

Salt Lake City Human Rights Commission

Discrimination Report

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I. Executive Summary

Residents of Salt Lake City experience all forms of discrimination in the same manner as others in large diverse metropolitan areas. According to the Dialogue on Discrimination Series, sponsored by Salt Lake City's Human Rights Commission in 2008, racism is the most common form of discrimination experienced in Salt Lake City. This may be due to the fact that one cannot hide race while other characteristics that define a person can be hidden. One's sexual orientation can be unspoken. Another's disability may be disguised. It is impolite to ask one's religion and in some circumstances illegal.

The Utah Antidiscrimination and Labor Division (UALD) data suggests discrimination based on gender and disability is equally common in employment and housing discrimination claims. Between June 2007 and September 2008, UALD reported an average three sexual orientation and gender identity employment discrimination complaints per month.

As Salt Lake City becomes more diverse, discrimination in our community is likely to increase. In 2000 the US Census estimated that 15.6 percent of the Salt Lake City Metropolitan Area was ethnically diverse.¹ Current data estimates that Salt Lake City is 32.7 percent ethnically diverse². This is an increase of 17 percent in only seven years. In addition to race related discrimination, Salt Lake City's residents are experiencing other forms of discrimination such as faithism, sexism, heterosexism, classism and ableism.³

Salt Lake City's leaders have responded to this growth and need for attention to issues of discrimination, diversity and human rights. In 2005 the ordinance governing the Salt Lake City Human Rights Commission (HRC) was adopted. This ordinance set forth the duties to review current and pending legislation and policy, review complaints of discrimination, make recommendations and foster partnerships for nondiscrimination education. This report is intended to partially fulfill some of the duties of the HRC.

To be able to have a common conversation about discrimination, it is important to define discrimination and address some of the complexities of federal, state and local definitions and their purposes. A common definition of discrimination is linked to treating people fairly and to human rights, especially of minority group members, and is connected to ethical treatment of other people and to social and legal sanctions for those who do not uphold certain standards of behavior. This definition of discrimination is "the unequal treatment of a person or persons based on group membership."⁴ In the same way we "discriminate" between the colors of items, we also discriminate as we self identify, placing ourselves into a group. We then segregate ourselves. Discrimination as a negative term comes from people in these segregated groups treating others as inferior.

¹ United States Census Bureau. 2000 Census.

² United States Census Bureau, American Community Survey, 3-Year Estimates for Salt Lake City (2007).

³ See page 32 for definitions of these terms.

⁴ Joseph H. Healey, *Race, Ethnicity, Gender, and Class: The Sociology of Group Conflict and Change*, 5th ed. (Thousand Oaks, Pine Forge Press, 2009), 34

A federal definition of discrimination exists to help provide a more objective way to address issues such as employment and housing discrimination. States are required by the federal government to gather data on claims of discrimination in employment and housing based on the following enumerated classes: “race, color, national origin, sex, religion, age, honorable or general service in the United States uniformed services, sexual orientation, or disability.”⁵ Discrimination is difficult to define due to its varied uses. But once understood, the more pressing concern is the harmful effect of discrimination.

A literature review of the harms of discrimination is included in this report. This research helps us understand from social and psychological professionals how even the most subtle forms of discrimination can harm individuals. It is also important to remember the physical harm such as assault, murder and suicide that can be wrought on an individual due to discrimination. There is no time to waste doing what can be done to educate those who do not know the subtle forms of discrimination they may be inflicting on another. More importantly, vigilance is needed to quickly end more vicious and horrific forms of discrimination. In addition to individuals being harmed by discrimination, the City itself can be harmed. Be it graffiti on houses, businesses and government buildings, or a loss of cultural diversity leading to reduced economic growth, Salt Lake City is affected.

As mentioned above, Salt Lake City is a very diverse community. Demographic data indicates that 31 percent of Salt Lake City’s residents speak a primary language other than English at home. In addition, 44.9 percent of families with a single female head of household and children under 18 are living below the poverty level. While 53.3 percent of Salt Lake County residents are members of the Church of Jesus Christ of Latter-day Saints (LDS) faith, the County is very diverse in terms of religion. And 7.6 percent of Salt Lake City’s population identifies as gay, lesbian, bisexual or transgender. This diversity is reflected in the increasing claims of discrimination in employment and housing.

Beyond the quantitative data of discrimination are qualitative data gathered from the Dialogue on Discrimination Series. Hundreds of citizens in Salt Lake City participated in the five dialogues. The series began with a focus on classism at the first dialogue, and continued with discussions on ableism, racism, faithism and heterosexism. Each dialogue was broadened to provide people an opportunity to tell their stories of discrimination. Experiences shared at the dialogues demonstrated discrimination based on race, disability, religion, economic status, gender and sexual orientation. Discrimination was found in employment, housing, government services, education and law enforcement.

Salt Lake City residents also offered possible solutions to discrimination. Suggestions were made to improve communication: “Continue to have other dialogue.” Suggestions were made to City government: “Propose hate crime legislation”. And to the Mayor: “Use leadership to set a standard for the rest of the community.”

The Human Rights Commission offers recommendations to help propel Salt Lake City toward being more intentional about addressing discrimination in the City. These recommendations

⁵ *Nondiscrimination in City Employment at Salt Lake City Code § 2.53.035A.*

include cooperating with international human rights projects, increasing funding for the Salt Lake City Office of Diversity and Human Rights and creating a process to objectively address discrimination complaints to Salt Lake City. Most importantly is the creation of a nondiscrimination ordinance that will further address issues of employment and housing discrimination for all residents of Salt Lake City.

II. Introduction

Salt Lake City is a wonderfully diverse place to live. The US Census Bureau estimates that Salt Lake City was 32.7 percent ethnically diverse in 2007.⁶ We are one of 30 metropolitan areas designated to resettle refugees coming from countries such as Sudan, Somalia, Iraq, Afghanistan, Liberia and Bosnia⁷. As our ethnic communities continue to diversify, so do our religious communities. We maintain a tradition of American Indian art, culture and history as well as our pioneer heritage and spirit. Further, the 2005 American Community Survey from the Williams Institute estimated the adult gay, lesbian, or bisexual population for Salt Lake City in 2005 was 10,726 individuals⁸. This is approximately 7.6 percent of Salt Lake City's population. We are a city of many vibrant cultures, languages, perspectives and ways of understanding the world.

In spite of this richness and opportunity, the Salt Lake City community faces incidents of racism, ableism, faithism, heterosexism and other "isms".⁹ For this reason, recently, the Salt Lake City Human Rights Commission (HRC) facilitated the Dialogue on Discrimination Series. The Commission heard from hundreds of Salt Lake City residents. Many acknowledged their own place of power in our society. Many made recommendations to help create equity in our community. Others informed the Commission about their experiences here in Salt Lake City related to discrimination. Some reported overt discrimination while others spoke of institutional discrimination that often happens in spite of the best of intentions. Unfortunately, it is easy to make these mistakes. A few stories of discrimination included:

- A hearing impaired man went to a public theater but was unable to hear the movie and there were no accommodations for him.
- A family was living in a rental property without a working stove and oven for three months. The property owner refused to replace it "because he said that [we] couldn't speak English."
- A man was evicted from his rental home when the homeowner learned that he was gay.

These dialogues, as well as a known need to examine issues of discrimination in Salt Lake City precipitated the literature review, data gathering and analysis to create this report. The purpose of this report is to provide information to assist local leaders in understanding and addressing current and future concerns regarding equal protection under the law, equal access to public utilities and services, equal treatment in housing and employment, and ensuring equal respect and rights for Salt Lake City's increasingly diverse population. The Salt Lake City HRC hopes to continue researching and furthering the dialogue on these issues and requests that individuals and institutions that may have data that can inform efforts for social justice and human rights make contact or provide the commission with this data.

⁶ United States Census Bureau, American Community Survey, 3-Year Estimates for Salt Lake City (2007).

⁷ A. Singer and J. Wilson. 2007. Refugee Resettlement in Metropolitan America. The Brookings Institution. http://www.brookings.edu/metro/pubs/20060925_singer.pdf

⁸ The Williams Institute, Utah Census Snapshot (2008). Available at <http://www.law.ucla.edu/Williamsinstitute/publications/UtahCensusSnapshot.pdf>

⁹ A complete explanation of racism, ableism, faithism, heterosexism and other "isms" is provided in on page 32 of this report.

A. Background of the Human Rights Commission

The Mayor's Office of Diversity and Human Rights was formally established in the 1990s as the Office of Minority Affairs. Under the administration of Mayor Deedee Corradini, the original goal of the office was to provide outreach and assistance to Salt Lake City's growing minority populations. Specifically, the administrator of the office worked with Asian, Black, Hispanic/Latino, Native American and Pacific Islander groups and individuals to address housing and neighborhood concerns, improve access to public and private services, and to encourage participation in community councils, City boards and commissions.

In accordance with these efforts, Mayor Ross "Rocky" Anderson expanded the Office of Minority Affairs. The office was renamed to the Office of Diversity and its mission included other underrepresented groups such as women, people with disabilities, immigrants, refugee populations and religious minorities.

In 2005, Mayor Anderson and members of the City Council desired to further meet the needs of diverse communities in Salt Lake City. Their intent was to create a body to serve with City government and attend to issues of diversity and human rights within city government. This body would offer residents a means of representation and communication with the City in regards to diversity and human rights. City Council Members Eric Jergensen and Jill Remington-Love recommended the adaptation of the Multi-Ethnic Community Resource Board into the Human Rights Commission. A memorandum submitted to the City Council in May 2005 indicated that "while the Multi-Ethnic Community Resource Board deals with discrimination and human relations based on race and ethnicity, the proposed Human Rights Commission would expand the role of the board to address issues of discrimination based on race, religion, color, ancestry, age, sex, sexual orientation, disability, medical condition, physical limitations, or national origin. The goal of eliminating prejudice and discrimination in all segments of our City organization, neighborhoods and businesses is a positive direction for the City."

After researching commissions that addressed diversity and human rights issues in other urban areas, the ordinance to create a Human Rights Commission for Salt Lake City was adopted by the City Council in June 2005.

In 2008, Mayor Ralph Becker expanded the name of the Office of Diversity to the Office of Diversity and Human Rights with an additional focus on social justice and encouraged a stronger and closer relationship with the Human Rights Commission. Currently, the Human Rights Commission is working closely with the Office of Diversity and Human Rights to cultivate the breadth and depth of its mission to help Salt Lake City become a leader for equality and human rights.

Since 2005 the Human Rights Commission, comprised of nine members representing different geographical and diverse communities in Salt Lake City, has reviewed city ordinances for potential discrimination, advised the Mayor and City Council on specific issues involving the city, attended community council meetings, held community dialogues on discrimination and

participated in educating the city on issues of diversity and human rights. The commission continues to work toward fulfilling the goals of the ordinance (see Appendix B).

B. The Purpose of the Human Rights Commission

The ordinance that governs the Human Rights Commission states:

- A. The city of Salt Lake (the “city”) is comprised of diverse and varied groups, communities, and individuals. The practice of discrimination against these groups, communities, or individuals on the grounds of age, ancestry, color, disability, gender, national origin, marital status, medical condition, physical limitation, race, religion, sexual orientation or gender identity, and the related exploitation of prejudice, adversely affects the general welfare of the city and the vitality of its neighborhoods.
- B. Discriminatory practices are detrimental because they impede the social and economic progress of the city by preventing all people from contributing to or fully participating in the cultural, spiritual, social and commercial life of the community, essential to the growth and vitality of its neighborhoods and businesses.
- C. In developing this chapter, the Salt Lake City Council (the “council”) has investigated other urban centers throughout the nation and studied the effectiveness of commissions empowered to study issues of diversity, to work with city government and the community, to eliminate potential discrimination in existing and future ordinances and policies, and to encourage and educate its citizenry to facilitate full and equal participation in the life of the city.
- D. The Salt Lake City Human Rights Commission (the “commission”) is created for the general purpose of advising the council and mayor on nondiscrimination policy and providing resources for educating the citizenry on issues of discrimination and equal treatment in all segments of society. The commission shall also provide advice and recommendations to address specific complaints of discrimination involving Salt Lake City Corporation (the “city”) departments and services.¹⁰

C. Defining Discrimination

“Discrimination” means a practice in employment, immigration, housing, public safety, public transportation or in other city departments or services that unfairly segregates or separates on the grounds of age, ancestry, color, disability, gender, national origin, marital status, medical condition, physical limitation, race, religion, sexual orientation, or gender identity or is unlawful under the United States Constitution, the Utah Constitution, Title VII of the Civil Rights Act of

¹⁰ *Human Rights Commission at Salt Lake City Code § 10.02.010.*

1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Utah Antidiscrimination Act of 1965, or the Utah Fair Housing Act.

