

Mayor's Commission on Human Rights and Community Relations

April 17, 2019

The Mayor's Commission on Human Rights and Community Relations met in regular session April 17, 2019 in the Busch Building 2nd Floor West Conference Room. The meeting was called to order by Chair Heather Hardinger.

Present	Heather Hardinger, Chair; Carlye Wannenmacher, Vice Chair; Pamela Hernandez, Communications Officer; Mike Jungers; Daniel Ogunyemi* and Todd Thomas* * Daniel Ogunyemi arrived at approximately 5:40 p.m.; *Todd Thomas left at approximately 6:20 p.m.
Absent	Bob Roberts and Francie Wolff
Staff	Bob Atchley, Planning and Development; Nick Woodman, Law and Lisa Gateley, Planning and Development
Guests	None
Approval of Minutes	Todd Thomas moved to approve the minutes of the March 27, 2019 MCHRCR Meeting. Carlye Wannenmacher seconded the motion. The motion was approved by the following vote: Ayes: Pamela Hernandez, Heather Hardinger, Carlye Wannenmacher, Todd Thomas and Mike Jungers. Nays: None. Abstain: None. Absent: Daniel Ogunyemi, Bob Roberts and Francie Wolff.
Public Comments	None
Unfinished Business	Bylaw Revision Review and Vote Todd Thomas moved to approve the revisions to the Bylaws. Pamela Hernandez seconded the motion. The motion was approved by the following vote: Ayes: Pamela Hernandez, Heather Hardinger, Carlye Wannenmacher, Todd Thomas and Mike Jungers. Nays: None. Abstain: None. Absent: Daniel Ogunyemi, Bob Roberts and Francie Wolff.

Complaint Review Process – Review Other Communities Processes

Ms. Hardinger provided the complaint process from the San Diego Human Relations Commission (Attachment A), the fillable form they use (Attachment B) and Community Mediation Services information from Missouri State (Attachment C). Ms. Hardinger provided information on the process for the San Diego Human Relations Commission. Rather than using the word investigation they use mediation for the complaints they receive, but they have a very similar process as to how they handle the complaints received as to how the Springfield Mayor's Commission on Human Rights and Community Relations does.

Discussion regarding mediation process and possibility of finding a local partner to help with the mediation process. Missouri State offers services for a fee but may be able to coordinate with them to do some mediation services on a volunteer basis. Mr. Thomas recommends that mediation training is a worthwhile training for everyone.

Ms. Wannenmacher advised that she also reviewed several other communities and how they

handle discrimination complaints. The processes she found are all very similar to the Springfield Mayor's Commission on Human Rights and Community Relations and couldn't find a Commission that is only geared towards advocacy and education. She expressed concern that they need to figure out a way to manage complaints because they are a part of it. Ms. Hardinger advised that she was unable to locate a Commission that is not staffed by City staff, and neither could Ms. Wannenmacher find one.

Ms. Hardinger expressed concern that she doesn't feel they have the resources currently to pursue subpoena power or the support needed. If they can work with local partners in the community through the process and educate how the process works, they may be better positioned to help people that are experiencing discrimination. May be a good idea to look for additional commissioners that are trained mediators. Ms. Hardinger will reach out to MSU to see how their process works and if they may be able to partner with the Commission to provide the mediation service. Further discussion about how mediation process may work for the MCHRCR.

Discussion regarding cleaning up the intake process that is currently in place before changes may be made or partnerships with local organizations may be made for mediation services. Discussion between members regarding the complaint form and if necessary to be completed before speaking with them on the phone or the possibility of a referral. Mr. Woodman provided clarification that if a complaint form is received it is in City Code that the form must be immediately provided to the person alleged of completing an unlawful discriminatory practice and that it is the responsibility of the Commission to do so. Ms. Hardinger expressed concern that they do not have the experience to investigate the complaint when received. Mr. Thomas made the recommendation to do an intake interview to discuss with the complainant what is going on to determine if they should complete the form or not. Ms. Hernandez expressed concern that it may be worthwhile to have a discussion with them before they complete a form and it becomes public record. Discussion of if a form is needed at all, if it would be best to provide education and referrals to complainant's rather than doing an inhouse mediation or investigation process.

