

**AN ORDINANCE AMENDING CHAPTER 2.56**  
**ENTITLED CITY-COUNTY HUMAN RELATIONS COMMISSION**

WHEREAS, it has been recommended by the City of Evansville that Chapter 2.56 of the Code of Ordinances of Vanderburgh County, Indiana, be amended; and

WHEREAS, the Board of Commissioners of Vanderburgh County, Indiana, wishes to adopt such recommendations by amending Chapter 2.56 of the Code of Ordinances of Vanderburgh County, Indiana.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana, that Chapter 2.56 of the Code of Ordinances of Vanderburgh County, Indiana, is hereby amended as follows:

**SECTION 1. Amendment of Section 2.56.010 of the Code of Ordinances of Vanderburgh County, Indiana.**

Section 2.56.010 of the Code of Ordinances of Vanderburgh County, Indiana, is hereby amended by deleting said Section as presently constituted and by substituting the following in place thereof:

“A. Provide all of its citizens equal opportunity for education, employment, access to public conveniences and accommodations, and acquisition through purchase or rental of real property, including but not limited to housing, and to eliminate segregation or separation based solely on race, religion, color, sex, disability, national origin, age or ancestry, since such segregation is an impediment to equal opportunity. Equal education and employment opportunities and equal access to and use of public accommodations and equal opportunity for acquisition of real property are hereby declared to be civil rights.

B. Promote, through reasonable means and methods, equality of opportunity without regard to race, sex, color, religion, disability, ancestry, national origin, age, sexual orientation, gender identity.

C. Protect persons from unfounded charges of discriminatory practices and to protect persons against the filing and investigation of duplicate charges of discrimination.

The chapter shall be construed broadly so as to effectuate its purpose and the policy of the City of Evansville and Vanderburgh County.”

**SECTION 2. Amendment of Section 2.56.020 of the Code of Ordinances of Vanderburgh County, Indiana.**

Section 2.56.020 of the Code of Ordinances of Vanderburgh County, Indiana, is hereby amended by deleting Subsections 9, 10 and 11 as presently constituted and by substituting the following Subsections in place thereof:

“9. “AGE.” Age or age discrimination shall have the same meaning as defined in IC 22-9-2-1.

10. “DISABILITY.” Physical or mental impairment which substantially limits one or more of a person’s major life activities, or a record of such an impairment and includes a person who is regarded as having such an impairment.

11. “REASONABLE ACCOMMODATION.” May include:

a. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

b. Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

12. “RETALIATION.” The actions of any person is discrimination against any other person with regard to or denying any other person access to or opportunities in employment, because any such other person has opposed any practice made unlawful by this chapter, or because such other person has made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under this chapter.

13. “SEXUAL ORIENTATION.” Male or female homosexuality, heterosexuality and bisexuality, real or perceived, by orientation or practice.

14. “GENDER IDENTITY.” A person’s actual or perceived gender-related attributes, self-image, appearance, expression or behavior, whether or not such characteristics differ from those traditionally associated with the person’s assigned sex at birth.

15. “DISCRIMINATION IN PUBLIC ACCOMMODATIONS.” It shall be unlawful for any person or establishment which caters or offer its services or facilities or goods to the general public to discriminate against anyone

because of race, sex, color, religion, disability, ancestry, national origin, place of birth, age, or sexual orientation.

16. “DISCRIMINATION IN EDUCATION.” It shall be unlawful for any person, establishment or governmental agency regularly engaged in the offering of educational services to discriminate against anyone because of race, sex, color, religion, disability, ancestry, national origin, place of birth, age, sexual orientation or gender identity.

17. “OTHER UNLAWFUL PRACTICES.” It shall be unlawful for any person to:

a. Aid, abet, incite, compel, or coerce the doing of any act declared by this chapter to be unlawful.

b. Knowingly obstruct the fair and lawful enforcement of this chapter by coercing or intimidating any complainant or prospective complainant, or any witness to any act made unlawful herein, or by destroying any records, documents or other evidence relevant to any alleged unlawful discriminatory practice as defined herein, after such person has received actual notice of a discrimination charge or has been served notice of a complaint filed.

c. To discriminate against any other person with regard to, or to deny any other person access to or opportunities in employment, real estate transactions, education or public accommodations because any such other person has opposed any practice made unlawful by this chapter, or because such other person has made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under this chapter.