In a broader sociological sense, discrimination can be defined as “an assault on the very notion of human rights.”¹¹ This strong, all-encompassing declaration recognizes the serious effects of discrimination on individuals, population groups, and urban centers. The Salt Lake City founding ordinance for the Human Rights Commission also pays heed to this issue, stating: “Discriminatory practices are detrimental because they impede the social and economic progress of the city by preventing all people from contributing to or fully participating in the cultural, spiritual, social and commercial life of the community, essential to the growth and vitality of its neighborhoods and businesses.”

D. Existing Nondiscrimination Laws

Current state and local measures provide little additional protection than what is already required by federal law. Alone, these bare-minimum standards of equality are not enough to prevent all forms of discrimination. To ensure more comprehensive human rights standards and protections for its residents, Salt Lake City must take the initiative.

The United States Constitution, along with numerous federal antidiscrimination laws, protects individuals from discrimination on the basis of race, sex, pregnancy, religion, national origin, age, military status, and physical and mental disability.¹² Although the proposed Employment Non-Discrimination Act (ENDA) would ban discrimination on the basis of sexual orientation or gender identity, both versions of the legislation are still pending before Congress.¹³

Utah’s antidiscrimination laws provide basic protections against housing and employment discrimination based on race, sex, pregnancy, religion, national origin, age, military status, and physical and mental disability.¹⁴ These state-level enactments add little to their federal counterparts.¹⁵ Indeed, in some ways, Utah law actually provides fewer legal protections.¹⁶

Salt Lake City’s employment nondiscrimination ordinance prohibits Salt Lake City Corporation from discriminating “against an otherwise qualified employee or applicant” on the basis of

¹¹ Amnesty International, “Discrimination: Fertile Ground for Torture” (May 9, 2001), Amnesty International, <http://www.amnesty.org/en/library/info/ACT40/011/2001/en>.

¹² See *Equal Pay Act of 1963* at U.S. Code 29, § 206 et seq.; *Civil Rights Act of 1964* at U.S. Code 42, § 1971 et seq.; *Civil Rights Act of 1968* at U.S. Code 42, § 3601 et seq.; *Age Discrimination in Employment Act of 1968* at U.S. Code 29, § 621 et seq.; *Rehabilitation Act of 1973* at U.S. Code 29, § 701 et seq.; *Americans with Disabilities Act of 1990* at U.S. Code 42, § 12101 et seq.; *Civil Rights Act of 1991* at U.S. Code 42, § 1981 et seq.; *Family and Medical Leave Act of 1993* at U.S. Code 29, § 2601 et seq..

¹³ See *Employment Non-Discrimination Act of April 24, 2007*, HR 2015, 110th Cong., 1st sess., *Congressional Record* 153, no. 68, daily ed. (April 26, 2007) H4204; *Employment Non-Discrimination Act of September 27, 2007*, HR 3685, 110th Cong., 1st sess., *Congressional Record* 153, no. 145, daily ed. (September 27, 2007) H11026.

¹⁴ See *Utah Antidiscrimination Act* at *Utah Code Ann.* § 34A-5-101 et seq.; *Utah Fair Housing Act* at *Utah Code Ann.* § 57-21-1 et seq.

¹⁵ *Utah Fair Housing Act* at *Utah Code Ann.* § 57-21-5(2) (protection from housing discrimination based on marital status and source of income).

¹⁶ The Utah Antidiscrimination Act does not provide protections against discrimination based on military status, gender identity, or sexual orientation. See *Utah Antidiscrimination Act* at *Utah Code Ann.* § 34A-5-106.

“race, color, national origin, sex, religion, age, honorable or general service in the United States uniformed services, sexual orientation, or disability.”¹⁷ This ordinance goes slightly beyond state and federal mandates by providing some protection for military veterans and gay, lesbian, bisexual and transgender (GLBT) persons. However, there are no comprehensive standards or protections from employment and housing discrimination within Salt Lake City.

¹⁷ *Nondiscrimination in City Employment at Salt Lake City Code § 2.53.035.*

III. Harms of Discrimination

A. Introduction

This report aims to consider the impact of discrimination by Salt Lake City government employees and residents, and ultimately, to provide recommendations for improvement. The underlying motive for these goals is that discrimination results in observable harm to individuals and to the City's environment. These negative effects are challenging to identify and quantify, and limited investigation has occurred in Salt Lake City itself. However, there is a range of academics who have conducted relevant scientific research, which can be readily accessed and applied to Salt Lake City. The research is located in an assortment of medical, legal, and social science peer-reviewed academic publications. The studies provide similar results, namely that discrimination is harmful to individuals, groups, and their city environments. For this reason, discrimination needs to be countered effectively, to promote a safe, livable city for all Salt Lake City residents.

Discrimination is “the unequal treatment of a person or persons based on group membership.”¹⁸ Inequitable actions may be deliberate, or performed in a socially or legally uninformed manner, but in both cases, these behaviors are discriminatory. The concept is easy to define, but there are many challenges in documenting discrimination. For example, discrimination is typically recognized first by the individuals who are treated inequitably, since the perpetrators may not be aware of the implications of their actions. While discrimination is based on stereotypical ideas, beliefs, and understandings about others, many individuals who commit these acts lack self-analysis and understanding of the effects of the discrimination. In these cases, only the victim may truly be aware of the wrong committed, but it is often difficult for the injured party to provide evidence of the discrimination (e.g., the problems in demonstrating that a store manager follows minority community members around the shop, with expectations of pilfering, rather than concentrating on all shoppers equally).

Probably the easiest discrimination cases for most people to recognize are those in which perpetrators understand their own behavior, and apply belief systems as justification for their actions (e.g., a white supremacist group, and their actions to prevent non-whites from living in their community). These types of discrimination are more readily documented, and more predictably deemed inappropriate by most people.

In addition to the challenges of identification and documentation of discrimination, there are also difficulties in determining which groups can be considered to be victims. Most specialists in this field feel that cases in which an individual from a minority community experiences harm as the result of his or her marginal status is appropriately termed discrimination. However, there are cases in which a member of a majority community could experience discrimination in situations in which the person is marginalized or misidentified. For example, an individual may be targeted because she seems like a lesbian, or he seems gay, rather than because of any clearly self-defined

¹⁸ Joseph F. Healy, *Race, Ethnicity, Gender, and Class: The Sociology of Group Conflict and Change*, 5th ed. (Thousand Oaks: Pine Forge Press, 2009), 34.

gender identity.¹⁹ There have been several documented suicides of children under these circumstances.²⁰ Similar issues of misidentification resulted in hate crimes against non-Muslims and non-Middle Easterners in the post-9/11 period, although in most of these cases, the people who suffered harm were members of other visible minority communities.²¹

Given the above challenges in perceiving, reporting, and sanctioning discrimination, it would be understandable if discriminatory behaviors were seldom identified in American communities like Salt Lake City. The fact that this is the case for most cities is disheartening evidence that discrimination is fairly ubiquitous in American life.²²

The interlinked relationships of city residents and their built environment are also recognized in the Salt Lake City founding ordinance for the Human Rights Commission. Basically, “discriminatory practices are detrimental because they impede the social and economic progress of the city by preventing all people from contributing to or fully participating in the cultural, spiritual, social and commercial life of the community, essential to the growth and vitality of its neighborhoods and businesses.”²³

The literature review captures the diversity of research on the issue of discrimination and its effects on people and their city living situations. The referenced studies comprise laboratory investigations, city fieldwork, oral histories, and extensive surveys from a variety of disciplines, including: anthropology, ethics, medicine, psychology, law, and sociology, among others. The review has concentrated on studies conducted in the past decade, although particularly pertinent earlier materials are cited when appropriate. While these studies do not include Salt Lake City, they can be applied to any community with a diverse population like Salt Lake City.

B. Harms to Individuals

Individual harm resulting from discrimination can be divided into physical effects (including physical illness, sexual assault, bodily injury, or even death) and non-physical harms. When people suffer physical injury, they will also likely experience mental, emotional, or other metaphysical harms, so these two categories are not mutually exclusive, although physical and non-physical outcomes are presented separately here.

¹⁹ Donald P. Green, Dara Z. Strolovitch, Janelle S. Wong and Robert W. Bailey, “Measuring Gay Populations and Antigay Hate Crime,” *Social Science Quarterly* 82, no. 2 (2001): 284.

²⁰ Charles Robbins and Eliza Byard, “Gay Suicide: Addressing Harassment in Schools,” *The Salt Lake Tribune*, April 24, 2009, http://www.sltrib.com/ci_12220931?IADID=Search-www.sltrib.com-www.sltrib.com (accessed May 13, 2009).

²¹ Phyllis B. Gerstenfeld, “A Time to Hate: Situational Antecedents of Intergroup Bias,” *Analyses of Social Issues & Public Policy* 2, no. 1 (2002): 61-67.

²² M. V. Lee Badgett, Holning Lau, Brad Sears and Deborah Ho, *Bias in the Workplace: Consistent Evidence of Sexual Orientation and Gender Identity Discrimination* (Los Angeles: The Williams Institute, University of California School of Law, 2007), <http://www.law.ucla.edu/WilliamsInstitute/home.html> (accessed May 13, 2009); Christophe J. Lyons, “Defending Turf: Racial Demographics and Hate Crime Against Blacks and Whites,” *Social Forces* 87, no. 1 (2008): 357-385; Jeremy D. Kidd and Tarynn M. Witten, “Transgender and Transsexual Identities: The Next Strange Fruit—Hate Crimes, Violence and Genocide Against the Global Trans-Communities,” *Journal of Hate Studies* 6, no. 31 (2007-08): 31-63.

²³ Salt Lake City Code §10.02.010(B) (2008).

1. Physical Harms

The most serious physical harm resulting from discrimination is such severe bodily injury that a person dies. The bigoted nature of such murders is typically attested by special descriptive terms, such as “gay bashing,” “lynching,” and other semantic reminders of violent discriminatory practices.²⁴

The harm resulting from loss of life is fairly self-evident, affecting not only the individual’s right to longevity and a peaceful death, but also family, friends, and other members of the affected minority community. Southern history is replete with examples of horrendous individual outcomes, and community terror and apprehension for the future as the ultimate result of death squads targeting African American men. While it may not be appropriate to equate southern Ku Klux Klan organized murders with the occasional violent forays of homophobic young men from American downtown drinking establishments, still the analogical connections chillingly counter the ideals underlying civilized, urban communities.

Death may not only be caused directly by discrimination, but may also be an indirect result of oppressive circumstances. For example, 2004 research with Palestinians residing in the Israeli West Bank and Gaza, where they experienced daily discriminatory behavior, clearly documents that suicide may be a logical outcome of intolerance.²⁵ Research in Miami, Los Angeles, and New York, with members of the non-heterosexual, Latino communities exposed strong links between discrimination and suicidal ideation.²⁶ Since the study interviewed people about their own well-being, completed suicidal cases were not included in the database.

2. Mental, Emotional, and Spiritual Harms

Several social science disciplines focus on deciphering how individuals create their cultures, and in turn, how society serves to socialize individuals. The necessities which people require can be examined according to a hierarchy of needs, with the most fundamental being physiological necessities, followed sequentially by the need for safety, love or belonging, esteem, and self-actualization.²⁷ Three of these middle-tier needs are challenged by discrimination. Safety may not exist for victims of intolerance, love or belonging is typically denied, and esteem may be elusive. In this manner, discrimination causes direct harm to individuals. This harm is so widespread that it has been stated that “violence stemming from the hatred of socially marginalized persons is a matter of global health concern.”²⁸

²⁴ Donna R. Gabaccia, *Immigration and American Diversity: A Social and Cultural History* (Oxford: Blackwell Publishers Ltd., 2002); Ronald Takaki, *A Different Mirror: A History of Multicultural America* (Boston: Little, Brown & Co., 1993).

²⁵ Nadia Taysir Dabbagh, “Narrative Expressions of Despair under Occupation,” *Anthropology & Medicine* 11, no. 2 (2004): 201-220.

²⁶ Rafael M. Diaz, George Ayala, Edward Bein, Jeff Henne and Barbara V. Marin, “The Impact of Homophobia, Poverty and Racism on the Mental Health of Gay and Bisexual Latino Men: Findings from 3 US Cities,” *American Journal of Public Health* 91, no. 6 (2001): 927-932.

