

CITY AND COUNTY OF SAN FRANCISCO

POLICY ON DISCRIMINATORY OR HARASSING REMARKS MADE AT PUBLIC MEETINGS OF CITY BOARDS AND COMMISSIONS

1. City Policy And Governing Law Prohibit Discrimination Against Or Harassment Of City Employees.

The City invites public comment about its operations, including comment about the performance of its public officials and employees, at the public meetings of City boards and commissions. But City policies, along with federal, state and local laws, prohibit discrimination against or harassment of City employees based on race, sex and the other categories listed below. Discriminatory or harassing comments about or in the presence of City employees, even comments by third parties, may create a hostile work environment, if severe or pervasive.

City policy prohibits discrimination or harassment of its employees on the basis of:

Race, color, ancestry, national origin, ethnicity, place of birth, sex, age, religion, creed, disability or medical condition, HIV/AIDS status, sexual orientation, marital or domestic partner status, gender identity, parental status, pregnancy, weight or height or any other characteristic protected by state or federal employment discrimination laws or by the San Francisco Charter or local ordinance.

The City Attorney's Office is available to assist Boards and Commissions in identifying prohibited discrimination or harassment.

In order to acknowledge the public's right to comment on City operations at public meetings, while taking reasonable steps to protect City employees from discrimination and harassment, City Boards and Commissions shall adhere to the following procedures.

2. How To Respond To Discriminatory Or Harassing Remarks Made At A Public Meeting.

If any person makes discriminatory or harassing remarks at a public meeting that violate the above City policy, the chair of the meeting shall immediately take the following actions:

a. The chair shall read the City's policy against discrimination and harassment, set forth above in bold type, into the record. The chair shall state that comments in violation of City policy will not be condoned and will play no role in City decisions.

b. The chair shall further state that any City employee in the room who is offended by the discriminatory or harassing remarks is excused from attendance at the meeting, and that no City employee is compelled to remain in attendance where it appears likely that speakers will make further discriminatory or harassing comments.

c. If that person or others continue to make discriminatory or harassing remarks that violate City policy, the chair shall remind the speaker of City policy, and then may recess the meeting temporarily. After this temporary interruption, speakers engaged in public comment shall be permitted to finish their allotted time.

3. How To Respond To Willful Disruption Of The Orderly Conduct Of A Meeting.

If persons engage in misconduct that disrupts the orderly conduct of the meeting, the chair shall follow the standards and procedures set forth in the state Brown Act (Cal. Gov. Code Section 54957.9) to deal with disruption of meetings. The Brown Act provides:

a. If the "meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible", the chair may ask for the assistance of the Sheriff's Department in removing the persons engaged in the willful interruption.

b. If "order cannot be restored by the removal of persons who are willfully disrupting the meeting", the public body, by motion and majority vote, may order the meeting room cleared and continue the meeting in conformity with the Brown Act (representatives of news media, except those participating in the disturbance, shall be allowed to attend, and the public body may establish a procedure for readmitting individuals not responsible for willfully disturbing the orderly conduct of the meeting).

4. Questions.

Questions about this policy shall be directed to the Deputy City Attorney assigned to advise the Board or Commission.