

Agency Performance Report

Iowa Civil Rights Commission
Fiscal Year 2011

Introduction

I am pleased to present the Iowa Civil Rights Commission's performance report for fiscal year 2011 (July 1, 2010 - June 30, 2011). This report informs Iowans about the role and responsibility of the Commission.

The mission of the Iowa Civil Rights Commission is to end discrimination within the state of Iowa. To achieve this goal, the ICRC must effectively enforce the Iowa Civil Rights Act. The ICRA will be as effective as the Commission is in processing complaints of discrimination. The ICRC undertook significant steps forward in improving the timeliness and competency by which complaints of discrimination are processed. The screening unit was increased with special emphasis on improving the quality and quantity of the analysis of the initial screening decisions. The investigative process for non-housing cases was completely overhauled. The improved process builds on the screening decision and focuses on the issues raised in that decision. Investigations should be conducted in a timely and effective manner which will significantly help reduce a significant backlog for non-housing cases. We revamped the mediation program by moving to an all volunteer mediation program. Over 20 Iowa lawyers volunteered to help the ICRC resolve complaints through alternative dispute resolution.

In FY 11, we completed processing and closed 1,763 cases. During the same period, 1,883 new complaints were received; of those 1785 were deemed jurisdictional. Our education and outreach programs reached 18,758 people and distributed 29,894 materials.

Our housing unit continues to grow and the number of cases filed by the ICRC increased to 142. Testing by the ICRC helps to ensure that Iowa landlords are aware of the law and how to handle prospective tenants who are disabled or have young children. Housing cases are primarily resolved through settlement that includes training of the landlords and an end to the discriminatory policy. Thus, the ICRC provides a cost-effective method of resolving issues of discrimination in housing with savings for the landlord as well as the agency.

It should be noted that the Strategic goals and Core Functions reported were established by the previous administration. I have set out the new Strategic Goals below which more accurately reflect the agency's new priorities and focus. While the measurements for the previously established goals continued to be tracked throughout the remainder of the fiscal year, the agency shifted its priorities for the last half of the fiscal year. The agency's new goals and functions that are a reflection of the agency's renewed focus on improving the competency and timeliness of processing complaints.

A dynamic and credible ICRC that enforces the ICRA ensures that Iowa has a diverse and inclusive workforce and a more welcoming business environment which in turn helps increase the number of jobs in Iowa. It also reduces economic losses from discrimination by ending it where it is found and reducing the case load of our judicial system.

Sincerely,

Beth Townsend, Executive Director

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Agency Overview

The Iowa Civil Rights Commission is the agency charged with enforcing the Iowa Civil Rights Act (“Chapter 216,” [Iowa Code](#)). Under contracts with the federal government, the Commission is also required to assist in enforcement of housing and employment discrimination laws. The Act prohibits discrimination in the areas of employment, housing, credit, public accommodation, and education. Discrimination is prohibited based on the personal characteristics of race, color, creed, national origin, religion, sex, sexual orientation, gender identity, pregnancy, physical disability, mental disability (in all areas but credit), age (in employment and credit only), familial status (in housing and credit only), and marital status (in credit only). The statute of limitations for filing a complaint with the Iowa Civil Rights Commission is 300 days from the date of the last discriminatory act.

The **purpose** of the Iowa Civil Rights Commission is to function as a neutral, fact-finding, administrative agency that enforces the Iowa Civil Rights Act of 1965. The Commission performs the following essential functions:

- Processes and resolves cases through intake, screening, mediation, investigation, conciliation, and public hearings
- Education and training of business community and governmental agencies
- Tests to determine the existence or extent of discrimination in Iowa

The **goal** of the Iowa Civil Rights Commission is to ensure that people involved in civil rights complaints receive timely, quality resolutions.

The **mission** is: “Ending discrimination through effective enforcement of the Iowa Civil Rights Act.”

The Commission is located on the first floor of the Grimes Office Building, 400 East 14th Street, in Des Moines. This agency is funded to employ 28 FTEs. The Commission has four informal units: 1) Administration/budget; 2) Training; 3) Housing investigations, intake, and screening, and 4) Screening and investigation of non-housing cases in the areas of employment, public accommodations, credit, and education.