Mr. Woodman discussed the option of referrals to the Missouri Commission with their jurisdiction being greater and them being able to provide more service to the complainant. Ms. Hernandez expressed concern for the complainant that does not want to go to the Missouri Commission and wants to fill out a form on the local level and just be heard.

Discussion to determine how and when each Commission member is responsible for contacting people when they call in regarding complaints. Would want a simple script to follow when speaking with a complainant.

Ms. Hardinger recommended that there is still a process similar to the San Diego process; however, warming up to the intake idea because if a conversation is had and options given and then able to determine if they want to fill out a form and it go to the person that has discriminated against them and send them for mediation. Another option is to just file directly with the Missouri Commission and there are certain protections that would be available that are not locally. Or they may just vent and discuss what is going on, but any written communication is open to Sunshine Law.

Mr. Jungers suggested going to an anonymous complaint form, then at the bottom if they would like a follow up call from a Commission member a place for their information in order to be contacted. This would also provide a place for them to select that they understand it is public information. Further discussion regarding a new form with specific information but trying to

keep it from being personally identifiable, unless the complainant wants to go further and file a full complaint with the MCHRCR. Discussion about brainstorming ideas and discussing further at the next meeting for how to change the complaint process.

Discussion regarding calls from cell phones and options for keeping personal phone numbers blocked when calling complainants.

New Business

Juneteenth and Pridefest are two different dates this year making the Commission available to provide more support this year for Juneteenth. Ms. Hernandez will reach out to Toni Robinson at NAACP to see if there is something specific she wants them to do.

There being no further business, the meeting adjourned at approximately 6:48 p.m.

Prepared by Lisa Gateley

Heather Hardinger, Chair

The minutes of the April 17, 2019 meeting of the Mayor's Commission on Human Rights and Community Relations was approved at the May 15, 2019 meeting of the Mayor's Commission on Human Rights and Community Relations.



HUMAN RELATIONS COMMISSION'S DISCRIMINATION COMPLAINTS PROCESS

Discrimination Complaints: The City of San Diego's Human Relations Commission (Commission) is empowered to mediate discrimination complaints if: 1) the complaint falls within the Commission's jurisdiction; and 2) both parties agree to mediate the complaint.

Complaint Process: There are several steps in the complaint process. The following information provides the steps in the complaint process.

1. **Inquiry Received:** The Commission receives numerous inquiries regarding complaints of discrimination, bias or unfair treatment. If the inquiry appears to fall within the Commission's jurisdiction, we send an explanation of the complaint process and a complaint form to the complainant. If the inquiry does not appear to fall within the Commission's jurisdiction, we provide referrals to other agencies.

2. **Complaint Received:** When we receive the fully-completed complaint, we begin the intake and investigation process.

3. **Intake and Investigation:**

- Within the Commission's jurisdiction: Upon receipt of the fully-completed complaint, we determine if the complaint falls within the Commission's jurisdiction. If it does, we notify the other party and provide an explanation of the complaint process and a copy of the complaint. If the complaint does not fall within the Commission's jurisdiction, we notify the complainant in writing, provide referral(s) to other agencies, and close the case.
- Both parties agree to mediate complaint: If the Commission receives written notice that the other party (respondent) agrees to mediate the complaint, we schedule a mediation session. If we receive written notice that the other party does not agree to mediate the complaint, we inform the complainant. We provide referrals to other agencies, and close the case.

If we do not receive written notice from the other party, we inform the complainant, provide referrals to other agencies, and close the case.

4. **Mediation Session Schedule:** If both parties agree to mediate the complaint, the Commission assigns a team of trained mediators and schedules a mediation session. The goal of the mediation session is to resolve the dispute in a manner that is acceptable to both parties. The Commission does not have enforcement authority or any form of compulsory powers.
5. **Mediated Settlement:** If the parties resolve the dispute, a mediated settlement is reached. If the parties do not resolve the dispute, the Commission will provide referrals to other agencies.
6. **Case Closed:** The case will be closed after we provide referrals to other agencies or after a mediated settlement is reached.

