

# **Supplemental Information to Follow Up from February 8, 2016 Council Dinner Briefing Presentation on the Proposed Non-Discrimination Ordinance**

Compiled February 19, 2016

The information included in this packet was requested or researched after the production of the materials that were delivered to the Mayor and Council on Feb 17, 2016. Below you will find a list of additional attachments for insertion into your notebooks.

Attachment 31. Summary of: Can We Talk With One Another About Charlotte's Non-Discrimination Ordinance? What's at stake?

The Charlotte Community Relations Committee and Community Building Initiative (CBI) outline the impetus for the February 1, 2016 public forum, the agenda, and the intention of the evening. The report describes the forum as created to provide legal information, balanced perspectives, and an opportunity for understanding and dialogue. Forum organizers indicated that meaningful discussions took place during and after the programmed activities.

Attachment 32. Summary of: 2014 and 2015 Hate Crimes Reported to CMPD

This is a summary of the Charlotte Mecklenburg Police Department's five cases in 2014 and nine cases in 2015.

Attachment 33. Report of Man in Female Locker Room in Seattle (articles, press release, and legislation)

Charlotte media asked about a recent story widely reported out of Seattle. A man walked into a female changing room at a public park's facility and removed his shirt. Women in the changing room alerted city staff to the man, but they reportedly said that they were unable to take action against the man because no law prohibiting him from entering the room exists. In Washington State, sexual orientation and gender identity were added as protected classes to the Washington State Law Against Discrimination in 2006. Washington has a state human rights commission that interprets the law through a rule making procedure. In December 2015, the commission issued a number of new rules, the most controversial of which addressed access to restrooms. The Washington State legislature considered legislation this month to repeal the commission's rule, but the action failed in the Senate. The legislative future of the proposed repeal is not known. The Seattle incident occurred in the context of the preceding activity, suggesting the man's entry into the locker room was intended as a protest. Staff is contacting the City of Seattle to get confirmed information about the incident.

# Attachment 31



**Can We Talk With One Another About  
Charlotte's Non-Discrimination Ordinance?  
*What's at stake?***



Monday, February 1, 2016 / 6:30 PM  
The Palmer Building

Mayor Jennifer Roberts plans to ask City Council to approve an ordinance amending Chapters 2, 12 and 22 of the Charlotte City Code on Monday, February 22, 2016.

If approved, the ordinance would prohibit discrimination on the basis of race, gender, religion, national origin, age, marital status, familial status, sexual orientation, gender identity, gender expression or disability as it relates to Administration, Human Relations and Vehicles for Hire under the City Code.

In preparation for the February 22<sup>nd</sup> vote, the Mayor asked the Community Building Initiative (CBI) and the Community Relations Committee (CRC) to plan and implement two community forums, one before the vote on the ordinance and one after the vote, to raise awareness of the community issues associated with potential changes to the affected ordinances.

In response to the Mayor's request, representatives of CBI and CRC developed a community forum process that is reflective and respectful of the multiple life experiences in Charlotte that could be impacted by a change to our current non-discrimination protections.

The forum was held on Monday, February 1, 2016 at the Palmer House on East Seventh Street at 6:30 p.m. Approximately 275 persons were in attendance, including elected officials, members of the LGBT

community, church groups, organized groups who are opposed to the ordinance and individuals on both sides of this issue.

By many accounts, the event was very successful in that it allowed for a safe space to discuss a real time community issue that is seen by many as divisive. The forum provided a framework where residents and citizens of the region openly shared their thoughts, feelings and ideas and heard from others in the community. This was done in a way that was respectful of all points of view. Attendees understood that the forum was not a debate or an effort to come to a singular conclusion about the Non-Discrimination Ordinance, but rather an opportunity for face-to-face dialogue and an exchange of ideas and views that were simply different, and meant to be educational.

One indicator of success for the forum were the number of people on opposite sides of this issue who stayed after the 8:00 p.m. ending time engaged in meaningful dialogue and in some instances promises to follow-up with one another and stay in contact; and the number of people who acknowledged talking to someone “on the other side of this issue for the first time.”

