

# Human Rights Commission Needs Assessment

Submitted to Portland City Council March 24, 2011

## **I. *Autonomy and Independence***

Autonomy is at the heart of what the Human Rights Commission requires to do its work. Given the current re-structuring around equity, this is the time to address the issues related to independence which participants in ***A Framework for Action*** anticipated.

### **A. Regarding the HRC's relationship to City Council and City Bureaus**

From ***A Framework for Action***:

Page 6: "People want to ensure that the commission is not subject to politics of the Mayor, or any other city commissioner or any specific community group. Yet what is also clear is the need for the commission Director and Chair to have direct access to the Mayor and Council members. Most importantly, the commission must be able to advocate for the best interest of the public without the threat of retribution if the HRC takes a position or perspective that differs from the City."

Page 10: "A primary concern of those interviewed during the research phase of this project was the fear that the HRC would become subject to politics. While it is impossible to insulate any organization from politics, having the commission report to the full council makes it very difficult for any one member to use the commission for their own agenda...Creating an office makes it more difficult to dismantle than a program within a bureau that can be cut out of the budget more easily than a bureau can be dismantled."

Page 10: "While the HRC will not have enforcement authority it must have the autonomy required to challenge problematic practices and act as an advocate for the public -- this is far more difficult to do as a part of an office where the HRC could be controlled or limited by the office Director or the politics within the office or between the office and City Council. The HRC must have this autonomy."

Page 10 - 11: "As such, those entities that focus on ensuring that city services and bureau outreach services reach and effectively serve specific communities are better suited to be separate from HRC and thus, not in the Office of Human Relations."

### ***HRC Analysis and Recommendations:***

*The HRC appreciates and supports the urgent need to change policies and practices that contribute to inequity within the City of Portland. Reports such as the State of Black Oregon and Communities of Color in Multnomah County highlight historic patterns of disparity that must be addressed. Creating an Office of Equity represents a positive step in this direction.*

*Both equity and human rights principles dictate the necessity to strive for equal opportunity for groups of people who have suffered marginalization or discrimination.*

*Yet the Human Rights Commission’s mission and framing documents mandate a broader focus: furthering peace and justice, protecting and advocating for the human rights of **all** who live, work, travel, worship and play in the City of Portland.*

*Human Rights Commissions across the United States are working to prioritize and consolidate policy work to focus on equity<sup>1</sup>. Most of these efforts subsume equity initiatives within the human rights umbrella – not the other way around.*

*The Human Rights Commission believes that placing the HRC deeper in the City’s bureaucracy would be counterproductive to the independent and autonomous nature of our work. We are concerned that the proposed re-organization will diminish the stature and credibility of HRC staff, impact the HRC’s visibility, and reduce its authority and effectiveness to work in partnership with other community leaders and stakeholders.*

*The current re-structure of the Office of Human Relations provides an immediate opportunity to examine additional or alternative means to accomplish the HRC’s goals of autonomy and independence. These may include*

- *seeking Council support for a Charter amendment to ensure the continuity of the HRC as an independent, fully funded Commission of the City.*
- *discussing assignment of the HRC to the Auditor’s Office. This office houses other oversight entities that operate independently.*

## **B. Regarding the Role of the Director of the HRC**

The role of the Director of the HRC and the Office of Human Relations as described in city ordinances is somewhat unique in the City’s structure. **A Framework for Action** anticipated that the Director would be an at-will employee hired by City Council based on the recommendations of the HRC. It described a process whereby the HRC forwarded a recommendation about hiring to Council.

**A Framework for Action** also anticipated the need for the Director to be responsible to all of City Council:

Page 11: “Answering to the City Council helps to ensure the Director a fair and open forum for airing concerns that impact the health, credibility, and stability of the HRC. Just as the structure of the HRC must be protected from politics, the Director must be shielded

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<sup>1</sup> For examples of how Human Rights Commissions are working to address equity issues, visit the San Francisco Human Rights Commission at <http://www.sf-hrc.org/index.aspx?page=71>; or Fairfax Virginia <http://www.fairfaxcounty.gov/ohrep/>; or Eugene, Oregon <http://www.eugene-or.gov/portal/server.pt?open=512&objID=723&PageID=335&cached=true&mode=2&userID=2>

from the worst-case scenario where an HRC commissioner(s) attempts to control or bias the work of the HRC.”

Ordinance 181670 adopted language for City Code in section 3.129.030 which included **A Framework for Action’s** methodology for the initial hiring of a Director or the Office of Human Relations and the Human Rights Commission.

City Code 3.128.010 further states, “The Director shall serve at will and may be removed by the Council upon the request of the Mayor, **after consideration of the recommendation of the Human Rights Commission.**” (Emphasis added.)

***HRC Analysis and Recommendations:***

*We must underscore the vital importance of the Director’s role in guiding research, ensuring effective communication; and providing facilitation in the negotiations for the Commission’s Ad Hoc policy work and ongoing committees, and building a team approach. The work with the Community and Police Relations Committee requires diplomacy, deep listening, trust building, and continuity in brokering sensitive relationships. Given that the HRC is a volunteer organization, the Commission relies on the autonomy, credibility and the leadership of its Director to achieve its mission.*

*That said, all the documentation envisioning and creating the HRC stressed the importance of HRC’s involvement in decisions related to the Director. We cannot do the work we want to do without a trusting relationship with a dedicated and talented Director.*

*We ask that Council honor the intent of public involvement on this issue and the ordinance which enacted the community recommendations in **A Framework for Action.** We must be included in decisions affecting the role of our Director.*

**C. Location of the Human Rights Commission**

The public input which informed the creation of the HRC stressed the importance of locating the Office of Human Relations and the HRC outside of City Hall. **A Framework for Action** concluded:

Page 15: “The HRC should be located in a community setting not in a city building....The HRC should be in a location in which the public feels safe, even if their grievance is with a city bureau. Being co-located with other bureaus or in city hall makes this difficult. Furthermore, a separate location increases the perception of autonomy even though the HRC is part of the city government structure.”

