



The City of Morgantown
HUMAN RIGHTS COMMISSION

2022/2023 Fiscal Year
ANNUAL REPORT



Presented to the Committee of the Whole,
Morgantown City Council

on
30 October 2023

Foreword

The Human Rights Commission has presented its Annual Report based on the Calendar Year in the past. This will be the first Annual Report made in conformance with City Charter Sec. 153.09(f).

The Role of the Morgantown Human Rights Commission:

The Powers and Duties of the Human Rights Commission (HRC) are defined in the City Code, Section 153.0. *et seq.*

The HRC is charged with combatting discrimination in the City of Morgantown. This applies to employment, housing, services, and daily living. Unlawful discrimination shall not be practiced by any employer, public accommodation, business, contractor for City services, City government agency or funded program, or by any person or entity.

In the City of Morgantown is unlawful to discriminate against any person or entity based on race, race-based hairstyles, religion, color, national origin, ancestry, sex, age (over 40), blindness, disability, veteran status, sexual orientation, or gender identity.

Exceptions may arise where the City Code conflicts with Federal or State law that is in direct contradiction; the City may not engage in any practice that is therein prohibited.

Federal law also prohibits discrimination based on familial status, sex (including pregnancy), genetic information (including family medical history), birthplace, ancestry, culture, or language.

The State of West Virginia does not recognize *gender identity, sexual orientation, veteran status, race-based hairstyle, sex (including pregnancy), genetic information (including family medical history), birthplace, ancestry, culture, or language* as protected classes.

The City of Morgantown embraces and upholds human rights law for the protection of its residents. The Human Rights Commission is the main conduit to the City of information regarding its compliance with declared policies. In that capacity, the HRC prepares written reports, works with Social Justice groups in the community, surveys the need for policy changes, monitors State legislative actions, and conducts events to raise awareness in the community of human rights issues.

Commission Status And Objectives

Under City Code Section 105.8, (Ord. No. 17-40, 10-17-2017) [*sic*]

The Commission shall encourage and endeavor to bring about mutual understanding and respect among all racial, religious and ethnic groups within the City; and shall strive to eliminate all discrimination in employment and places of public accommodations, and in the sale, purchase, lease, rental or financing of housing and other real property, by virtue of actual or perceived race, religion, color, national origin, ancestry, sex, age, blindness, sexual orientation, disability, gender identity, familial status, or veteran status.

In addition, the purpose of the Commission shall be to:

- (a) Work to make Morgantown an inclusive city.
- (b) Collaborate with the National League of Cities, West Virginia University, Monongalia County Commission and other partners as appropriate to encourage leadership in helping attain inclusivity in the City and its larger community.
- (c) Assess needs and identify barriers towards becoming a more inclusive community. Establish goals and objectives for sustaining welcoming environments, enhancing global awareness, and promoting optimum opportunities for supporting safe housing and thriving people.
- (d) Support as well as plan, publicize, implement, and evaluate programs, services and activities which promote appreciation for all peoples and the personal worth of every individual.
- (e) Enlist the cooperation of civic, community, corporate, educational, ethnic, health care, labor, racial, religious, social justice or other identifiable groups of the City in programs and services devoted to the advancement of tolerance, communication and understanding, and equal protection of the laws of all groups and people.
- (f) Enforce the provisions of this article of the City Code prohibiting discrimination in employment, housing, and public accommodations on account of actual or perceived race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, age, disability, familial status or veteran status.

Current Human Rights Law of the City of Morgantown

The City of Morgantown has made certain discriminatory practices illegal under Code Section 153.03 (Ord. No. 17-40, 10-17-2017) [*sic*]:

(a) For any employer to discriminate against an individual {...from a protected class} with respect to *compensation, hire, tenure, terms, conditions* or *privileges* of employment. Provided, that it shall not be an unlawful discriminatory practice of an employer to observe the provisions of any bona fide pension, retirement, group or employee insurance or welfare benefit plan or system not adopted as a subterfuge to evade the provisions of this subsection.