OTHER RESOURCES

California State Department of
Fair Employment and Housing
Employment 1-800884-1684
Housing 1-800-233-3212
San Diego (619) 645-2681
www.dfeh.ca.gov

San Diego Fair Housing Council
(619) 699-5888
www.fhcsd.com

San Diego Legal Aid Society
(619) 262-0896
1-877-LEGAL AID
www.lassd.org

American Civil Liberties Union (ACLU)
(619) 232-2121
www.aclusandiego.org

U.S. Equal Employment Opportunity
Commission (EEOC)
1-800-669-4000
San Diego (619) 557-7235
www.eeoc.gov/sandiego

Volunteer Lawyer Program of San Diego
(619) 235-5656
www.sdipla.org/sdvlp



CITY OF SAN DIEGO'S HUMAN RELATIONS COMMISSION

DISCRIMINATION COMPLAINTS PROCESS

**1200 Third Avenue, Suite 916
San Diego, CA 92101
Telephone No. (619) 236-6420
Fax: (619) 236-6423**

Website & Email
www.sandiego.gov/human-relations/
chernandez@sandiego.gov

Human Relations Commission

Complaint of Discrimination

NOTICE: Under the California Public Records Act and other disclosure statutes, the information contained in this complaint form cannot be kept confidential.

*Indicates a required field

Your Information

Name

Street Address

City/State/Zip

Home Phone

Work Phone

Are you currently employed? ☐ Yes ☐ No

If yes, what is your occupation?

What is your race?

-Select-



What is your sex? ☐ Male ☐ Female

Are translation services required? ☐ Yes ☐ No

If yes, please indicate your fluent language

Attachment B

Name the person(s) and/or organization(s) whom you feel discriminated against you

Name

Position (if known)

Organization

Street Address

City/State/Zip

Phone

Name

Position (if known)

Organization

Street Address

City/State/Zip

Attachment B

Phone

Discrimination Details

I was discriminated against in: ☐ Employment ☐ Housing ☐ Other (specify)

If Other was selected, please specify here:

If your charge is against a company or union, what was the number of employees or members?

I believe I was discriminated against because of my (check all that apply):

☐ Race

☐ Religion

☐ National Origin

☐ Sex

☐ Age

☐ Mental/Physical Impairment

☐ Sexual Orientation

☐ Marital Status

☐ Gender

☐ Family Status

☐ Ancestry

☐ Other (please specify)

If Other was selected, please specify here:

Have you filed this complaint with any other agency? ☐ Yes ☐ No

If yes, with what agency did you file the complaint?

Attachment B

What was the date you filed the complaint?

Have you ever filed a complaint with this office before? ☐ Yes ☐ No

Do you know other individuals who feel they were discriminated against or who witnessed the alleged discriminations by the above person(s) and/or organization(s)?

☐ Yes

☐ No

If yes, please list those individuals below.

Please include names, addresses and phone numbers

The City of San Diego Human Relations Commission will try to mediate your complaint if the other party agrees to the mediation. What do you want to happen as a result of the mediation?

Explain in detail how you feel you were discriminated against. (Include the all dates relevant to the alleged discrimination that took place.) You should attach any copies of documents that you believe will support your charge.

Complain Support Documents

No file chosen

Files must be less than 2 MB.

Allowed file types: **txt pdf doc docx**.

I swear or affirm that I have read the above claim and that it is true to the best of my knowledge, information and belief. I understand that the respondent will be notified of the claim.

Center for Dispute Resolution

Community Mediation Services

Most people think that they have only three choices when confronted with a conflict. They can work the problem out themselves, go to court, or simply give up and give in. But there is a fourth option...mediation!