²⁷ Abraham Maslow, “A Theory of Human Motivation,” *Psychological Review* 50, no.4 (1943): 370-396.

²⁸ Danny G. Willis, “Hate Crimes Against Gay Males: An Overview,” *Issues in Mental Health Nursing* 25 (2004): 115.

An American study involving racism and homophobia directed toward 912 city-dwelling men, who self-identified as Latino and non-heterosexual, demonstrated statistically significant links between discrimination based on race, sexual orientation, poverty and poor mental health. The authors state: “The negative mental health outcomes observed in this study are deeply connected to a lifelong history and current experiences of social discrimination owing to sexual orientation and racial/ethnic diversity, as well as to high levels of financial hardship due to severe unemployment and poverty.”²⁹

Dealing with discrimination on a daily basis may also be harmful to individuals’ expressed optimism for the future. Previous and current challenges to self identity can result in a person anticipating future challenges, and expending energy in judging whether or not situations will prove taxing, rather than just enjoying novel circumstances or events.³⁰ Not only may there be anxiety about the future, but discrimination may contribute additional negative stress to typical transgressions experienced by most people at some point in their lives. For example, an American and Canadian research team working in Sacramento, California, reports that “although still preliminary, theoretical and empirical work suggests that victims of anti-gay, biased crimes are at risk for greater and perhaps longer lasting psychological distress than are gay and lesbian victims of comparable unbiased crimes.”³¹

Even low level incivility (mostly researched in work settings) has been documented to have long-term negative implications for an individual’s emotional health, especially social connection. Indeed, targets of incivility “feel socially rejected, as if they do not ‘fit in’ or belong to the institution.”³² This is the lesson experienced by individuals who deal with incivility in their workplace, but the message is so much stronger for people who cope with incivility and discrimination on a daily basis, from a range of individuals.

C. Harms to the City

Discrimination against individuals from minority communities seems to have the explicit aim of encouraging uniformity and decreasing differences, whether of appearance, language, gender, sexual orientation, customs, food, religions, or just about any other human attribute. The goal of social homogeneity may translate into a more comfortable city for the dominant group, but it also results in a less diverse city, in terms of public and private architecture, vegetation, dining possibilities, and many other significant city attributes. Homogeneity may result in economic costs to all city residents (e.g., decreased tourism revenues, decreased local expenditures by residents, etc.), and these financial losses should be considered by public policy makers when planning for the future. These issues are considered here, under the headings of physical harm to

²⁹ Rafael M. Diaz, George Ayala, Edward Bein, Jeff Henne and Barbara V. Marin, “The Impact of Homophobia, Poverty and Racism on the Mental Health of Gay and Bisexual Latino Men: Findings from 3 US Cities,” *American Journal of Public Health* 91, no. 6 (2001): 927-932.

³⁰ Mary E. Hylton, “Queer in Southern MSW Programs: Lesbian and Bisexual Women Discuss Stigma Management,” *The Journal of Social Psychology* 146, no. 5 (2006): 611-628.

³¹ Gregory M. Herek, Jeanine C. Cogan and J. Roy Gillis, “Victim Experiences in Hate Crimes Based on Sexual Orientation,” *Journal of Social Issues* 58, no. 2 (2002): 320.

³² Brianna Barker Caza and Lilia M. Cortina, “From Insult to Injury: Explaining the Impact of Incivility,” *Basic and Applied Social Psychology* 29, no. 4 (2007): 335-350.

the city infrastructure, economic benefits and costs to the city, and socio-economic benefits and costs. Discrimination has far-reaching implications and is not merely a matter of individual harm, but instead, affects the entire city in a multitude of ways.

1. Physical Harms

“Tagging,” or spray painting of public and private buildings is a constant challenge for city maintenance staff. Tags need to be removed promptly, or painted over since the presence of graffiti encourages the addition of more visual pollution. The cleanup process is expensive, both in terms of actual removal, and also in terms of police processing of vandals, and court proceedings involving these misdemeanors. Many of the tags are explicitly racist, sexist, or express other malevolent or cruel messages. Researchers have examined the beliefs underlying some of these terms, especially “n*****”, and demonstrated how cultural insiders use these words in very different ways from cultural outsiders.³³ Certainly the placement of these negative terms on buildings is one obvious means by which discriminatory actions by a few result in pain to many and impacts the city financially. Encouragement of differences and understanding of differences, among city residents benefits the city infrastructure in other measurable ways.

2. Economic Harms

Cities that honor cultural diversity through antidiscrimination legislation and city policy encourage growth in cultural diversity. Conversely, cities that lack both nondiscrimination legislation and city policy that encourages cultural diversity will not only have less cultural diversity but, will have citizens who experience discrimination more frequently. And as mentioned above, individuals who regularly experience discrimination have less optimism for the future.³⁴ Therefore, individuals are less likely to invest economically in their community. Challenges to self identity through discrimination can result in a person anticipating future challenges and expending energy in judging whether or not situations will prove too difficult.³⁵ A city lacking cultural diversity suffers from loss of investment dollars.

Additionally, tourists frequent cities with culturally diverse architecture (e.g., restaurants, hotels, religious edifices, governmental structures, etc.) and residents who are proud to display their cultural background. In this manner, all sorts of diversity appeals to all sorts of tourists, and result in considerable expenditures in locations deemed culturally interesting. It can also be argued that open spaces offer the same opportunities for the expression of diversity.³⁶ A good example in Salt Lake City might be the International Peace Garden.

³³ Gregory S. Parks and Shayne E. Jones, “‘Nigger’: A Critical Race Realist Analysis of the N-Word Within Hate Crimes Law,” *The Journal of Criminal Law & Criminology* 98, no. 4 (2008): 1305-1352.

³⁴ Karmela Liebkind and Inga Jasinskaja-Lahti, “The Influence of Experiences of Discrimination on Psychological Stress: A Comparison of Seven Immigrant Groups,” *Journal of Community & Applied Social Psychology* 10 (2000): 1-16

³⁵ Mary E. Hylton, “Queer in Southern MSW Programs: Lesbian and Bisexual Women Discuss Stigma Management,” *The Journal of Social Psychology* 146, no. 5 (2006): 611-628.

³⁶ Aspa Gospodini, “Urban Morphology and Place Identity in European Cities: Built Heritage and Innovative Design,” *Journal of Urban Design* 9, no. 2 (2004): 225-248.

Cultural diversity may also be displayed in other economically beneficial ways, such as city festivals. Recent research certainly supports the designation of these events as “vehicles of economic generation or as ‘quick fix’ solutions to city image problems,” but also points to other benefits of festivals, specifically “animating communities, celebrating diversity and improving quality of life.”³⁷ Outside investment also comes to cities that are rich, vibrant and culturally diverse.

3. Social and Cultural Harms

All people demonstrate their need to belong, and humans are strongly social beings.³⁸ Each social group strives to socialize youngsters in the values and beliefs of the older generation. This socialization process is more difficult for parents who wish to impart the cultural beliefs of their minority group while living in a community where they may be marginalized.³⁹ Issues such as these are widespread topics of concern among minority community members, but may be little noticed by members of the dominant culture. An additional anxiety for community members coping with high levels of discrimination is “the realization that one’s ‘community’ may be targeted because of its immutable or prominent characteristics [which] slowly erodes feelings of safety or security.”⁴⁰ Feeling unsafe translates into community-wide unease, and may correlate with distrust of city employees, such as police, who may be viewed as enforcers of cultural values, rather than important in safety promotion. At this stage, the effects of discrimination have moved far beyond the level of individual, or group effects, into the realm of general city problems, which ultimately results in harm to the city as a whole.

Issues such as these may affect revenue-gathering operations of the City, such as tourism, travel on public transportation, and utilization of local resources such as open spaces or restaurants. City quality of life measures may suffer, and in turn, may further accelerate these negative trends.

The authors note that “some societal measures are rooted in divisions in society (hate crimes; racial, gender, or other discrimination; and differences in poverty between races).”⁴¹

³⁷ Bernadette Quinn, “Arts Festivals and the City,” *Urban Studies* 42, no. 5/6 (2005): 927.

³⁸ Leslie H. Brown, Paul J. Silvia, Inez Myin-Girmeys and Thomas R. Kwapil, “When the Need to Belong goes Wrong: The Expression of Social Anhedonia and Social Anxiety in Daily Life,” *Psychological Science* 18, no. 9 (2007): 778-782.

³⁹ Marian de Souza and Richard Rymarz, “The Role of Cultural and Spiritual Expressions in Affirming a Sense of Self, Place, and Purpose among Young Urban, Indigenous Australians,” *International Journal of Children’s Spirituality* 12, no. 3 (2007): 277-288.

⁴⁰ Robert J. Boeckmann and Carolyn Turpin-Petrosino, “Understanding the Harm of Hate Crime,” *Journal of Social Issues* 58, no. 2 (2002): 207-225.

⁴¹ James Brumbaugh-Smith, Neil Wollman and Brad Yoder, “National Index of Violence,” *Social Policy* (Summer, 2002): 54.

IV. Human Rights Status in Salt Lake City

A. Descriptive Data on Salt Lake City

This section examines the demographic composition of Salt Lake City, including total population, racial data, immigrant population data, socioeconomic data, disability data, religious affiliation, and sexual orientation.

1. Population, Race, Citizenship, and Language

The total residential population for Salt Lake City in 2007 was estimated at 182,610.⁴² Males were estimated to be 51 percent of the population, or 93,646 individuals. There were an estimated 88,964 women living in Salt Lake City, or 49 percent of the total population as of 2007.

The racial composition of Salt Lake City residents, according to the U.S. Census, is predominantly white (see Figure 1). Indeed, whites comprise 67.3 percent of the Salt Lake City population. Blacks (or African Americans) are 3.4 percent of the population. American Indians and Alaskan natives are 1.1 percent of Salt Lake's population. People of Asian ancestry are 4.2 percent of the population. Native Hawaiian and other Pacific Islanders are 1.3 percent of the population.

Figure 1: Racial Demographics for Salt Lake City

Race	Estimated Population	Percent of the Population
White	122,868	67.3%
Hispanic/Latino	39,173	21.5%
Black or African American	6,247	3.4%
American Indian and Alaskan Native	2,030	1.1%
Asian	7,679	4.2%
Native Hawaiian and other Pacific Islander	2,349	1.3%
Some other race	2,264	1.2%
Total Population	182,610	100%

Source: U.S. Census Bureau, 2005 - 2007 American Community Survey.

An estimated 40,363 people living in Salt Lake City are foreign born – about 21.4 percent of the City's population. Of this foreign-born population, an estimated 10,813 are naturalized U.S. citizens and 29,550 are not U.S. citizens.⁴³

The U.S. Census Bureau also estimates the language spoken at home by residents age 5 years old and older. Sixty-nine percent of Salt Lake City's population speak only English at home while 31 percent speak a language other than English.⁴⁴

⁴² U.S. Census Bureau, 2005 - 2007 American Community Survey.

⁴³ U.S. Census Bureau, 2007 American Community Survey. This data does not separate documented from undocumented residents.

2. Socioeconomic Characteristics

Socioeconomic characteristics also provide a better understanding of the residents living in Salt Lake City. The report will cover income, occupation, and education of Salt Lake’s population.

The median household income in 2007 for Salt Lake City was \$43,000. Per capita income for 2007 was \$24,519.⁴⁵ This median income figure accounts for both income and benefits in 2007 inflation-adjusted dollars. Another indicator of economic wellbeing is poverty level. According to the 2007 American Community Survey, an estimated 10.4 percent of families in Salt Lake City had income within the past 12 months that fell below the poverty level. The number is even higher for families with children under age 18. In 2007, an estimated 16.9 percent of families with kids under age 18 had an income that fell below the poverty level in the past 12 months. This estimate is much higher for families with a female head of house. An estimated 44.9 percent of families with a female head of house, with children under age 18, had an income below the poverty level.⁴⁶

A related economic characteristic is employment status. In 2007, Salt Lake City’s working-age population (16 years and older) was 149,692 people. The Census Bureau estimates that 70.9 percent of this working age population was in the labor force. This is a total of 106,176 individuals; 43,516 individuals were not in the labor force.⁴⁷

The U.S. Census Bureau also estimates the level of education for Salt Lake City residents age 25 years and older (see Figure 2). Eighty-three percent of Salt Lake residents (age 25 years and older) have a high school diploma or a higher degree. Thirty-seven percent of residents hold a bachelor’s or higher degree. Sixteen percent of residents have a graduate degree or higher. For further information on education in Salt Lake City and discrimination in education see Appendix A.