(b) For any employer, employment agency, or labor organization, *prior to employment or admission to membership*, to:

(1) Elicit any information or make or keep a record of or use any form of application or application blank containing questions or entries concerning {...protected classes} of any applicant for employment or membership, except for such forms which shall be kept separate from the application blanks for the administration of any bona-fide affirmative action plan, that is in accordance with State and Federal laws and regulations, or for the purpose of complying with any State or Federal statute, or rule or regulation issued by any agency or the State or Federal government, or for the purpose of making reports required by agencies of the State or Federal government;

(2) Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification or discrimination based upon {...protected class}; or

(3) Deny or limit, through a quota system, employment or membership because of {...protected class}.

(c) For any labor organization because of {...protected class} of any individual to deny full and equal membership rights to any individual or otherwise to discriminate against such individuals with respect to hire, tenure, terms, conditions or privileges of

employment, or any other matter directly or indirectly related to employment.

(d) For an employee, labor organization, employment agency, or any joint labor-management committee controlling apprentice training program to:

(1) Select individuals for an apprentice training program on any basis other than their qualifications as determined by objective criteria which permit review;

(2) Discriminate against any individual with respect to his right to be admitted to or participate in a guidance program, an apprenticeship training program, on-the-job training program, or other occupational training, or retaining program;

(3) Discriminate against any individual in his pursuit of such programs or to discriminate against such a person in the terms, conditions or privileges of such programs; or

(4) Print or circulate or cause to be printed or circulated any statement, advertisement or publication; or to use any form of application of such programs; or to make any inquiry in connection with such program which expresses, directly or indirectly, discrimination or any intent to discriminate, unless based upon a bona fide occupational qualification.

(e) For any employment agency to fail or refuse to classify properly, refer for employment, or otherwise to discriminate against any individual because of his {...protected class status}.

(f) For any person being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodations to:

(1) Refuse, withhold from, or deny to any individual because of his {...protected class status}, either directly or indirectly, any of the accommodations, advantages, facilities, privileges or services of such place of public accommodations; or

(2) Publish, circulate, issue, display, post, or mail, either directly or indirectly, any written or printed communication, notice, or advertisement to the effect that any of the accommodations,

advantages, facilities, privileges, or services of such place shall be refused, withheld from, or denied to any individual on account of {...protected class status} or that the patronage or custom thereof of any individual belonging to or purporting to be of any particular race, religion, color, national origin, ancestry, sex, age, veteran status, sexual orientation, or gender identity or who is blind or disabled is unwelcome, objectionable, not acceptable, undesired, or not solicited.

(g) For any person, employer, employment agency, labor organization, owner, real estate broker, real estate salesman, or financial institution to:

(1) Engage in any form of threats or reprisal, or to engage in, or hire, or conspire with others to commit acts, or activities of any nature, the purpose of which is to harass, degrade, embarrass, or cause physical harm or economic loss or to aid, abet, incite, compel or coerce any person to engage in any of the unlawful discriminatory practices defined in this section;

(2) Willfully obstruct or prevent any person from complying with the provisions of this article, or to resist, prevent, impede, or interfere with the Commission or any of its members or representatives in the performance of a duty under this article; or

(3) Engage in any form of reprisal or otherwise discriminate against any person who has opposed any practices or acts forbidden under this article or because the person has filed a complaint, testified or assisted in any proceeding under this article.

(h) For any person to coerce, threaten, discharge, expel, blacklist or otherwise retaliate against another person for opposing any practices prohibited by this article, making a complaint under this article, or assisting in an investigation or proceeding regarding an alleged violation of this article.

(i) For any person to discriminate against another person based on the classifications identified in this article even if such discrimination is not specifically identified within this section.

The Human Rights Commission in Fiscal Year 2022/23

In FY 22/23, the Human Rights Commission survived the many challenges faced by everyone. It remained active throughout the year even though its meetings were conducted via Zoom. In-person meetings resumed on April 20, 2023.

The HRC's regular meetings are on the third Thursday of each month. That schedule was maintained except for July 2022, January, and March 2023. That is a notable accomplishment when most of us had lost orientation to time throughout the COVID-19 pandemic and its sequelae. When Regular Meetings are canceled for the lack of a quorum, we always meet the next week so as not to interrupt the work of the Commission.

