

# Minutes

## Human Relations Commission

### September 14, 2021

Minutes of the HUMAN RELATIONS COMMISSION held on Tuesday, September 14, 2021, 6:00 p.m., virtually through Microsoft Teams at the following link: [Join Microsoft Teams Meeting](#) or by telephone: +1 480-498-8745 United States, Phoenix (Toll), Conference ID: 936 327 717#

**(MEMBERS) Present:**

Beth Dietz  
Michelle Donati-Grayman  
Melissa Farling  
Rabbanni Furqaan  
Jana Lynn Granillo  
William Ortega  
Jeanne Powers  
Joe Rojas  
Hugo Tapia

**(MEMBERS) Absent:**

Peggie Simmons  
Kate Vawter

**City Staff Present:**

Jonae Harrison, Equity & Inclusion Manager  
Megan Hutchison, Executive Assistant to the City Manager's Office

**Call to Order**

Vice Chair Tapia called the meeting to order at 6:03 p.m.

**Agenda Item 1 – Public Appearances**

Candyce Lindsay, here to support the Crown Act.  
Janet Hamlin, here to support the Crown Act.  
Lauren Kobley, student interested in the Commission.  
Judy Greene

**Agenda Item 2 – Consideration of Minutes: HRC – August 10, 2021**

Motion made by Commissioner Farling to approve the meeting minutes of August 10, 2021; Second by Commissioner Donati-Grayman. Motion passed on an 7-0-2 vote. Ayes: Vice Chair Tapia and Commissioners Rabbanni Furqaan, Michelle Donati-Grayman, Melissa Farling, Jeanne Powers, Joe Rojas, and William Ortega. Nays: None. Abstained: Commissioners Beth Dietz and Jana Lynn Granillo. Absent: Chair Vawter and Commissioner Peggie Simmons.

**Agenda Item 3 – HRC Reporting Template**

Vice Chair Tapia let the Commission know that a draft copy of the template was sent to them as part of their meeting packet. He then reminded the Commission the purpose of the template was to help guide future presentations, to give the presenters purpose and direction. He also let them know that the template would be provided to them before their presentation, and it is was designed for groups and not individuals. He then opened the floor for discussion. The Commission discussed and recommended the template be offered as a suggestion and not a requirement. They also recommended adding the following open-ended questions at the end of the template: 1. What challenges does your organization face? 2. How does the City help with those challenges? 3. How can the City help with your challenges?

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#### **Agenda Item 4 – MLK 2022 and Unity Walk 2022**

Jonae Harrison confirmed that there will not be a typical walk next year due to COVID-19 Delta variant numbers. She is suggesting that the Unity Walk be replaced with the Unity Block which will be a multi-day event held in smaller groups offered either virtually or in neighborhoods similar to what Cleveland is doing, [www.commongroundcle.org](http://www.commongroundcle.org). This will also be a great launch for the Belonging Dialogues which comes from one of the pilot projects of the Equity in Action group where they were looking to modernize the Commission's Diversity Dialogues program. If the Commission agrees to move forward with the Unity Block, she will provide an update at the next meeting.

Motion made by Commissioner Donati-Grayman to replace the Unity Walk with smaller pod discussions around themes that promote Unity at neighborhoods; Second by Commissioner Ortega. Motion passed on an 9-0 vote. Ayes: Vice Chair Tapia and Commissioners Beth Dietz, Rabbanni Furqaan, Jana Lynn Granillo, Michelle Donati-Grayman, Melissa Farling, Jeanne Powers, Joe Rojas, and William Ortega. Nays: None. Absent: Chair Vawter and Commissioner Peggie Simmons.

Jonae Harrison then requested that the Commission make a motion to move forward with a hybrid model for the MLK Awards Ceremony to be similar to what had been done in 2021.

Motion made by Commissioner Powers to release the hold on the hotel and pursue a hybrid option for MLK 2022; Second by Commissioner Dietz. Motion passed on an 9-0 vote. Ayes: Vice Chair Tapia and Commissioners Beth Dietz, Rabbanni Furqaan, Jana Lynn Granillo, Michelle Donati-Grayman, Melissa Farling, Jeanne Powers, Joe Rojas, and William Ortega. Nays: None. Absent: Chair Vawter and Commissioner Peggie Simmons.

