



# **An Imperative Need for Integrating Equity Analysis in Public Decision-Making: An Introduction to Civil Rights the City of Portland's Equity Framework**

**Office of Equity and Human Rights | City of Portland  
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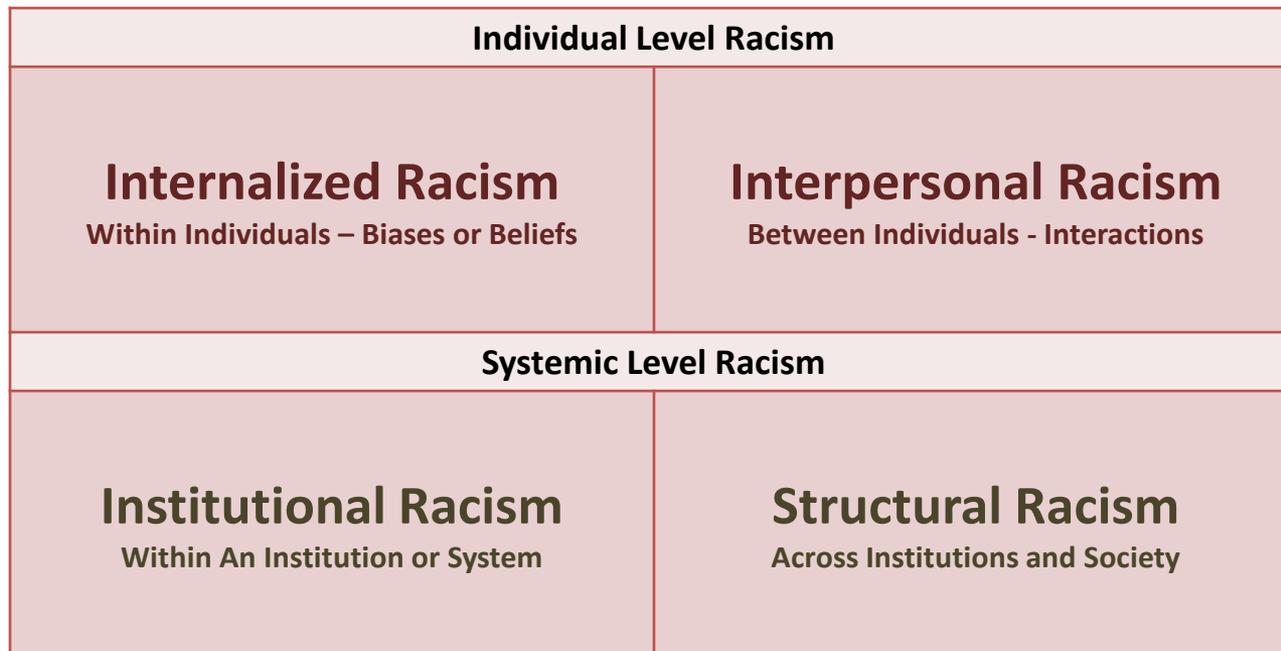
# Discussion Overview

- Provide foundation for an equity framework in the public sector
- Provide an introduction to Civil Rights Title VI law, related regulations, and core responsibilities
- Learn about City of Portland's Equity Commitments and Approach
- Consider the intersection and application with urban planning
- Consider the integration of equity analyses at critical stages of the policy making process as a means to proactively “comply” with Title VI, other legal obligations, and the related policy obligations.

# Current Context

- Shifting Demographics
- Growing and Changing Urban Area
- Regional Goals and Desire of Livability and Prosperity
- Some measurable increase in prosperity and livability – not shared by all
- Prevalent levels disparities:
  - Income
  - Leadership Opportunities
  - Employment
  - Criminal Justice
  - Housing

# Understanding Racism



*\*Sourced from RaceForward, Moving the Race Conversation Forward*

# Oregon's Construction of Racism

- 1800's
  - Oregon Exclusion Laws
    - 1844 – Required African Americans to be lashed if residing in Oregon
    - 1849 – Outlawed African Americans from residing in Oregon
    - 1882 – Outlawed Chinese Americans from residing in Oregon
  - Oregon Land Donation Act of 1850
    - Land in Oregon granted to “whites and half-breed Indians”
    - Granted land was Native People's tribal and ancestral land
    - Explicitly excluded African Americans and Hawaiians

