

**ORDINANCE #2019-4**

**AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON REGARDING THE CIVIL RIGHTS COMMISSION AND AMENDING THE “CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974”.**

**BE IT ORDAINED** by the Mayor and Council of Princeton as follows:

Section 1. Section 2-90B., entitled “Civil Rights Commission,” of Chapter 2 of the “Code of the Borough of Princeton, New Jersey, 1974,” is hereby amended as follows (additions are underlined; deletions are [bracketed]):

**Sec. 2-90B. Civil Rights Commission.**

- (a) Established. There is hereby established a Civil Rights Commission.
- (b) Membership; terms of office; ex-officio members. The Commission shall consist of nine members appointed by the Mayor with the advice and consent of the Council, all of whom shall be residents of Princeton. Every effort will be made to appoint a diverse group of residents to ensure to the greatest extent practicable that all segments of Princeton’s population are represented. In addition, members shall have prior experience in advancing the objectives of the Civil Rights Commission as expressed in this chapter, including but not limited to experience with assisting resolve complaints by persons claiming to be aggrieved by discrimination. On the initial formation of the Commission, three members shall be appointed for a one-year term, three members shall be appointed for a two-year term, and three members shall be appointed for a three-year term. All appointments or reappointments thereafter shall be for a three-year term. The Mayor, with the advice and consent of Council, shall appoint annually one of its members to serve as liaison to the Commission, but said liaison shall not be considered a member of the Commission and shall not vote on Commission matters.
- (c) Organization; meetings; quorum; votes.
  - (1) The Commission shall hold an initial organization meeting within thirty days of the date on which the Commission members are first appointed, and shall meet thereafter for the purpose of organization in January of each year. The Commission shall elect its own officers, which shall include a chair, vice-chair, and secretary. At its first meeting each

year, it shall also appoint its members to serve on Subcommittees authorized herein.

(2) The Commission shall be deemed a public body and shall meet at least once per month. A special meeting may be called by the chair, vice-chair or three members of the Commission. Minutes shall be kept by the secretary and filed with the municipal clerk.

(3) A quorum shall consist of a majority of the authorized members of the Commission.

(d) Objectives; duties and responsibilities.

(1) The objectives of the Commission shall be to:

a. Work cooperatively among people and groups to aid in the elimination discrimination between people based on ascribed characteristics including but not limited to: race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, genetic information, pregnancy, sex, gender identity or expression, disability or atypical hereditary cellular or blood trait of any individual, or because of the liability for service in the Armed Forces of the United States or the nationality of any individual.

b. Develop community education programs that foster open and effective dialogues about race relations

c. Recommend ways and means of initiating and improving municipal programs for coordination of community efforts to address problems involving tensions in the community

d. Make recommendations to Princeton Mayor and Council for the development of policies, procedures and programs that will aid in the prevention and elimination of all types of discrimination in Princeton

e. The Commission shall refer all Princeton officers and employees to the Affirmative Action Officer to initially counsel and investigate all complaints of discrimination involving such officers and/or employees in accordance with Princeton's policies and procedures.

(2) To achieve these objectives, the Commission shall:

a. Develop mutual understanding and respect among all racial, religious, cultural and ethnic groups in Princeton and work to prevent discriminatory practices against such groups.

b. Aid in seeing that no person is deprived of equal services in this Municipality by reason of discrimination on account of race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, genetic information, pregnancy, sex, gender identity or expression, disability or atypical hereditary cellular or blood trait of any individual, or because of the liability for service in the Armed Forces of the United States or the nationality of any individual.

c. Take an active role in promoting and protecting civil rights by either initiating community dialogues and/or collaborating with other organizations to co-sponsor relevant programs and events.

d. Formulate, develop and disseminate programs of community information, education materials and reports which will assist in the elimination of prejudice, intolerance, intergroup tension and discrimination or which promote goodwill and result in better human relations.

e. Assist community groups and various fraternal, services and benevolent organizations in the promotion of education campaigns devoted to the elimination of groups prejudices, racial or neighborhood tensions, intolerance and discrimination.

f. Offer to the public voluntary, non-binding conflict resolution (“VNCR”). The goal of VNCR shall be to enable the Commission to assist in the expeditious, informal resolution of complaints by any person claiming to be aggrieved by discrimination. VNCR shall be conducted as set forth below:

(1) Any commissioner who wishes to participate in VNCR sessions may do so following training by the New Jersey State Division of Civil Rights. At least two trained Commissioners shall participate in every VNCR session. The Commission chair may select groups of two or three Commissioners each who shall participate together in VNCR sessions.

(2) A VNCR session is designed to be a facilitated dialog at which participants are able to reach a mutually agreed-upon remedy or resolution to the matter. The remedy or resolution may include, but shall not be limited to, an acknowledgment and apology and/or a commitment to change procedures to prevent future incidents.

(3) To the extent permitted by law, VNCR sessions shall be undertaken in a confidential and private manner.

(4) The Commission may suspend or terminate a VNCR session or process for any given matter if the session/process cannot be concluded as intended under the provisions of this subparagraph (2)f., in which case the commission shall provide the parties with alternative options.

(5) If the parties are unable to expeditiously resolve a matter that was subject to VNCR, then the parties may agree to have the matter referred to outside mediation. In such a case the Commission will offer the parties with a list of volunteer certified mediators who will be available at no cost to the parties.

(6) Notwithstanding the provisions of this subparagraph (2)f., at all times the person claiming discrimination retains the right to pursue a formal claim with the State Division of Civil Rights or any court of competent jurisdiction. Any pending VNCR involving that person shall automatically terminate if the person pursues either complaint procedures.

(7) VNCR sessions shall also be conducted in accordance with any other guidelines, policies and procedures established by the Mayor and Council.

[When requested or in appropriate cases, the referral of persons claiming to be aggrieved by discrimination to have their claims mediated by persons qualified to mediate claims in accordance with applicable law and practice. The municipality shall endeavor to maintain a list of qualified mediators not affiliated with the municipality or Civil Rights Commission, who may provide such mediation services at no cost to participants.

g. Appoint a Subcommittee of the Commission for purposes of receiving, hearing and attempting to informally resolve complaints by any person claiming to be aggrieved by discrimination, in accordance with the guidelines, policies and procedures set forth by Council. This Subcommittee shall consist of at least three but no more than four members appointed by the Commission.]

- (e) Authority. The Commission shall have no special authority.
- (f) Reports. The Commission shall prepare and present an annual report of the Commission's activities to the Mayor and Council between January 1 and

March 1 of each year. The Commission may submit additional reports and recommendations to the Mayor and Council concerning problems relating to discrimination, racial tension, and other human relations concerns as the need arises in the judgment of the Commission or at the specific request of the Mayor and Council. Copies of all such reports and recommendations shall be filed with the Department of Human Services and with the Princeton Clerk.

Section 2. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 4. This ordinance shall take effect upon its final adoption and publication as provided for by law. The provisions hereof shall be applicable within Princeton upon taking effect and shall become a part of the new Princeton Code once completed and adopted.

The purpose of the ordinance is to clarify the Civil Rights Commission's role in conducting voluntary, non-binding conflict resolution with members of the public. The goal of the Commission's voluntary, non-binding conflict resolution sessions shall be to assist the public in mutually resolving their claims of discrimination in a safe space designed to facilitate productive dialog with qualified members of the Civil Right Commission.