Figure 2: Educational Attainment for Salt Lake City Residents

Educational Level	Estimated Population	Percent of the Population
Less than 9 th grade	11,381	9.4%
9 th to 12 th grade, no diploma	9,568	7.9%
High school graduate (includes equivalency)	22,636	18.6%
Some college, no degree	25,614	21.1%
Associate’s degree	7,415	6.1%
Bachelor’s degree	26,034	21.4%
Graduate or professional degree	18,788	15.5%
Total Population (25 years and older)	121,436	100%

Source: U.S. Census Bureau, 2007 American Community Survey.

Note: The estimates are for the population aged 25 years or older.

⁴⁴ U.S. Census Bureau, 2007 American Community Survey. Thirty-one percent speak a language other than English at home, but they may also speak English.

⁴⁵ U.S. Census Bureau, 2007 American Community Survey.

⁴⁶ U.S. Census Bureau, 2007 American Community Survey. This figure is for a female head of household, and no husband present, and children under age 18.

⁴⁷ U.S. Census Bureau, 2007 American Community Survey.

3. Religious Affiliation in Salt Lake City

Very little data is available on the religious affiliation of Salt Lake City residents; however, some information was published several years ago that assists the Commission in understanding the religious composition of Salt Lake City. This is important to the HRC, as there are divides among the religious community in our city, as well as incidents of discrimination based upon religious affiliation.

In 2005, the Salt Lake Tribune ran a series of articles on Utah's religious composition. One article estimated that in 2004, approximately 62.4 percent of Utah's population was of the LDS faith.⁴⁸ Approximately 37.6 percent of Utah's population was non-LDS. The data was made available by the Utah Governor's Office of Planning and Budget through a public records request. The state uses this data to help estimate population growth. This figure included all members of the Church of Jesus Christ of Latter-day Saints, including non-practicing members. "Professor Tim Heaton, who studies LDS demographics for church-owned Brigham Young University, says the county numbers probably come from church membership rolls, and that between half and one-third of those people are not active in their faith. If that's true then, at most, 41.6 percent of Utahns are church-going Mormons."⁴⁹

The data reported by the Salt Lake Tribune show that the LDS share of the state population steadily declined from 1989 to 2004.⁵⁰ This decline was attributed largely to economic growth which resulted in population growth.

The percentage of LDS residents living in Salt Lake County is lower than the state-wide figures. From 1990 to 2005, the percentage of LDS residents in Salt Lake County dropped from 63.2 percent to 53.3 percent.⁵¹ Thus the percentage of non-LDS residents in Salt Lake County increased between 1990 and 2005. It is clear that in our community we have a growing religious diversity. "The under-18 LDS population has dropped by more than 20,000 in Salt Lake County since 1989, while it has grown in surrounding areas."⁵² While no data specific to Salt Lake City residents is currently available, the Commission recognizes the City's religious, non-Mormon community includes Jewish, Muslim, Baha'i, Catholic, Baptist, Episcopal, Greek Orthodox, Methodist, Presbyterian, Buddhist, Seventh-day Adventist, Jehovah's Witnesses, and Lutheran.

4. Sexual Orientation

The Williams Institute at the University of California at Los Angeles' School of Law, recently completed a study on demographic information of gay, lesbian, and bisexual individuals.

⁴⁸ Matt Canham, "Mormon Portion of Utah population steadily shrinking," *Salt Lake Tribune*, 24 July 2005.

⁴⁹ Matt Canham, "Mormon Portion of Utah population steadily shrinking," *Salt Lake Tribune*, 24 July 2005.

⁵⁰ Matt Canham, "Mormon Portion of Utah population steadily shrinking," *Salt Lake Tribune*, 24 July 2005. The latest figure was for 2004, more recent data was not available.

⁵¹ Matt Canham, "Once a warehouse, now an empty lot," *Salt Lake Tribune*, 24 July 2005.

⁵² Matt Canham, "Once a warehouse, now an empty lot," *Salt Lake Tribune*, 24 July 2005.

Relying upon the 2005 American Community Survey, the Williams Institute estimated the adult gay, lesbian, or bisexual population for Salt Lake City in 2005 was 10,726 individuals. This is approximately 7.6 percent of Salt Lake City’s population. The Institute also estimated the number of same-sex couples in Salt Lake City as 968. The state-wide estimates for Utah were also available in the report. The study estimated that in 2005 there were 53,832 gay, lesbian, or bisexual adults living in Utah (3.2 percent of the population).⁵³

B. Data on Employment Discrimination in Salt Lake City

Through work-sharing agreements with the U.S. Equal Employment Opportunity Commission, the Utah Antidiscrimination & Labor Division (UALD) is responsible for enforcing federal and state employment antidiscrimination laws as well as regulating employment of minors and implementing wage requirements. Individuals who experience discrimination in the workplace may sue the employer in court for violation of state and federal employment laws. In Utah, employees may also report the incident to UALD which will investigate the claim and conduct an administrative hearing to resolve the conflict. If that is unsuccessful, either party may appeal UALD’s decision in state court.

Because employment discrimination data gathered by UALD is not broken down by municipality, there is very little information specific to Salt Lake City. However, according to UALD’s 2008 Annual Report, a total of 539 individuals submitted employment discrimination complaints in the state of Utah. Figure 3 shows that 106 claims of discrimination were based on race, 219 claims were based on gender discrimination and 209 claims of discrimination were based on disability. The following information is a complete list of antidiscrimination claims by legally protected classes according to federal guidelines. UALD no longer collects data nor investigates claims of discrimination based on sexual orientation. (Note: some complaints allege multiple forms of discrimination):

Figure 3: UALD Employment Discrimination Claims Statewide

Basis for complaint	Number of claims (FY 2008)
Race	106
Color	25
National Origin	119
Gender	219
Age	126
Disability	209
Religion	47
Retaliation	253

Source: UALD Annual Report 2008

1. Race, Ethnicity, and National Origin

Between July 2007 and June 2008, UALD reported the following complaints based Utah’s current statutorily protected classes: 106 complaints alleging discrimination on the basis of race;

⁵³ Gary J. Gates, Same-sex Couples and the Gay, Lesbian, Bisexual Population: New Estimates from the American Community Survey. (Los Angeles: The Williams Institute, 2006).

25 complaints alleging discrimination on the basis of color; 119 complaints alleging discrimination on the basis of national origin. Out of a total of 539 complaints, race, color, and national origin-based claims account for 46 percent of last year’s employment discrimination complaints⁵⁴ (see Figure 3).

The U.S. Census Bureau also provides data on income discrepancies based on race and ethnicity in Salt Lake City.⁵⁵ While 28.3 percent of American Indians and 27.7 percent of Latinos in Salt Lake City lived below the poverty level in 2007, only 15.9 percent of white residents lived below the poverty level in Salt Lake City (see Figure 4).

Figure 4: Income Discrepancies based on Race in Salt Lake City

Subject	Total	Margin of Error	Below poverty level	Margin of Error	Percent below poverty level	Margin of Error
RACE AND HISPANIC OR LATINO ORIGIN						
One race	N	N	N	N	N	N
White	141,987	+/-3,536	22,602	+/-2,129	15.9%	+/-1.4
Black or African American	6,372	+/-1,222	1,762	+/-1,065	27.7%	+/-16.8
American Indian and Alaska Native	2,256	+/-596	638	+/-305	28.3%	+/-14.5
Asian	7,679	+/-1,139	1,563	+/-512	20.4%	+/-6.0
Native Hawaiian and Other Pacific Islander	N	N	N	N	N	N
Some other race	15,548	+/-2,258	4,387	+/-1,366	28.2%	+/-7.6
Two or more races	3,564	+/-773	544	+/-257	15.3%	+/-7.4
Hispanic or Latino origin (of any race)	38,420	+/-2,615	10,655	+/-2,025	27.7%	+/-4.8
White alone, not Hispanic or Latino	120,960	+/-2,889	16,764	+/-1,512	13.9%	+/-1.2

Source: U.S. Census Bureau, 2007 American Community Survey.

2. Disability

Out of a total of 539 total claims, the Utah Antidiscrimination & Labor Division reported 209 claims of disability discrimination in Utah from July 2007 to June 2008. The Disability Law Center Annual Needs Assessment Survey indicates the following:

- “Have you, a family member or your clients experienced discrimination in getting or keeping a job because of your disability?”
- Yes – 27.1%, No – 64.5%, Don’t Know – 8.4%.⁵⁶

⁵⁴ Interview with Heather Morrison, Director of the Utah Antidiscrimination & Labor Division. See also Utah Labor Commission, Annual Report (FY 2008).

⁵⁵ United States Census Bureau, American Community Survey, 3-Year Estimates for Salt Lake City (2007).

⁵⁶ Disability Law Center, 2008 Needs Assessment Report (30 August 2008).

The U.S. Census Bureau also provides the following data on employees with disabilities within Salt Lake City.⁵⁷ The total population of people ages 16 – 64 in Salt Lake City is 123,256; of that 13,725 are disabled. In February 2009, 44,000 people were unemployed in Utah⁵⁸ that is 2.4 percent of the population of 1,780,038 people ages 18 or older.⁵⁹ Of Salt Lake City’s disabled population, 57.7 percent are unemployed. That is a significant discrepancy. Additionally, 28.3 percent of persons with disabilities live below the poverty level (see Figure 5).

Figure 5: Employees with Disabilities in Salt Lake City

Population Category	Total Population	Margin of Error
Population 16 to 64 years	123,256	+/-2,455
With any disability	13,725	+/-1,060
<i>Employed</i>	42.3%	+/-3.9
With a sensory disability	3,122	+/-565
<i>Employed</i>	40.6%	+/-9.9
With a physical disability	6,989	+/-692
<i>Employed</i>	38.5%	+/-4.8
With a mental disability	5,951	+/-620
<i>Employed</i>	32.2%	+/-5.5
With a self-care disability	1,968	+/-397
<i>Employed</i>	19.4%	+/-8.8
With a go-outside-home disability	3,225	+/-534
<i>Employed</i>	25.7%	+/-7.1
With an employment disability	8,031	+/-833
<i>Employed</i>	25.2%	+/-4.4
No disability	109,531	+/-2,690
<i>Employed</i>	78.9%	+/-1.2
Population 5 years and over for whom a poverty status is determined	164,175	+/-3,277
With any disability	22,621	+/-1,261
<i>Below poverty level</i>	28.3%	+/-3.1
With a sensory disability	6,789	+/-712
<i>Below poverty level</i>	22.6%	+/-5.4
With a physical disability	12,490	+/-729
<i>Below poverty level</i>	28.0%	+/-3.5
With a mental disability	9,468	+/-849
<i>Below poverty level</i>	35.1%	+/-5.4
With a self-care disability	3,873	+/-412
<i>Below poverty level</i>	34.0%	+/-7.5
No disability	141,554	+/-3,339
<i>Below poverty level</i>	15.2%	+/-1.6
Population 16 years and over for whom a poverty status is determined	141,582	+/-2,575
With a go-outside-home disability	6,567	+/-627
<i>Below poverty level</i>	33.1%	+/-5.0
Population 16 to 64 years for whom a poverty status is determined	122,894	+/-2,448
With an employment disability	8,031	+/-833

⁵⁷ United States Census Bureau, American Community Survey, 3-Year Estimates for Salt Lake City, UT (2007).

⁵⁸ Utah State Department of Workforce Services, DWS News (17 February 2009).

⁵⁹ United States Census Bureau, 2005 – 2007 American Community Survey.

<i>Below poverty level</i>	41.6%	+/-5.5
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Source: U.S. Census Bureau, 2007 American Community Survey.

3. Religion

According to UALD, out of a total of 539 discrimination claims, 47 claims based on religious discrimination in Utah occurred between July 2007 and June 2008.⁶⁰ Based on the limited information available, there is nothing to suggest whether these claimants were unfairly treated or discriminated against based upon their religious background or the religious persuasions of the employer.

4. Economic Status

There is currently no local government agency that actively collects and manages general data for employment discrimination claims based on classism or economic status for residents of Salt Lake City.

5. Gender and Sexual Orientation

The U.S. Census Bureau provides the following data on income discrepancies based on gender in Salt Lake City:⁶¹ 7.1 percent of males in Salt Lake City earn an income of \$100,000 or more while 2.0 percent of women earn \$100,000 or more.

⁶⁰ Interview with Heather Morrison, Director of the Utah Antidiscrimination & Labor Division (13 May 2009).