#### **Agenda Item 5 – Crown Act**

Jonae Harrison let the Commission know that the City of Tempe would like support from the HRC in putting forward the attached Crown Act. The City has also requested support, which they received, from the African American Advisory Committee. The Crown Act will be embedded into the City's current Anti-Discrimination Ordinance. This was done to allow the Act to be treated and enforced with the same strength as the Anti-Discrimination Ordinance.

Motion made by Commissioner Donati-Grayman to fully support the Crown Act; Second by Commissioner Farling. Motion passed on an 9-0 vote. Ayes: Vice Chair Tapia and Commissioners Beth Dietz, Rabbanni Furqaan, Jana Lynn Granillo, Michelle Donati-Grayman, Melissa Farling, Jeanne Powers, Joe Rojas, and William Ortega. Nays: None. Absent: Chair Vawter and Commissioner Peggie Simmons.

#### **Agenda Item 6 – Diversity Library**

Commissioner Donati-Grayman let the Commission know that her kids currently attend school in Tempe and they recently created a school wide Diversity Library. She recognized that this may not be possible at all schools and asked the Commission if they would be interested in making this one of their initiatives. The Commission discussed and decided to make it one of their initiatives.

Motion made by Commissioner Powers to continue to look into the development of a Diversity Library; Second by Commissioner Ortega. Motion passed on an 9-0 vote. Ayes: Vice Chair Tapia and Commissioners Beth Dietz, Rabbanni Furqaan, Jana Lynn Granillo, Michelle Donati-Grayman, Melissa Farling, Jeanne Powers, Joe Rojas, and William Ortega. Nays: None. Absent: Chair Vawter and Commissioner Peggie Simmons.

#### **Agenda Item 7 – Proposed Future Agenda Items**

Vice Chair Tapia let the Commission know that there were no items discussed earlier in the meeting. He then opened the floor for recommendations. Items are: Equity in Action presentation & update, PSATF presentation & update, Neighborhood Watch signage, Unity Walk Update, and Invitation to Police Chief

Glover and new Assistant Police Chief Anderson. Vice Chair Tapia let the Commission know that if they have any additional items they would like added to future agendas, they should contact Jonae Harrison or Megan Hutchison.

**Agenda Item 8 – Upcoming Meeting October 12, 2021**

Meeting will be held virtually through Microsoft Teams

**Motion made by Commissioner Donati-Grayman to adjourn the meeting**

**Second by Commissioner Rojas**

**Meeting adjourned at 8:02 p.m.**

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Prepared by: Megan Hutchison

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Reviewed by: Jonae Harrison

## **HUMAN RELATIONS COMMISSION: PRESENTER REPORTING TEMPLATE**

The Scope and Duties of the Human Relations Commission is as follows:

*The Human Relations Commission advises the Mayor and City Council and assists City departments on ways:*

- *to eliminate prejudice and discrimination;*
- *in which people from different cultural backgrounds can be made to feel at home in the community; and,*
- *in which information on human relations topics can be disseminated, including conducting surveys and studies, convening forums, seminars and workshops, and sponsoring special event and award recognitions.*

This template is designed to guide presentations to the Commission regarding topics that are in line with the HRC scope and duties. Please use the below questions as a guideline for your presentation.

- Please provide a brief description of your organization/department history and current priorities. What is your organization/department mission? How is your organization/department work relevant to the Human Relations Commission?
- How does your organization/department
  - Promote mutual understanding and respect among all groups of people that live, work and spend time in the City of Tempe?

- Address ways to eliminate prejudice and discrimination in our society?
- Address ways for people of different cultural backgrounds be made to feel at home when living, working or spending time in the City of Tempe?
- How does your presentation affect equity, diversity and/or inclusion in our City?
- How can the Human Relations Commission help your organization/department disseminate information related to your work with the Tempe community?
- What is the message or guidance that your organization/department would wish to convey to the City of Tempe Mayor and/or Council?

