



2012 ANNUAL REPORT

KIRKWOOD HUMAN RIGHTS COMMISSION

The Kirkwood Human Rights Commission has had an eventful and successful 2012. As you know, we are charged to investigate, and to the extent possible, work to eliminate discrimination.

The following is a list of the HRC's accomplishments for 2012.

LGBT ORDINANCE

The most significant effort and success for the HRC in 2012 is the unanimous passage of the Ordinance prohibiting discrimination in housing, employment and public accommodation based on one's sexual orientation and gender identity. Though the effort started in 2011 with a visit from Andrew Shaughnessy with PROMO, Chairperson Frost and Vice-Chairperson Duwe created and led a subcommittee to discuss and draft a new city ordinance.

The HRC reached out to City Attorney John Hessel to assess whether the City was interested in drafting and passing an LGBT anti-discrimination ordinance and how to implement and enforce it. One important practical concern Mr. Hessel raised was that neither the U.S. Supreme Court nor the State of Missouri has declared sexual orientation or gender identity as protected classes and therefore, there is a fear that the City may be opening itself up to suits in which it would otherwise not be involved.

To respond to the City's concern, the HRC contacted the City of Columbia, Missouri, which passed a sexual orientation ordinance in 1993 and amended it in 2012 to include gender identity. Rather than make discrimination a penal activity, Columbia developed a mediation

process in which the Complainant and Respondent would meet with a law professor and law students from the University of Missouri to mediate the dispute between the aggrieved and the alleged perpetrator.

The HRC liked the idea of mediation and in an effort to implement one, contacted C. J. Larkin with Washington University's School of Law Alternative Dispute Resolution Department. C. J. Larkin recommended a process whereby the parties are referred to her Department where they jointly and in good faith mediate their dispute in complete confidentiality. At this stage in the development of the ordinance the HRC and Mr. Hessel are working to develop what enforcement procedures can be implemented. This is a task for 2013.

The basic ordinance has been drafted and presented to the City Council in the November 15th work session. The ordinance's first read was unanimously passed during the December 6th council meeting. The Council will vote whether to enact the measure on December 20, 2012.

GREENBRIAR

An additional discriminatory issue is the Greenbriar Restrictive Covenant issue. When the Greenbriar neighborhood, also known as the Osage Hills subdivision, was first registered, its covenant contained a section prohibiting "Malay's and Negroes" from residing in any homes, unless they were household servants. The Commission obtained a copy of the restrictive covenant and reviewed Missouri Statutes for a possible solution. That research revealed that the Missouri Human Rights Act recently was amended to permit any neighborhood's governing board to remove an offending restrictive covenant without vote from the association's members.

Mayor McDonnell and Chief Administrator Mike Brown contacted and met with the leaders and advised them about the offensive discriminatory covenant and the Missouri Statute. Their contact apparently spurred the Board to act, because Mike Brown advised the HRC at the November meeting that the Greenbriar Trustees agreed to remove the restrictions. The HRC will continue to work with groups of people or individuals who believe they are being treated unequally.

NOVUS POST OFFICE

A disabled citizen contacted the HRC directly via the Citizen's Action center's complaint box to address an issue that affected not just her, but all people similarly situated. This individual has difficulty walking and uses a motorized wheelchair to move. She advised the HRC that the ramp leading from the parking lot to the Post Office on South Kirkwood Road and the door leading to the Post Office, presented a danger to the disabled. To reach the ramp from the designated "disabled" parking spot, the individual had to pass behind parked cars creating an issue of safety. Drivers pulling in and backing out of parking spaces, may not see the disabled person, especially one in a wheel chair. In addition, the door to the Post Office is very difficult for a wheel-chair bound individual to open. In response, the Commission contacted Jonathan Browne, representative of NOVUS, the building owner. Mr. Browne explained that the design and construction of the ramp and door comply with all applicable laws including the ADA and that the ramp and door to the Post Office are the responsibility of the Post Office. Mr. Browne graciously credited the Post Office with a certain sum of money to re-design and re-configure the ramp to permit easier and safer access to the Post Office. A contract to effect the changes was awarded in August, 2012, but construction has not yet begun.