Mediation is an informal process where the two disputing parties meet together with an impartial mediator. The mediator is trained to assist the parties to come to a resolution that they can both live with. Mediation differs from litigation (going to court) because the mediator does not impose a solution. Instead, he or she helps the parties in conflict come to an acceptable solution on their own.

Benefits of Mediation

Mediation is a creative and flexible way of resolving disputes. The actual process may vary depending on the parties' needs and the mediator's style. Usually, both parties meet face-to-face to discuss the issues; however, online and phone consultations are also possible. The mediator helps the discussions remain focused and productive. The mediator guides the disputants toward a solution by helping them define the important issues and understand each other's positions.

The process of mediation does more than resolve disputes. Mediation educates all the parties involved in strategies for more effectively dealing with conflict situations. Disputants can take what they learn in the mediation process and use it to resolve disputes and deal with conflict in their daily lives. Mediation has been described as an empowering process because it gives people some of the tools they need to solve their own problems and improve their lives and relationships.

Success

- Historically, disputes submitted to professional mediation services have an 80% settlement rate. Also, both parties are much more likely to adhere to the details of their agreement.

Time

- Mediation hearings can be scheduled in a matter of days. Scheduling a court proceeding could take weeks or even longer because of heavy caseloads. Also, when people use mediation instead of litigation, it frees up the courts to hear matters that are more serious.

Money

- The Center offers low-cost mediation services. Fees are based on a sliding scale and the clients' ability to pay. A typical session will cost \$50, and mediations that extend beyond two sessions are \$25 for each additional session. These costs are much lower than the costs involved in taking a dispute to court.

Privacy

- Mediation has a strict code of confidentiality, which means that parties risk no public exposure or damage to their reputations by participating in a mediation.

Outcome

- Mediation allows each participant to "win some" and "lose some," while a judge or court chooses a winner and a loser. Furthermore, the court judgment may technically resolve the dispute, but it does not heal the damaged relationship between the two parties.

Informality

- Mediation allows each party to speak candidly, without fear of intimidation. Additionally, both parties agree on a location for the mediation so everyone involved can feel comfortable.

Flexibility

- Mediation ensures that each party's unique needs and interests are addressed. There is no formula for reaching a resolution, so the mediator approaches each case with the desire to find a unique solution to fit the problem and the needs of the participants.

What types of disputes can be mediated?

Mediation can help with many different types of disputes:

- Neighborhood and Community Disputes
- Family Disputes
- Divorce and Custody Agreements
- Workplace Disputes
- Victim/Offender Mediation
- Courts/Legal System Referrals to Mediation
- Campus Disputes (Student/Faculty/Staff)
- Consumer/Merchant Complaints
- Business-to-Business Concerns

Disputes can generally be settled through mediation if all parties involved agree to mediate and come to the mediation willing to participate. This means that the parties must be able to speak about the dispute calmly and rationally, and must be willing and able to deal with each other.

Does the CDR make mediation referrals or offer mediation services?

The CDR provides referrals for individuals interested in mediation. The CDR may also provide mediation services in selected cases, such as simple [neighborhood mediation cases](#) and [roommate disputes](#) (for Missouri State University students).

If you are considering mediation as an option to handle a dispute, please contact the CDR for more information at CDR@MissouriState.edu or 417-836-8831.

What happens when a mediation is requested?

When a person requests a mediation, a representative takes down information concerning the dispute. The representative will then contact the other party (the person/people the conflict is with) to ask if they are willing to talk with the complainant (the other party) and a trained mediator about the problem. The representative will then arrange a time and place for the disputants to meet.

Later, the people in dispute meet together with a trained mediator. Each person is given the opportunity to explain the problem as he or she sees it, and to work together with the other party and the mediator to develop a solution to the conflict. The mediator writes any agreement reached, and the parties sign it. All proceedings are strictly confidential.

Connect with the Center for Dispute Resolution



MAKE YOUR MISSOURI STATEMENT.

Last Modified: February 28, 2019

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<https://www.missouristate.edu/cdr/Mediation-Services.htm>