*For more information on the Human Relations Commission, please visit:  
<https://www.tempe.gov/government/city-clerk-s-office/boards-and-commissions/active-boards-commissions-committees-and-other-public-bodies/human-relations-commission>*

**ORDINANCE NO. O2021.XX**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF TEMPE, ARIZONA,  
AMENDING CHAPTER 2, TEMPE CITY  
CODE, BY AMENDING ARTICLE VIII  
RELATING TO HUMAN RELATIONS TO  
IMPLEMENT THE PROVISIONS OF A  
CITY OF TEMPE “CROWN ACT”  
 (“CREATING A RESPECTFUL AND OPEN  
WORLD FOR NATURAL HAIR,)  
PROTECTING HAIR TEXTURE AND  
HAIRSTYLES HISTORICALLY  
ASSOCIATED WITH AN INDIVIDUAL’S  
RACE.**

WHEREAS, the City of Tempe is comprised of diverse individuals and groups of people and the city values this diversity and wishes to encourage all persons living, working or visiting the City to not only fully participate in but to also contribute to the cultural, social, spiritual and commercial life and activities in the City of Tempe; and

WHEREAS, in 2014, the City of Tempe enacted its Anti-Discrimination Ordinance making it unlawful to discriminate in the City of Tempe on the basis of race, color, religion, gender, gender identity, familial status, age, national origin, disability, sexual orientation and U.S. Military Veteran Status; and

WHEREAS, the residents of the City of Tempe voted overwhelmingly in 2014 to instill these values in the Tempe City Charter, becoming the first Arizona city to ban discrimination against lesbian, gay, bisexual and transgender individuals, as well as U.S. Military Veteran Status.

WHEREAS, The Crown Research Study found Black women are 30% more likely to be made aware of a formal workplace appearance policy than their non-Black colleagues. Black women are also 1.5 times more likely to be sent home from work due to their hairstyle, and are 83% more likely to report being judged more harshly on their looks than other women.

WHEREAS, the City of Tempe has an interest in ensuring against on race-based discrimination based on an individual’s hairstyle by extending statutory protection to hair texture and protective styles such as braids, locks, twists, and knots in employment, housing and public accommodations.

WHEREAS, the Mayor and Council desire to adopt and implement a CROWN Act for the City of Tempe, extending the existing anti-discrimination provisions contained in Chapter 2, Article VIII to cover discrimination based on hair texture or type or a protective hairstyle historically associated with race.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE ARIZONA**, as follows:

**Section 1:** That Chapter 2, Administration, Article VIII—Human Relations of the Tempe City Code is hereby amended to read:

## ARTICLE VIII

### HUMAN RELATIONS

#### **Sec. 2-600. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Adult* means a person who has attained eighteen (18) years of age.

State law reference—similar provisions, A.R.S., § 1-215(3).

*Contractor* means a person or firm in the business of selling or otherwise providing products, materials, or services, that has gone through a competitive solicitation process with the City of Tempe and has been awarded a contract with the City of Tempe through a formal award by the City Council. This does not include a cooperative procurement conducted by, or on behalf of, more than one eligible public procurement unit.

**Cross reference**—Procurement, Ch. 26a.

*Discrimination* means to exclude individuals from an opportunity or participation in any activity because of race, color, gender, gender identity, sexual orientation, religion, national origin, familial status, age, disability, or United States military veteran status, and occurs whenever similarly situated individuals of a different group are accorded different and unequal treatment in the context of a similar situation.

*Employee* means an individual employed for pay to perform services for an employer covered by this article and whose activities are controlled and directed by the employer, for whom services are being performed.

*Employer* means a person doing business within the city who has one (1) or more employees for each working day in each of twenty (20) or more calendar weeks in the current or

preceding calendar year, and any agent of such person. This definition excludes:

- (1) The United States or any department or agency thereof, a corporation wholly owned by the United States or any Indian tribe;
- (2) The State of Arizona or any department or agency thereof, except for any political subdivision of the State of Arizona, including any community college district or high school or elementary school district;
- (3) A bona fide membership club (other than a labor organization) that is exempt from taxation under the Internal Revenue Code of 1986 (as amended from time to time);
- (4) A religious organization; or,
- (5) An expressive association whose employment of a person protected by this article would significantly burden the association's rights of expressive association.