***HRC Analysis and Recommendations:***

*The Human Rights Commission has spent considerable time and resources inviting the public to its space on North Vancouver Avenue. We have invited other community organizations to use the space on HRC mission-related work. This space has a distinct*

*welcoming feel. It is a neutral meeting space for all members of the Committee on Community and Police Relations.*

*We support a location separate from the home of other city offices as basic to the HRC's autonomy and independence for the same reasons it was recommended by the community advisory group contributing to **A Framework for Action**. We have seen its importance in action.*

## **II. Authority**

**The Framework for Action** said that HRC must “have teeth.”

By approving the mission and framing documents for the HRC, City Council granted the Commission the authority to work toward eliminating discrimination and bigotry, strengthening inter-group relationships and fostering greater understanding, inclusion and justice for those who live, work, study, worship, travel and play in the City of Portland.

The HRC does not have civil rights authority, because there are State entities in Portland that have the legal resources to investigate and address civil rights complaints. However, the HRC provides leadership on human rights issues and has assumed the moral authority embodied in the principles of the United Nations Universal Declaration of Human Rights.

Authority and autonomy go hand in hand. We ask that Council honor the HRC's foundational documents so that the Commission can continue to bring together differing community perspectives in respectful dialogue, guide the work of the Community and Police Relations Committee, and make recommendations with a strong voice on human rights. The HRC needs visibility, resources (described below), and autonomy to exercise its authority.

## **III. Sustainability and Continuity**

### **A. Historical Context**

The Human Relations Community Advisory Council that contributed to **A Framework for Action** understood the challenges a human rights entity might face in the context of the City's structure. Community leaders noted that organizational permanence is critical. Current Human Rights Commissioners unanimously affirm this requirement.

Portland's history of creating enduring entities to address human rights work is somewhat spotty. Portland has had a difficult time maintaining its human rights entities. Five commissions and human rights programs have come and gone. Politics intervened;

funding reductions followed. Other priorities all too often push human rights out of the way.

**The *Framework for Action*** noted some possible difficulties:

Page 9: “Portland has had human relations commission[s] in the past – [which were] eventually eliminated because of budget considerations even though the need was still present. These facts highlight the greatest challenge facing the Council -- creating a structure for the new entity that will endure political and budget constraints and remain relevant and important to the public and to city government.”

***HRC Analysis and Recommendations:***

*This historical perspective is very much on the minds of Human Rights Commissioners today. It is why we believe Council should support the inclusion of the Commission in the current Charter Revision. Organizational continuity is fundamental to the discussion of autonomy and authority. Without a commitment to permanence, the work we do becomes ephemeral.*

*The HRC is aware of its vulnerability to budgetary reductions and organizational changes which limit its authority and autonomy. We are also concerned that protracted discussions to find an independent place within the city structure could postpone or delay the critical work of the Commission.*

**B. Providing the Resources To Do the Work**

The Human Rights Commission must have the resources it needs to accomplish its work. That includes baseline funding that guarantees the Commission an effective staff team, a distinct and separate community space, and sufficient operating support to organize human rights events and educational activities.

***HRC Analysis and Recommendations:***

In 2009, the HRC developed an ambitious strategic plan which includes greater community outreach, better web presence, projects that address racial tension, and a focused human rights policy agenda. Recent trainings by a consultant team revealed that to accomplish the depth of research and policy work that the Portland community expects of the Commission, the HRC needs additional staff.

*The **Framework for Action** and the ordinance creating the Office of Human Relations and the Human Rights Commission recommended four positions to address the HRC’s work. To date the HRC has never been staffed at this level. Our experience indicates that to fulfill our mandate we require a full dedicated team as detailed below:*

- a. A director (1 fte)
- b. A community outreach specialist (1 fte)

- c. *A research position (1 fte); and*
- d. *Administrative support (.5 fte)*

The operational and budgetary impacts of the announcement of an Equity Office for the Office of Human Relations and the Human Rights Commission are unclear. Although the OHR Director has provided core support to the HRC, other OHR staff were also involved in policy research and the development of programs which support the mission of the Human Rights Commission. Untangling these ties and clarifying or distinguishing prior joint work will require thoughtful consideration.

The HRC's budget for FY 2011-12 is a big concern to the HRC. We understand that Commissioner Fritz has asked us to work with her in April on this issue – and we commit to doing that.

In addition, with close to three years experience behind the Human Rights Commission, there are some glaring needs that the community members of the Budget Advisory Committee to the Office of Human Relations have repeatedly acknowledged:

- The Office of Human Relations, and consequently also the Human Rights Commission, has not had adequate administrative staff.
- The Office of Human Relations, and consequently the HRC, has not had a robust or coordinated web presence. Currently, the HRC finds its own web presence confusing, disjointed, and incomplete. Correcting this problem should be a priority in the discussions about budget, training, and staffing. This is a programmatic issue and basic to how we communicate with the public.