owner, operator, or official in charge of the operation of a business located within the Village.

- (B) Members of the Commission shall serve voluntarily and without compensation, except for reimbursement of any reasonable and necessary expenses incurred in performance for the Commission. No member shall be a current employee, officer, elected official, agent, or contractor with the village.
- (C) Except for members' initial terms which shall be staggered, each member shall serve a term of three years commencing on the effective date of this chapter. Members shall be eligible for reappointment; however, no member shall serve more than three consecutive terms. Members shall serve beyond the end of a term until a replacement is appointed by the respective authority. A member shall be deemed to have abandoned the position and resigned upon missing three consecutive regular meetings of the Commission without being excused by the Commission as reflected in the minutes. Any vacancy shall be filled by the authority which made the initial appointment for the position. Members appointed to fill a vacancy shall serve the remainder of the term of the vacant position.

(Ord. 2018-4, passed 4-9-18)

§ 102.05 HUMAN RIGHTS COMMISSION; ORGANIZATION.

The Human Rights Commission is a non-legislative public body of the Vvillage. The Commission shall convene the initial organizational meeting of appointed members at its earliest opportunity. The Commission shall organize at its initial meeting by electing one member as Chair and one member as Vice-Chair. The Commission may select additional members to serve as officers if found to be necessary and proper for the effective organization and operation of the Commission. Each officer shall serve for a term of one year or until a successor officer is duly elected.

(Ord. 2018-4, passed 4-9-18)

§ 102.06 HUMAN RIGHTS COMMISSION; MEETINGS.

- (A) The Human Rights Commission shall convene at least once each year to elect officers and as otherwise requested by a member of the Commission, the Village Manager, the Village Mayor, or the Village Council. Any three members of the Commission shall constitute a quorum for the transaction of business. The Commission may act upon a majority vote of members present at a meeting. The Commission shall report to the Village Council at least twice every 12 months.
- (B) Meetings of the Commission must be public according to the Ohio Sunshine Laws. Executive Sessions shall be allowed as permitted by the Charter and Ohio law. Public notice of any meetings must be provided at least 48 hours in advance, and minutes must be maintained. Any documents, evidence, and other records maintained or created by the

Commission or submitted to the Commission, are public records subject to the Ohio Public Records Act.

(Ord. 2018-4, passed 4-9-18)

§ 102.07 HUMAN RIGHTS COMMISSION; POWERS AND DUTIES.

The Human Rights Commission is hereby authorized and empowered as follows:

- (A) The Commission may create and modify rules regarding its meetings, hearings, and procedures to carry out its functions. At its discretion, the Commission may accept volunteer services, including volunteer services of private legal counsel.
- (B) The Commission may create committees and sub-committees comprised of members and other volunteers, which in its judgment will aid in effectuating the purposes of the Commission, including, but not limited to: a committee formed to study the problem of discrimination; a committee formed to foster good will, cooperation and conciliation among the diverse groups and population of the village; and a committee formed to make recommendations to the Commission for the development and implementation of programs of formal and informal education and public awareness.
- (C) The Commission may, with the consent and approval of the Village Manager, call upon other officers, (departments and agencies of the village government to assist in its programs and projects. The Commission may recommend to Village Council policies, procedures, practices and legislation in all relevant matters.
- (D) The Commission may enlist the cooperation of racial, religious, ethnic, community and civic organizations, and other identifiable groups of the village, in its programs and campaigns devoted to the education and advancement of tolerance, understanding and equal protection of the law for all groups and individuals regardless of membership in a [Protected Class](#).
- (E) The Commission may seek and accept contributions, financial or otherwise, on behalf of the village from any person including but not limited to any private, public, governmental, charitable, religious, labor, civic or benevolent organizations, in furtherance of its mission.
- (F) The Commission may formulate and develop programs and opportunities (i.e. forums, workshops, research, and publications) to collect and disseminate information regarding the work of the Commission, to minimize or eliminate discrimination, and to promote good will among all persons who live in, work in, or visit the village.
- (G) The Commission shall develop a program to receive and report complaints from persons who live in, work in, or visit the village. In its discretion the Commission may seek to conciliate any complaint with the express written consent of the complainant in order to

ensure equal access to employment, housing, public accommodations, and education in the village.

- (H) The Commission shall cooperate and work with relevant federal, state and local government offices and agencies.

(Ord. 2018-4, passed 4-9-18)

§ 102.08 UNLAWFUL DISCRIMINATORY PRACTICES

It shall be an unlawful discriminatory practice:

- (A) Employment - For any employer, employment agency, or labor organization to refuse to hire a person or otherwise to discriminate against a person with respect to hire, tenure, terms, conditions, benefits, or privileges of employment or membership in a labor organization, or any matter directly or indirectly related to employment because of that person's membership in a Protected Class;
- (B) Public Accommodations – For any proprietor, owner, operator, keeper, or manager of any place of public accommodation to deny any person the full enjoyment of the accommodations, advantages, facilities, or privileges thereof because of the person's membership in a Protected Class;
- (C) Education – For any educational institution or provider of educational services to deny, restrict, abridge, or condition the use of, or access to, any educational facilities or educational services to any person otherwise qualified to participate in those services because of a person's membership in a Protected Class; and
- (D) Housing – For any person to intentionally injure, intimidate, or interfere with any person renting, purchasing, selling financing, or occupying any housing accommodations; from contracting or negotiating for any housing accommodations; or from applying for or participating in any service, organization, or facility relating to the business of selling or renting housing accommodations because of a person's membership in a Protected Class

§ 102.09 VILLAGE SERVICES, FACILITIES, TRANSACTIONS AND CONTRACTS~~PUBLIC CONTRACTS.~~

The Village shall be bound by the provisions of this Chapter to the same extent as private individuals. All contractors proposing to, or currently doing business with the Village, shall abide by this Ordinance The Village shall give consideration to all contractors who have a stated inclusive policy against discrimination that is substantially similar to the Village's policy as set forth in this chapter.