A review of the forum agenda (next page) shows how the planners of this event were very intentional in having a balanced process that was respectful of the many lived experiences in our community and being educational.

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Willie Ratchford

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Dianne English

**Can We Talk With One Another About  
Charlotte's Non-Discrimination Ordinance?  
*What's at stake?***

Monday, February 1, 2016 / 6:15 – 8:00 PM  
The Palmer Building

**AGENDA**

**6:15 Gathering & Getting Settled**

**6:30 Welcome & Getting Started**

*Committee*

Willie Ratchford  
*Community Relations*

Dianne English  
*Community Building Initiative*

**6:40 The Non-Discrimination Ordinance**  
*What is it? What will change? What won't?*

Bob Hageman, *City Attorney*  
*City of Charlotte*

**6:55 Four Stories : Four Perspectives**  
*Setting the Stage*  
*XOXO Performance Ensemble*

Dianne English  
*Parent concerned about child*  
*Transgender Individual*  
*Business Owner - AGAINST*  
*Business Owner – FOR*

**7:20 Listening To & Talking With One Another**  
*Getting in Groups & Questions for Conversation*

- What did these stories stir up in you?
- What's at stake for you in terms of the Non-Discrimination Ordinance?
- As a community, where do we go from here?

Willie Ratchford

**7:45 What We've Heard & What's Next**

Patricia Albritton  
*Community Relations*  
*Committee*

Mike Manning  
*Community Building Initiative*

# Attachment 32

**Charlotte Hate Crime Summary 2014 and 2015 -- CMPD**

Comp. Number	Crime Type	Summary
<b>2014</b>		
20140403-0810-00	Communicating Threats	Suspect threatened bodily harm to victim via text message. Both were high school classmates. Victim was trans-gendered.
20140812-0231-01	Misd ADW/DTP	Suspect threw a piece of concrete through the victim's car window after yelling, "Faggot!" Suspect/victim knew each other.
20140409-1038-06	Simple Assault	Landlord/tenant dispute. Victim claims suspect one shoved him and suspect two made a derogatory comment about his sexual orientation.
20140924-1706-03	Communicating Threats	The victim received threatening text messages from a blocked number that included references to the victim being a "fag."
20141120-1739-01	Communicating Threats	The victim received threatening text messages from a known suspect that included the statement, "I hate gay people."
<b>2015</b>		
20150331-1825-03	Simple Assault	The 14 year old victim was struck on the back of the head with a fist, causing him to bite his lip. The victim felt the assault was because he is bisexual.
20150816-0413-00	Assault by Pointing a Gun	Verbal altercation at the Midnight Diner. Suspects called victims "Faggots" and pointed a gun at them. Suspect taken into custody.
20150628-0151-01	Simple Assault Communicating Threats	Disturbance at an alternative bar in which the suspect was shouting derogatory comments. The owner/victim escorted the intoxicated patron out and was slapped and threatened.
20151012-1155-01	Communicating Threats	Suspect threatened to beat up his neighbor. The suspect admitted to not liking the victim because he is gay. Suspect taken into custody.
20150519-2108-03	Vandalism	Suspect wrote "Faggot ass pigz" on the side of a CMPD patrol car in marker.
20150820-1423-00	Vandalism	Unknown suspects spray painted over a church's "LGBT Equality" sign and painted derogatory terms on the church building.
20150529-1442-01	Aggravated Assault	Victim was jumped outside East Meck HS by several subjects. Victim is homosexual. Victim sustained a skull fracture. 10 suspects arrested.
20150526-0722-02	Common Law Robbery	17 year old victim was assaulted and his cell phone taken. The suspects had made fun of the victim previously for being homosexual.
20150521-1327-02	Vandalism	Unknown suspect scratched "Fag" into the paint on the victim's car.

5 cases in 2014

9 cases in 2015

# Attachment 33



SEATTLE -- A man who attempted to use a women's locker room at a Seattle swimming pool told employees he had the right to use the bathroom of his choice under state law.

