

CITY OF URBANA

ORDINANCE NO. 7576-43

AN ORDINANCE ON HUMAN RIGHTS

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF URBANA

THIS 17th DAY OF November, 1975

Published in pamphlet form by authority of
the City Council of the City of Urbana, Illinois,
Champaign County, Illinois, this 26th day of
November, 1975.

Duane Eckert

CITY CLERK



ORDINANCE NO. 7576-43

AN ORDINANCE ON HUMAN RIGHTS

WHEREAS, the City Council of Urbana, Illinois, finds that some citizens of Urbana are not able to equally enjoy the benefits of citizenship for reasons based on discrimination against groups to which they belong; and

WHEREAS, the City Council of the City of Urbana finds that such discrimination is detrimental to the general welfare of the City of Urbana; and

WHEREAS, the City Council finds it a reasonable exercise of the police power of the City to attempt to rectify the effects of such discrimination:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA THAT:

Article I. In General.

Section 1. Purpose. It is the purpose of this Ordinance that every individual shall have an equal opportunity to participate fully in the economic, cultural and intellectual life of the City of Urbana and shall have an equal opportunity to participate in all aspects of life. However, it is not the purpose of this Ordinance to consider discrimination in housing.

Section 2. Intent. It is the intent of the City Council of the City of Urbana, Illinois, to secure an end, in the City of Urbana, to discrimination for any reason other than that of individual merit. Various sections of this Ordinance apply to discrimination by reasons of race, color, religion, national origin, sex, age, marital status, sexual orientation, matriculation, political affiliation, physical handicap, place of residence, or source of income; not every section of this Ordinance applies to all categories.

Section 3. Exercise of Police Power. This Ordinance shall be deemed an exercise of the police power of the City of Urbana, Illinois, pursuant to the Constitution of the State of Illinois

1970, Article 7, Section 6(A), in that the assurance of fair and equal treatment under the law to all citizens is deemed necessary for the protection of safety, health and welfare of all persons and the protection of all property in the City of Urbana.

Article II. Definitions.

Section 4. Words and Terms. The following words and terms, when used in this Ordinance, shall have the following meanings:

Board. The independent board, as hereafter established by this Ordinance, which shall conduct a hearing into any alleged unlawful discriminatory practice whenever a complaint of such practice is properly referred to it.

Commission. The City of Urbana Commission on Human Relations, as established by Chapter 2, Article XVII, of the Code of Urbana, Illinois, dated June 3, 1968.

Council. The Council of the City of Urbana, Illinois.

Credit Agency. Any business or institution which extends loans or credit to persons, including but not limited to, commercial, banking and other financial institutions.

Employee. Any individual employed by, or seeking employment from, an employer.

Employer. Any person who employs five (5) or more individuals for compensation.

Employment Agency. Any person regularly undertaking or attempting, with or without compensation, to procure employees for an employer or to procure for employees the opportunity to work for an employer, including any agent of such a person.

Individual. Any human being.

Labor Organization. Any organization, agency, employee representation committee, group, association, or plan in which employees participate directly or indirectly; and which exists for the purpose, in whole or in part, of dealing with employers, or any agent thereof, concerning grievances, labor disputes, wages, rates of pay, hours or other terms, conditions or privileges of employment; and any conference, general committee, joint or system board, or joint council, which is subordinate to a national or international organization.

Marital Status. The state of being married, single, divorced, separated, or widowed and the usual conditions associated therewith, including pregnancy or parenthood.

Matriculation. The condition of being enrolled in a college, or university, or in a business, nursing, professional, secretarial, technical, or vocational school; or in an adult educational program.

Officer. The City of Urbana Human Relations Officer.

Person. One or more individuals, associations, partnerships, corporations, joint stock associations, or any governmental agency except those agencies of the federal government, or of the State of Illinois, with respect to those of its functions which occur in the City of Urbana. Provided, however, the word person, as used in this Ordinance, shall be construed to include the University of Illinois.

Physical Handicap. A physical disablement which may be the result of injury, illness or congenital condition for which reasonable accommodation can be made.

Political Affiliation. The state of belonging to or endorsing any political party or political organization.

Public Accommodation. All places, businesses or individuals offering goods, services, or accommodations to the general public.

Sexual Orientation. Male or female homosexuality, heterosexual, and bisexuality, by preference or practice.

Source of Income. The point, the cause, or the form of the origination, or transmittal, of legal gains of property accruing to a person in a stated period of time; including, but not limited to, money and property accrued from any occupation, profession or activity, from any contract, agreement or settlement, from federal payments, court-ordered payments, from payments received as gifts, bequests, annuities, life insurance policies, and compensation for illness or injury, except in a case where conflict of interest may exist.

Unlawful Discriminatory Practice. Those discriminatory practices which are so specified in this Ordinance.

