

ORDINANCE NO. 1093

AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA,  
TO ESTABLISH THE REGIONAL HUMAN RELATIONS COMMISSION

Legislative History.

Municipalities in the Centre Region and in Centre County have established anti-discrimination ordinances with Human Relations Commissions designed to help protect people within their jurisdictions from the negative direct and secondary effects of discriminatory practices. In order to provide a more efficacious forum for the resolution of discrimination complaints, a Regional Human Relations Commission is hereby established to provide a regionalized approach to the handling of such disputes.

It is hoped that the regionalized approach will provide a vehicle for complaints to be investigated, resolved, dismissed or prosecuted. The intent is to preserve the existing local ordinances and such others that may be adopted in the future and to provide a centralized commission structure for handling such complaints of discrimination.

Section 1 - Establishment of a Regional Human Relations Commission.

- A. Utilizing the Intergovernmental Cooperation Act and pursuant to Section 962.1 of the Pennsylvania Human Relations Act, there is hereby established a Regional Human Relations Commission in and for the municipalities who elect to participate in the program as described herein. The Commission shall consist of seven (7) members who shall serve overlapping terms of three (3) years each. Members of the Commission shall be appointed by State College Borough. Each municipality that is part of the Commission shall have at least one representative as submitted to the Ferguson Township Board of Supervisors for appointment to the Commission. If there are more than seven (7) municipalities that are part of the Commission, the appointments will be rotated among the municipalities. Members shall be residents of the participating municipalities. No member of the

Commission shall hold any office in any municipality or political party. Members of the Commission shall serve without salary but may be reimbursed expenses incurred in the performance of their duties.

- B. Annually at the first meeting of each year, Commission members shall elect from its members as Chair and Vice-Chair. The Chair shall be responsible for setting Commission meetings, coordinating the receipt of complaints and answers and generally ensuring the duties of the Commission, as described herein, are fulfilled. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair.
- C. The Managers of the Municipalities that have enacted the Regional Human Relations Commission Ordinance shall meet to prepare administrative procedures for the implementation of this Ordinance. Such procedures shall be approved by the Managers no later than July 1, 2024 and will become the procedures used by the Commission in adjudicating all complaints brought before the Commission. In no event shall the Commission have any regulatory or other power beyond considering and adjudicating complaints filed with the Commission.
- D. The Commission shall have Jurisdiction to hear complaints brought before it under the terms and provisions of anti-discrimination ordinances of municipalities who have adopted this Ordinance.

#### Section 2 - Procedure.

In carrying out their duties, the Commission shall proceed in accordance with the local ordinance adopted and amended from time to time existing in each of the member municipalities.

- A. Filing a Complaint. Any person aggrieved by an unlawful discriminatory practice may make, sign and file a verified Complaint with the Manager or other designated employee of the municipality in which the discriminatory act allegedly took place. Complaints shall be filed in a form similar to that attached as Exhibit A Complaint Form.
- B. Place of Filing. Complaints may be filed in person with the Manager or other designated employee of the municipality, or by mailing or electronically submitting such utilizing an official address provided by the municipality. Time Limitations. Complaints of alleged discriminatory acts must be filed within one hundred eighty (180) days of the alleged act of discrimination.
- C. Format. The Complaint shall contain the following information:
- (i) The name and address of the aggrieved person(s);
  - (ii) The name and address of the person(s) alleged to have committed the discriminatory acts, and the address and municipality in which the alleged discriminatory act took place A concise statement of the particulars, including pertinent dates, constituting the alleged discriminatory acts;
  - (iii) If applicable, the address and a description of the dwelling or commercial property which is involved; and
  - (iv) Such other information as may be required by the Regional Human Relations Commission.
- D. The municipality shall convey all original Complaints received to the Chair of the Regional Human Relations Commission within ten (10) days of the filing of the Complaint.
- E. Commission Review. The Commission, within thirty (30) days of the filing, shall schedule a meeting to review the Complaint and make a preliminary determination as to whether the alleged discriminatory acts are prohibited by the Anti- Discrimination Ordinance in effect in the municipality where the

alleged discriminatory act occurred. If the Commission determines that the alleged discriminatory act is not prohibited by the Municipal Anti-Discrimination Ordinance, it shall so notify the Complainant who may then proceed to follow whatever other filings may be applicable, specifically PAHRC and EEOC or if applicable, the Complainant may appeal the decision of the Commission to the Centre County Court of Common Pleas within thirty (30) days of the decision date.

F. If the Commission determines that it has jurisdiction to hear the Complaint, it shall:

- (i) Send a copy of the Complaint to the person or entity charged with the discriminatory practice ("Respondent") with notice that the Respondent has thirty (30) days to file a verified answer to the Complaint; and
- (ii) The notice provided to the Respondent will further advise the Respondent that retaliation against any person because a complaint has been filed constitutes a discriminatory practice under this Ordinance and is prohibited by this Ordinance.

G. Answer. Respondent shall file with the Commission a written Verified Answer to the Complaint within thirty (30) days of Respondent's receipt of the Complaint from the Commission and, further, shall send a copy of the answer to the Complainant.

