

HAYWARD CITY COUNCIL

RESOLUTION NO. 92-310

Introduced by Councilmember JIMENEZ

RESOLUTION ADOPTING AN ANTI-DISCRIMINATION
ACTION PLAN FOR THE CITY OF HAYWARD

BE IT RESOLVED that the City Council of the City of Hayward hereby adopts the attached Anti-Discrimination Action Plan 1992-93 submitted by the Human Services Commission as the Anti-Discrimination Action Plan for the City of Hayward.

IN COUNCIL, HAYWARD, CALIFORNIA NOVEMBER 10, 1992

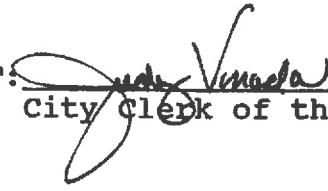
ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS COOPER, HILSON, JIMENEZ, RANDALL, RODRIQUEZ, WARD

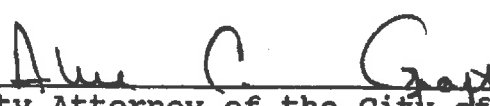
NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

ATTEST: 
City Clerk of the City of Hayward

APPROVED AS TO FORM:


City Attorney of the City of Hayward



City of Hayward Anti-Discrimination Action Plan 1992-93

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**CITY OF HAYWARD
ANTI-DISCRIMINATION ACTION PLAN
1992-93**

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SECTION I

INTRODUCTION

A. GUIDING PRINCIPLES

The following guiding principles will be utilized when planning for, and implementing, the Hayward Anti-Discrimination Action Plan (Plan):

1. The Plan shall be developed and implemented with public input and participation in order to enhance its effectiveness.
2. The Plan shall be proactive, as well as responsive.
3. The Plan shall be designed to enhance, rather than duplicate, activities which have already been implemented. Recognition will be given to activities conducted by the City which were in effect prior to the implementation of the Plan.
4. The Plan shall include sound and innovative ideas.
5. The Plan shall use a multilingual approach since many within the Hayward community communicate in languages other than English.
6. The Plan shall include actions which are designed to assist those who are victimized by discrimination, and shall contribute to the creation of an environment that expressly opposes discriminatory acts.
7. The Plan shall include actions designed to encourage the mass media to produce material which does not perpetuate discriminatory values or concepts.
8. The Plan shall avoid using labels whenever possible to describe groups of people for this can have a destructive, rather than constructive, effect.
9. The Plan shall take into account the fact that discriminatory acts can be, and often are, traumatic for the victims of those acts.
10. The Plan shall encourage people to learn as much as possible about the customs and social etiquette of the various cultures represented in Hayward in order to enhance communication between diverse groups.
11. The Plan will be evaluated for effectiveness. The purpose of the evaluation will be to improve upon, rather than discard, the actions taken and will be designed to evaluate the long-term, as well as the short-term, effects of those actions.

Anti-discrimination Action Plan
Introduction, continued:

B. DEFINITION OF PROBLEM:

The term "discrimination" shall, for the purposes of this document, be used to describe those actions which are directed against the welfare of another based on race, sex, religion, national origin, age, disability, or sexual orientation. It is also recognized that people can experience discrimination based on other personal characteristics. (*1)

Discrimination can take many different forms. It can be overt or covert in nature. Discriminatory activity may be conscious and deliberate or inadvertent, due to a lack of understanding or insensitivity. In order to address the various aspects of the problem, the Anti-Discrimination Action Plan must be multifaceted.

C. BACKGROUND:

In 1990 the Hayward City Council reaffirmed the role of the Human Services Commission in addressing discrimination and directed the Commission to develop an Anti-Discrimination Action Plan (Plan) for the City. A sub-committee of the Commission was formed to develop a draft Plan.

The Committee took the position that in order for the Plan to be effective, public input and participation must be sought. A Community Forum was conducted on February 1, 1992 to facilitate community input on the draft Plan. Approximately 100 people, including 30 organizations, attended this event. Valuable comments and suggestions were provided. Many additional ideas were submitted during the months following the Forum as well. Since that time, the Commission and City staff have reviewed all of this information and have attempted to incorporate as many of the ideas as possible into the Plan.

In addition to many specific recommendations, three general themes emerged from the comments that were submitted:

- (1) Simplify the Plan so that it is easy to understand;
- (2) Develop a plan which will lead to action;
- (3) Review and update the Plan as needed.

(*1) A person's low economic status and/or lack of political power can also result in their being discriminated against. The City of Hayward supports many community social service and economic development programs designed to meet the needs of its poorest citizens, however, these are not described in detail in this document. For more information about these programs, contact the Hayward Community and Economic Development Department, (510) 293-5345.