Article III. Prohibitions.

Section 5. Employment. It shall be an unlawful discriminatory practice to do any of the following acts based on the race, color, religion, national origin, sex, age, marital status, sexual orientation, matriculation, political affiliation, or physical handicap of any individual:

A. By an employer. To fail or refuse to hire, or to discharge any individual; or otherwise to discriminate against any individual, with respect to compensation,

terms, conditions, or privileges of employment, including promotion, or to limit, segregate, or classify employees in any way, which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the individual's status. Nothing contained herein, however, shall prohibit an employer from requiring from said individual a statement of physical fitness.

B. By an employment agency. To fail or refuse to refer for employment any individual, or otherwise to discriminate against any individual in any way which would deprive or tend to deprive such individual of employment opportunity.

C. By an employer or employment agency. To discriminate against any individual in admission to, or employment in, any program established to provide apprenticeship or other training or retraining, including on-the-job program.

D. By an individual, employer, employment agency or labor organization. To print or publish, or cause to be printed or published, any notice or advertisement, or use any publication form, relating to employment by such an individual or employer, or to any classification or referral for employment by such an employment agency, or to membership in, or any classification or referral for employment by such a labor organization, unlawfully indicating any preference, limitation, specification, or distinction, based on the race, color, religion, national origin, sex, age, marital status, sexual orientation, matriculation, political affiliation or physical handicap of any individual.

Section 6. Credit Transactions. It shall be unlawful discriminatory practice by a credit agency to deny, refuse or limit extensions of credit based on the race, color, religion, national origin, sex, marital status, sexual orientation, political affiliation, place of residence, or physical handicap of any individual.

Section 7. Public Accommodations. It shall be an unlawful discriminatory practice to do any of the following acts based on the race, color, religion, national origin, sex, age, marital status, sexual orientation, matriculation, political affiliation, physical handicap, place of residence, or source of income of any individual:

A. To deny, directly or indirectly, to any individual the full and equal enjoyment of goods, services, facilities, privileges, and advantages of any public accommodation.

B. To print, circulate, post or mail, or otherwise cause, directly or indirectly, to be published a statement, advertisement, or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation will be unlawfully refused, withheld from or denied an individual; or that an individual's patronage of, or presence at, a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable.

Section 8. Other Prohibited Practices.

A. It shall be an unlawful discriminatory practice to coerce, threaten, retaliate against, or interfere with any individual in the exercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having aided or encouraged any other individual in the exercise or enjoyment of any right granted or protected under this Ordinance.

B. It shall be an unlawful discriminatory practice for any person to aid, abet, compel or coerce the doing of any of the acts forbidden under the provisions of this Ordinance or attempt to do so.

Article IV. Affirmative Action.

Section 9. Bona Fide Plan. It shall not be an unlawful discriminatory practice for any person to develop a bona fide affirmative action plan designed to overcome the effects of past discrimination and to take action not otherwise prohibited by this Ordinance or state or federal law to carry out any such affirmative action plan.

Article V. Affirmative Defenses.

Section 10. Business Necessity. Any practice which has a discriminatory effect and which would otherwise be prohibited by this Ordinance shall not be deemed unlawful if it can be established that such practice can be justified by business necessity. Under this Ordinance, a "business necessity" exception is applicable where it can be shown that, to comply with the requirements of this Ordinance, it would prohibit the conducting of the business, or it would substantially interfere with the safe and efficient operation of the business; however, a business necessity exception shall not be justified by demonstrating that such compliance with this Ordinance would interfere with the preferences of the employees, employers, or customers of that business, or that the comparative characteristics of one group as opposed to another proves that an aggrieved person is not acceptable for employment or service by that business.

Section 11. Religious Exemption. This Ordinance shall not apply to a religious corporation, religious association, religious

educational institution, or religious society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its religious activities.

Section 12. State Statutes. No act shall be considered to be discriminatory if it is necessary to comply with state statutes, unless such statutes are in violation of federal law.

Section 13. Age. No act shall be considered to be discriminatory on the basis of age if the act occurs with respect to an individual under the age of eighteen (18).

Section 14. Seniority or Benefit System. The conditions of a bona fide seniority system or a bona fide employees benefit system such as retirement, pension or insurance plan may be observed provided that such conditions do not result in discrimination on the basis of race, color, religion, national origin, sex, age, marital status, sexual orientation, matriculation, political affiliation or physical handicap. The reference to age in this section shall be construed as referring to age at the time of entering into the employment relationship.

Section 15. Retirement. It shall not be an unlawful discriminatory practice to establish or maintain a mandatory retirement age.

Article VI. Records and Reports.