ESSAY CONTEST

As in years past, the HRC promoted and judged its annual essay contest for the area high school juniors. 2012's essay question was What is the single most important human rights issue facing your generation today and what would you do to resolve it? Sixteen High School Juniors submitted essays and most of them said that some form of bullying was the most pressing issue. Meredith Bouchein's essay was judged the best and the Council acknowledged her work at its April 2012, session.

SYMPOSIUM

In 2011, the HRC hosted a symposium at Kirkwood High school on Diversity. In 2012, following up on the students' essays, the HRC decided to host a symposium on "bullying." The

HRC partnered with Anti-Defamation League's Tabari Coleman and developed and promoted a program to define Bullying and how to deal with it. On October 13, through the efforts of Commission member Romona Miller, at the Kirkwood High School, the HRC presented a movie on bullying and afterwards with the help of the Anti-Defamation League and CFUH, led small groups in discussions about the movie specifically and bullying in general. Attendance was lower than hoped, but the subject-matter and discussions exceeded expectations.

MEDIATION AGREEMENT

One vital issue that goes to the heart of the Charter of the HRC was whether the Advisory Committee, created by the DOJ's Mediation Agreement, would be extended for another year. Its scheduled termination date is 12/31/12.

Pursuant to the Mediation Agreement, the Advisory committee will consist of four members divided into two teams. A City Team made of the Mayor and Chief Administrative Officer and a Community Team made of two lay persons, unaffiliated with the Kirkwood City government.

"The Advisory Committee shall serve as a resource as needed to review the goals and outcomes of this Agreement, and may review the HRC Annual Reports and other related projects to this Agreement."

The agreement also specifically stated that it did not create any rights to any third party or entity that existed independent of the Agreement.

With much back and forth through the year the Advisory Committee and an unidentified third party concerned citizens group expressed fear that the City Team had not met the agreed goals outlined in the Mediation Agreement, was stalling progress on meeting the goals, and was failing to describe adequately its progress.

As the HRC is tasked with following the progress of the Mediation Agreement and the efforts of the Advisory Committee, they agreed to look into the status of the City's compliance and if appropriate, request the Advisory Committee to agree to extend its commitment to the

Agreement. In response, the City drafted and distributed a comprehensive statement of its efforts and achievements to comply with the stated goals of the Agreement.

In addition, Representatives of the City met with members of the Community Team of the Advisory Committee and the publicly anonymous third party “concerned citizens” group and outlined their accomplishments and assured them that the City Team is committed to the principles and goals of the Mediation Agreement and that their efforts are based on what is good for the community and not necessarily what is required by the Agreement. The Advisory Committee will terminate December 31, 2012, as agreed in the Mediation agreement. The Mediation Agreement will continue in force.

ELEMENTARY ENROLLMENT

The HRC not only confronted discrimination head on, we worked with the parents of the Meacham park neighborhood and Robinson Elementary School. The intent was to help students from Meacham Park obtain start of school physicals and immunization shots in the late summer of 2012, so the children could enter Robinson School. The HRC through the efforts of Chairman Frost, Commission Member Moorhead, and BJC, sent a bus to Meacham Park so the children could be examined and immunized. Those who attended were examined, immunized and made eligible to attend school.

HOUSEKEEPING

Finally the HRC is pleased to report that Mayor McDonnell recommended, and the Council confirmed, Greta Moorhead as the newest member of the Commission, creating a full commission of a chairperson, vice-chairperson and seven additional members.

The HRC notes too that its direct and beneficial relationship with Iggy Yuan as Council liaison ended in 2012; and that Council member Bob Sears has been appointed as liaison and has been attending, participating and advising the HRC at its monthly meetings.

Finally, several members of the HRC attended the presentation titled “International Human Rights Day-Equality for All Missourians.” On December 7, Chairperson Darnell Frost, Vice-Chairperson Margaret Duwe, and Commission member Tere Owens attended the event held in Jefferson City, MO. It was hosted by the Missouri Commission on Human Rights. They

enjoyed the presentation, learned much from the speakers, and made important contacts with members of other local Human Rights' Commissions throughout the state.