**State law reference**—similar provisions, A.R.S., § 23-613.

*Familial status* means the state of having one or more minor children under the age of eighteen (18) being domiciled with: a parent, guardian or another person having legal custody; the designee of such parent, guardian or another person having legal custody with written permission; or, a foster parent or other person with whom a minor child is placed by court order. This definition includes pregnant women and people securing custody of children under the age of eighteen (18) or disability.

**Cross reference**—Fair housing, Ch. 22, Art. V.

*Gender identity* means an individual's various attributes as they are understood to be masculine or feminine and shall be broadly interpreted to include pre- and post-operative gender individuals, as well as other persons who are or are perceived to be transgendered; as well as gender expression, including external characteristics and behaviors that are socially defined as either masculine or feminine.

*Membership Club or Bona Fide Membership Club* means a private club not open to the public that is supported by membership fees, dues, and assessments, and qualifies for exemption by the Internal Revenue Service; and that is not organized for the public or evading compliance with this article.

*Place of public accommodation* means facilities, establishments, accommodations, services, commodities, or use offered to or for use by the general public, including public places where food or beverages are offered for sale, public places operated for temporary lodging, use or accommodation of those seeking health or recreation and all establishments offering such goods



or facilities, and entities soliciting patronage from the general public, except for religious organizations or expressive associations whose inclusion of a person protected by this article would significantly burden the association's rights of expressive association. This does not include any private club or any place which is in its nature distinctly private.

*PROTECTIVE HAIRSTYLES* MEANS BRAIDS, LOCKS, TWISTS, TIGHT COILS OR ROLLS, BANTU KNOTS, AFROS AND HEADWRAPS.

*RACE* MEANS ANY ONE OF THE GROUPS THAT HUMANS ARE OFTEN DIVIDED INTO BASED ON PHYSICAL TRAITS AS COMMON AMONG PEOPLE OF SHARED ANCESTRY. THESE TRAITS INCLUDE BUT NOT LIMITED TO ONE'S HAIR TEXTURE OR TYPE AND PROTECTIVE HAIRSTYLES HISTORICALLY ASSOCIATED WITH AN INDIVIDUAL'S RACE.

*Sexual orientation* means an enduring pattern of emotional, romantic, or sexual attractions to men, women, or both sexes, as well as the genders that accompany them, including the perception or status of an individual's same sex, opposite sex, or bisexual orientation.

*Social club* means an organization composed of people who voluntarily meet on a regular basis for a mutual purpose other than for educational, religious, charitable, or financial pursuits. This includes any group that has members who meet for a social, literary, or political purpose. This definition does not include any club conducted for the purpose of evading this article.

*Vendor* means a person or firm in the business of selling or otherwise providing products, materials or services, that as gone through a competitive solicitation process with the City of Tempe, and has been awarded a contract with the City of Tempe through a formal award by the City Council. This does not include a cooperative procurement conducted by, or on behalf of, more than one eligible public procurement unit.

#### **Sec. 2-601. Policy.**

It is declared to be the policy for the citizens of Tempe, Arizona, to be free from discrimination in public accommodations, employment, and housing, and contrary to public policy and unlawful to discriminate against any person on the basis of race, color, gender, gender identity, sexual orientation, religion, national origin, familial status, age, disability, or United States military veteran status, in places of public accommodation, employment, and housing; and contrary to the policy of the city and unlawful for vendors and contractors doing business with the city to discriminate, as set forth in this article. RACE IS INCLUSIVE OF AN INDIVIDUAL'S PROTECTIVE HAIRSTYLE.

(Ord. No. O2014.10, 2-27-14)

#### **Sec. 2-602. Administrative provisions.**

(a) Powers and duties. Administration, authority and responsibility for administering this

article shall rest with the City Manager.

- (1) The City Manager or designee may delegate functions, duties and responsibilities for investigation, mediation, and conciliation and may otherwise act to assist the city in the administration of this article;
- (2) The City Manager or designee shall administer programs and activities as authorized herein to further the purposes of this article, in compliance with federal, state and local laws, and shall work with and enter into agreements as approved by the City Council, with the United States Equal Employment Opportunity Commission, the United States Department of Housing and Urban Development, and other agencies of the United States or State of Arizona that govern or affect discriminatory practices as defined by this article, including the acceptance of funds from such agencies and the carrying out of such covenants and conditions of such agreements, in compliance with this article; and
- (3) The City Manager or designee shall cooperate with and render assistance to, as reasonably requested, other public or private agencies, organizations and entities, to formulate or carry out programs to further the prevention or elimination of discriminatory practices as defined in this article.