Anti-discrimination Action Plan
Introduction, continued:

So that the Plan can address the concerns of the many different groups of people who reside in the Hayward community, it was designed to focus on three (3) general issue areas, rather than on the concerns of any one particular group. These are:

- (A) Strategies for Addressing Illegal Forms of Discrimination;
- (B) Strategies for Addressing Accessibility Issues; and
- (C) Strategies for Addressing Discriminatory Values and Attitudes.

The Plan specifies actions to be taken and timelines for implementation. The parties responsible for assuring that the activities are carried out are also identified.

The Human Services Commission formally approved the Plan at its August 13, 1992 meeting and agreed to forward it to the City Council for adoption. The Commission proposes that it serve as the citizen's Anti-discrimination Action Plan review committee. As such, it will be the responsibility of the Commission to obtain continual feedback about the implementation of the Plan, and to make recommendations for needed changes to the City Council. (*2)

In summary, the overall goals of the Hayward Anti-Discrimination Action Plan are to reduce the incidence of discrimination in the community and to support Hayward citizens who are victims of discriminatory acts. The Commission recognized that the goals of the Plan cannot be accomplished by the City of Hayward alone. The City will need to work on a cooperative and voluntary basis with other public and private institutions, community groups and individual community members in order to make this a successful effort. It is the Commission's hope that by adopting and implementing this Plan the City will take a lead in developing a community where discrimination is unacceptable, where educational opportunities designed to increase awareness and tolerance of diversity will be available for those willing to be educated, and where persons who find themselves victimized by discriminatory acts will have a place to turn to for help.

(*2) The Human Services Commission has regular public meetings on the first Thursday of each month, at 7:30 p.m., at Centennial Hall, 22292 Foothill Blvd., Hayward, California. The public is encouraged to attend and to provide feedback on the Plan. The community can also attend City Council meetings which are regularly scheduled every Tuesday at 8:00 p.m., also at Centennial Hall in Hayward. (NOTE: To confirm a specific meeting time and location, call Hayward City Hall at (510) 293-5123.

SECTION II

ACTION PLAN

PART A. STRATEGIES FOR ADDRESSING ILLEGAL FORMS OF DISCRIMINATION:

A.1. Hate Violence and Civil Rights :

(NOTE: California law specifically forbids violence or threats of violence that are based on one's race, color, religion, sex, ancestry, national origin, age, disability, sexual orientation, or political party. California law also states that it is illegal for someone to use force or threats of force to interfere with another's rights under the United States or California constitutions - or other federal or state laws - because of one's race, sex, color, religion, national origin or sexual orientation.)(*3)

- A.1.1. The City of Hayward shall develop a system to enhance coordination among, and develop protocol for, the various City departments which may receive complaints from citizens related to hate crimes.

TIMELINE: By January 31, 1993.

RESPONSIBLE PARTY: Police Department

- A.1.2 The City of Hayward shall develop strategies to facilitate the reporting of hate crimes by persons who are hesitant to make reports to the Hayward Police Department.

TIMELINE: By March 31, 1993.

RESPONSIBLE PARTY: Community and Economic Development Department/Police Department.

- A.1.3. The Human Services Commission will research how Hayward police officers are trained to identify and report on hate crimes in order to determine if the training is adequate and to make recommendations for improvements if needed.

TIMELINE: By December 1992.

RESPONSIBLE PARTY: Human Services Commission.

(*3) What Should I Know About Hate Crimes - Get the Legal Facts of Life, Pamphlet prepared by the State Bar of California, 555 Franklin Street, San Francisco, 94102.

Anti-Discrimination Action Plan
Part A., continued:

- A.1.4 The Human Services Commission will inquire about the City's policies and procedures with regards to receiving and responding to complaints about reported acts of discrimination by City employees towards the public in order to determine if these are adequate and to make recommendations for improvements if needed. The policies of departments with personnel who are granted powers of authority, such as police officers, fire fighters, inspectors, etc. will be reviewed in particular to determine if adequate steps are being taken to ensure that this power is not abused.

TIMELINE: By January 1993.

RESPONSIBLE PARTY: Human Services Commission

- A.1.5. A coordinated system shall be established, involving appropriate City departments and other community organizations, for assisting victims of hate crimes. City officials and community agency representatives who have lists of resources for assisting victims of hate crimes shall be contacted and all lists compiled into one master list. Finally, the information will be made available to the public.

TIMELINE: By March 31, 1993.

