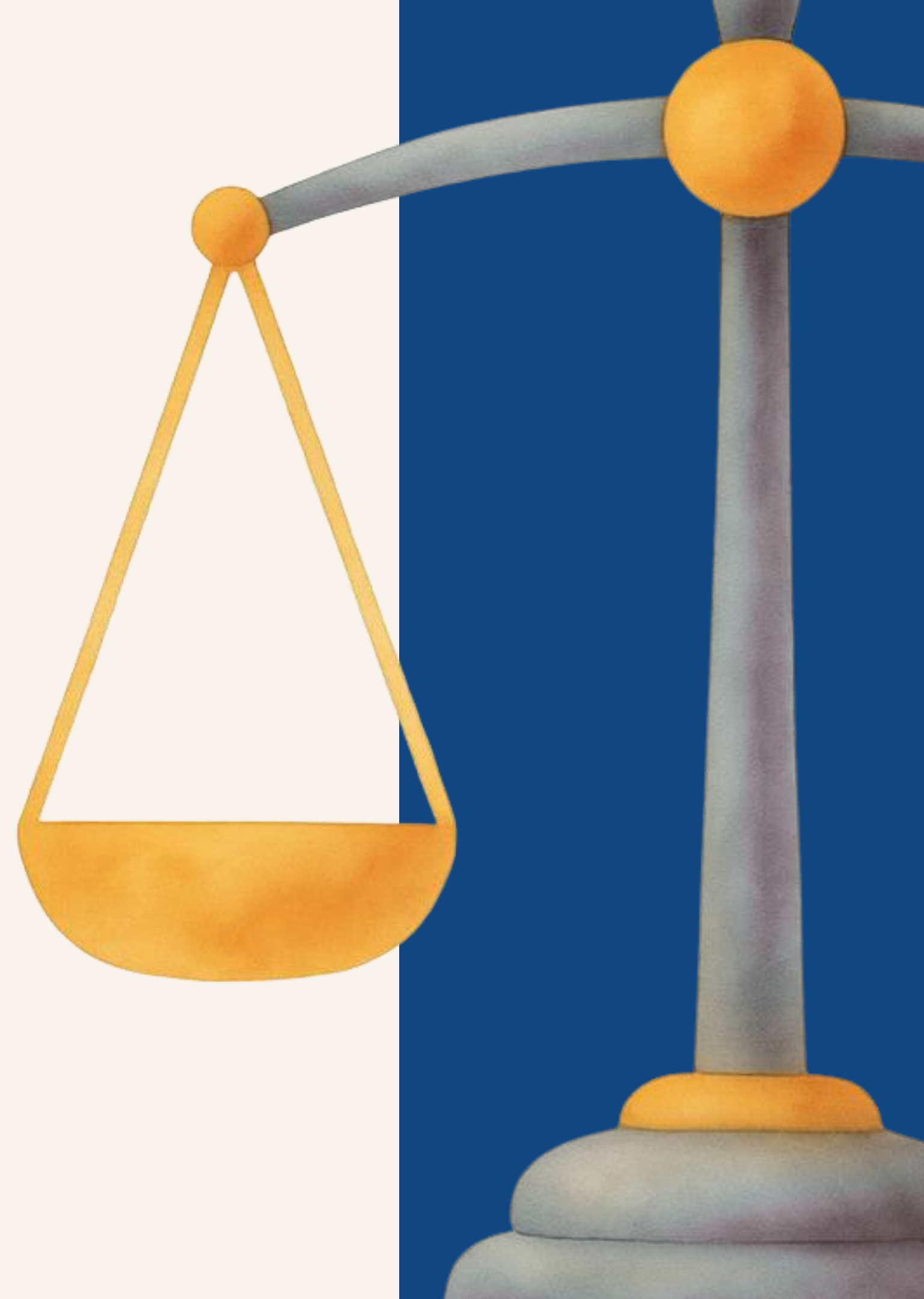


SO, YOU WANT TO ADD NEW PROTECTED CLASSES?

International Association of Human
Rights Agencies Annual Conference
City of Minneapolis
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Today's Presenters



Kaela McConnon Diarra

Director
Minneapolis Department of Civil Rights



Manire T. Vaughn, Esq.

Complaint Investigations Director
Minneapolis Department of Civil Rights



Roadmap

I. Minneapolis Department of Civil Rights

II. How did we get here?

III. New Protected Classes

IV. Case Illustrations

V. Lessons Learned / Key Takeaways

VI. Questions



MINNEAPOLIS DEPARTMENT OF CIVIL RIGHTS – WHO ARE WE?