David Takami with the Seattle Parks and Recreation Department said a man arrived at the Evans Pool in Greenlake Monday afternoon and paid to use the lap pool.

Takami said the man then entered the women's locker room and took off his shirt in front of a local girls swimming team, which had just finished practicing. Several parents and other women using the locker room became alarmed and alerted pool staff.

When staff members confronted the man, he left the locker room and went swimming.

When he was done, Takami said the man went back into the women's locker room and was again asked to leave. The man resisted, telling staff members the law had changed and he now had the right to use the locker room of his choice, according to Takami.

The man was likely referring to a new rule created by the Washington State Human Rights Commission that requires buildings open to the public to allow transgender people to use restrooms and locker rooms of the gender they identify with.

The man left the pool and staff members didn't call police.

<http://komonews.com/news/local/man-found-in-womens-locker-room-cites-new-transgender-bathroom-rule>

# WASHINGTON STATE HUMAN RIGHTS COMMISSION

## NEWS RELEASE

For additional information contact:

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### **FOR IMMEDIATE RELEASE**

**OLYMPIA—December 2015**

### **Washington State Implements New Rules for Sexual Orientation and Gender Identity**

The Washington State Human Rights Commission (WSHRC) has completed its rule-making process and published new administrative rules for sexual orientation and gender identity in Washington State's Law Against Discrimination (WLAD), Chapter 49.60 Revised Code of Washington (RCW 49.60). In 2007, the Washington State Legislature added sexual orientation and gender identity to the list of protected classes covered under RCW 49.60; the WSHRC is the state agency that administers and enforces the law. The rule-making process is used by government agencies to create and promulgate regulations after the legislature passes statutes. Created through the application of public participation and agency expertise, the detailed regulations are designed to increase clarity on the requirements of the law and facilitate compliance. The new section of rules is located in Chapter 162-32 Washington Administrative Code (WAC) and may be found under the "Find Laws and Rules" icon at the Washington State Legislature's website at <http://leg.wa.gov/>.

The WSHRC investigates and resolves complaints of discrimination in the areas of employment, housing, public accommodation, credit and insurance transactions. For more information on the WLAD or to inquire about rights and responsibilities under the law, please visit their website at [www.hum.wa.gov](http://www.hum.wa.gov).

## Chapter 162-32 WAC

### SEXUAL ORIENTATION AND GENDER IDENTITY

#### NEW SECTION

**WAC 162-32-010 General purpose and scope.** This chapter interprets and implements the sexual orientation and gender expression and gender identity discrimination protections of RCW 49.60.030, 49.60.180, and 49.60.215 and provides guidance regarding certain specific forms of sexual orientation and gender expression and gender identity discrimination.

#### NEW SECTION

**WAC 162-32-020 Leave policies and reasonable accommodation.** (1)  
**Leave.** When an employer grants leave or time off of work to employees for medical or health reasons, the employer shall treat leave requests to address medical or health care needs related to an individual's gender expression or gender identity in the same manner as requests for all other medical conditions. For example:

(a) If an employer provides paid sick leave for periods of disability that require medical leave, the employer must provide paid sick leave for periods of disability related to an individual's gender expression or gender identity that require medical leave;

(b) If the employer's policy requires a medical provider's statement to verify the leave period as a reasonable accommodation, a medical provider's statement may be required to verify the leave period as a reasonable accommodation when the disabling condition is related to the individual's gender expression or gender identity, however, an employer may not inquire if the leave is related to gender expression or gender identity or gender transition, nor can the employer require that the note specify if the leave is related to gender expression or gender identity or gender transition;

(c) If the employer's policy permits the retention and accrual of benefits, such as seniority, retirement, and pension rights, during the leave period for other disabilities, the policy must also permit such accrual of benefits during leave for disabling conditions related to an individual's gender expression or gender identity;

(d) If an employer allows an employee to use shared leave for disabling conditions, the employer must apply the same policies and procedures for disabling conditions related to an individual's gender expression or gender identity.