There are three members in management including the executive director, supervisor of the administrative unit, and supervisor of screeners and investigators. There are 2 supervisory positions, 21 professional positions, and 4 administrative support positions. In FY11, the ICRC significantly raised its minimum qualifications for the Civil Rights Specialist position to include higher educational requirements and solid written and verbal communications skills. The Commission is subject to open meetings and open records laws. The department is subject to Iowa Code Chapter 68B, pertaining to conflicts of interest.

The Iowa Civil Rights Commission serves all the people of Iowa, including the parties to complaints. Often these customers have competing interests. However, there are key expectations that these customers hold in common. These include:

- Neutral fact finding agency
- Fairness and equality
- Timeliness
- Accessibility to staff and the process
- Quality written analysis of cases
- Thorough job knowledge and performance of our duties
- Well reasoned decisions

The Iowa Civil Rights Commission's major partners are:

- The federal Equal Employment Opportunity Commission and the U.S. Department of Housing and Urban Development, with whom the agency partners to process cases, receive training, and share information. The Iowa Civil Rights Commission receives funding from the Equal Employment Opportunity Commission via a case-processing contract. The Commission also receives funding from the U.S. Department of Housing and Urban Development in the form of a case-processing contract and grants.
- Local human and civil rights commissions, with whom the agency partners to process cases, sponsor training, share information, and provide office space. Each community in Iowa with at least 29,000 inhabitants is required by law to have a local human or civil rights commission. The Iowa Civil Rights Commission works cooperatively with these local commissions and has case-processing contracts with nine of the twenty-six local commissions.
- Iowa Civil Rights Commissioners, who are appointed by the Governor and with whom the agency partners to make decisions in cases that have gone to public hearing.
- Iowa Department of Justice, with whom the agency partners to provide legal representation of the Commission's interests at public hearings or in court.
- Friends of Iowa Civil Rights, Inc., with whom the agency partners to sponsor special events including a booth at the Iowa State Fair.
- Iowa Department of Human Rights, with whom the agency partners on a number of collaborative projects.
- VISTA (Volunteers in Service to America) with whom the agency partners to provide capacity building to local human and civil rights groups throughout Iowa.

The main mechanisms the Iowa Civil Rights Commission uses to communicate with the public and its customers are the telephone, e-mail, mail, fax, newsletters, press releases, the agency website, Facebook, publications, and presentations.

One of the biggest challenge the agency faces is the investigative backlog and improving the quality of processing complaints. The agency has undertaken steps to revamp the investigative and screening process, significantly improving the quality of the analysis and investigations conducted by the ICRC. A streamlined investigative process will help reduce the backlog and the goal is to eliminate it completely so that complaints move seamlessly from intake, through screening to investigation. Another big challenge facing the ICRC is to increase the number of probable cause findings in non-housing cases. The ICRC Probable Cause rate has been historically low resulting in few public hearings in non-housing cases in the past five years. In order for the ICRC to be credible, it must be able to enforce the ICRA through timely and

thorough processing of complaints. Emphasis on improved timely processing of cases, as well as better trained and competent investigators, will assist the ICRC in facing these challenges.

About forty per cent (40%) of the Iowa Civil Rights Commission's budget is dependent upon contracting relationships with the Equal Employment Opportunity Commission and the U.S. Department of Housing and Urban Development. These contracts contain time constraints, required numbers of case resolutions, training requirements, and case file format requirements. The agency's increased focus on timely and competent processing of complaints will assist the agency in increasing the funds it receives from federal agencies, thereby offsetting any future reductions to State budgets.

The Iowa Civil Rights Commission is committed to improving the quantity and quality of the processing of complaints which will significantly increase our ability to enforce the ICRA. This goal can best be met by proper training, better oversight and holding individuals accountable for their performance. Additionally, the agency has implemented an investigative process that is flexible with more discretion to investigators rather than employing a "one size fits all" investigative approach. The agency also has provided new and updated computers and software, thereby enhancing each person's abilities to perform their duties.

Strategic Goals, Core Functions, and Services / Products / Activities (SPA)

The Iowa Civil Rights Commission integrates its strategic goals and core functions. It should be noted that the Strategic goals and Core Functions reported below were established at the beginning of FY11 by the previous administration and updated and revised as indicated below. New Strategic Goals listed below more accurately reflect the agency's new priorities and focus.