MISSION

The Minneapolis Civil Rights Department protects and advances human rights through enforcing civil rights protections with accountability and impartial investigations to empower community.

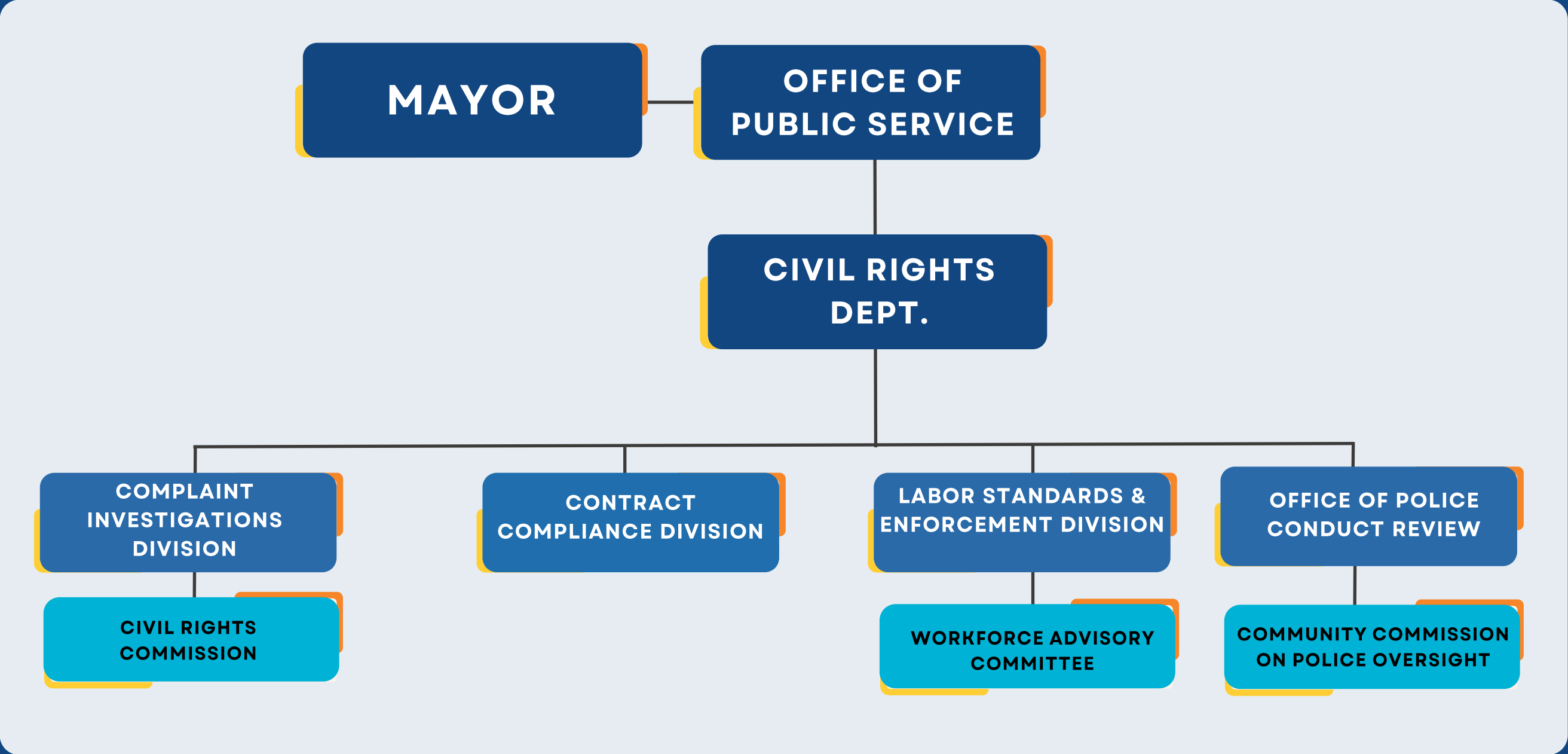
VISION

As the people's investigator, we strive to eliminate civil rights violations in the City of Minneapolis by rooting ourselves in service, justice and community and working to remove systemic and institutional barriers that cause harm.

VALUES

Integrity, Equity, Accountability, Justice, Trust.

CITY OF MINNEAPOLIS STRUCTURE



Department of Civil Rights At-A-Glance



➤ Enforcement

- 1000+ complaints and inquiries received annually.
- \$900,000+ recovered through settlements, back wages, or damages.

➤ Restoring Justice

- Back pay for workers paid less than minimum wage.
- Compensation for tenants evicted in retaliation for reporting discrimination.
- Discipline for police officers who engaged in misconduct.