(2) **Reasonable accommodation.** An employer shall provide reasonable accommodation for a disability when the disability is related to the individual's gender expression or gender identity, absent undue hardship to the employer. Such reasonable accommodation includes, but is not limited to, medical leave for medical and counseling appointments, surgery, and recovery from surgery that are related to gender reassignment procedures and treatments. An undue hardship as a reason for denying an accommodation in situations involving disabilities related to gender expression or gender identity shall be analyzed in the same manner as with accommodations for any other disability. To the extent consistent with personal medical information connected to other disabilities, personal medical information connected to disabilities related to a person's gender expression or gender identity must be kept confidential.

(3) Nothing in this section is intended to suggest that a person's sexual orientation or gender expression or gender identity itself is a disabling condition.

#### NEW SECTION

**WAC 162-32-030 Employee benefits and privileges.** (1) **Consistent and equal basis.** Employee benefits provided in whole or in part by an employer must be consistent between all employees and equal for all employees, regardless of the employee's sexual orientation or gender expression or gender identity. For example, it is an unfair practice to:

(a) Provide health insurance coverage to an employee's opposite/different sex spouse but to fail to provide health insurance cov-

erage to an employee's same sex spouse (except in situations where such a rule is prohibited or pre-empted by federal law.)

(b) Provide parental leave or bonding time for the father of a child newly born or adopted into a heterosexual relationship, but fail to provide the same parental leave or bonding time to the parent of a child newly born or adopted into a same-sex relationship.

(2) **Other benefits and privileges of employment.** All other employee benefits, provided formally or informally including, but not limited to, health club memberships, discount programs, training, staff retreats, company gatherings and parties, and use of company vehicles or other company services, shall be provided on an equal basis to all employees regardless of the employee's sexual orientation or gender expression or gender identity. If the benefit or privilege is extended to the employee's opposite/different sex spouse, it must be extended to an employee's same sex spouse as well.

#### NEW SECTION

**WAC 162-32-040 Harassment.** (1) **Harassment.** Harassment based on an individual's sexual orientation or gender expression or gender identity is prohibited. Sexual orientation or gender expression or gender identity harassment in employment is offensive and unwelcome behavior serious enough to affect the terms and conditions of employment and which occurred because of an individual's sexual orientation or gender expression or gender identity, and can be imputed to the employer.

(2) **Prohibited conduct.** Prohibited conduct may include, but is not limited to, the following:

(a) Asking unwelcome personal questions about an individual's sexual orientation, gender expression or gender identity, transgender status, or sex assigned at birth;

(b) Intentionally causing distress to an individual by disclosing the individual's sexual orientation, gender expression or gender identity, transgender status, or sex assigned at birth against his or her wishes;

(c) Using offensive names, slurs, jokes, or terminology regarding an individual's sexual orientation or gender expression or gender identity;

(d) The deliberate misuse of an individual's preferred name, form of address, or gender-related pronoun (except on legally mandated documentation, if the individual has not officially obtained a name change);

(e) Posting offensive pictures or sending offensive electronic or other communications;

(f) Unwelcome physical conduct.

(3) **Harassment in a place of public accommodation.** Sexual orientation harassment or harassment based on gender expression or gender identity in a place of public accommodation is offensive and unwelcome behavior serious enough to alter the individual's experience at the place of public accommodation, or severe enough that the individual has no choice but to leave the place of public accommodation, which occurred because of the individual's sexual orientation or gender expression or gender identity, and can be imputed to the place of public accommodation. In schools, such harassment is offensive and unwelcome behavior serious enough to interfere with a child's access to educational opportunities, which occurred because of the child's sexual orientation or gender expression or gender identity, and can be imputed to the school.

#### NEW SECTION

**WAC 162-32-050 Dress and grooming standards.** (1) **Standards allowed.** Covered entities may require standards of dress or grooming that serve a reasonable business or institutional purpose, such as promoting safety, developing a company identity, or projecting a professional, positive public image.

(2) **Prohibited standards.** Covered entities cannot require an individual to dress or groom in a manner that is not consistent with that individual's gender expression or gender identity.