# Oregon's Construction of Racism

- 1800's
  - Oregon Admitted As State in 1859
    - Constitutional provision excluding African Americans from residency
    - Constitutional provision prohibiting Chinese from owning real estate
  - Oregon establishes residency tax for Communities of Color
  - Oregon rejects 14<sup>th</sup> amendment and 15<sup>th</sup> amendment
  - Oregon bans interracial marriage
  - Oregon allows cities to reject business licenses for Communities of Color

# Oregon's Construction of Racism

- 1900's
  - Largest Ku Klux Klan membership per capita in the US
  - Segregation of Mexican students of Indian descent, does not apply to “fair skinned descendants of Spaniards”
  - Japanese incarceration camps
  - Continued support for exclusion laws

# Oregon's Construction of Racism

- **Example:** Construction of Racism in Housing
  - Racial covenants on the sale of homes
  - Racial restrictions on neighborhoods
  - Racial restrictions on lending and mortgages
  - Red-lining of neighborhoods with Communities of Color
  - Segregated public housing
  - Property taken through urban renewal, eminent domain, and condemnation

# Government Role

From the inception of our country, government at all levels have played a role in creating and maintaining racial inequity. Governmental laws, policies, and practices created a racial hierarchy and determined—based on race— who benefits and who is burdened.

Communities of color and low-income populations have been:

- under-served by programs and investments
- Underrepresented or systematically excluded in decision-making

# Equity and Justice

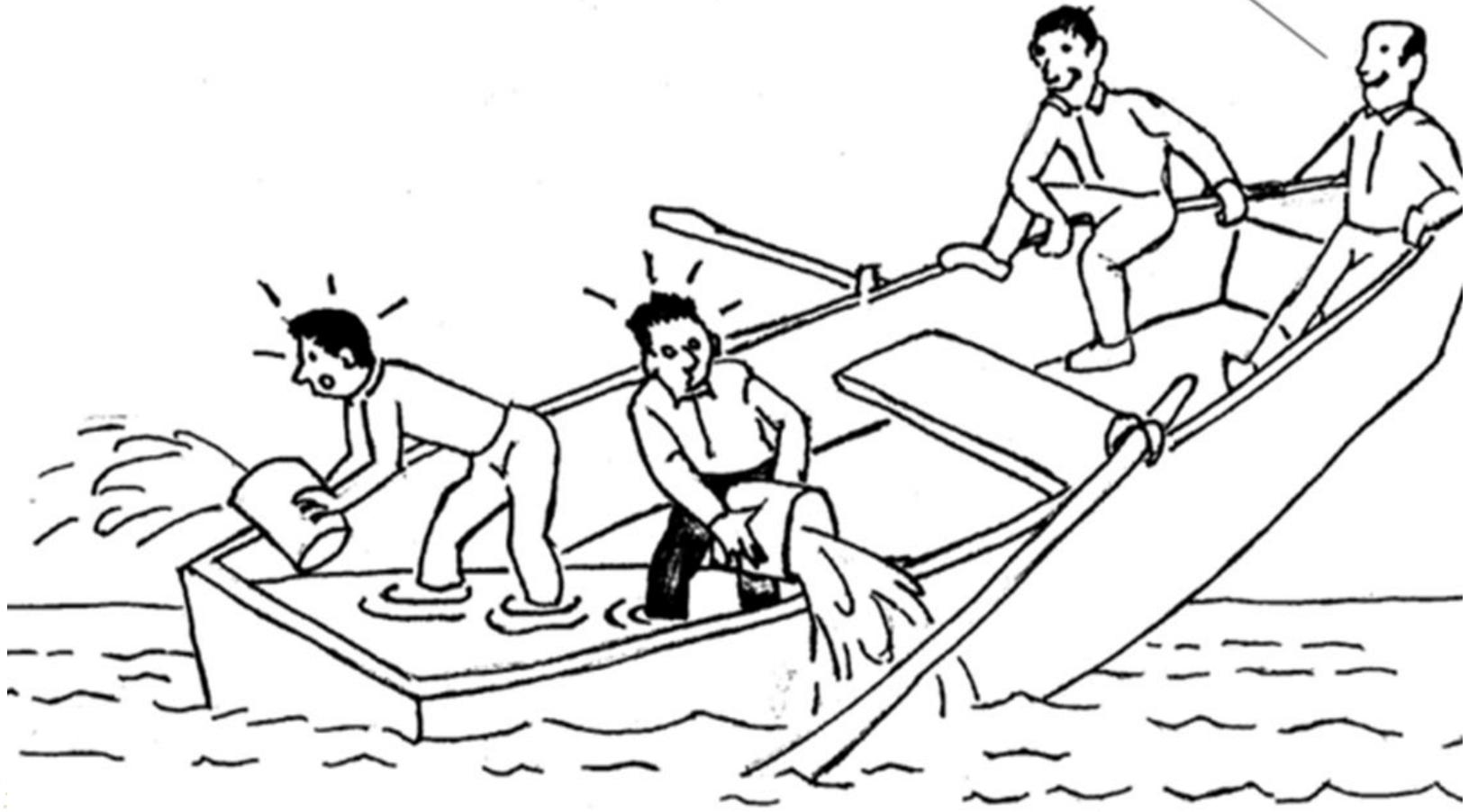
- Racial equity is when race no longer is a determinant of life outcomes.
- Equity is a just and fair inclusion into a society in which all can participate, prosper, and reach their full potential.\*
- Racial equity is both our process and the outcome we seek to achieve. It is an inclusive approach to transform structures towards access, justice, self-determination, redistribution, and sharing of power and resources. In addressing racial inequity directly, we improve outcomes for everyone, including White people.
- Racial Justice is the proactive reinforcement of policies, practices, attitudes and actions that produce equitable power, access opportunities, treatment, impacts and outcomes for all.