(Ord. 2018-4, passed 4-9-18)

§ 102.10 COMPLAINT AND MEDIATION PROCEDURES

A. Complaints – Timing, Filing, and Procedure.

1. A person claiming to be aggrieved by a discriminatory practice as identified in Chapter § 102.08 (a “Charging Party”), or a Member of the Commission, may file with the Commission a written sworn complaint stating that a discriminatory practice has been committed, setting forth the facts sufficient to enable the Commission to identify the persons charged (hereinafter the “Respondent”) and the allegedly discriminatory activity.
2. The complaint must be filed within one hundred eighty (180) days after the commission of the alleged discriminatory practice.
3. Within ten (10) days after receipt of the complaint, the Commission shall serve on the Charging Party a notice acknowledging the filing of the complaint and informing the Charging Party of the applicable time limits for response and processing of the complaint.
4. Within ten (10) days of the filing of the complaint, the Commission shall furnish the Respondent with a copy of the complaint and a notice advising the Respondent of the respondent's procedural rights and obligations under this chapter.
5. Within thirty (30) days of receipt of a copy of the complaint, Respondent shall submit to the Commission a written response to the allegations contained in the complaint. A general denial of the allegations shall be sufficient.
6. Respondent's response or answer shall be served by the Commission upon the Charging Party within seven (7) days of receipt by the Commission.

B. Adjudication. Within thirty (30) days of the Commission’s receipt of Respondent’s answer or other response to the complaint, the Commission shall review Charging Party’s allegations, Respondent’s response, and any other information submitted in support of or in response to the complaint and conduct a vote, a majority decision governing, on how to adjudicate the Complaint. Upon completion of its review, the Commission may vote to:

1. Dismiss the complaint because its subject matter falls within the jurisdiction of the Ohio Civil Rights Commission (“OCRC”), Equal Employment Opportunity Commission (“EEOC”), or the U.S. Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity (“FHEO”). The Commission shall notify Charging Party within seven (7) days of the decision to dismiss/defer the complaint on these grounds and shall provide Charging Party with information and contact information for the applicable agency, OCRC, EEOC, or FHEO;
2. Dismiss the complaint because it fails to state a claim upon which relief can be granted. The Commission shall notify Charging Party within seven (7) days of the

decision to dismiss the complaint on these grounds; or

3. Refer Charging Party and Respondent to participation in private mediation of the complaint in accordance with the provisions below. The Commission will notify the Charging Party and Respondent of the option to proceed to mediation of the complaint within seven (7) days of the vote to so proceed.

C. Mediation. If the Commission, by a majority vote, elects to refer the complaint to mediation, the parties may proceed to mediation under the following terms:

1. Participation in mediation is voluntary. If after being notified of the Commission's decision to refer the complaint to mediation, either party elects not to participate in such mediation, the complaint will be deemed to be dismissed. In the event of dismissal on these grounds, the Commission shall notify the parties within seven (7) days and, where applicable, provide Charging Party with information and contact information for other agencies with potential jurisdiction over the complaint, including the OCRC, EEOC, or FHEO.
2. If the parties elect to participate in mediation, the Commission will refer the matter to a private mediator with experience in the subject matter of the complaint. All materials submitted to or in connection with the mediation of the complaint will be treated as confidential and not subject to disclosure pursuant to O.R.C. § 2710.03. The Commission shall not make public, without the written consent of the Charging Party and the Respondent, information concerning efforts in a particular case to eliminate discriminatory practice by mediation or conciliation, whether or not a final resolution is reached. To the fullest extent permitted by law, any mediation or conciliation agreement between the parties relating to the complaint shall remain confidential.
3. If the parties participate in mediation that results in resolution of the complaint, the Commission shall retain jurisdiction to enforce the terms of that resolution or the terms of any mediation or conciliation agreement.
4. If the parties participate in mediation of the complaint that does not result in a resolution, the complaint will be deemed to be dismissed. In the event of dismissal on these grounds, the Commission shall, within seven (7) days of the conclusion of mediation, provide Charging Party with information and contact information for other agencies with potential jurisdiction over the complaint, including the OCRC, EEOC, or FHEO.

§ 102.1109 CONSTRUCTION; NONEXCLUSIVE REMEDIES.

- (A) This chapter shall be liberally construed to accomplish its objectives and purposes. If any provision of this chapter is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect or invalidate the other

provisions hereof, all of which are declared and shall be construed to be separate and severable.

- (B) This chapter does not create or establish a cause of action in any court of law or equity and shall not prevent any person from exercising any right or seeking any remedy otherwise entitled to under any other law, regulation, or policy. All remedies provided by this chapter are in addition to, and not in lieu of, other remedies.

§102.11 APPLICATION – RELIGIOUS EXEMPTION

- (A) Nothing in this section shall bar any religious or denominational institution or organization, any charitable or educational organization that is operated, supervised, or controlled by or in connection with a religious organization from giving preference to persons of the same religion or denomination, or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.
- ~~(A)~~(B) In accordance with the Religious Freedom Restoration Action, 42 U.S.C. § 2000bb et seq., and other state and federal laws, nothing in this ordinance shall be construed to infringe the free exercise of religious rights under the First Amendment to the United States Constitution, nor shall the ordinance be construed to affect bona fide occupational qualifications based upon religion for employment.