Section 16. Preservation. Where a complaint of discrimination has been filed against a person under this Ordinance, said person shall, upon being served with a notice of the complaint as provided in Section 19 (A), preserve all existing records which may be relevant to the complaint or action until a final disposition of the complaint is made. Final disposition of the complaint, as used herein, shall mean the termination of litigation in a court of competent jurisdiction to its conclusion.

Section 17. Required to Furnish. All persons against whom a complaint has been filed and notice has been served shall furnish to the Commission, at the time and in the manner prescribed by the Commission, such relevant information under the control of said persons as the Commission may require. The identity of persons and properties contained in such information submitted to the Commission under the provisions of this section shall not be made public by the Commission at any time without the written consent of said persons, except as may be required in public or judicial proceedings under this Ordinance.

Article VII. Filing, Investigation and Conciliation Procedures.

Section 18. Filing of Complaints.

- A. Any individual who believes that he or she has been aggrieved by a violation of the provisions of this Ordinance may file with the Officer a complaint as provided for herein.
- B. The Officer may initiate and file a complaint for a violation of the provisions of this Ordinance.
- C. All complaints filed shall be in writing under oath or affirmation and shall contain the name and address of the person(s) alleged to have committed the violation (hereinafter called "Respondent(s)"), together with the date, place and circumstances of the alleged violation and such other information as the Officer may require. Any complaint so filed shall be brought to the attention of the Commission but shall not be made public by either the Officer or any member of the Commission.
- D. All complaints filed shall be filed with the Officer within thirty (30) days of the occurrence of the alleged violation, or thirty (30) days after the discovery thereof, but in no event shall a Complaint be filed more than one (1) year next after the occurrence of the alleged violation.

Section 19. Investigation.

- A. Whenever a complaint is filed by or on behalf of an individual alleging that Respondent(s) has violated any provision of this Ordinance, the Officer shall, without undue delay, serve a notice of the complaint (including the date, place, and circumstances of the alleged violation) on such Respondent(s), and shall make a prompt investigation thereof. At the discretion of the Commission, one or more of its members may also be delegated to assist the Officer with respect to the investigation of any such complaint and to report any findings so made back to the Commission.

B. Complaints filed with the Officer under the provisions of this Ordinance may be voluntarily withdrawn at the request of the Complainant at any time prior to the completion of the Officer's investigation, except that the circumstances accompanying said withdrawal shall be fully investigated by the Officer and Commission. When any complaint is so withdrawn, the Officer shall, without undue delay, dismiss the complaint and serve notice on the Respondent(s) that said complaint has been withdrawn and dismissed.

C. If the Officer determines after such investigation that there is not probable cause to believe that the allegations contained in the complaint are true, the Officer shall report such fact in writing to the Commission no later than its next meeting which occurs more than five (5) days after the filing of such complaint.

D. If the Commission concurs with the Officer's determination that there is not probable cause to believe that the allegations contained in the complaint are true, the Commission shall enter its approval in its minutes and shall dismiss the case; it shall also order the Officer to promptly serve notice on both the individual claiming to be aggrieved and the Respondent(s) of its action. If the Commission does not concur with the Officer's determination that there is not probable cause, the Commission may overrule the Officer's determination, but only if the Commission itself determines that there is probable cause to believe that the allegations contained in the complaint are true.

E. The Officer shall make a determination on probable cause as promptly as possible and, so far as practicable, not later than fifteen (15) days from the filing of the complaint. Where applicable under subsection (D) of this section, the Commission shall either dismiss the case in accordance with the Officer's determination that there is not probable cause or overrule that determination not later than fifteen (15) days after receiving the written report of such determination as provided under subsection (C) of this section.

Section 20. Conciliation.

A. If either the Officer or the Commission determines after such investigation that there is probable cause to believe that the allegations contained in the complaint are true, the Officer shall work with the Commission to endeavor to eliminate any such alleged unlawful discrimination by informal methods of conference, conciliation and persuasion. At the discretion of the Commission, one or more of its members may also be delegated to assist the Officer in such informal endeavors. Nothing said or done during and as a part of such informal endeavors may be made public by the Officer or any member of the Commission without the written consent of the persons concerned.

B. The Officer and members of the Commission so delegated shall report to the Commission at its regular meeting the results of any such informal endeavors of conference, conciliation and persuasion.

C. If a conciliation agreement, acceptable to the Commission, is secured from the Respondent(s), the Commission shall enter its approval thereof in its minutes and shall dismiss the complaint; it shall also order the Officer to serve notice on both the individual claiming to be aggrieved and the Respondent(s) of its action. If the Commission concludes, after a reasonable time, that a reconciliation agreement cannot be reached, the Commission shall refer the complaint to the Board.