# Government Responsibility to Equity

- **Moral/Principled:** From infant mortality to life expectancy, race predicts how well you will do...it shouldn't
- **Good government:** Diversifying community, service strain to address disparities, eroding tax base, etc...
- **Legal:** Civil Rights, City legislation, Portland Plan, etc...



Sure glad the hole isn't at our end.





“Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination.”

—President John F. Kennedy



# Result:

- Civil Rights Act assisted with eliminating overt racial discrimination
- Government institutions have strong practices that are difficult to change
- Did not necessarily redesign government to advance racial equity
- Kept the same structures, practices, operations

# **Title VI of the Civil Rights Act of 1964**

*No person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance.*

# Discrimination

That **act** (action or inaction), whether intentional or unintentional, through which a person in the United States solely because of their race, color, national origin, sex, age, disability, etc., is subjected to **disparate/unequal treatment or impact**, in any program or activity receiving Federal Financial assistance. (23 CFR 200.5(f))

- **Disparate Treatment:** persons are intentionally treated differently because of their race, color, or national origin
- **Disparate Impact:** policy or practice may be considered discriminatory if it has a disproportionate “adverse impact” on persons in a protected class

# Civil Rights Title VI Evolution

- Implementation Changes in Relationship to changes and evolution in Institutional Discrimination
- Proactive vs. Reactive – Impact Focus and Good System Design
- Institutional and Operational Response

# The City of Portland's Equitable Approach to Civil Rights Title VI:

**To comply with Title VI, the City shall take steps to assure, that for all, we:**

- Provide inclusive, accessible, meaningful participation and engagement (Cannot exclude from participation in);
- Foster, provide, and promote equitable benefits of government (Cannot deny benefits of);
- Ensure equitable impacts, treatment, and nondiscrimination in City decision-making and its public programs, services, activities (Cannot subject to or result in discrimination – disparate, adverse impacts or disparate treatment).

# Additional Executive Orders that Expand Title VI

- EO 12898 – Environmental Justice
  - must identify and address, as appropriate, disproportionately high and adverse human health or environmental effects
- EO 13166 – Language Access
  - must take reasonable steps to ensure that persons of Limited English Proficiency (LEP) have meaningful access to their programs, services and activities

# Title II of the Americans with Disabilities Act of 1990

No Qualified Individual with a Disability can be:

- excluded from participation in
- denied benefits of
- Subjected to discrimination in services, programs or activities of Public Entity.