⁶¹ United States Census Bureau, 2005-2007 American Community Survey 3-Year Estimates. Available at http://factfinder.census.gov/servlet/DTable?_bm=y&-context=dt&-ds_name=ACS_2007_3YR_G00_-CONTEXT=dt&-mt_name=ACS_2007_3YR_G2000_B17008&-mt_name=ACS_2007_3YR_G2000_B20001&-tree_id=3307&-redoLog=false&-geo_id=31200US416204967000&-search_results=01000US&-format=&-lang=en.

Figure 6: Income Discrepancies based on Gender in Salt Lake City

Subject	Number of Males	Percent of Males	Number of Females	Percent of Females
Total population 16 years and over with earnings	59,670		48,239	
\$1 to \$2,499 or loss	3,584	6.0%	4,491	9.3%
\$2,500 to \$4,999	2,386	3.9%	3,595	7.5%
\$5,000 to \$7,499	2,795	4.6%	2,956	6.1%
\$7,500 to \$9,999	1,951	3.2%	2,557	5.3%
\$10,000 to \$12,499	2,617	4.4%	3,264	6.8%
\$12,500 to \$14,999	2,570	4.3%	2,928	4.8%
\$15,000 to \$17,499	3,790	6.4%	2,498	5.2%
\$17,500 to \$19,999	2,773	4.6%	1,812	3.8%
\$20,000 to \$22,499	3,665	6.1%	2,210	4.9%
\$22,500 to \$24,999	1,603	2.6%	1,996	4.1%
\$25,000 to \$29,999	4,809	8.0%	3,549	7.4%
\$30,000 to \$34,999	4,517	7.6%	3,728	7.7%
\$35,000 to \$39,999	3,438	5.8%	2,257	4.7%
\$40,000 to \$44,999	3,132	5.2%	2,172	4.5%
\$45,000 to \$49,999	2,560	4.3%	1,355	2.8%
\$50,000 to \$54,999	2,141	3.4%	1,513	3.1%
\$55,000 to \$64,999	2,714	4.5%	2,100	4.4%
\$65,000 to \$74,999	1,595	2.7%	1,068	2.2%
\$75,000 to \$99,999	2,757	4.6%	1,186	2.5%
\$100,000 or more	4,273	7.1%	1,004	2.0%

Source: U.S. Census Bureau, 2005 - 2007 American Community Survey.

Since employment discrimination based on sexual orientation is not prohibited under federal or state law, these types of complaints are not normally tracked by UALD.⁶² At the request of Equality Utah, UALD agreed to begin tracking these complaints.⁶³ Between June 2007 and September 2008, UALD reported an average of three sexual orientation and gender identity employment discrimination complaints per month.⁶⁴ Unfortunately, UALD no longer tracks this data.

According to 2005 estimates, Utah is home to “an estimated 53,832 gay, lesbian and bisexual people.” Included in this population are approximately 4,300 same-sex couples.⁶⁵ Using this and other data from the U.S. Census Bureau, the Williams Institute at the UCLA School of Law reports that these same-sex couples are very similar to married couples across the state. “They are racially and ethnically diverse, have partners who depend upon one another financially, and actively participate in Utah’s economy.”⁶⁶

⁶² Interview with Heather Morrison, Director of the Utah Antidiscrimination & Labor Division (13 May 2009).

⁶³ Interview with William Carlson, Manager of Public Policy for Equality Utah (13 May 2009)

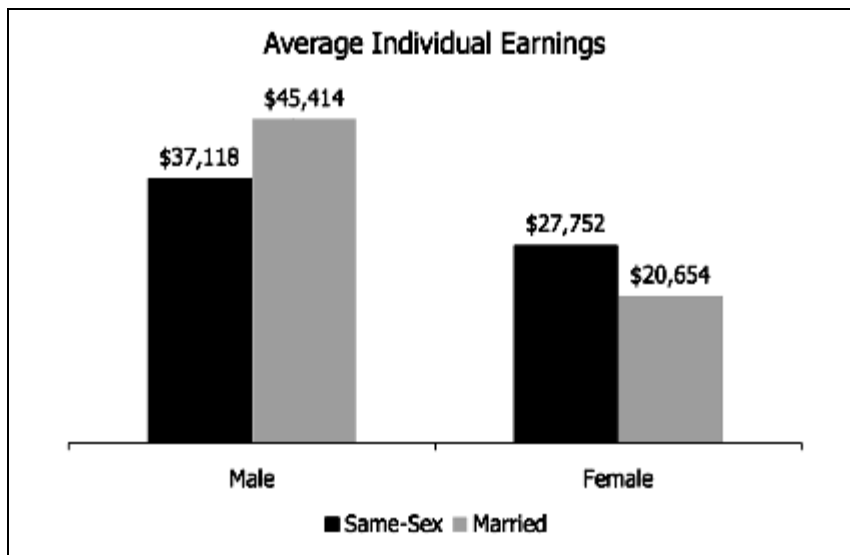
⁶⁴ Interview with William Carlson, Manager of Public Policy for Equality Utah (13 May 2009)

⁶⁵ The Williams Institute, Utah Census Snapshot (2008). Available at <http://www.law.ucla.edu/Williamsinstitute/publications/UtahCensusSnapshot.pdf>.

⁶⁶ The Williams Institute, Utah Census Snapshot (2008).

Sexual orientation and gender also play a part in creating significant earning discrepancies between Utah’s working men and women. According to the Williams Institute, “contrary to a popular stereotype, the annual earnings of men in same-sex couples are lower than those of married men.”⁶⁷ Data compiled by the Institute suggests that men in same-sex couples earn an average \$37,118 each year (with a median of \$30,000), compared to an average \$45,414 (with a 19 percent higher median of \$37,000) for married men.⁶⁸ On the other hand, women in same-sex couples earn an average \$27,752 per year (with a median of \$24,900), compared to an average of \$20,654 (with a median of \$16,900) for married women.⁶⁹

Figure 7: Income Discrepancies based on Gender and Sexual Orientation



Source: The Williams Institute, Utah Census Snapshot (2008).

These disparities between married and same-sex couples are further confounded by the fact that individuals in same-sex couples are “significantly more likely to have a college degree.”⁷⁰ In Utah, 37 percent of individuals in same-sex couples have a college degree while only 26 percent of married individuals have a college degree.⁷¹

C. Data on Housing Discrimination

In addition to employment laws and regulations, UALD is also responsible for enforcing federal and state housing laws through a work-sharing agreement with the U.S. Department of Housing and Urban Development. Individuals who experience discriminatory housing practices may sue the landlord in court for violation of state and federal fair housing acts. Utah residents may also report the event to UALD which will investigate the claim and conduct an administrative hearing

⁶⁷ The Williams Institute, Utah Census Snapshot (2008).

⁶⁸ The Williams Institute, Utah Census Snapshot (2008).

⁶⁹ The Williams Institute, Utah Census Snapshot (2008).

⁷⁰ The Williams Institute, Utah Census Snapshot (2008).

⁷¹ The Williams Institute, Utah Census Snapshot (2008).

to resolve the conflict. If that is unsuccessful, either party may appeal UALD’s decision in state court.

Because UALD’s housing discrimination data is not broken down by municipality, there is very little information specific to Salt Lake City. However, according to UALD’s 2008 Annual Report, a total of 105 individuals submitted housing discrimination complaints. The following information is a list of antidiscrimination claims according to legally protected categories:

Figure 8: UALD Housing Discrimination Cases Statewide

Basis for complaint	Number of claims (FY 2008)
Race	31
Color	6
National Origin	40
Gender	7
Disability	38
Familial Status	25
Economic Status	6
Religion	5
Retaliation	24

Source: Utah Antidiscrimination & Labor Division (2008)

Note: Some complaints allege multiple forms of discrimination.

1. Race, Ethnicity, and National Origin

There is no specific data indicating the number of housing discrimination claims based on race, ethnicity, or national origin in Salt Lake City. However, statewide data collected by UALD indicates that discrimination based on race, color, or national origin is by far the most common. Out of a total of 182 housing discrimination complaints filed between July 2007 and June 2008, 77 claims were based on race, color, or national origin.⁷² A typical scenario in these types of claims is that someone with a perceived Mexican accent or of perceived Mexican ancestry attempts to rent a house and the landlord refuses on that basis. Common discriminatory statements include “these people” are not clean, they play “loud Mexican music,” or they crowd the house with all of the relatives.⁷³

Discrimination based on national origin may increase with the enforcement of Senate Bill 81, which was passed in the 2008 General Session of the Utah Legislature and implemented July 1 of 2009. The legislation may empower landlords to refuse renting to someone who might be undocumented. The statute will make it illegal to “conceal, harbor, shelter from detection” a person residing illegally in this State.⁷⁴ However, an article written by the ACLU of Utah states that “it is unclear if this provision will impact landlord-tenant situations.”⁷⁵ The broad language

⁷² Interview with Heather Morrison, Director of the Utah Antidiscrimination & Labor Division (13 May 2009).

⁷³ Interview with Heather Morrison, Director of the Utah Antidiscrimination & Labor Division (13 May 2009).

⁷⁴ Enrolled Copy SB 81 “Illegal Immigration” (2008). Available at <http://le.utah.gov/~2008/bills/sbillenr/sb0081.htm>.

⁷⁵ ACLU of Utah, “The Impact of Utah SB 81, ‘Illegal Immigration’ on Utah”. Available at <http://www.acluutah.org/ImpactofSB81onUtah.pdf> (Accessed 26 May 2009).

of the statute and confusion as to how its provisions will be enforced make it safe to assume that S.B. 81 will impact people of color who seek housing in Utah.

As racial and ethnic populations continue to grow in Salt Lake City, there will be an increasing need to provide better education of both landlords and tenants, stronger enforcement of existing laws that protect tenants, and the creation of additional remedies for tenants facing eviction because of their national origin or race.

2. Disability

Discrimination based on physical or mental disability is the second most common form of housing discrimination statewide according UALD.⁷⁶ Between July 2007 and June 2008 alone, a total of 38 claims of housing discrimination claims were based on disability. These claims often center upon the landlord's duty to make reasonable accommodations for both physical and mental disabilities, including refusal to accept guide dogs or companion animals.⁷⁷

3. Religion

Statewide UALD data indicates that five complaints of discrimination based on religion were filed between July 2007 and June 2008.⁷⁸ According to UALD, there are not many recurring scenarios that typify most religion-based complaints. Additionally, the relatively low number of claims based on religious discrimination is consistent with national housing discrimination data. The U.S. Department of Justice reports that the “number of cases filed since 1968 alleging religious discrimination is small in comparison to some of the other prohibited bases, such as race or national origin.”⁷⁹

4. Economic Status

Data collected by UALD statewide indicates that only six housing discrimination complaints were filed on the basis of economic status or “source of income” between July 2007 and June 2008.⁸⁰ Utah Code defines source of income as “the verifiable condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.”⁸¹ These types of housing discrimination complaints are almost exclusively filed by low-income tenants living on Social Security, Supplemental Security Income (SSI), unemployment insurance, veteran's benefits, and other subsidy programs such as the Housing Choice Voucher Program (or “Section 8 voucher program”).⁸² While a number of states – including Utah – prohibit landlords, real estate brokers, home sellers, mortgage companies, and banks are prohibited from giving

⁷⁶ Interview with Heather Morrison, Director of the Utah Antidiscrimination & Labor Division (13 May 2009).

⁷⁷ Interview with Heather Morrison, Director of the Utah Antidiscrimination & Labor Division (13 May 2009).

⁷⁸ Interview with Heather Morrison, Director of the Utah Antidiscrimination & Labor Division (11 June 2009)

⁷⁹ United States Department of Justice, Housing and Civil Enforcement Section, “Attorney General's Fair Housing Initiative” (2008). Available at http://www.usdoj.gov/crt/housing/housing_coverage.php (accessed 22 May 2009).

⁸⁰ Interview with Heather Morrison, Director of the Utah Antidiscrimination & Labor Division (13 May 2009).

⁸¹ *Utah Fair Housing Act at Utah Code Ann.* § 57-21-2(21)

⁸² Interview with Heather Morrison, Director of the Utah Antidiscrimination & Labor Division (11 June 2009)

preference or limiting one source of income over another, this form of economic discrimination has become an increasing problem in cities across the country. But the effects of housing discrimination based on source of income impacts more than just the economic status of a few prospective tenants. According to the National Commission on Fair Housing and Equal Opportunity, “research supports the conclusion that landlords’ refusal to accept rental subsidies in more affluent, predominantly White suburban communities is a significant barrier to economic and racial integration.”