The HRC is meant to be composed of seven commissioners with a chair, vice-chair, and secretary. There was a significant turnover in membership as several commissioners left for personal reasons.

The City Clerk received few qualified applications for new commissioners. Two commissioners were appointed during the year: Annie CRONAN YORICK in December 2022 and Cal Carlson in May 2023. Commissioners who left are Jena Martin, Esq., Ash Orr (former presiding chair), and Keenan McClane (former presiding Secretary). Commissioner McClane completed his term and left effective June 30, 2023.

Interim elections were held in May 2023. Annie CRONAN YORICK assumed the Chair, Bonnie Brown as Vice Chair, and Keenan McClane remained as Secretary.

At the end of the Fiscal Year, the HRC had five commissioners: the two new appointees and three veterans, Bonnie Brown, Danny Trejo, and Zoey Vilasuso. The Commission continues to have the added support of City Council Liaison Brian Butcher and WVHCR Liaison Tim Hairston. Both have proven to be dedicated guides and resources.

Despite the various challenges, the Human Rights Commission continues to pursue its goals.

1. The *Municipal Equality Index* (MEI) report, a ranking calculated by *The Human Rights Campaign* to assess the quality of life offered by cities to their LGBTQ+ members, was submitted and scored well. There are 122 points available, but the top score is 100. Morgantown scored 100 for Calendar Year 2021, a marked improvement from the 2019 score of 75. Work commenced in May 2023 to create the report for Calendar Year 2022.
2. The HRC, primarily through the efforts of Commissioner Bonnie Brown, presented to the Council for adoption a ***Proclamation of The Second Monday of October as Indigenous Peoples Day***. The Proclamation was adopted and endorsed by the City Council. Mayor Selin presented it on October 4, 2022. Commissioners Bonnie Brown and Danny Trejo were presented with the Proclamation.
3. The City Council recognized the Human Rights Commission's contributions to the City on December 6, 2022. Ash Orr accepted the Certificate of Recognition for the Commission.
4. The HRC presented its annual Human Rights Award winners to the City Council on December 20, 2022. The Individual Award went to City Council member *Ixya Vega*, and the Organization Award went to *Hollar Health Justice*, both for their dedicated promotion of Reproductive Rights and Freedoms. Mayor Selin also read the annually adopted ***Proclamation of The Tenth Day of December as International Human Rights Day***.
5. The HRC worked with PRIDE for the adoption of the ***Proclamation of June as LGBTQ+ Pride Month***. Mayor Selin issued the Proclamation in June 2023.
6. Commissioners and Liaisons engaged throughout the year in a multitude of Community and International events as they related to human rights, including (but not limited to):
 - *The Indigenous Peoples Day Ceremonies* in October 2022
 - Monitoring and engaging in the WV Legislative session to lobby for improved Human Rights laws.
 - the *Ribbon-Cutting for the Mon County Public Defenders' Office* on January 26th, 2023.
 - WV Bar Minority Committee presentation on *Prejudice and Privilege* on February 8th, 2023, and a presentation on

Representing LGBTQ+ Children in Abuse and Neglect Proceedings.

- *Keep Them Warm* event to fundraise for the Monongalia Warming Shelter on February 20th, 2023.
- *Forbes 30/50 International Women's Day Summit* in Abu Dhabi, U.A.E., March 5 through 9, 2023 with multi-national women philanthropists and social justice leaders.
- *Meet the Candidate Forum* for the City Council on March 30th, 2023.
- *Post-Conviction Re-entry* event held by the Public Defenders Corporation on April 19th, 2023.
- *Brews n' Qs Candidate Forum* on April 29th, 2023.
- *Housing Friendbank*, April 20th, 2023
- Grand Opening for *Friendship Community in Recovery* on May 4th, 2023.
- *PRIDE Tie-Dye Night at Turtle Park* on May 19th, 2023.
- Met with Jill Hess at the WVU Office for Diversity, Equity, and Inclusion on May 16th, 2023, to discuss possible coordination of efforts with the City for social justice issues.

