

The intent of this page is to answer some of the most frequently asked questions regarding a local non-discrimination ordinance. A proposed ordinance is under discussion by the Mission City Council, and this page will be updated periodically with more specific information as it moves through the Council Committee process.

1. What is the intent of a Non-Discrimination Ordinance?

Through the Kansas Act Against Discrimination (K.S.A. 44-1001, *et seq.*), the State of Kansas protects certain groups of citizens against discrimination in employment, housing and public accommodations. Those statutory protections are afforded on the basis of race, color, religion, national origin, sex, disability, marital status, familial status and veteran status.

The intent of a local non-discrimination ordinance would seek to provide the state and federal protections already afforded to certain individuals to two additional categories - sexual orientation and gender identity. The goal would be to communicate that all people living, working and transacting business in Mission are worthy of respect and fair treatment. The ordinance would also create a local enforcement process for complaints of discrimination.

2. Who does the Non-Discrimination Ordinance protect?

The ordinance would provide an individual with protection from certain discriminatory acts on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, disability, marital status, familial status and veteran status. Sexual orientation means one's perceived or actual emotional, romantic, or sexual attraction to other people. It can be described as heterosexual, homosexual, bisexual or asexual. Gender identity means the actual or perceived gender-related identity, expression, appearance, or mannerisms, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.

3. Who must comply with the Ordinance?

The ordinance would provide uniform legal protection to individuals in all of the classes listed above, making it unlawful to discriminate in employment, housing, and public accommodations.

As currently proposed, any person within the City limits who has four or more employees, who sells real estate or rents housing with more than four units, or who offers goods, services, facilities or accommodations to the public must comply with the ordinance. This would include the City of Mission. The ordinance would not apply to a

religious organization, private fraternal and benevolent association or society, or a nonprofit private club.

4. What are some examples of public accommodations?

A public accommodation is any person who caters or offers goods, services, facilities or accommodations to the public. For example, any restaurant, bar, salon, grocery store, gas station, photography service, rental venue, retail store, medical or business office open to the public would be considered a public accommodation.

The non-discrimination in places of public accommodations prohibits a business from discriminating against a patron or customer based on one or more of that person's protected characteristics. Specifically, a business is not permitted to deny any person the full and equal enjoyment of the business's goods, services, facilities, privileges, advantages, and accommodations on the basis of any protected characteristic. A business is not permitted to exclude, refuse to provide services, offer lesser services, or disadvantage a person because of any of the characteristics protected by the ordinance.

5. How would a Non-Discrimination Ordinance affect restrooms and changing facilities?

A question about an individual's use of a particular restroom or changing facility may arise in employment or public accommodations. It may be an unlawful discriminatory practice for an employer to mandate that an employee use a restroom or changing facility consistent with his/her designated sex at birth rather than his/her gender identity. Likewise, a public accommodation may offer a restroom or changing facility to be used by patrons or the general public. Again, it may be an unlawful discriminatory practice to mandate that an individual use a restroom or changing facility consistent with his/her designated sex at birth rather than his/her gender identity.

The ordinance would not require the elimination of separate men's and women's facilities, nor would it require a business to provide new or special restroom facilities, locker rooms, or other changing facilities although it may choose to do so to accommodate the privacy of its customers. However, a business may not prohibit a transgender person from using the restroom or locker room consistent with the gender identified or expressed by that person.

The ordinance would not permit or excuse inappropriate or unlawful activity. The ordinance protects the legitimate use of facilities for transgender persons; it is not an excuse to misuse the law for criminal purposes or even for reasons of convenience.

6. What would the ordinance allow me to do if I believe I have been discriminated against?

If an ordinance is adopted, if you believe that you have been discriminated against on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, disability, marital status, familial status or military status, you or your attorney may complete a complaint form and submit it to the City. A parent or legal guardian may file on behalf of a minor.

If you believe that you have been discriminated against on the basis of race, sex, familial status, veteran status, disability, religion, age, color, national origin or ancestry, there may be other complaint/investigatory processes available to you or your attorney through the EEOC or the Kansas Human Rights Commission.

7. If a complaint is filed, then what happens?

The details of an enforcement process for Mission are still under consideration, but it is anticipated that the City's investigator will review the information provided by each party and gather more evidence as needed. Then the Investigator will determine whether probable cause exists that discrimination occurred. If probable cause is found, then the Investigator will try to resolve the issue with the complaining party and the respondent. If the issue is not resolved, it may proceed to a Hearing Officer. If probable cause is not found, then the Investigator will notify the parties and the complaint will be resolved.

8. Is this a crime?

No, a finding that you committed an unlawful act of discrimination is not a crime. A finding that you committed an unlawful act of discrimination is a civil violation that does not impact your criminal record in any way.