18. “Discriminatory Practice” shall mean any one or more of the following committed within the jurisdiction of the Commission.

a. The exclusion from or the difference in treatment or, the failure to grant to any person equal opportunities by reason of race, sex, color, religion, disability, ancestry, national origin, age, gender identity, sexual orientation, provided, however:

i. It shall not be discriminatory practice to maintain separate restrooms or dressing rooms for men and women.

ii. It shall not be a discriminatory practice for any employer to hire employees or for an employment Agency to classify or refer for employment any individual on the basis of sex, religion, national origin, disability or ancestry, in those certain

instances where sex, religion, national origin, disability, or ancestry is a bona fide occupational requirement, reasonably necessary for the normal operation of that particular business or enterprise.

b. It shall be unlawful for any person, establishment or governmental agency regularly engaged in the offering of educational services to discriminate against any one because of race, sex, color, religion, disability, ancestry, national origin, age, sexual orientation or gender identity.

c. The exclusion from or the difference in treatment of or the failure to grant to any person equal opportunities in the sale, rental, or financing of housing or other real property in any manner whatsoever, including but not limited to the following acts:

i. 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, or otherwise make unavailable or deny, a dwelling to any person because of race, sex, color, religion, disability, ancestry, national origin, age, sexual orientation or gender identity.

ii. 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 in connection therewith, because of race, sex, color, religion, disability, ancestry, national origin, age, sexual orientation or gender identity.

iii. To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination or to intend to make any such preference, limitation, or discrimination based on race, sex, color, religion, disability, ancestry, national origin, age, sexual orientation or gender identity.

iv. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, sex, color, religion, disability, ancestry, national origin, age, sexual orientation or gender identity.

v. With regard to any person whose business consists in whole or in part in the appraising of property or the making of real estate loans, to deny a loan or other financial assistance to an applicant therefore, or to discriminate against such applicant therefore, or to discriminate against such applicant in the fixing of

amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, or to make a lower appraisal valuation because of the race, sex, color, religion, national origin or handicap of such applicant, or of any person connected with such applicant in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; or because of the presence or absence or the prospective presence or absence within a neighborhood of concentrations of persons of a particular race, sex, color, religion, disability, ancestry, national origin, age, sexual orientation or gender identity.

d. The exclusion from or the difference in treatment of or the failure to grant to any person equal opportunities because that person did one or more of the following:

i. Filed a complaint alleging the violation of this Chapter.

ii. Testified in a hearing before the Commission in the performance of its duties and functions under this Chapter.

iii. Requested assistance from the Commission in connection with any alleged discriminatory practice, whether or not such discriminatory practice would be a violation of this Chapter.

19. “Affirmative Action Agreements” shall be voluntary written agreements entered into by persons and the Commission for the correction of discriminatory practices.

20. “He” and “His” shall refer to both sexes and shall not be construed to limit the eligibility for any position to males.”

**SECTION 3. Amendment of Section 2.56.070 of the Code of Ordinances of Vanderburgh County, Indiana.**

Section 2.56.070 of the Code of Ordinances of Vanderburgh County, Indiana, is hereby amended by adding a new Subsection 21 thereto as follows:

“21. With respect to complaints of discrimination based on sexual orientation or gender identity, the Commission’s authority shall be limited to power to accept such complaints, notify respondents of the complaint(s) and attempt voluntary investigation(s) and voluntary mediation(s).”

**SECTION 4. Amendment of Section 2.56.150 of the Code of Ordinances of Vanderburgh County, Indiana.**

Section 2.56.150 of the Code of Ordinances of Vanderburgh County, Indiana, is hereby amended by deleting said Section as presently constituted and by substituting the following in place thereof:

**“Section 2.56.150 Contracts.**

Every contract to which the City of Evansville, Indiana and Vanderburgh County or any of its political or civil subdivisions is a party shall contain a provision preventing the contractor and his subcontractors from discriminating against any employee or applicant for employment in the performance of such contract with respect to hiring, tenure, terms, conditions, or privileges of employment or any matter directly or indirectly related to employment because of race, sex, color, religion, disability, ancestry, national origin, age, sexual orientation or gender identity, of the employee or applicant.”

**SECTION 5. Amendment of Section 2.56.160 of the Code of Ordinances of Vanderburgh County, Indiana.**

Section 2.56.160 of the Code of Ordinances of Vanderburgh County, Indiana, is hereby amended by deleting said Section as presently constituted and by substituting the following in place thereof:

**“Section 2.56.160 Provisions against preferential treatment.**

Nothing in this Chapter shall be interpreted to require any person to grant preferential treatment to any individual or any group because of the race, sex, color, religion, disability, ancestry, national origin, age, sexual orientation or gender identity, of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, sex, color, religion, disability, ancestry, national origin, age, sexual orientation or gender identity, employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in any apprenticeship or other training program, in comparison with the total number or percentage of persons of that race, sex, color, religion, disability, ancestry, national origin, age, sexual orientation or gender identity, in the City of Evansville and Vanderburgh County, or in any contiguous area, or in the available work force.”

**SECTION 6. EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of Vanderburgh County, and publication once each week for two (2) consecutive weeks as provided in I.C. 5-3-1.

**First passed by the Board of Commissioners of Vanderburgh County this 6th day of December, 2011.**

**Final passage by the Board of Commissioners of Vanderburgh County this 20th day of December, 2011.**

BOARD OF COMMISSIONERS OF  
VANDERBURGH COUNTY, INDIANA

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Lloyd Winnecke, President

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Marsha Abell, Vice President

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Stephen R. Melcher, Member

ATTEST:

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Joe Gries  
Vanderburgh County Auditor

APPROVED AS TO LEGAL FORM:

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Ted C. Ziemer, Jr.  
Ziemer, Stayman, Weitzel & Shoulders, LLP  
County Attorney