Special Duties of the Morgantown Human Rights Commission

The Morgantown City Code, Section 153.09 & 10 authorizes the HRC to have jurisdiction over discrimination cases involving sexual orientation, gender identity, and veteran status. The Commission is to investigate any claims brought to it, hold hearings, issue opinions, and work to reconcile the claims. These special powers are granted because the State offers no protection for those class members. All other claims of discrimination are to be referred to the West Virginia Human Rights Commission after initial verification and identification by the Morgantown HRC.

The Morgantown Human Rights Commission received no complaints in Fiscal Year 2022/23 that gave rise to the use of these powers.

The HRC So Far in Fiscal Year 2023/24

The Commission has already accomplished many of its goals for FY 23/24.

The MEI report for Calendar Year 2022 was submitted in August 2023. The City received an initial rating below that of 2021 – a drop of two points. After receiving the HRC report, *The Human Rights Campaign* increased our score significantly. The final result will be announced in December 2023. The increased score was achieved because of much dedication to the project and the unlimited help of the City Administration in supplying information to better reflect the progress made in the past year.

Indigenous Peoples Day was once again adopted and proclaimed by the City Council in October 2023. Mayor Selin and Deputy Mayor Abu-Ghamman presented Keys to the City to the honored Tribal Leaders who traveled here to participate in the two-day event which was coordinated by Commissioner Bonnie Brown.

The HRC will be joining with *Community Council for Social Justice* (CCSJ) on November 5, 2023, to network resources and to take nominations for this year's International Human Rights Day Awards.

Plans are in the works to have an Exhibition at the MAC to display Human Rights posters and flags from the past and to display new human rights-oriented art from members of the community and Morgantown High School students.

The HRC is actively campaigning to recruit new commissioner candidates for the City Council to interview and appoint. This is especially important since we now have only three active commissioners: Annie CRONAN YORICK (Chair), Bonnie Brown (Vice Chair), and Danny Trejo. We will continue to speak at public events asking people to apply for the vacancies.

Christine Wade, City Clerk, started work to update the application forms for all City Commissions and Committees candidates. The

HRC is working with her to ensure that the applications will capture the demographic information we need to be compliant with the City's Diversity, Equity, and Inclusion (DEI) Plan.

We are also working with the Human Resources Director, John Bihun, to update the applications for city employment and to create a form to gather information from existing City employees.

HRC Goals for Fiscal Year 2023/24

- Recruit more commissioner candidates to fill all seven seats on the Human Rights Commission.
- Actively lobby for WV Legislative improvement in its human rights laws.
- Form stronger connections with local human rights advocates to complement each other's work.
- Update and improve the HRC's webpage and social media presence.
- Continue to improve the documentation of the Commission's work, making it more accessible to residents.
- Better commemorate more human rights milestones like Martin Luther King, Jr. Day, Juneteenth, Latino Month, etc. We intend to broaden our areas of impact to include more diverse segments of the Morgantown population.
- Form relationships with other City entities to improve relations among departments and better coordinate efforts to meet the goals of the City's DEI Plan.
- Generate the first-ever city-wide DEI compliance report.
- Better interact with human rights commissions from other cities in West Virginia.
- Continue to engage in community events affecting the human rights climate in Morgantown.
- Work with the City to update the City Code and propose new ordinances that address issues not adequately addressed. Among these will be ADA compliance and accessibility and include all the federally protected classes of *familial status*, *sex (including pregnancy)*, *genetic information (including family medical history)*,

birthplace, ancestry, culture, or language in our anti-discrimination policy.

- Work to improve services to neglected populations. Specifically, Commissioner Trejo has made us aware of an untenable lack of translation services for native-Spanish speakers in the Court system.

It is an honor and a privilege to serve on the Human Rights Commission. We look forward to working with all to make Morgantown an all-inclusive and welcoming community.

Thank you on behalf of the Morgantown Human Rights Commission for making our work possible and helping us to promote a cohesive, harmonious community.

Respectfully submitted,

Annie CRONAN YORICK,
Chair, Morgantown Human Rights Commission