Fiscal Year 2012 Strategic Goals

- 1. People involved in civil rights complaints receive timely, quality resolutions.**
 - a. Measure 1: Number of days to complete various stages of the process
 - b. Measure 2: Percent of cases accepted for reimbursement by federal agencies
- 2. People receive quality training on civil rights issues and laws.**

Fiscal Year 2011 Strategic Goals

- 1. People involved in civil rights complaints receive timely, quality resolutions.**
 - a. Measure 1: Number of days to complete various stages of the process
 - b. Measure 2: Percent of cases accepted for reimbursement by federal agencies
- 2. People are knowledgeable about civil rights laws and issues.**
 - a. Measure 1: Percent of customers rating the service satisfactory or better
- 3. The Iowa Civil Rights Commission is recognized as a leader in promoting civil rights.**
 - a. Measure 1: Percent of survey respondents indicating ICRC is a leader in civil rights
 - b. Measure 2: Number of civil rights projects ICRC participates/collaborates in

Fiscal Year 2012 Core Functions

- 1. Adjudication/Dispute Resolution - Mediation**
 - a. Measure 1: Number of days to complete various stages of the process
 - b. Measure 2: Percent of cases accepted for reimbursement by federal agencies
 - c. SPA 2: Mediation
 - i. Measure 1: Percent of cases mediated in less than 30 days from screen-in date
- 2. Education, Training, and Outreach**
 - a. SPA 2: Education satisfaction
 - i. Measure 1: Percent of customers rating services / presentations satisfactory or better
 - ii. Measure 2: Percent of customers rating materials satisfactory or better
- 3. Investigation**
 - a. Measure 1: Number of days to complete various stages of the process
 - b. Measure 2: Percent of cases accepted for reimbursement by federal agencies
 - c. SPA 1: Screening
 - iii. Measure 1: Percent of cases screened in less than 120 days
 - b. SPA 3: Investigation
 - i. Measure 1: Percent of cases investigated in less than 100 days from date of assignment

Fiscal Year 2011 Core Functions

3. Adjudication/Dispute Resolution

- a. Measure 1: Number of days to complete various stages of the process
- b. Measure 2: Percent of cases accepted for reimbursement by federal agencies
- c. SPA 1: Screening
 - i. Measure 1: Percent of cases screened in less than 120 days
- d. SPA 2: Mediation
 - i. Measure 1: Percent of cases mediated in less than 90 days from assignment
- e. SPA 3: Investigation
 - i. Measure 1: Percent of cases investigated in less than 9 months from date of assignment

4. Advocacy

- a. Measure 1: Percent of survey respondents indicating ICRC is a leader in promoting civil rights
- b. SPA 1: Participation
 - i. Measure 1: Number of civil rights projects ICRC participates in or collaborates on
- c. SPA 2: Commissioner hours
 - i. Measure 1: Number of hours/month commissioners spend on civil rights

5. Education, Training, and Outreach

- a. Measure 1: Percent of customers indicating they will use educational info
- b. SPA 1: Timeliness
 - i. Measure 1: Number of complaints regarding timeliness of requests
- c. SPA 2: Education satisfaction
 - i. Measure 1: Percent of customers rating service satisfactory or better

4. Investigation (see Core Function 1 – Adjudication and Dispute Resolution)

Strategic Goal 1: People Involved in Civil Rights Complaints Receive Timely, Quality Resolutions.

Strategy 1: Reduce the number of days to complete various stages of the process.