5. Gender, Familial Status, and Sexual Orientation

Between July 2007 and June 2008, data collected by UALD indicates that only seven housing discrimination complaints were filed on the basis of gender in the state of Utah.⁸³ However, the same data shows that 25 complaints were filed on the basis of familial status. While familial status may depend on a variety of different variables (such as married and non-married couples, children, extended family members living in the home, etc.), housing nondiscrimination laws provide no protection for LGBT individuals and same-sex couples. Utah Code states, “It is a discriminatory housing practice to do any of the following because of a person's race, color, religion, sex, national origin, familial status, source of income, or disability.”⁸⁴ Despite the lack of any official data on the number of annual complaints filed on the basis of sexual orientation and gender identity, Equality Utah has started collecting its own information from people who have been evicted or refused housing because of their sexual orientation and gender identity.⁸⁵

⁸³ United States Department of Justice, Housing and Civil Enforcement Section, “Attorney General's Fair Housing Initiative” (2008). Available at http://www.usdoj.gov/crt/housing/housing_coverage.php (accessed 22 May 2009).

⁸⁴ *Utah Fair Housing Act* at *Utah Code Ann.* § 57-21-5

⁸⁵ Interview with William Carlson, Manager of Public Policy for Equality Utah (11 June 2009)

V. Dialogues on Discrimination

Over a two-month period, the Salt Lake City Human Rights Commission held a series of five dialogues on discrimination throughout Salt Lake City. The purpose was to encourage community involvement and to help inform the development of public policies. The five dialogue meetings each focused upon a different aspect of discrimination: classism/poverty; people with disabilities; racism; faith; and sexual orientation. These meetings were held in five different areas throughout Salt Lake City (see Figure 10). Following the speaker, informal focus groups were held. Communication Access Realtime Translation (CART) services for hearing impaired individuals was made available. A Spanish-speaking facilitator was also present. At each of the five meetings, guest speakers presented information about discrimination in its many forms. The public was invited to join one of the focus groups and engage in a discussion about discrimination.

In addition, beginning in October 2008, people who chose to remain anonymous or were unable to attend a dialogue were able to share their experiences through “Tell Us Your Story,” an online opportunity available through Salt Lake City’s website.

Figure 9: Dialogue of Discrimination Series Meetings

Dates (2008)	Topic	Location	Guest Speakers	Estimated Attendees
11/5	Classism/ Poverty	Sorenson Multicultural Ctr. 855 W. California Avenue	Joel Arvizo Karla Padilla	45
11/19	People with Disabilities	Northwest Middle School 1730 W. 1700 N.	Barbara Toomer Matthew Knotts	70
12/4	Racism	University of Utah, School of Medicine 26 S. 2000 E.	Debra Daniels Erika George	105
12/5	Faith	Westminster College 1840 S. 1300 E.	Dimple Singh Michael Popich	100
12/11	Sexual Orientation	Tenth East Senior Center 237 S. 1000 E.	Will Carlson Lisa Diamond	100

Note: The number of attendees at each dialogue meetings is based upon sign-in sheets and estimated counts by facilitators and the Salt Lake City Office of Diversity and Human Rights.

A. Data Collection

At the Dialogue meetings, community members were invited to participate in small focus groups. The purpose of the groups was to allow community members to share their stories of discrimination. Facilitators were instructed to take notes on a data collection sheet about the type of discrimination.⁸⁶ Eight areas of discrimination, with typically high rates of discrimination incidents as identified by The Inclusion Center and the Human Rights Commission, were

⁸⁶ Focus group facilitators attended a two-day training session to learn how to facilitate the dialogue meetings. The training sessions address facilitation, including such topics as fairness and handling difficult situations. The training also focused upon types of discriminations, how to identify one’s own biases, and how to address one’s own biases. The training was conducted by the Inclusion Center.

included on the data collection sheet. These types of discrimination are: racism, ableism, sexism, classism, faithism, appearanceism, heterosexism, and ageism.⁸⁷

Figure 10: Areas of Discrimination based on Social Group

Social Groups	Dominant / Non-Target	Group Subordinate / Target Group	Oppression
Ability Status	Able-body/mind	Persons with a disability	Able-ism
Faith	Christian	All other Faiths	Faith-ism
Age	Adult	Young People / Senior Citizens	Ageism
Sex	Males	Females	Sexism
Sexual Orientation	Heterosexual	L.G.B.T.	Heterosexism
Socio-Economic Class	Above Area Median Income	Below & At Area Median Income	Class-ism
Appearance	Barbie & Ken	Everyone Else	Appearance-ism
Race	White / European-American	People of Color	Racism
Language	English Speaker	Non-English Speaker	
Citizenship	Documented	Undocumented	

Source: Inclusion Center for Community and Justice. Working definitions Used in Inclusion Center's Programs. 2007

After the meetings, facilitators were also asked to identify three main themes from their focus groups. The facilitator was asked to submit those themes and the data collection sheets to the Coordinator of the Office of Diversity and Human Rights in Salt Lake City. These themes and the data collection sheets are the data used in this analysis.

The method for collecting the data had some limitations. First, the method was non-representative sampling. The individuals who attended these dialogue meetings were self selected – that is, they chose to attend the meeting and had the time, means of transportation, and incentive to attend. Assumptions about the attitudes or experiences of individuals who did not attend the dialogue meetings cannot be made. Furthermore, we cannot generalize the findings to the entire population of Salt Lake City.

A second limitation is facilitator bias. Each facilitator had different issues, perspectives, and different means for collecting data. This too can bias the collection of data by the facilitator. To elaborate, some of the facilitators for these focus groups took very specific notes about incidents of discrimination, while others were very brief; some even provided their own opinions in a separate section. A third limitation acknowledged by the study is facilitator interpretation of what the participants said and meant.

⁸⁷ Inclusion Center for Community and Justice. Working definitions Used in Inclusion Center's Programs. 2007 http://inclusioncenter.org/uploads/ICJ_Terms_2007.pdf

B. Data Analysis and Findings

Each facilitator was provided a “Data Collection Sheet” and was asked to make notes about the experiences of the focus group participants regarding eight types of discrimination: racism, ableism, sexism, classism, faithism, appearanceism, heterosexism, and ageism. The data sheets provided space for the facilitator to mark whether the participants had experienced discrimination in any of the eight categories.

The data collection sheets indicate the number of incidents of discrimination reported by focus group participants. We provide a final total for the number of incidents reported by the participants at the Dialogue meetings in Figure 12. The most frequently reported type of discrimination was racism. Indeed, there were 85 incidents of racism reported during the dialogue meetings. The least frequently reported type of discrimination reported during the dialogue meetings was ageism. Only 10 incidents of ageism were reported.

Figure 11: Total Incidents of Discrimination Reported at Dialogue Meetings

Type of Discrimination	Total Incidents
Racism	85
Ableism	36
Sexism	12
Classism	39
Faithism	51
Appearanceism	24
Heterosexism	49
Ageism	10

Source: Dialogue on Discrimination Data Sheets

C. General Discrimination Themes

Following the dialogue meetings, the facilitator for each focus group was asked to identify themes from his or her focus group. The dialogue data (themes) were taken from notes collected on five different dates in November and December 2008 (see Figure 1). The facilitators varied in the complexity of their notes. Many just noted the three main themes from their perspective. Others described specific incidents of discrimination reported by participants.

This data was classified into several themes. To elaborate, if comments (themes) were directly related to race, disability, religion, class, and sexual orientation, they were placed in that category. The comments that were used to develop the five themes are listed below. Each comment is followed by the date it was given.

1. Race, Ethnicity, and National Origin

- Fear of race struggles continue from past to future generations (12/4)
- Look-ism/appearance-ism is part of racism (12/4)

- Racism is a reality in facets of daily life in Utah, as citizens, students and employees (12/4)
- Racism and classism are discrimination issues faced together (12/4)
- Caucasians don't experience racism (11/5)
- Whites are part of a privileged group but feel class/West side - East side separation (11/5)
- When a woman enters a store, she is followed because of her skin color (11/5)
- Racism is covert and therefore difficult to pin down. Everyone agreed it exists in all aspects of our community, including government and education.

2. Disability

- Senior citizens feel like the younger generation isn't kind or courteous. Seniors have disabilities sometimes that can't be seen (11/19)
- Woman said people assume she's low-income because of her disability. She wanted to tell them she was a college graduate with a good job but was afraid (11/19)
- Because of mental illness, one man is unable to dress properly which leads to assumptions about ability, homelessness, etc (11/5)
- Woman entered business with no elevator. Had knee injury. Bathroom was on second floor (11/19)
- Hearing impaired man went to Planetarium but was unable to listen to recordings and movies because there were no closed captioning or accessible services (11/19)
- ASL isn't used by most deaf/hard-of-hearing folks so there is a need for other solutions (11/19)
- Institutional racism makes us disabled (11/19)
- Parents angry at being dropped from insurance due to high medical bills from children with disabilities (11/19)

3. Religion

- We have a long way before we reach religious tolerance (12/4)
- Dominant religion complicates problems but SLC is better than rest of Utah (12/4)
- Felt like LDS made up one class of people and everyone else is in another group (12/5)
- Non-LDS kids not allowed to play with LDS kids (12/5)
- Question of why only traditional holidays celebrated (12/5)
- Dialogue not attended by Jewish due to being held on Friday (12/5)
- Not always easy to detect discrimination based on faith because faith is not something always visible to others (12/5)
- Even members of LDS church feel like outcasts at times if they do not follow all of the practices (12/5)

- People within a church not accepting members who are of a different ethnic minority (12/4)
- Gay males are treated badly by LDS friends and church (12/5)
- Parents cannot request a place for Muslim students to pray (only the student can ask); legislators are not in touch (Buttars and “Merry Christmas”; profiling of Muslims/Arabs at airports)

4. Economic Status

- Racism and classism are discrimination issues faced together (12/4)
- Whites are among privileged group but feel class/ West side - East side separation. (11/5)

5. Gender and Sexual Orientation

- Religious beliefs aggravate discrimination based on sexual orientation (12/11)
- In early high school, man was placed in trash can by some football team members. He thought it was because he was small but was later told it was because he was different – gay (12/11)
- One person remembered classmate in high school who was popular and well-liked. After high school it came out that he was gay. When he passed away, he was the only one from graduating class at funeral (12/11)
- Fear for physical safety of LGBT community when they are out in public with partner.
- One LGBT individual has experienced extreme emotional difficulty in coming out to family. For some being closeted is best option (12/11)
- LGBT forced to continually have to come out in community (12/11)
- Young male came out in latter part of high school — parents and other family members disowned him. Taken in by friend’s family and stayed until he completed high school (12/11)

D. Specific Discrimination Themes

In addition to these themes, there were concerns specific to employment, housing, government, education, police, as well as some general issues. The comments are listed by category below.