RESPONSIBLE PARTY: Community and Economic Development Department/City Manager's Office.

- A.1.6. The City of Hayward shall coordinate efforts with established Neighborhood Watch groups and Home Owner Associations to address hate crime issues occurring in the community.

TIMELINE: To be established

RESPONSIBLE PARTY: Police Department

- A.1.7. The City of Hayward shall coordinate efforts with local, state and federal agencies to track and reduce the incidence of hate crimes. In addition, reports will be submitted on a regular basis to the Human Services Commission recording the number of hate crimes occurring in the Hayward community.

TIMELINE: Local tracking being implemented; coordination with state and federal efforts shall begin when these systems are implemented.

RESPONSIBLE PARTY: Police Department

Anti-Discrimination Action Plan
Part A.1, continued:

- A.1.8.** The City of Hayward shall maintain contact with the California Department of Fair Employment and Housing, and the Federal Equal Employment Opportunity Commission in order to continue receiving current information about pending State anti-discrimination laws. The Mayor, City Council and other interested City officials shall be kept apprised of pertinent issues.

TIMELINE: Presently being implemented.

RESPONSIBLE PARTY: Community and Economic Development Department/Personnel Department.

- A.1.9.** The City of Hayward will continue to participate with other organizations, including the California Association of Human Rights Organizations, and the Alameda County Multi-cultural, Multi-lingual Oversight Committee, in order to keep apprised of anti-discrimination activities being conducted in other communities, and to update the Anti-discrimination Action Plan as needed.

TIMELINE: Presently being implemented.

RESPONSIBLE PARTY: Community and Economic Development Department.

Anti-Discrimination Action Plan
Part A.2:

A.2. Employment Discrimination:

(NOTE: Federal and California State Laws prohibit discrimination in employment based on one's race, ancestry, national origin, color, sex, religion, physical disability (including AIDS), marital status, age (over 40) and cancer-related medical conditions. Persons are also protected by law from retaliation against them for filing a complaint or for protesting possible violations of the law.) (*4)

- A.2.1. Persons reporting suspected discrimination in their place of employment to the City of Hayward shall be assisted in making contact with the Federal Equal Employment Opportunity Commission or the California State Department of Fair Employment and Housing. All City departments which receive such complaints will receive the information necessary to make appropriate referrals.

TIMELINE: Presently being implemented: dissemination of information to City departments by December 1992.

RESPONSIBLE PARTY: Community and Economic Development Department/Personnel Department.

- A.2.2 The City of Hayward will support efforts to prohibit discrimination in employment (and housing) based on "sexual orientation" under State law. Given that the state has historically failed to pass legislation which includes these protections, the Commission will also recommend that the City create an ordinance prohibiting discrimination in employment (and housing) on the basis of one's race, ancestry, national origin, color, sex, religion, physical handicap (including AIDS), marital status, age, cancer-related medical conditions and sexual orientation.

TIMELINE: By October 1992.

RESPONSIBLE PARTY: Human Services Commission.

- A.2.3. The City of Hayward shall continue to function as an Equal Opportunity/Affirmative Action Employer, and shall continue to provide information and training to all City employees in order to create a discrimination free work environment.

TIMELINE: Presently being implemented.

RESPONSIBLE PARTY: City Manager's Office/Personnel Department.

(*4) Discrimination is Against the Law, Pamphlet produced by the California Department of Fair Employment and Housing, 30 Van Ness Avenue, #3000, San Francisco, CA. 94120, (415) 557-2005. [Also, see Section B.4. of this document].

Anti-Discrimination Action Plan
Part A.2, continued:

- A.2.4. The City's Affirmative Action Committee shall continue to serve as an advisory body to the City Manager and City Council with regard to the implementation of the City's Affirmative Action Policies.

TIMELINE: Presently being implemented.

RESPONSIBLE PARTY: Personnel Department.

A.3. Housing Discrimination:

(NOTE: California State Law prohibits discrimination in renting, leasing, and selling housing based on race, ancestry, sex, national origin, color, religion, marital status, age (or presence of children in a household), or physical handicap (including AIDS). Individuals are also protected by law from retaliation for filing complaints.) (*5)

- A.3.1. Persons reporting suspected housing discrimination to the City of Hayward shall be assisted in making contact with the California State Department of Fair Employment and Housing and/or the Eden Council for Hope and Opportunity (ECHO Housing). All City departments which receive such complaints will receive the information necessary to make appropriate referrals.

TIMELINE: Presently being implemented; dissemination of information to City departments by December 1992.

RESPONSIBLE PARTY: Community and Economic Development Department.