(b) The City Attorney shall be authorized to take such actions as authorized herein to carry out the duties as set forth in this article.

(Ord. No. O2014.10, 2-27-14)

**Sec. 2-603. Unlawful practices.**

The following shall constitute a violation of this article:

- (1) For any owner, operator, lessor, manager, agent or employer of any place of public accommodation to discriminate against any person, including to restrict or refuse access on the basis of race, color, gender, gender identity, sexual orientation, religion, national origin, familial status, age, disability, or United States military veteran status;
- (2) For an employer, because of race, color, gender, gender identity, sexual orientation, religion, national origin, familial status, age, disability, or United States military veteran status, to refuse to hire or employ or bar or discharge from employment any person, or to discriminate against such person in compensation, conditions, or privileges of employment;
- (3) For a labor organization, because of race, color, gender, gender identity, sexual orientation, religion, national origin, familial status, age, disability, or United States military veteran status, to exclude, expel, limit or restrict from its

membership any person, or to provide segregated membership or otherwise discriminate in any manner against any of its members, applicants or employers;

- (4) For any owner or lessor to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities therewith, because of race, color, gender, gender identity, sexual orientation, religion, national origin, familial status, age, disability, or United States military veteran status;
- (5) For a city vendor or city contractor, because of race, color, gender, gender identity, sexual orientation, religion, national origin, familial status, age, disability, or United States military veteran status, to refuse to hire or employ or bar or discharge from employment any person, or to discriminate against such person in compensation, conditions, or privileges of employment. City vendors and contractors of fifteen (15) employees or more, shall provide a copy of its anti-discrimination policy to the city's procurement officer, to confirm compliance with this article. Employers having fourteen (14) or less employees may attest in writing to compliance with this article; or
- (6) For any person to coerce, intimidate, threaten, or interfere with any person in the exercise and enjoyment of, or on account of any aid or encouragement of any right granted or protected under this article.  
(Ord. No. O2014.10, 2-27-14)

#### **Sec. 2-604. Exclusions.**

This article shall not apply to:

- (1) A religious organization;
- (2) An expressive organization whose employment of a person protected by this article would significantly burden the association's rights of expressive association;
- (3) A bona fide membership club (other than a labor organization) that is exempt from taxation under the Internal Revenue Code of 1986 (as amended from time to time), as defined in this article; or
- (4) A social club, as defined in this article.

**Editor's note**— See, *Brush & Nib Studio, LC, et al. v. City of Phoenix* (No. CV-18-0176-PR, filed Sept. 16, 2019, amended Sept. 19, 2019) [as-applied challenge to City of Phoenix Ordinance upheld under the Free Exercise of Religion Act, A.R.S. § 41-1493.01].

(Ord. No. O2014.10, 2-27-14)

**Sec. 2-605. Fair housing.**

(a) It shall constitute a violation of this article to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of residential real property to any person because of race, color, gender, gender identity, sexual orientation, religion, national origin, familial status, age, disability, or United States military veteran status, within the legal jurisdiction of the city.

(b) It shall constitute a violation of this article to refuse any provision of services or facilities, privileges or conditions of the sale or rental of residential real property to any person because of race, color, gender, gender identity, sexual orientation, religion, national origin, familial status, age, disability, or United States military veteran status, within the legal jurisdiction of the city.

(c) Nothing in this article shall exclude or deny housing designated for senior living or for the disabled, or as otherwise designated or directed by the United States Department of Housing and Urban Development or the State of Arizona.