➤ Preventing Future Harm

- Policy changes and training for employers, workers, landlords and business owners.
- Policing policy improvements.
- Fair contracting practices.



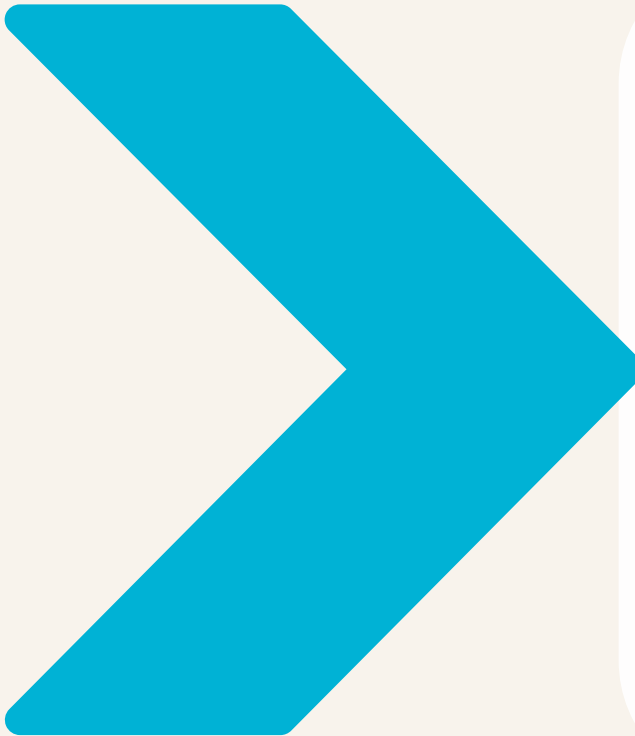
Discrimination Cases

- Complaint Investigations Division receives and investigates alleged discrimination occurring **within the City and within the last year**
- Neutral body, free public city service, no attorney required
- Person filing the complaint has the burden to prove discrimination, the named Respondent has a right to respond
- Department facilitates mediation
- Department may dismiss or make a decision on the merits



Protected Classes Under the MCRO

- 
- Age
 - Ancestry
 - Color
 - Creed
 - Disability
 - Emancipated minor status
 - Familial status
 - Gender identity
 - *Height / Weight*
 - *Housing Status*
 - *Justice Impacted*

- 
- Marital status
 - National origin
 - Race
 - Religion
 - Retaliation
 - Sex
 - Sexual orientation
 - Status with regard to public assistance
 - Any combination of protected classes



Discrimination Areas Under the MCRO

Employment

Housing

Public
Services

Public
Accommodation

Educational
Institutions

Other*

* Business; Real Estate; Labor Organization; Employment Agency; Professional Organization, Employment Advertising; Lending



Early Brainstorming and Research

- Think creatively and be curious about other jurisdictions' protections and processes
- Create a running list of ordinance change ideas addressing both current challenges and expanded protections
 - *New protected classes*
 - *Bolstered current protections*
 - *Procedural updates*
- Research the issues and connect with other jurisdictions with different protections and processes
- Create formal proposals to share with policy makers



Finding Partners and Stakeholders

- Other municipalities- learn from their experience, the good and the bad
- Identify and build relationships with community partners engaged in relevant work
- Build interest and momentum (and consensus when possible) amongst city leadership and policy makers— specifically City Council



Working with the Minneapolis Commission on Civil Rights

The Commission currently has 18 members but can have a maximum of 21 members (including 6 attorneys)

- **Demographics**: Members represent various wards throughout the city and come from a variety of backgrounds
- **Average length of service**: Ranges from 2-20 years
- Brought Commission into conversation on ordinance updates early
- Invited input and ideas—created by-in and partial ownership in the process
- Commission is who recommended one of the three new protected classes—height/weight



Legislative Structure and Process

➤ City Council

- Introduce Notice of Intent
- Refer to Staff
- Drafting
- Public Hearing
- Committee Vote to forward to full Council
- Full Council Vote

➤ Mayor

- Signature after full Council vote

➤ Effective Date

- Generally, some months after passage



Crossing the Finish Line

On May 1, 2025, the Minneapolis City Council unanimously voted to expand the Minneapolis Civil Rights Ordinance to include Justice Impacted Status, Housing Status, Height, and Weight as protected classes in Minneapolis.

- Mayor signed shortly thereafter
- Rare instance of agreement across all policy makers
- Broad community support





New Protected Classes



Housing Status

Definition:

State of having, or not having, a fixed, regular, and adequate nighttime residence.