- A.3.2. In accordance with the City of Hayward Child Discrimination Ordinance (No. 89-055), the City shall prohibit discrimination against families with minor children in residential rental housing.

TIMELINE: On-going; this ordinance has been in force since November 1989.

RESPONSIBLE PARTY: Community and Economic Development Department.

(*5) Discrimination is Against the Law, Pamphlet produced by the California Department of Fair Employment and Housing, 30 Van Ness Avenue, #3000, San Francisco, CA. 94120, (415) 557-2005. [Also, see Section B.4. of this document].

**Anti-Discrimination Action Plan
Part A.4:**

A.4. Discrimination in Education:

(NOTE: While there are various state and federal laws which prohibit discrimination by public education institutions, the City of Hayward has no authority over the Hayward Unified, Community College or State University school systems. The City is committed to working with these public institutions on a voluntary and cooperative basis.) *

- A.4.1. Persons reporting suspected discrimination in a public education institution to the City of Hayward shall be assisted in making contact with the appropriate authority including the Hayward Unified School District, State Department of Education, the Community College or State University School Systems. In addition, community-based advocacy organizations will be identified and referred to as appropriate. All City departments which receive such complaints will receive the information necessary to make appropriate referrals.

TIMELINE: Presently being implemented: dissemination of information to City departments by December 1992.

RESPONSIBLE PARTY: Community and Economic Development Department.

* [Also, see Section B.4. of this document].

Anti-Discrimination Action Plan
Part B:

PART B. STRATEGIES FOR ADDRESSING ACCESSIBILITY ISSUES:

B.1. Services Provided by the City:

- B.1.1. The City shall update, disseminate and encourage the use of its list of City employees who have multilingual capabilities so that assistance can be provided throughout the City to persons with limited or no English language skills.

TIMELINE: Presently being implemented.

RESPONSIBLE PARTY: City of Hayward Finance Administration Division.

- B.1.2. All City employees shall be encouraged to use the AT&T Language Line Service. This 24-hour service makes interpreters and linguists who speak over 140 languages available to all City employees.

TIMELINE: Presently being implemented.

RESPONSIBLE PARTY: City Manager's Office/All City Departments.

- B.1.3. The City library shall make multi-lingual, multi-cultural information easily accessible. Information about how to use the library will also be made available in the languages spoken by significant numbers of Hayward residents.

TIMELINE: Presently being implemented.

RESPONSIBLE PARTY: Library Department.

- B.1.4. The City of Hayward shall implement its plan to conform to all applicable sections of the federal Americans with Disabilities Act (ADA) which is designed to make services accessible to persons with disabilities.

TIMELINE: Presently being implemented.

RESPONSIBLE PARTY: City Manager's Office/All City Departments.

Anti-Discrimination Action Plan
Part B.1, continued:

- B.1.5. The City shall continue efforts to make available information and training opportunities on emergency preparedness to persons not fluent or literate in the English language.

TIMELINE: Presently being implemented.

RESPONSIBLE PARTY: Fire Department.

- B.1.6. The City of Hayward will develop a single comprehensive resource directory of community-based organizations serving the various groups represented in the Hayward community. This will be done to assist City personnel in providing useful referral information to the public in a consistent manner.

TIMELINE: By June 1993.

RESPONSIBLE PARTY: Library, Community and Economic Development Department, Personnel Department and City Manager's Office.

B.2. Services Provided for the City Through Service Contracts:

- B.2.1. The City of Hayward shall require all service contractors to agree that no person shall, on the grounds of race, color, national origin, religion, sex, sexual orientation, human immunodeficiency virus (HIV) status, age, marital status, familial status, or handicap, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity funded in whole or in part with funds made available to the contractor by the City.

TIMELINE: Presently being implemented.

RESPONSIBLE PARTY: Each City Department responsible for managing service contracts.

Anti-Discrimination Action Plan
Part B.2, continued:

B.2.2. The City of Hayward shall continue its Purchasing and Contract Compliance Program which has as a main objective to provide leadership and assistance to all City departments, contractors and vendors in successfully implementing the City's Affirmative Action Purchasing Plan and Contracting Procedures. The goals of this program are:

- * To improve communication with contracting departments while establishing a "team approach" to resolving minority/ woman-owned business (M/WBE) contract participation issues;
- * To ensure equitable M/WBE procurement opportunities and participation in City contracts for equipment supplies and services, professional services, and Public Works construction projects; and
- * To ensure Equal Employment Opportunity compliance for contractors and strengthen departmental outreach recruitment efforts for M/WBE contractors.

TIMELINE: Presently being implemented.