(Ord. No. O2014.10, 2-27-14)

**Sec. 2-606. Penalties, process and appeals.**

(a) Any person found responsible of violating any section or subsection of this article shall be punished by the imposition of a civil sanction of a fine of one thousand five hundred dollars (\$1,500) and not more than two thousand five hundred dollars (\$2,500) plus applicable surcharges, for each violation.

b) Any person claiming to be aggrieved of a violation of this article may file with the City Manager or his designee of the city, a written charge signed by the complainant and verified by such signature, within forty-five (45) calendar days of the alleged violation occurring. The charge shall set forth facts upon which it is based and shall identify the person charged (hereinafter "respondent"). The City Manager or designee shall furnish the respondent with a copy of the charge and shall promptly investigate the allegations of the discriminatory practices set forth in the charge.

(c) The respondent may file, no later than twenty (20) calendar days following receipt of the charge, a written verified answer to the charge. Failure to answer or participate in the process will be considered an admission.

(d) The City Manager or designee shall render written findings as to whether there may be reasonable cause to substantiate the charge no later than one hundred twenty (120) calendar days

from the filing of the charge. The City Manager or designee shall furnish a copy of its report of findings to the charging party and to the respondent.

(e) If the City Manager or designee finds that there is reasonable cause to believe that the respondent has engaged in a discriminatory practice that is prohibited by this article, the City Manager or designee may attempt to eliminate the alleged discriminatory practice by conference, conciliation, and discussion. The terms of any agreement between the parties may require the respondent to refrain from or engage in certain actions to carry out the purposes of this article in the future. If an agreement is reached, the City Manager or designee shall issue an order stating the terms of the agreement and furnish a copy to each party.

(f) No actions or omissions undertaken pursuant to this article, shall give rise to liability or legal responsibility on the part of the city or any of its employees, agents or officials.

(g) In connection with the investigation of any charge filed under this article, the City Manager or designee shall seek the voluntary cooperation of any person to: obtain access to premises, records, documents, individuals and other possible sources of information; examine, record and copy any materials; and take and record testimony and obtain statements as reasonably necessary to further the investigation.

(h) Charges may be dismissed for reasons including: the complaint was untimely filed; the location of the alleged practice was outside of the city's jurisdiction; insufficient evidence exists to conclude that the violation occurred; or a conciliation agreement has been executed by the parties.

(i) If upon completion of the investigation, the City Manager or designee has concluded that a violation of this article occurred, but is unable to obtain a conciliation agreement, refer the charge to an appropriate federal or state agency, or otherwise dispose of the violation, it shall impose a fine of one thousand five hundred dollars (\$1,500) per civil violation. A person found responsible for the same civil infraction shall be fined no more than two thousand five hundred dollars (\$2,500). In addition, the City Manager or designee may refer the matter to the City Attorney's office, who shall determine how best to pursue further action, if any, on the violation.

(j) The City Attorney's office will determine whether sufficient facts and evidence exist in order to warrant the initiation of an action in a court of competent jurisdiction. If the City Attorney's office determines that the facts or evidence are insufficient to warrant the initiation of an action, the City Attorney will provide written notification to the parties, and the charge will be dismissed.

(k) Failure to remit payment of a fine imposed under this article shall result in collection efforts as any other civil judgment.

(Ord. No. O2014.10, 2-27-14)

**Sec. 2-607. Severability and legal effect.**

(a) Nothing contained in this article shall be deemed or interpreted to alter, contravene, or supersede state or federal laws, including privacy laws.

(b) Nothing in this article shall be deemed to confer rights or benefits in addition to what is described herein.

(c) Nothing in this article shall be construed to give rise to civil or legal liabilities greater than those already existing under law or to create private causes of action, other than to be remedied as set forth herein.

(d) If any provision, section or subsection of this article is held to be invalid by a court of competent jurisdiction, then such provision, section or subsection shall be considered separately and apart from the remaining provisions or sections, which shall remain in full force and effect.