#### NEW SECTION

**WAC 162-32-060 Gender-segregated facilities.** (1) **Facility use.** All covered entities shall allow individuals the use of gender-segregated facilities, such as restrooms, locker rooms, dressing

rooms, and homeless or emergency shelters, that are consistent with that individual's gender expression or gender identity.

In such facilities where undressing in the presence of others occurs, covered entities shall allow access to and use of a facility consistent with that individual's gender expression or gender identity.

(2) **Cannot require use inconsistent with gender expression or gender identity.** A covered entity shall not request or require an individual to use a gender-segregated facility that is inconsistent with that individual's gender expression or gender identity, or request or require an individual to use a separate or gender-neutral facility.

(a) If another person expresses concern or discomfort about a person who uses a facility that is consistent with the person's gender expression or gender identity, the person expressing discomfort should be directed to a separate or gender-neutral facility, if available.

(b) Any action taken against a person who is using a restroom or other gender-segregated facility, such as removing a person, should be taken due to that person's actions or behavior while in the facility, and must be unrelated to gender expression or gender identity. The same standards of conduct and behavior must be consistently applied to all facility users, regardless of gender expression or gender identity.

(4) **Provision of options encouraged.** Whenever feasible, covered entities are encouraged to provide options for privacy, such as single-use gender-neutral bathrooms or private changing areas, that are available to any individual desiring privacy.

Seattle Times February 10, 2016

In a close vote, the Senate rejected a bill to eliminate Washington's new rule allowing transgender people to use bathrooms and locker rooms consistent with their gender identity.

By Walker Orenstein, The Associated Press

OLYMPIA — Urged by lawmakers who said the Legislature must protect civil rights, Washington's full Senate on Wednesday narrowly rejected a bill that would have repealed a new state rule allowing transgender people to use bathrooms and locker rooms in public buildings consistent with their gender identity.

Three Republicans, the chamber's majority party, joined many Democrats in rejecting Senate Bill 6443 on a 25-24 vote.

Sen. Doug Ericksen, R-Ferndale and sponsor of the measure, argued during floor debate that the rule, created by the state's Human Rights Commission, leaves business owners unable to stop men posing as transgender people to sexually assault women in locker rooms.

"Under this rule, practically, what can he do to be able to protect his members that are uncomfortable?" Ericksen said.

Many Democrats defended the state rule that went into effect Dec. 26. Sen. Cyrus Habib, D-Kirkland, said there is no civil right protecting people from being uncomfortable, but there is "a civil right to be included."

The worry that people might abuse the commission's rule is unfounded, added Sen. Pramila Jayapal, D-Seattle.

"There have been no sex offenders that have been posing as transgender people to get into bathrooms," she said.

Sen. Marko Lias, D-Lynnwood, told reporters after the vote that he was disappointed the issue was debated on the floor if it was likely to fail.

But considering the emotional debate the issue has prompted in the general public, the bill deserved discussion by the whole Senate, said Sen. Michael Baumgartner, a Republican from Spokane.

Baumgartner voted to repeal the state's rule, and is chair of the Senate's Commerce and Labor Committee where hearings on Ericksen's bill filled committee rooms and hallways with people.

"I certainly was disappointed in the rule because it definitely does put people at risk," Baumgartner said, adding that it shouldn't be up to a commission to decide one way or another on the issue.



In the House, efforts to repeal the rule have not succeeded. House Bill 2782 that would ban people from entering gender-segregated bathrooms that don't align with their male or female "anatomy," or "DNA," as defined by the bill, won't receive a hearing in the House Judiciary Committee led by chairwoman Rep. Laurie Jenkins, D-Tacoma.

Baumgartner said without a change in state leadership, there isn't a next step in repealing the commission's rule.

Sharon Ortiz, the director of the Human Rights Commission, has said the new rule was a clarification of the state's existing anti-discrimination law that added transgender people as a protected class in 2006. The commission was created by the Legislature and is responsible for administering and enforcing that law.

Associated Press correspondent Rachel La Corte contributed to this report.

<http://www.seattletimes.com/seattle-news/politics/state-senate-wont-change-new-transgender-bathroom-access-rule/>