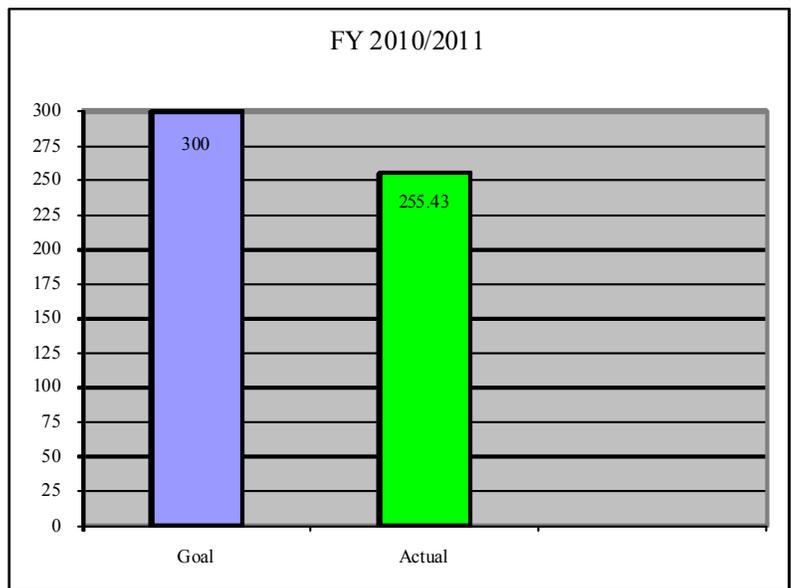
Measures/Results

Performance Measure:
Average number of days to complete case processing –

Performance Target: 300 days

Actual: 255.43 days

Data Sources:
Iowa Civil Rights Commission case closure reports



Data Reliability: The data is maintained by the staff person at the Iowa Civil Rights Commission responsible for case closures. Number of days to process each case is calculated by a computer program.

What was achieved: The data for FY 10/11 indicated that the Iowa Civil Rights Commission averaged 253.54 days to process a case from date of filing to closure.

Analysis of results: Case processing time increased 1.89 days/case from the previous fiscal year. A number of factors contributed to this increase including major changes to the depth and quality of decisions, changes in personnel, and an effort to reduce the backlog.

Link(s) to Performance Plan: Same as Measure 1 for Core Functions 1 and 4.

Links(s) to Enterprise Plan: Improving the Iowa Economy, Continuous Improvement of Education, Expanding Access to Health Care and Other Vital Services, and Safe Communities.

Strategic Goal 1: People Involved in Civil Rights Complaints Receive Timely, Quality Resolutions.

Strategy 2: Consistently meet the quality standards set out by the federal agencies that contract with the Commission to process cases.

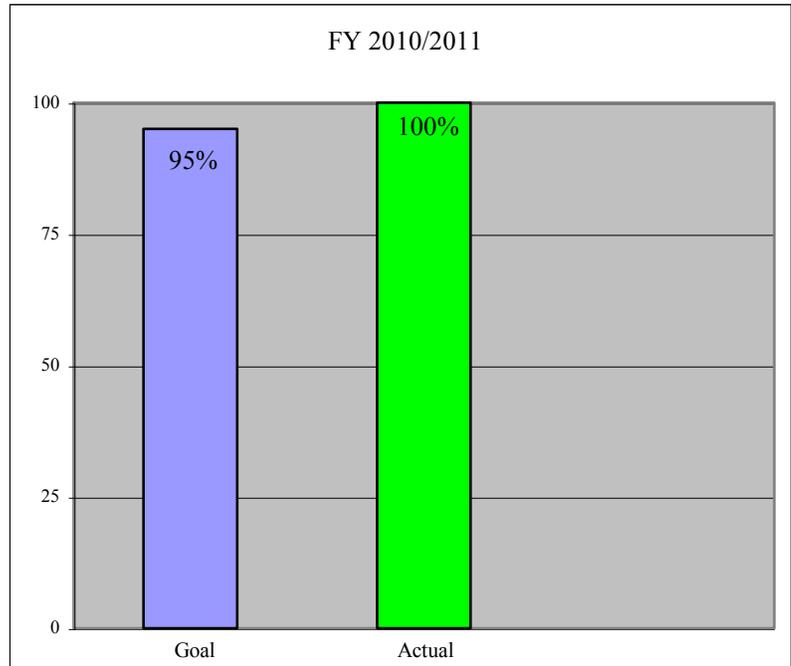
Measures/Results

Performance Measure:
Percent of cases accepted for reimbursement by federal agencies

Performance Target: 95%

Actual: 100%

Data Sources:
Payment data from the Equal Employment Opportunity Commission and HUD



Data Reliability: The data is received from the federal Equal Employment Opportunity Commission and the U.S. Department of Housing and Urban Development. The data is cross-checked against our records of transmittals to these contracting agencies.

What was achieved: The Iowa Civil Rights Commission had 100% acceptance rate, the same as rate as last year.