D. If no conciliation agreement is reached or if the Commission shall fail or refuse to approve the proposed conciliation agreement, the Commission may make a recommendation to the Mayor of the City of Urbana that the City Attorney be instructed to seek injunctive relief as provided for in this Ordinance. Prior to instructing the City Attorney to seek injunctive relief as provided for in this Ordinance, it shall be the duty of the Mayor to review and consider the entire record of the complaint for which injunctive relief is recommended. Regardless of any other steps being taken pursuant to this ordinance, efforts at obtaining a satisfactory conciliation agreement may be continued.

Section 21. Service of Notice. In all cases where the Officer is required to effect service under this Chapter, it shall be accomplished by registered or certified mail, return receipt requested, or by personal service upon the person served.

Article VIII. Hearing Board Proceedings.

Section 22. Board. A hearing board is hereby authorized to be established. The Board shall be comprised of five (5) individuals nominated by the Mayor and approved by the Urbana City Council. The term of each member shall be three (3) years, however, for the initial term, two (2) of the members shall be appointed for a three (3) year term, two (2) members shall be appointed for a two (2) year term, and one (1) member shall be appointed for a one (1) year term.

Section 23. Hearing. When a complaint is referred to it by the Commission, the Board shall conduct a hearing pursuant to rules promulgated and adopted by the Board.

Section 24. Notice of Hearing. The Officer, upon instructions from the Board, shall cause to be issued and served in the name of the Board, a written notice, together with a copy of the complaint, inviting the Respondent(s) to answer the charges of

such complaint at a public hearing before the Board. The hearing shall be scheduled not less than ten (10) days nor more than thirty (30) days after the date such notice was mailed or the date such notice was personally served. The notice shall specify the time, date and place of such hearing. Notice shall be served by registered or certified mail, return receipt requested, or by personal service.

Section 25. Conduct of Hearing.

A. The case in support of the complaint shall be presented by the Officer or the City Attorney.

B. Efforts at conciliation and reconciliation shall not be received into evidence.

C. If the Respondent(s) fail to answer the complaint, the Board may enter a default against the Respondent(s) and the hearing shall proceed on the basis of the evidence in support of the complaint. Such default may be set aside by the Board only for good cause shown, and upon equitable terms and conditions.

Section 26. Decision and Order.

A. At the conclusion of the hearing, the Board shall render a decision as to whether or not the Respondent(s) has engaged in an unlawful discriminatory practice or has otherwise violated the provisions of this Ordinance. If unlawful discrimination is found to exist or if the provisions of this Ordinance have otherwise been violated, the Board's decision shall include specific findings of fact.

B. The decision of the Board shall be served upon both the individual claiming to be aggrieved and the Respondent(s), and, where unlawful discrimination is found to exist or where the provisions of this Ordinance have otherwise been violated, said decision upon the Respondent(s) shall be accompanied by notice that if the Board determines that the Respondent(s) have not, after thirty (30) calendar days following service of its order, corrected the unlawful discriminatory practice and complied with this Ordinance, the Board shall certify the matter to the City Attorney for enforcement proceedings. Service shall be accomplished by registered or certified mail, return receipt requested, or by personal service upon the person served.

Article IX. Other Proceedings.

Section 27. Licenses, Permits or Franchises.

Processing of any complaint for violation of this Ordinance under this Ordinance shall not bar or prohibit the City Official having jurisdiction over the suspension or revocation of any license, permit, or franchise issued by the City of Urbana to take any action with regard to such license, permit, or franchise, as provided for in the Ordinance governing the suspension or revocation of licenses, permits, or franchises.

Section 28. Civil Action to Preserve Status Quo or Prevent Irreparable Harm. When the City Attorney is instructed by the Mayor of the City of Urbana to seek relief under the terms and conditions of Section 20(D) of this Ordinance, the City Attorney shall cause to bring in the name of the City of Urbana any appropriate civil action to preserve the status quo, or to prevent irreparable harm, including a court order or an injunction restraining persons against whom the complaint is made from doing or procuring any act tending to render ineffectual any order or decree which may be ultimately entered in respect to the complaint.

Article X. Penalty.

Section 29. Fine. Any person convicted in a court of law of a violation of this Ordinance shall be fined an amount not to exceed Two Hundred Dollars (\$200.00).

Article XI. Provisions of this Ordinance.

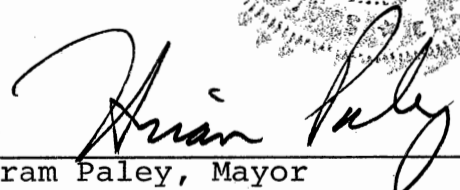
Section 30. Severability. If any provision or part thereof of this Ordinance or application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and the application of the provision of part thereof to other persons not similarly situated or to other circumstances shall not be affected thereby.

PASSED by the City Council this 17th day of November, 1975.



Duane Eckerty, City Clerk

APPROVED by the Mayor this 26 day of November, 1975.



Hiram Paley, Mayor