1. Employment

- Husband and wife (both African Americans) moved to SLC in early 1980s and were told by individuals not of color that most minorities resided on west side of SLC. Two of their real estate agents only showed homes on Westside (11/5)
- Family was living in a rental property without a working stove for over three months. Owner refused to replace it because they couldn’t speak English (11/19)

- Woman born with hearing problems which hearing aids don't help. People must look at her when they speak. Co-workers would yell at her. She discussed this with supervisor and he asked her to explain the situation to co-workers which helped with understanding (11/19)
- One man talked about being asked to fill out a tithing form at his new job. Although he was LDS he didn't take the job (12/5)
- Employers out of touch with non-Christian faiths; Friday observances, etc (12/5)
- Individuals present face discrimination due to their sexual orientation in housing and employment (12/11)
- High rate of discrimination in workplace without protection of law (12/11)
- Eight people at this table felt that they were released from their jobs when their sexual orientation was discovered (12/5)

2. Housing

- Woman from Mexico grew up affluent, is fluent in English, moved to Utah. Tried to get employment when her husband passed away. When she went for interviews people were surprised she was Hispanic without an accent. She got interviews but was never selected (11/5)
- Muslim woman from Eastern block country. Got a job and things seemed good until someone found out she was Muslim. Noticed that co-workers withdrew and only spoke about work-related issues (11/5).
- Woman with mental illness became homeless because of lack of tenant rights (11/19)
- Housing discrimination based on non-Christian religious faith (12/5)
- Family living in rental property with dirt floors (11/19)
- Another family living in rental property with mold growing on the walls. Superintendent wouldn't do anything about it. Family not highly educated and unable to provide written notice to the superintendent (11/19)
- Another male was evicted from rental property without cause (11/19)

3. Government Resources

- Demographics of City Council do not represent ethnic minority voice (12/4)
- Racism and classism exist in lack of access to City resources (12/4)
- English-only laws are discriminatory practice by government against immigrants, refugees and new citizens (12/4)
- One woman felt she was denied services at an SLC service sector because she was wearing her hijab (12/5)
- Lacks access to public participation due to hearing loss (11/5)
- Desires to be more involved; knows how it feels to be the last considered by city government because of disabilities (11/5)
- Utah Legislature does not fund mental health issues nearly enough (11/19)

- City could do a better job making sure people with hearing disabilities are better accommodated at City events (e.g. at Mayor Becker’s inauguration, people were unable to be part of the event because CART was not available) (11/19)
- Racism and classism exist in lack of access to City resources (12/4)
- Homeless people can’t get library card because of no proof of address (12/5)
- Marriage is for religion and civil unions are best to advocate for (12/11)
- Concerns for safety for being gay. Too many hate crimes in SLC go unreported and are not responded to (12/11)
- Discrimination for marriage prohibition (12/11)

4. Education

- We need more education in the schools and business – kids know more than adults (12/5)
- Counseling in schools track students of color to lower classes, even when they object; students are not encouraged to seek higher education (12/4), another incident reported of being assumed she wasn’t going to college because she is Latina (12/4)
- ESL & ELL classes filled with bilingual Latino students who speak English (based on last name only) (12/4) (Two more incidents reported in other groups about people being placed in ESL because of skin color - 12/4)
- At U, student was expected to teach the majority students token perspective of minority (12/4)
- SLC school curriculum is NOT reflective of student body or respectful of diverse populations (12/4)
- School children in Utah need to be exposed to different cultures at early age (12/4)
- Teachers in Utah have a very difficult time dealing with LGBT issues because they are highly restricted in what they can discuss with students (12/11)
- Hispanic student said others thought he was in honors class because government said one minority student was needed in class; other students thought he didn’t do the work.
- Incident of parents being afraid to enter the public school because they are not able to communicate easily and they do not feel ownership or educated enough (11/5)
- Woman tried to enroll her child in neighborhood school. The school was not understanding about how to deal with “two moms.” Ended up enrolling child in private school (11/19)
- Quality bilingual education should begin at an early age (12/5)
- There are educational inequities for children with disabilities (11/19)

5. Law Enforcement

- Racism is present through racial profiling of SLPD (12/4)

- Police arrests in SLC are based on racial or age profiling (DWB-Driving while black) (12/4)
- Police profiling based on race (12/5)
- Police profiling based on racial or ethnic characteristics of an automobile driver (12/11)
- SLC police discriminated against a gay couple who were also victims of sexual assault (12/5)

E. Possible Solutions

Suggestions and possible solutions were also discussed during the dialogue focus groups. The solutions fall into these categories: 1) General; 2) Communication; 3) Government; and 4) Mayor.

1. General Suggestions

- Only strategy is to go slow, no anger or rush (12/11)
- At one table of Caucasians, there was empathy toward inequality and a commitment to learning more about other cultures; want to see action, more than just City ordinances (11/5)
- Have a downtown diversity/integration festival to encourage different cultural groups to interact (12/11)

2. Suggestions on Communication

- Letting people voice their concerns is important (11/19)
- Invest in communication and media (12/11)
- Less talk, more action (11/19)
- People do not want to talk about problems (12/5)
- We need as a community to have a safe way to dialogue about racism (12/4); Cities should implement dialogues on regular basis where people of different faiths and backgrounds can interact and appreciate cultural differences (12/5); More dialogues (12/11); Continue dialogues (11/5); Continue these dialogues (11/19); Continue these dialogues in places like schools and apartment complexes to reach underrepresented populations (12/4); Continue these dialogues with targeted audiences (police and Board of Education for example) (12/11)
- Public meetings need to be more accessible to those with disabilities. CART captioning or communication devices should be available (11/19)
- City needs to raise awareness about ableism (11/19). Small steps to be more inclusive towards those with disabilities would be extremely helpful (11/19)

3. Suggestions to City Government

- Participants want action from City and State officials to control and end discrimination and demonstrate it will not go unpunished if substantiated
- Want punishment for hate crimes (12/4)
- Participants want more legislation that is effective toward hate crimes (12/11)
- Diversity/sensitivity/awareness training is needed for government services staff to deal with homeless, mentally ill and those with language difficulties (11/5)
- Disseminate information about City services and resources in libraries and public schools
- Quality cultural competency training for all City employees (11/19)
- Need more resources for homeless, including housing and care (11/5)
- Continue communication of City resources in water bills (11/19)
- Make sure City Creek development is ADA compliant – include people with disabilities in planning process (11/19)
- Basic rights for tenants are lacking. Improve tenant rights. Policy is needed(11/19)
- Difficult to find services in the government section of phone book (11/19)
- Need to increase the diversity in City government and higher level management positions, not just in landscaping and janitorial positions (12/4)
- City can participate in job fairs and education fairs to diversify employees (12/4)
- Create a City ordinance that helps create equity and safety for everybody (12/11)

4. Suggestions to the Mayor

- Mayor should use his influence and leadership to set standard for rest of community
- Mayor can meet with community groups to discuss issues of discrimination (12/11)
- Mayor Becker can meet with religious leaders to discuss issues of Heterosexism and make public statements (12/11)
- Use Mayor's influence and leadership to make people feel safe enough to bring up any type of discrimination (11/19)
- Mayor Becker needs to use his bully pulpit to address issues of discrimination (12/5)

VI. Recommendations

Based on the forgoing information and analysis, the Salt Lake City Human Rights Commission proposes the following recommendations.

A. Creation of a Nondiscrimination Ordinance

The Salt Lake City Mayor and City Council must move swiftly to enact a nondiscrimination ordinance that prohibits housing and employment discrimination on the basis of race, ethnicity, national origin, religion, source of income, age, gender, sexual orientation and gender identity and expression. A pro-equality regulation such as this will make a profound statement on the value of diversity and the protection of human rights for all Salt Lake City residents.

B. Voluntary Cooperation with International Human Rights Projects

City leaders should study the feasibility of implementing international human rights initiatives and directives on a City-wide level. Specifically, the HRC recommends observing the 30 Articles of the United Nations' (UN) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by the UN General Assembly in December, 1979. This international treaty has not been ratified by the US as a whole, although the city of San Francisco implemented CEDAW officially in all its policies in April, 1998. After rigorous study, it may be deemed appropriate to voluntarily commit Salt Lake City to a similar human rights directive.

C. Increase of Funding for Local Diversity and Human Rights Programs

The Salt Lake City Mayor and City Council must allocate more funds to the ODHR and the HRC. Urban governments must recognize the importance of community issues by the amount of funding committed to these causes. While the ODHR and the HRC have gone to great lengths to implement educational programs and community outreach initiatives at little to no cost, the current budget allocation is woefully insufficient. The HRC recommends that City leaders compare the budgets of similar human rights programs in comparable cities and calculate a funding amount that can meet the needs of Salt Lake City's increasingly diverse population.

D. Creation of a System for Collecting and Addressing Discrimination Claims

Salt Lake City does not have any official system or procedure that allows residents to voice discrimination claims. As a result, the lack of information makes it difficult to assess and respond to discriminatory practices within the City. The Salt Lake City Mayor and City Council must establish a system or procedure to collect information from residents who believe they have experienced some form of unlawful discrimination. This would also provide the City with an opportunity to provide victims of discrimination with information on the legal protections and remedies they may be entitled to exercise. Finally, analysis of the data collected could potentially provide a reliable means of assessing the efficacy of the City's nondiscrimination efforts.

VII. Conclusion

Salt Lake City has great potential and ability to reduce the numbers of incidents of discrimination that currently occur in the City. With continued data collection, a nondiscrimination ordinance, enforcement and education, Utah's capital city can be a leader in addressing this problem. Salt Lake City government can make human rights a priority by creating a nondiscrimination ordinance and by increasing funding for the Office of Diversity and Human Rights. Mayor Ralph Becker can use his public voice to encourage recognition of the many forms of discrimination – individual and institutional; overt and covert; conscious and unconscious. Salt Lake City can continue to educate and offer solutions to its residents about discrimination. According to comments from the Dialogue on Discrimination Series, the residents of Salt Lake City are motivated and excited to help educate others about discrimination. Continued Dialogues on Discrimination will allow residents to share their stories of discrimination to alert others about their experiences of discrimination that are currently occurring and will also provide a forum to discuss what discrimination looks like, how it is harmful and how to address it.

Salt Lake City is a great city with a wealth of diversity. As stated on the Salt Lake City Office of Diversity and Human Rights web page:

We all want to be treated with dignity and respect. As a community and as individuals we value compassion, civility, and understanding. We are inspired by the example of those who befriend and help others who are overlooked, discriminated against or in need. From a recognition of our common desire to be respected, it is a small yet crucial step for us to recognize the importance of extending dignity and fair treatment to everyone, regardless of our differences.

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East Central Community Council

Equality Utah

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Northwest Middle School

Orin Howell, Former Human Rights Commission member

Salt Lake City Council

Salt Lake City Office of the Mayor

Salt Lake City Office of Diversity and Human Rights

Sorenson Multicultural Center

Sunnyside East Community Council

Tenth East Senior Center

The Inclusion Center for Community & Justice

The Tanner-McMurrin Lecture Series on the History and Philosophy of Religion, Westminster College

University of Utah Center for Public Policy & Administration

University of Utah Office for Equity & Diversity

University of Utah School of Medicine, Diversity & Community Outreach

University Neighborhood Partners

Utah Hispanic Advisory Council

Utah Labor Commission

Utah Pride Center

Utah State House of Representatives

Wasatch Hollow Community Council

Yalecrest Community Council

Appendix A

Discrimination in Education

Julian Weissglass, Director of the Center for Educational Change in Mathematics and Science and Professor of Mathematics at the University of California, Santa Barbara states, “Educational institutions, politicians and educators are concerned about the disparities between different ethnic/racial or socioeconomic groups in national and state test scores, attrition rates, enrollment in advanced courses, and degree attainment.”⁸⁸ Professional literature documents the overrepresentation of language minorities in special education programs. It also documents the underrepresentation of minorities in programs such as International Baccalaureate, Extended Learning Program, programs for the gifted and talented and Advanced Placement courses.

This problem persists even though public policy and law aim to make change. Research indicates that an inadequate referral process, biased assessments, low teacher expectation, ineffective teaching strategies, lack of multicultural knowledge and lack of resources are reasons for these problems. Many of these problems lie in socioeconomic, sociocultural and sociopolitical influences with deep reaching historical roots.

Unconscious and Conscious Racism

Dr. Cathy Kea argues that the lack of personnel from a culturally or racially diverse background takes away from creating a multicultural community and detracts from an excellent education for all students. When white students are segregated from teachers of culturally diverse backgrounds, they are kept from broader experiences. And when a school has few diverse employees, diverse students are deprived of mentors and role models. These students also have feelings of inadequacy. Parents participate less because they do not feel part of the culture.⁸⁹

Adjunct Professor Julie Landsman (2004) discusses the overt racism she has experienced while teaching her classes. A teacher in one of her professional development classes told her that she had believed the blacks allowed themselves to be slaves. Principals have told her of teachers that openly say that black boys are hard to teach and disobedient and then these same teachers have disregarded the off task and naughty behavior of white boys. “Racism in educators’ attitudes and in how students are placed in advanced classes still rob minority students of chances for success.”⁹⁰

Teacher’s Lack of Multicultural Knowledge/ Low Teacher Expectation

Minority students are given inferior instruction which is paired with low teacher expectations. Minority students have historically been seen as lacking skills, experiences and family support to be able to perform in a general education setting as defined by a system that has traditionally

⁸⁸ Weissglass, J. (2001). Racism and the Achievement Gap. *Education Week*, 20(43), 49-50,72.

⁸⁹ Kea, C. D., & Utley, C. A. (1998). To teach me is to know me. *The Journal of Special Education*, 32(1), 44-47.

⁹⁰ Landsman, J. (2004). Confronting the racism of low expectations. *Educational Leadership*, 62(3), 28-32.

served white middle class students well. Because they leave the classroom and education feeling unsuccessful, they then create their reality of believing they are inferior and different.⁹¹

Instruction must be meaningful to the students. Students gain knowledge through experience, past and present. A teacher must build on what the child already knows. Unfortunately, many teachers do not know what children already know because they cannot relate to children's experiences. Students from linguistically and culturally diverse populations need teachers who confirm their own culture which allow the student to benefit academically from their cultural values and learning styles. Classes that teach curriculum from many different cultural perspectives will experience higher success.