(Ord. No. O2014.10, 2-27-14)

**Sec. 2-608. Appeals.**

The following is the process for appeals of any action under this article:

- (1) If either party is dissatisfied with the findings of a violation under this article, the party may administratively appeal the decision to the City Manager or designee, within ten (10) calendar days of receipt of the findings. The City Manager or designee shall render a decision within ten (10) calendar days of the receipt of request for review;
- (2) If any fines are levied pursuant to this article, the party may appeal the decision and resulting fine in writing to the City Manager within ten (10) calendar days of the receipt of the imposition of the fine. Such appeal shall contain the factual basis for the party's position and the reasons why the decision is incorrect and should be overturned;
- (3) If either party is dissatisfied with the administrative review by the City Manager, the party may file an appeal in writing with the city clerk to be heard by a Hearing Officer. Such appeal shall be filed within ten (10) calendar days of the receipt of a decision by the City Manager, setting forth the reasons why the decision is incorrect and should be overturned;
- (4) The Hearing Officer shall consider all facts relating to the issuance of the charge and resulting fine, if any, and may uphold the penalty imposed, eliminate it or modify it;
- (5) The costs of the administrative hearing may be assessed to the responsible party

in addition to any other fines and penalties, in the event the charge is upheld; and

- (6) If either party is dissatisfied with the review by the Hearing Officer, the party may file an appeal in writing with the city clerk to be heard by the City Council. Such appeal shall be filed within ten (10) calendar days of the receipt of a decision by the Hearing Officer, setting forth the reasons why the decision is incorrect and should be overturned. The decision of the City Council shall constitute the final decision.

(Ord. No. O2014.10, 2-27-14)

**Section 2.** Pursuant to the Tempe City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption or at any later date specified therein.

**Section 3:** Pursuant to City Charter, Section 2.12, this ordinance will be effective thirty (30) days after adoption.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA,** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Corey D. Woods, Mayor

ATTEST:

\_\_\_\_\_  
Carla Reece, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Judith R. Baumann, City Attorney

ADOPTED BY THE  
MAYOR AND COUNCIL

April 20, 2021

ORDINANCE NO. 11829

RELATING TO CIVIL RIGHTS; AMENDING THE TUCSON CODE, SECTION 17-11 TO IMPLEMENT A CITY OF TUCSON "CROWN" ("CREATING A RESPECTFUL AND OPEN WORLD FOR NATURAL HAIR") ACT; AMENDING DEFINITIONS TO INCLUDE HAIR TEXTURE AND PROTECTIVE HAIRSTYLES HISTORICALLY ASSOCIATED WITH RACE WITHIN THE DEFINITION OF "RACE" FOR THE PURPOSE OF EXTENDING PROTECTIONS AGAINST DISCRIMINATION; AND DECLARING AN EMERGENCY.

WHEREAS, discrimination targeting hairstyles commonly or historically associated with race is in fact racial discrimination; and

WHEREAS, Chapter 17 of the Tucson Code, "Human Relations," and its Article III., "Civil Rights," incorporate provisions intended to eliminate prejudice and discrimination due to race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status in places of public accommodation, and in employment and housing; and

WHEREAS, the Mayor and Council desire to adopt and implement a Tucson CROWN (Creating a Respectful and Open World for Natural Hair") Act and extend the anti-discrimination provisions of Chapter 17 to discrimination based on hair texture, hair type or a protective hairstyle (e.g. afro, braids, twists, locks) commonly or historically associated with race:



NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA AS FOLLOWS:

SECTION 1. The Tucson Code, Article III, Section 17-11 is amended to add a new subsection (o) and to renumber the subsequent subsections, to read as follows:

**ARTICLE III.  
CIVIL RIGHTS**

\* \* \*

**17-11. Definitions.**

In this chapter, unless the context otherwise requires:

\* \* \*

(o) *Race* includes ancestry, color, ethnic group identification, and ethnic background. "Race" is inclusive of hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race. For purposes of this subsection, "protective hairstyle" includes such hairstyles as afros, braids, locks and twists.

\* \* \*

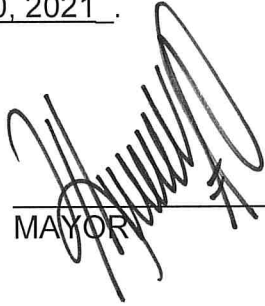
[all subsequent subsections renumbered to conform]

SECTION 2. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

SECTION 3. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this Ordinance become immediately

effective, an emergency is hereby declared to exist and this Ordinance shall be effective immediately upon its passage and adoption.


PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, April 20, 2021.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY

REVIEWED BY:

  
\_\_\_\_\_  
CITY MANAGER

MR/dg  
3/31/21