Furthermore, Title II entities must provide **reasonable modifications, effective communication, programmatic and architectural access**

# City of Portland Policies and Initiatives

- Title 23 of City Code: Civil Rights
- Chapter 3.128 of the City Charter: established the Office of Equity and Human Rights
- The Portland Plan: Equity Framework
- The Comprehensive Plan: Chapters 2 & 3
- Civil Rights Title VI and ADA Title II Administrative Policies
- Citywide Racial Equity Goals and Strategies
- City's Equity Budget Tool and Racial Equity Plans
- City Code of Conduct
- Public Involvement Principles

# What does this mean?

The City must meet/make assurances in regards to our public programs, services, and activities

- What we provide the public
- How we serve the public
- How we govern, make decisions, and manage/operate
- Process and result

# How do we “comply” with intent, approach, and assurances?

- Recognize this is an ongoing continuous quality improvement process and organizational change
- Implement a system of procedures, actions and sanctions designed to identify, prohibit, mitigate, and eliminate discrimination
- Integrate and embed decision making and operational processes that ensure non-discrimination, promote equity, and create accountability for Title VI compliance – design system and strategies that result in equity
- Document & Track these processes & efforts
- Provide Transparency
- Self-Monitor, Evaluate, and be accountable to effectiveness

# Compliance Guidelines

- Provide Policy Assurances – internal/external
- Develop and Implement Methods of Administration & Plan
- Designate Responsible Parties
- Outline Roles and Responsibilities
- Develop System of Procedures and Mechanisms to Assure Nondiscrimination (process & product)
- Implement
- Assess & Evaluate
- Report and Track
- Complaint Procedures

# Methods of Administration: developing our own approach

- Set Policy Goals & Obligations
- Set a Plan
- Develop organizational structure to support work
- Train workforce
- Disseminate Title VI program information to the City workforce & to the public – notify of rights
- Collect, analyze, and utilize data & information on race, ethnicity, age, sex, disability, limited English proficiency, and income of population in service area – specifically in evaluation and decision making

# Methods of Administration: developing our own approach

- Identify, Analyze, Evaluate and Improve upon the impacts (benefits and burdens) of policy, plans, projects, programs, services, & activities (existing or potential)
- Develop Mechanisms and Make Considerations that:
  - Identify discrimination and opportunities for equity
  - eliminate, prevent and/or mitigate discrimination
  - promote and/or prioritize equity (equitable impacts & benefits – targeted universalism)
  - provide access and opportunity
  - Meaningfully Engage underserved and underrepresented communities

# Methods of Administration: developing our own approach

- Track & document efforts
- Conduct & Respond to periodic Title VI reviews or assessments
- Establish & Manage a Complaint Process
- Correct deficiencies identified through a review or complaint
- Report on actions & progress
- Overview: Develop & implement policies, practices, & procedures that lend to equitable processes & outcomes (prioritize equity & reduce/eliminate or mitigate disparities)