Analysis of results: Federal contracting agencies find the work of the Iowa Civil Rights Commission consistently meets their quality standards. This figure increased slightly from last fiscal year.

Link(s) to Performance Plan: Same as Measure 2 for Core Functions 1 and 4.

Links(s) to Enterprise Plan: Improving the Iowa Economy, Continuous Improvement of Education, Expanding Access to Health Care and Other Vital Services, and Safe Communities.

Strategic Goal 2: People are Knowledgeable about Civil Rights Laws and Issues.

Strategy 1: Providing satisfactory educational services

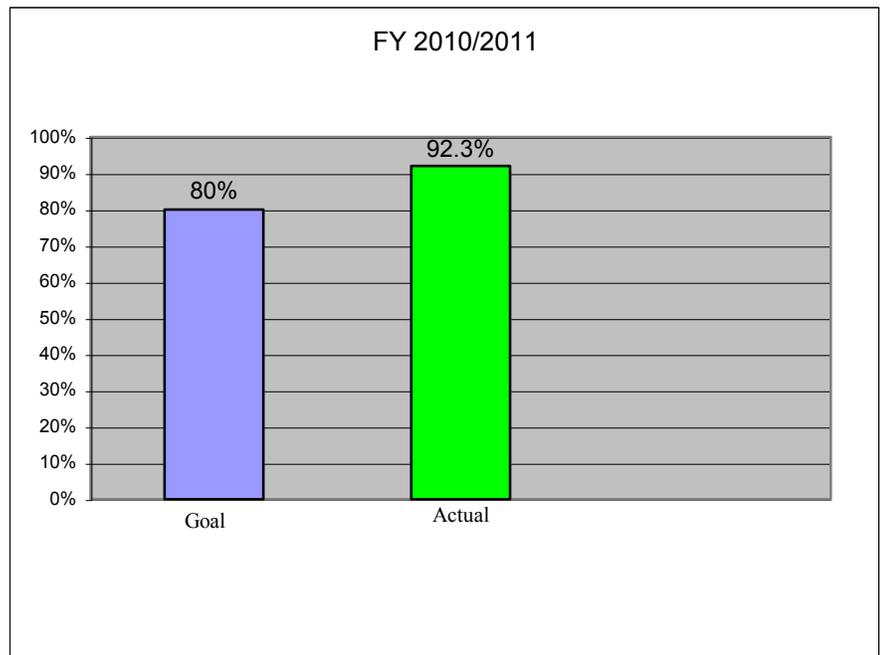
Measures/Results

Performance Measure:
Percent of presentation attendees rating training sessions satisfactory or better

Performance Target: 80%

Actual: 92.30%

Data Sources:
Iowa Civil Rights Commission survey data of participants at educational workshops conducted by ICRC staff



Data Reliability: The data is obtained via surveys of participants at Iowa Civil Rights Commission educational sessions. These surveys are then entered into a computer program that compiles and averages data regarding educational services during the fiscal year.

What was achieved: This year the goal was for 80% of the participants at educational presentations to rate the sessions as satisfactory or better. Actual performance was 92.3%.

Analysis of results: This year's percent increased by 6.59%.

Link(s) to Performance Plan: Same as Measure 1 for Core Function 3.

Links(s) to Enterprise Plan: Improving the Iowa Economy, Continuous Improvement of Education, Expanding Access to Health Care and Other Vital Services, and Safe Communities.

Strategic Goal 3: The Iowa Civil Rights Commission is Recognized as a Leader in Promoting Civil Rights.

Strategy 1: Get people to perceive the Iowa Civil Rights Commission as a leader in civil rights.