- (iii) If the Complainant is satisfied with the resolution of the complaint as stated in the 'Verified Answer' Form from the Respondent. The complainant will sign a 'Satisfactory Resolution' Form stating the complaint is sufficiently resolved and provide this form to the Chair of the Human Relations Commission. The Commission shall forward the signed 'Satisfactory Resolution' Form to the Respondent for signature. Upon receipt of the fully executed 'Satisfactory Resolution' Form the commission provides written notice to both the Respondent and the Complainant that final resolution of the complaint has been achieved and no further process is required.

H. Mediation.

- (iv) After the Respondent's answer has been received, the Commission shall, within fifteen (15) days, invite the parties to voluntarily participate in the mediation of their dispute. The parties shall respond to the invitation to mediate within fifteen (15) days of being invited to

mediate. Mediation shall be conducted in accordance with procedures promulgated by the Commission;

(v) If the mediation has successfully resolved the complaint, the Commission shall promptly notify the parties that it has dismissed the Complaint; and

(vi) If the mediation has not successfully resolved the complaint, and only if the complaint alleges a violation of this Ordinance which is not otherwise prescribed under the Pennsylvania Human Relations Act and over which the Pennsylvania Human Relations commission does not have jurisdiction, the Commission shall proceed to investigation.

I. Investigation.

J. The Commission shall, in a timely fashion, investigate the allegations of the alleged discriminatory practice. The Commission shall assign an independent investigator that is not a member of the commission. The Commission, in consultation with staff assigned to assist the Commission, and the Manager in the municipality where the complaint was filed, shall designate an investigator to conduct the investigation. Commission may, in the conduct of such investigation and upon review and approval, issue subpoenas to any person or entity who may be of interest in the investigation, commanding such person or entity to furnish information, records or other documents, as necessary to assist in the Commission's investigation. Finding of No Cause. Following investigation, if it shall be determined by the Commission that there is no probable cause, it shall notify both Complainant and Respondent in writing of its decision. Complainant may then proceed to file complaints with other commissions or courts as it may deem appropriate in its own judgment or it may appeal the Commission's determination to the Centre County Court of Common Pleas within thirty (30) days of the issuance of the Commission's determination.

K. Finding a Probable Cause. If the Commission determines that probable

cause exists and if an unlawful discriminatory practice has occurred, it shall establish a date and time for hearing, providing at least thirty (30) days' notice thereof to Complainant and Respondent.

(vii) The hearing shall be public, at which time Complainant and Respondent shall be given the opportunity to appear with or without counsel, to provide testimony and submit evidence for the Commission's consideration. Formal rules of evidence shall not apply but irrelevant or unduly repetitive evidence may be excluded by the Commission in its discretion.

(viii) A transcript shall be kept of the proceedings unless waived in writing by all parties. Minutes shall be kept regarding the proceedings.

L. Findings. If upon all of the evidence at the hearing the Commission shall find that a Respondent has engaged in or is engaging in an unlawful discriminatory practice as defined by the local municipality's Anti-Discrimination Ordinance, the Commission shall state its findings and shall issue and cause to be served on the Respondent an Order requiring such Respondent to cease and desist from unlawful discriminatory practices and to take such additional action as the Commission deems appropriate. The Commission shall have the authority to order any remedies available under the local Anti-Discrimination Ordinance, including assessment of fines, penalties and costs as those ordinances may authorize. Commission may also order the making of reasonable accommodations if appropriate and may also enter orders confirming resolutions that have been obtained by agreement of or through mediation. Any decision of the Commission herein may be appealed by either party to the Centre County Court of Common Pleas, all such appeals must be filed within thirty (30) days of the issuance of findings by the Commission. Any appeals under this Ordinance shall be handled in accordance with Pennsylvania Local Agency Law.

### Section 3 - Multiple Filings.

This ordinance shall have no effect over matters which are the subject of pending or prior filings made by an aggrieved person before any state or federal court or agency of competent jurisdiction. However, the filing of any civil state or federal action with a court of competent jurisdiction or an agency of competent jurisdiction shall prevent further proceedings under the within Ordinance.

### Section 4 - Operational Costs.

- A. Operational Costs. Participating municipalities shall share equally the costs necessary to create the Commission as well as provide for its staffing and operation. As Complaints are filed, the costs of proceeding to review, investigate and hold hearings shall be borne exclusively by the municipality in which the discriminatory act or practice is alleged.
- B. Annual Budget. Ferguson Township shall prepare an operational cost budget annually to provide for the routine and recurring expenses necessary for the regular meetings of the Commission and staff support. Said budget shall be delivered to the Municipalities that have enacted the Regional Human Relations Commission ordinance on or before September 15 annually. The Managers shall meet within 30 days of the delivery of the budget to review and approve the budget.


### Section 5 - Severability.


If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstance shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid. Such judgment shall not affect, impair or invalidate the remainder of this Ordinance nor the application of such clause, sentence, paragraph or part to other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph or part

thereof and to the persons or circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this Ordinance would not have been adopted had such provision not been included or such persons or circumstances been expressly excluded from its coverage.

Ordained and Enacted this 6<sup>th</sup> day of February, 2024.

Ferguson Township  
Board of Supervisors

  
By: Lisa Strickland, Chair

[SEAL]  
ATTEST:  
  
Centrice Martin, Secretary