# Best Practices/Nondiscrimination

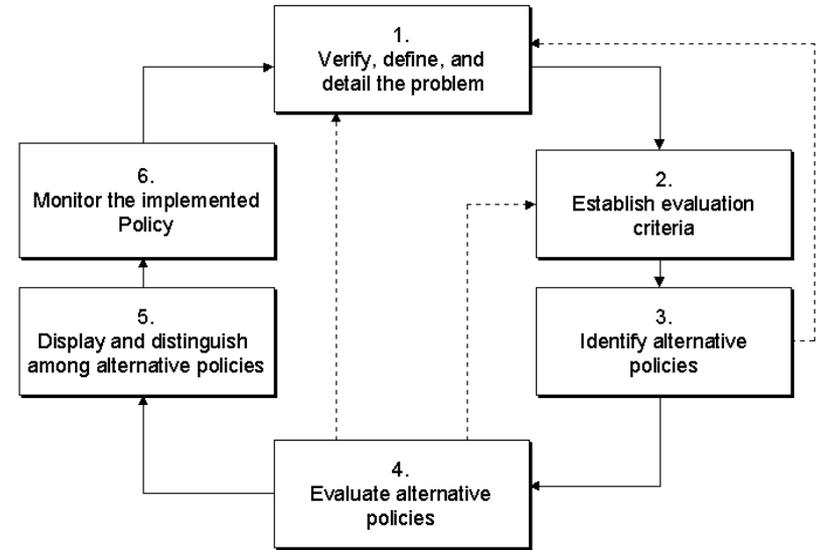
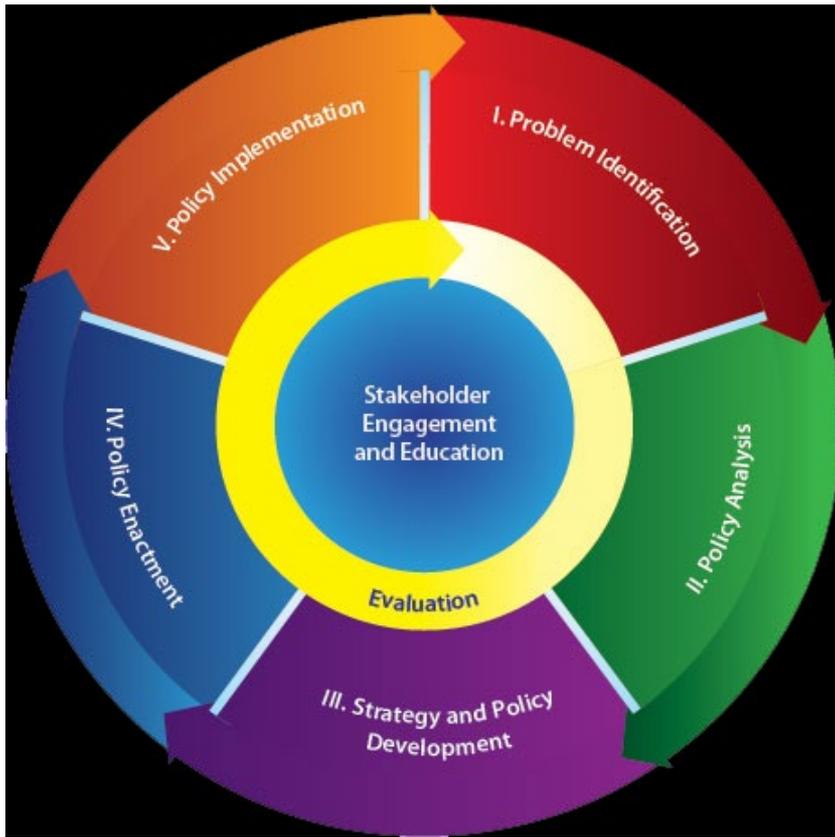
- Buckets/Categories (not mutually exclusive):
  - Public Involvement, Public Participation, Community Engagement, Collective Impact
  - Research, Information, Data – Identify and understand priorities, needs, disparities and impacts, barriers and opportunities, populations – current, historic, future
  - Policy Development, Research, Analysis, Evaluation
  - Decision Making Process & Criteria
  - Implementation and Service Delivery
  - Evaluation, Transparency, and Accountability
  - Community Driven or Community Centered Approach

# Best Practices/Nondiscrimination

- Systematic, Interdependent, Institutionalized – upstream & downstream
- Adapted for & applied to every level of administration/organization: Understand all actions associated with reaching objective (and objective itself)
  - Vision, Goals, Purpose, Desired Result, & Functions (Service Portfolio)
  - Policy
  - Planning
  - Resource Allocation
  - Projects
  - Standard Operating Procedures or Operations
  - Services and Programming
  - Service Delivery and Activities
  - Communications and Involvement

# Equity Analysis

- Integrating Equity into each stage of a process, potentially modifying the process as you go
- Not an isolated step
- Iterative, dependent, can be rigorous
- Accountable to results
- Multitiered and often results in complex solutions
- Components: Information and Evidence; Engagement; Accountability



# Policy Process

# Case Study: Seattle Public Utilities

- 2008: Fatal shootings of 5 black men in Southeast Seattle
- During mayoral tour, streetlighting problem identified?
- Complaint driven system
- Strategies to make complaint driven system more equitable
- Equity analysis led to a new strategy for providing and maintaining the utility
- Further analysis changed implementation and project sequencing

# Key to Equity Analysis

- Populations, Communities, Experience
- Community Centered or Driven Conceptualization, Constructs, Operationalization, Agenda Setting/Issue Identification
- **Desired Equitable Results (needs and priorities)**
- Past and Current Inequities/Disparities – Root Cause
- Future Trends
- Impacts – benefits and burdens
- Barriers, Opportunities, Access
- Multiple strategies and actions (mitigate disparities, create equity and opportunity in different ways, complementary strategies, sequencing and dependencies)



**Thank you. Questions?**

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