RESPONSIBLE PARTY: Finance Department.

B.3. Services Provided by the Private Sector:

B.3.1. The City shall conduct a meeting with representatives of the Hayward Chamber of Commerce and other interested community organizations to publicly recognize those businesses which demonstrate an effort to make their services accessible to persons with disabilities and/or language/cultural barriers.

TIMELINE: To be established.

RESPONSIBLE PARTY: To be established.

B.4. Public Accommodations - General:

B.4.1. In accordance with the City of Hayward Anti-Aids Discrimination Ordinance (No. 86-032), the City shall prohibit discrimination in housing, medical and dental services, business establishments, City facilities, City services, employment, and other public accommodations on the basis of the fact that the person has the medical condition Acquired Immune Deficiency Syndrome (AIDS) or any conditions related thereto.

TIMELINE: On-going

RESPONSIBLE PARTY: Community and Economic Development Department

Anti-Discrimination Action Plan
Part C:

PART C. ADDRESSING DISCRIMINATORY VALUES AND ATTITUDES:

C.1. Working with Other Public Agencies Serving the Hayward Community:

- C.1.1. The City of Hayward will continue to participate in the Public Agency Liaison Committee (*6), and will recommend coordinating efforts designed to increase the awareness of, and celebrate, the various cultures and customs of those who make up the Hayward community.

TIMELINE: The Committee meets every two months: City to make recommendations to Committee by February 1993.

RESPONSIBLE PARTY: City Manager's Office.

- C.1.2. The Hayward Police Department shall continue its Youth and Family Services program which includes the assignment of School Resource Officers (SRO's) to Hayward Unified School District high schools and intermediate schools in order to provide preventive counseling, to discuss conflict resolution techniques, and provide other assistance designed to help students get along with their peers, families and school personnel.

TIMELINE: Presently being implemented.

RESPONSIBLE PARTY: Police Department.

C.2. Working with Community-based Organizations and Organized Community Groups:

- C.2.1. The City of Hayward shall sponsor, co-sponsor, or support community events which are designed to discourage discrimination, increase cultural awareness, and celebrate diversity in the Hayward community.

TIMELINE: Throughout the year.

RESPONSIBLE PARTY: Various City Departments/Coordinated by City Manager's Office.

(*6) This Committee also includes representatives from the Hayward Unified School District, the California State University at Hayward, Chabot College, and the Hayward Area Recreation and Park District (HARD).

Anti-Discrimination Action Plan
Part C.2, continued:

- C.2.2. The City shall lead an effort to create a location in downtown Hayward which would feature exhibits representing the different cultures that make up the Hayward community.

TIMELINE: To be established.

RESPONSIBLE PARTY: Human Services Commission

- C.2.3. The Human Services Commission shall continue to encourage community groups to attend Commission meetings and report concerns regarding discrimination in the community, as well as to share ideas and information on activities which are designed to discourage discrimination.

TIMELINE: Presently being implemented.

RESPONSIBLE PARTY: Community and Economic Development Department.

C.3. Working with the Media:

- C.3.1. The City of Hayward will initiate contact with local media sources in an attempt to publicize positive news items related to anti-discrimination efforts.

TIMELINE: On-going.

RESPONSIBLE PARTY: City Manager's Office.

- C.3.2. The City of Hayward will attempt to work with local media sources to encourage the production of media material which does not perpetuate discriminatory values or concepts.

TIMELINE: On-going.

RESPONSIBLE PARTY: Human Services Commission.

SECTION III

EVALUATION OF THE ANTI-DISCRIMINATION ACTION PLAN

It is the intent of the Human Services Commission to evaluate the effectiveness of the Plan on an ongoing basis and do a full review one year after it is adopted. The Commission shall also monitor the implementation of the Plan and report to the City Council on its progress. Community input will be an important aspect of the evaluation process. People may provide feedback by attending Human Services Commission (*7) meetings or writing to:

**HUMAN SERVICES COMMISSION
CITY OF HAYWARD
c/o COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
25151 Clawiter Road
Hayward, CA. 94545-2731**

The purpose of the evaluation will be to improve upon, rather than discard, the efforts described in the Anti-Discrimination Action Plan. To evaluate the effectiveness of the Plan, each of the specific actions described will be reviewed. This review will be to determine not only if the specific activities were accomplished, but to also determine if additional efforts must be made to satisfactorily address the problem of discrimination in the Hayward community.

(*7) Hayward citizens who are interested in learning more about the Human Services Commission, the various issues they address, and/or how to apply to serve on a City commission are encouraged to contact the Hayward City Clerk at (510) 293-5123.