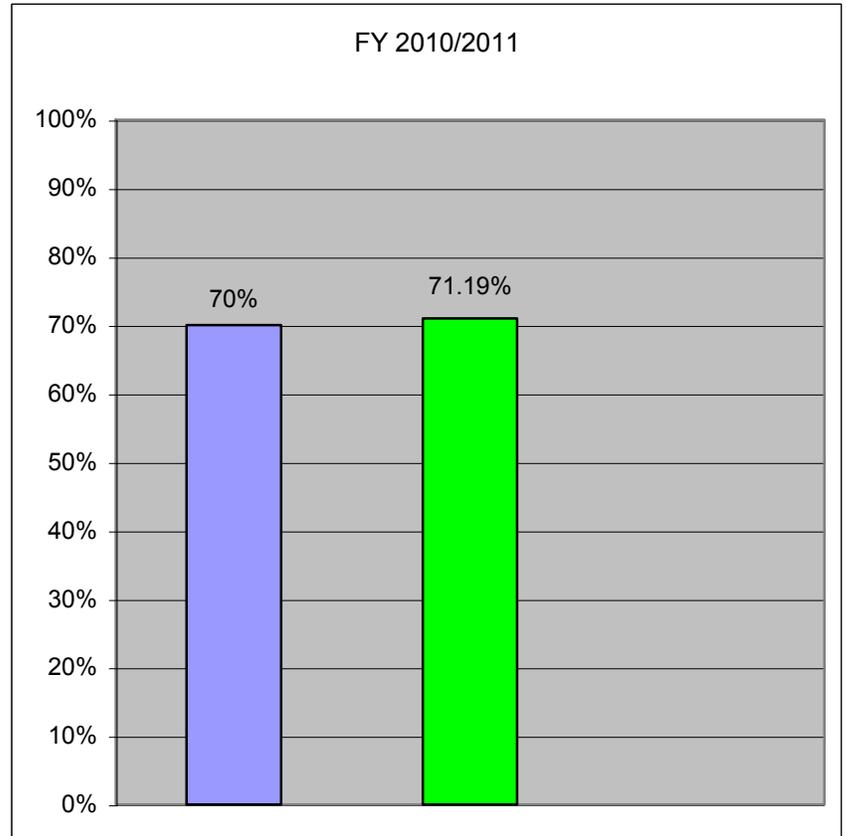
Measures/Results

Performance Measure:
Percent of survey respondents indicating the Iowa Civil Rights Commission is a leader in civil rights

Performance Target:
70%

Actual: 71.19%

Data Sources:
Iowa Civil Rights Commission survey data sent to all parties for all cases closed during the fiscal year



Data Reliability: The data is obtained from survey responses to surveys sent to all parties on cases closed during the fiscal year.

What was achieved: 71.19%.

Analysis of results: There was a decrease of 5.96% from last year.

Link(s) to Performance Plan: Same as Measure 1 for Core Function 2.

Links(s) to Enterprise Plan: Improving the Iowa Economy, Continuous Improvement of Education, Expanding Access to Health Care and Other Vital Services, and Safe Communities.

Strategic Goal 3: The Iowa Civil Rights Commission is Recognized as a Leader in Promoting Civil Rights.

Strategy 2: To be active in a number of important civil rights projects.

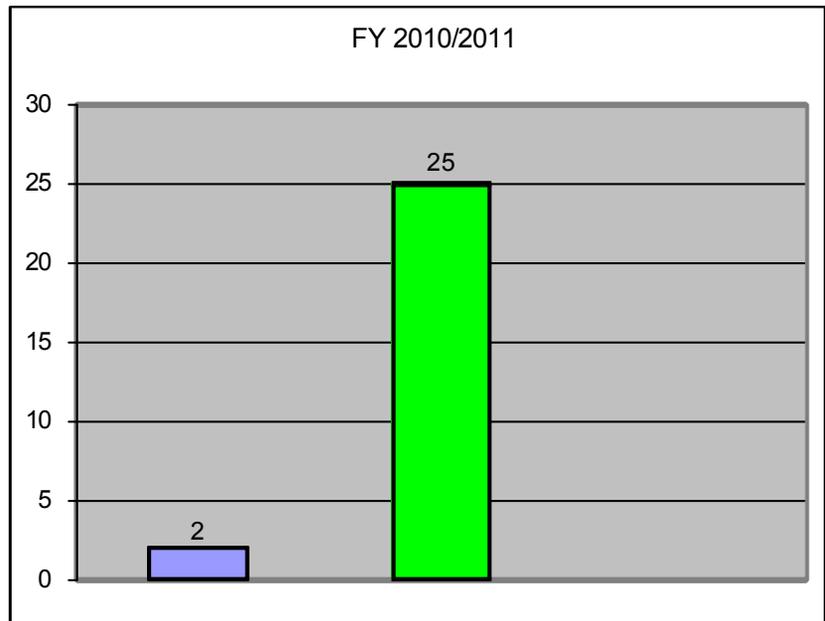
Measures/Results

Performance Measure:
Number of important civil rights projects in which the Iowa Civil Rights Commission participates/collaborates

Performance Target: 2

Actual: 25

Data Sources:
Written records of projects in which the Iowa Civil Rights Commission participates



Data Reliability: The data is contained in written records (articles, meeting minutes, budget data) regarding projects in which the Iowa Civil Rights Commission participated.

