



Request for City Council Committee Action from the Department of Civil Rights

Date: June 28, 2011

To: Council Member Don Samuels, CHAIR
Public Safety, Civil Rights and Health

Referral to: Public Hearing, Full Council

Subject: APPROVE AMMENDMENT TO TITLE 7, CHAPTERS 139 and 141 OF THE CITY OF MINNEAPOLIS CODE OF ORDINANCES TO INCLUDE "GENDER IDENTITY" AS A PROTECTED CLASS.

Recommendation: The Minneapolis Department of Civil Rights respectfully requests the City Council to amend Title 7, Chapters 139 and 141 of the Minneapolis Code of Ordinances relating to Civil Rights. In particular, the Department seeks to make "gender identity" a separate protected class by distinguishing it from the present "sexual orientation" protection. This amendment may be accomplished by removing one phrase from within the present definition of "sexual orientation," revising the detached language, and incorporating the revision in a separate definition for "gender identity."

The Department also requests the City Council to rectify an administrative oversight made with regard to Chapter 141 that resulted in one unintended instance of "affectional preference" (as opposed to "sexual orientation"). Specifically, Department respectfully proposes amending the "affectional preference" reference to "sexual orientation" in addition to incorporating protection under "gender identity" in Chapter 141.

Finally, the Department of Civil Rights requests that the Council hold a public hearing on July 27, 2011, for the purpose of obtaining public comments on the proposed reclassification of protections afforded under "sexual orientation."

Department Information

Prepared by: Michael K. Browne, Assistant Director of Civil Rights

Approved by: Velma J. Korb, Director of Civil Rights

Presenter in Committee: Michael K. Browne, Assistant Director of Civil Rights

A handwritten signature in black ink, appearing to read "V. Korb", written over a grey rectangular background.

Financial Impact

- NONE

Supporting Information

Historically, Minneapolis has been a pioneer in advancing civil rights protections with regard to gender and sexuality. In fact, Minneapolis was the first city in the United States to make discrimination based on gender identity illegal. The proposed modification would continue this impressive tradition and help eradicate a perception expressed by individuals whose rights are protected under "gender identity," that they are misunderstood, invisible, or somehow a subset of individuals whose rights are protected under "sexual orientation."

The purpose of the proposed amendment to "sexual orientation" is to shift the current single, two-part definition into two individual one-part definitions; thereby, clarifying Minneapolis Civil Rights Ordinance protection of "gender identity." This amendment would create a separate protected class, but would not expand the pool of individuals protected or widen the scope of MCRO authority.

Under the June 16, 2006, Ordinance Amendments, it was the intent of the City Council to remove all references to "affectional preference" within the MCRO and replace them with "sexual orientation." As explained above, however, by an administrative oversight, one reference to "affectional preference" in Chapter 141 remains and should be changed to conform to the prior amendments.