A teacher who takes multicultural classes within their teacher preparatory program may know how to reach a child that might otherwise be referred to special education after they are significantly behind their peers.⁹² Teacher preparatory programs that include diversity training, culturally applicable methods and strategies and knowledge about second language acquisition would prepare teachers better to work with a broad spectrum of children and their varied abilities. Additionally, staff development training should include culturally and linguistically appropriate methods and materials.⁹³

Dr. Janette K. Klingner asserts that teachers who teach in more affluent communities have higher degrees and better qualifications while teachers at highly impacted schools are under-prepared and have minimal experience with diverse populations. As culturally diverse student populations increase, the population of teaching professionals is becoming less diverse.⁹⁴ A study conducted in 1996 determined that by the year 2025 fifty percent of school children in the United States will be from diverse backgrounds while nearly ninety five percent of teaching professionals will be middle-class, white females. Often these teachers have little experience with multicultural education.⁹⁵

Secondary to the referral of diverse students, studies show that once a student is identified and placed in special classrooms they actually receive inferior instruction and fall further behind students in the regular classroom. The problems with teachers being uninformed about multicultural issues continues into the special programs that exist thereby not offering adequate support to minority students once they are inducted into a program.⁹⁶

⁹¹ Artiles, A. J. (2003). Special education's changing identity: Paradoxes and dilemmas in views of culture and space. *Harvard Educational Review*, 73(2), 164-202. Kea, C. D., & Utley, C. A. (1998). To teach me is to know me. *The Journal of Special Education*, 32(1), 44-47.

⁹² Skaggs, M. C. (2001). Facing the facts: Overrepresentation of culturally and linguistically diverse students in special education. *Multicultural Education*, 9(2), 42-43.

⁹³ Valles, E. C. (1998). The disproportionate representation of minority students in special education: Responding to the problem. *The Journal of Special Education*, 32(1), 52-54.

⁹⁴ Klingner, J. K., Artiles, A. J., & Kozieski, E. (2005). Addressing the disproportionate representation of culturally and linguistically diverse students in special education through culturally responsive educational systems [computer file]. *Education Policy Analysis Archives*, 13(38), 1-39.

⁹⁵ Dekker, L. M., Krou, C. A., Wright, T. D., & Smith, D. M. (2002). Effective strategies for reducing the overrepresentation of minorities in special education.

⁹⁶ Kovach, J. A., & Gordon, D. E. (1997). Inclusive education: A modern-day civil-rights struggle. *The Educational Forum*, 61, 247-257.

Socioeconomic, Sociocultural and Sociopolitical Factors

Dr. Alfredo Artiles makes a compelling argument about the current trend toward educational reform. He states that reformers see schools as producers of “human capital” and need to be aware of the needs of the economy. Additionally, Dr. Michael Apple argues, as cited in Artiles that reformers gain economic and political safekeeping and also the preservation of the dominant group’s traditional values through the current reform trend. It favors the exclusive neo-conservative identity which thereby disenfranchises diverse populations. Furthermore, Klinger asserts that teaching professionals interpret the performance of diverse students through a white middle-class view of competency. Since diverse student performance does not align, these students are seen as lacking.⁹⁷

Furthermore, as this reform trend continues to marginalize diverse populations, future success will depend upon the assimilation of the dominant cultural values, as defined exclusively by the dominant culture. There is little movement toward the reorganization of societal conditions.

Poverty is a factor in a student’s success in school. The socioeconomic demographics of our nation have changed over the last two decades. The chasm between the rich and the poor continues to widen. Every year about 350,000 children are born to mothers addicted to drugs. Approximately 15 million children are living in a single parent household with an annual income of about \$11,000.00. There has also been significant growth of ethnically and linguistically diverse populations. A clear correlation has been made between minority groups and poverty thus relating back to an overrepresentation of minorities in special education.⁹⁸

The Salt Lake City School District

The Salt Lake City School District (SLCSD) is currently a majority minority school district. This means that the ethnic minority population has now surpassed the Caucasian population of students. The schools are working quickly to learn how to provide adequate services to all students and to combat the achievement gap. However, in many ways the SLCSD still mimics the current research described above. For example, a SLCSD high school International Baccalaureate program has an ethnic minority population of 25 percent while the ethnic minority population of the school is 67 percent and the SLCSD as a whole is 57 percent (excluding charter schools). I believe that this year’s statistic for minority enrollment in SLCSD is 63 percent, including charters—that was the number presented last October in one of my district meetings.⁹⁹

⁹⁷ Artiles, A. J. (2003). Special education's changing identity: Paradoxes and dilemmas in views of culture and space. *Harvard Educational Review*, 73(2), 164-202. Apple, M. W. (1996). Cultural politics and education., 149. Klinger, J. K., Artiles, A. J., & Kozieski, E. (2005). Addressing the disproportionate representation of culturally and linguistically diverse students in special education through culturally responsive educational systems [computer file]. *Education Policy Analysis Archives*, 13(38), 1-39.

⁹⁸ Artiles, A. J., & Trent, S. C. (1994). Overrepresentation of minority students in special education: A continuing debate. *Journal of Special Education*, 27(4), 410-437.

⁹⁹ Salt Lake City School District. Insights – Winter 2008 Student demographics
<http://www.slc.k12.ut.us/insights/PDFs/2008-Demographics.pdf>

In Utah, 91 percent of Caucasian students in the class of 2008 graduated while 89 percent of Asian students, 86 percent of Pacific Islanders, 73 percent of African-Americans and 72 percent of American Indian students graduated. Hispanic students lagged behind with a 69 percent graduation rate, down three percentage points from the previous year. Students with limited English proficiency had a 65 percent graduation rate, down 10 percentage points from 2007. This downward trend of Hispanic and limited English proficiency students is of grave concern and needs to be addressed more urgently.

The SLCSO has begun significant efforts to put in place policy and practice to reform these problems. The SLCSO Equity Leadership Team has begun an arduous process of looking closely at current practices to find areas of inequity and try to make change. The SLCSO has been lauded by other districts and states for its data collection process. It collects and analyzes assessment data that provides a view of student achievement broken down by ethnic group to help identify inequities and address the achievement gap. Once the data has been analyzed, the information is disseminated to teachers to help inform their teaching and address student needs.

Additionally, the SCLSD boasts several programs aimed at minority students and closing the achievement gap. Some of these are AVID: Advancement Via Individual Enhancement, Adelante, Si Se Puede and various bilingual education programs. They also collaborate with local universities and the City of Salt Lake in addressing the achievement gap and the dropout rate.

Currently, the SLCSO is working to address the racial and socio-economic equity discrepancies in discipline, representation in special education programs as well as programs such as International Baccalaureate, Extended Learning Program, programs for the gifted and talented and Advanced Placement courses. Professional development for district teachers will include more focus on equity which will influence curriculum, instruction and materials. Programs that offer academic intervention will focus on the individualized needs of all students and provide students with the necessary skills to choose college or employment of any kind at the end of their school career.

Appendix B

Members of the Salt Lake City Human Rights Commission

Jennifer Mayer-Glenn, Chair – Ms. Mayer-Glenn is a local public education teacher who is passionate about educational justice for all students. She graduated from the University of Utah with a B.A. in Spanish in 1996 and completed a Master of Education at Westminster College in 2006 with a focus on the problem of the overrepresentation of minorities in special education. Jennifer serves on the Board of the Utah Coalition of La Raza, the Salt Lake City School District Equity Leadership Team, the Special Education Improvement Council and the executive committee of the Utah State Hispanic Democratic Caucus.

Adriano Comollo – Dr. Comollo obtained his Ph.D. in Humanities from the University of Wisconsin - Madison. He has been teaching in Utah colleges and universities for the past 17 years. He is also the director of the Italian Center, a non-profit organization dedicated to the promotion of Italian language and culture at the community level. He believes a more cosmopolitan and diverse culture will strengthen the economy and increase the quality of life in our city.

Walter Jones – Mr. Jones is a native of Wyoming and has lived in Salt Lake City since 1982. He is the Assistant Head of Special Collections at the University of Utah's J. Willard Marriott Library. He has a master's degree in history from the University of Utah and a master's degree in library science from Brigham Young University. He served in the army as a Korean linguist. He is now active in community affairs and is on the Greater Avenues Community Council (GACC) and the GACC's street fair committee for which he was the chairperson in 2005 and 2006. He and his wife, Helen, both teach at Salt Lake Community College.

Esperanza Granados – Ms. Granados grew up in Idaho and moved to Utah after graduating from college. She attended Idaho State University and obtained a Bachelor of Business Administration in Management and a Bachelor of Arts in International Studies. Esperanza was born in Mexico and immigrated with her family to Idaho as a child where her father worked as a migrant worker. Esperanza's experience as an immigrant in the U.S. stemmed from her interest in human rights and equal protection. She graduated from the S.J. Quinney College of Law in 2006 and is currently an attorney in the fields of criminal and immigration law.

T. Christopher Wharton – Mr. Wharton is a fifth-generation resident of the Salt Lake Valley. He earned a Bachelor of Arts in history and political science from Westminster College in 2006 and a Juris Doctorate from the University of Utah's S. J. Quinney College of Law in 2009. Chris has been involved in several state and national political campaigns, and has helped lead a number of local grassroots campaigns and organization. In addition to serving on the Human Rights Commission, Chris serves on the board of the Young Democrats of Utah as Vice Chair of the Young Professionals Caucus. He is also serves on the Board of Directors for Utah Lawyers for

Human Rights and is an active member of Equality Utah. Chris currently resides near 9th and 9th in the East Liberty Park Community Council area.

Rebecca Hall – Dr. Hall, a Visiting Scholar at the University of Utah’s S. J. Quinney College of Law, graduated from U.C. Berkeley’s Boalt Hall School of Law in 1989. She represented low-income families for seven years in the area of housing law and in anti-discrimination cases. After years of experiencing how the structured patterns of race, class and gender deformed the possibilities of justice through the legal system, Dr. Hall realized the urgency for her to go back to the study of history of the law and its relation to the creation and maintenance of systems of oppression. She received her Ph.D. at U.C. Santa Cruz in history in 2004, was a Mellon Post-Doctoral Fellow at U.C. Berkeley’s Center for Race and Gender, and relocated to Salt Lake City in 2007 after being invited by the S. J. Quinney College of Law to be a visiting professor. Her academic research is in the area of historical formations of racialized gender, legal history and current legacies of slavery.

Jon Jepsen – Mr. Jepsen grew up on a farm in southeastern Idaho and graduated from the University of Utah in business finance. He has been in the insurance industry for over 14 years working as a broker, agent, and risk manager. Jon remains involved in the community through citizen activism, grassroots campaigns, and human rights advocacy. In addition to serving as a commissioner on the Salt Lake City Human Rights Commission, he serves on the board of the Utah Pride Center, Selective Service System, Utah Association of Independent Insurance Agents, Young Agents of Utah, Salt Lake Association of Independent Insurance Agents, Encompass/Allstate Insurance National Advisory Board, SAFECO Insurance Advisory Board, Workers Compensation Fund of Utah Agents Council, and Queer Utah Aquatic Club (QUAC).

Susan Wurtzburg – Dr. Wurtzburg was born in Canada and lived for a decade in Christchurch, New Zealand, before moving to Salt Lake City in June, 2004. She has a Ph.D. in Anthropology, and a post-graduate certificate in Alternative Dispute Resolution. Her research specializations include gender, ethnicity, domestic violence, and addictive disorders. Susan teaches Sociology at the University of Utah and Westminster College; she also works part-time for Utah Dispute Resolution, a non-profit mediation company. She provides pro bono mediation in several Utah courts, serves on the Board of the Planned Parenthood Association of Utah, and facilitates a book group for the Cancer Wellness House. Susan enjoys outdoor activities along the Wasatch Range.

Salt Lake City Office of Diversity and Human Rights

Yolanda Francisco-Nez – Ms. Francisco-Nez is the Coordinator for the Office of Diversity and Human Rights. Francisco-Nez served in the administration since 2000 in various capacities, most recently as the internship program coordinator. Prior to working in the public sector, she served as vice president of Cal Nez Design for 14 years. A graduate of East High School, Francisco-Nez has been an active Utah resident since 1978. She has a Bachelor of Science Degree in Business Management from the University of Phoenix, and has earned a participation certificate to conduct Anti-discrimination Response Training (A.R.T.) from the University of British Columbia. She is a member of the Society for Human Resources Management, the International Association of Official Human Rights Agencies, and the National Association of Human Rights Workers.