What was achieved: The Commission participated or collaborated in 25 projects.

Analysis of results: Actual performance greatly exceeded expectations.

Link(s) to Performance Plan: Same as Measure 1 for SPA 1 for Core Function 2.

Links(s) to Enterprise Plan: Improving the Iowa Economy, Continuous Improvement of Education, Expanding Access to Health Care and Other Vital Services, and Safe Communities.

Core Function 1: Adjudication & Dispute Resolution

SPA 1: Screening

Description: Cases should be screened within 120 days from date of filing.

Why we are doing this: What we're doing to achieve results: Administrative rules encourage that cases be screened within 120 days. Assign staff, as needed.

Results

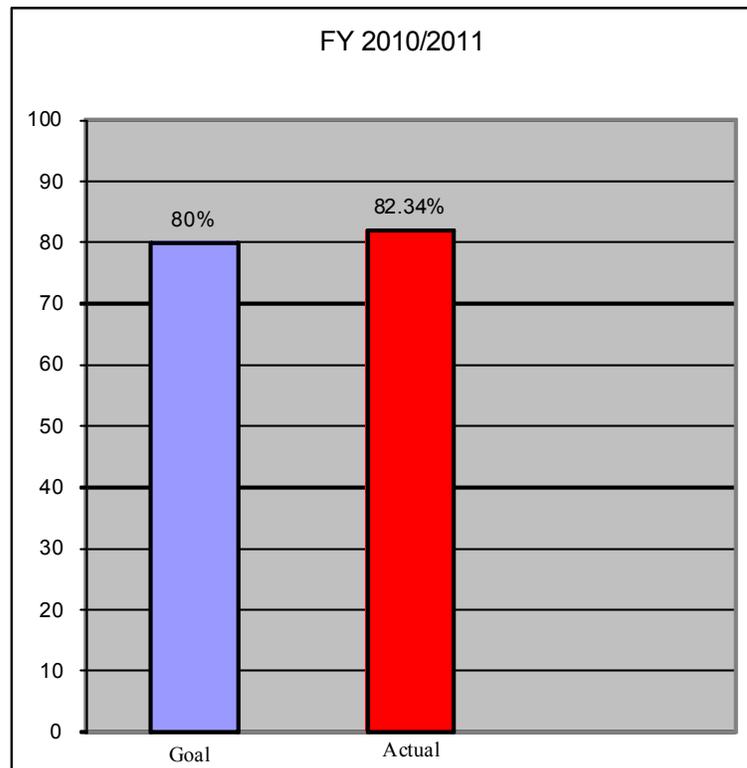
Performance Measure:

Number of cases screened within 120 days of filing

Performance Target: 80%

Actual: 82.34%

Data Sources: Iowa Civil Rights Commission records of number of days from date of filing until screening decision is made.



Data reliability: Data is kept by individual staff for each case screened.

Why we are using this measure: It is encouraged by administrative rules and assists the agency in meeting the larger goal of reducing the time to process cases.

What was achieved: 82.34% of cases were screened in less than 120 days.

Analysis of results: Performance slightly exceeded our goal of 80%.

Core Function 1: Adjudication & Dispute Resolution

SPA 2: Mediation

Description: Cases should be mediated within 90 days from date of assignment.

Why we are doing this: What we're doing to achieve results: Mediation is more successful if accomplished early in the process. Cases should not languish in mediation.