Applicable areas:

Employment, education, housing and public accommodations.

Exemptions: Does not prohibit any distinction, differential treatment, inquiry, or determination on the basis of housing status when required or authorized by federal or state law, or when it is because of a legitimate business justification not otherwise prohibited by law.



Justice-Impacted Status

Definition:

State of having a criminal record or history, including any arrest, charge, conviction, period of incarceration, or past or current probationary status.

Applicable areas:

Employment, education, professional organizations, housing and public accommodations .



Justice-Impacted Status Cont.

Exemptions in Employment:

If Employers are considering making adverse decisions about justice-impacted individuals, there must be a connection between underlying conduct or criminal history and ability, capacity, and fitness for position, and should consider the following:

- 1.The length of time since the alleged offense or conviction;
- 2.The nature and gravity of the crime(s);
- 3.The age of the employee at the time the crime(s) was committed; and
- 4.Any evidence of rehabilitation efforts offered in support of the employee.
- 5.Whether the individual was convicted
- 6.Any unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

*An Employer cannot discriminate based on arrest record if did not result in a conviction, except for pending criminal matters.

*State and federal licensing requirements still apply .



Justice-Impacted Status Cont.

Exemptions in Education:

Educational Institutions are permitted to reasonably consider the same factors as employment, as well as the effect someone's justice-impacted status might have on their ability to become licensed to practice certain professions under local, state or federal law.



Height / Weight

Definition:

Numerical measurement of total body height and total body weight. Height encompasses, but is not limited to, an impression of a person as tall or short regardless of numerical measurement. Weight encompasses, but is not limited to, an impression of a person's weight (fat, thin, etc.) regardless of numerical measurement.

Areas:

Education, employment, professional organizations, business, housing, public accommodations, and public service.

Exemptions in Employment: When height or weight prevents person from performing essential functions of the job, and no reasonable accommodation is available without undue hardship, or posing a direct threat to the health and/or safety of the individual or others.



Height / Weight (cont.)

Exemptions on Public Accommodation, Housing, and Education: The decision based on height or weight criteria is reasonably necessary for the execution of normal operations, and no alternative action to reasonably take without undue burden or fundamentally altering the essential nature of programs or services or posing a direct threat to the health and/or safety of the individual or others.





Examples

- An employee's supervisor becomes aware that the employee is currently living out of their car and terminates them soon after, citing concerns about their "reliability" even though the employee has no attendance issues.
- A landlord declines to provide a rental application to a prospective renter, stating they don't rent to "homeless" people.



Examples

- An employer revokes employment offers for anyone whose background check comes back with a conviction record, without reasonably considering the relationship between the conviction(s) and the position they are filling.
- A hotel refuses to allow someone to rent a room because of their publicly available criminal history information.
- A private college has a “no felony” policy for admission.



Examples

- A prospective employee is told during an interview that they do not look like the models pictured throughout the establishment who are smaller in size, and is later rejected for the position.
- A landlord declines to rent to an individual stating they don't think a person "that big" can manage the 3 flights stairs it would take to get to the unit.

Additional Ordinance Amendments

Bolstered Protections

- Accommodation for religious observance
- Expanded jurisdiction to investigate pay inequity
- Definition of race that includes skin color, certain physical features and hair texture and style
- Protections mirroring the Pregnant Workers Fairness Act
- Language explicitly allowing for the investigation of intersectional discrimination
- Familial status to include those residing with and caring for adults who are unable to care for themselves

Procedural Updates

- Simplify the procedure to obtain subpoenas
- Codify the current standard of review for appeals
- Require that Civil Rights Commission review panels review appeals and issue orders within 90 days
- Allow for Civil Rights Commission review panels to include only one attorney member instead of two
- Extend the deadline to file a lawsuit after receiving a decision from the Department from 45 to 90 days



Implementation: Community Outreach

- Presentations to community stakeholders
- Updated Webpages
- Community Radio Interviews
- Internal presentations across the enterprise
- Updated Outreach Materials



Implementation: Legal Analysis

McDonald Douglass Burden Shifting Framework



Burden Shifts

Respondent to provide a legitimate nondiscriminatory reason
(includes exceptions, factors, etc.)

Burden Shifts

Complainant to provide evidence to support pretextual defense



Lessons Learned

- Regularly track possible positive changes to be made to your enabling ordinance/law
- Play an active role in the legislative process whenever possible
- Consider implementation early
- Prepare for defenses
- Spread awareness to potential respondents (businesses, employers, etc.)



Questions?