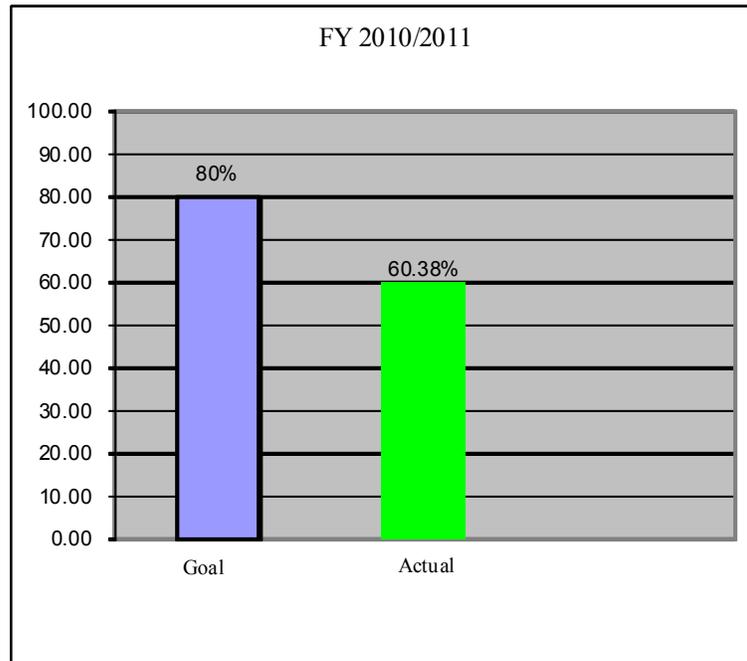
Results

Performance Measure:
Percent of cases mediated within 90 days of assignment

Performance Target: 80%

Actual: 60.38%

Data Sources: Iowa Civil Rights Commission records of number of days from date of assignment until date mediation is completed.



Data reliability: Data is kept by individual staff for each case mediated.

Why we are using this measure: It assists the agency in meeting the larger goal of reducing the time to process cases.

What was achieved: 60.38% of cases were mediated within 90 days of date of assignment.

Analysis of results: Goal not achieved.

Factors affecting results: Changes in staff who coordinated the pre-mediation scheduling.

Steps taken to address issue: The Mediation Program was completely overhauled in the second half of FY11. Mediations are now being conducted by volunteer attorneys/mediators. Additionally, an administrative clerk has been assigned to coordinate the pre-mediation scheduling as well as reduce the amount of time it takes to determine if mediation will be conducted by earlier and more consistent contact with the parties involved.

Core Function 1: Adjudication & Dispute Resolution

SPA 3: Investigation

Description: Cases should be investigated within 9 months from date of assignment.

Why we are doing this: What we're doing to achieve results: Investigation of civil rights cases must be completed in a timely fashion to ensure evidence is not jeopardized by the length of time that elapses before a case is completed.

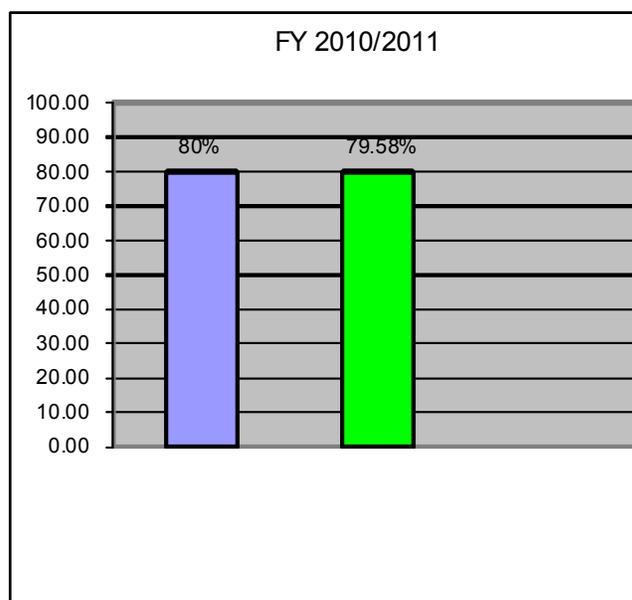
Results

Performance Measure:
Percent of cases investigated within 9 months of assignment

Performance Target: 80%

Actual: 79.58%

Data Sources: Iowa Civil Rights Commission records of number of days from date of assignment until date investigation is completed.



Data reliability: Data is kept by the manager of the investigative unit.

Why we are using this measure: It assists the agency in meeting the larger goal of reducing the time to process cases.

What was achieved: 79.58% of the cases investigated were investigated within 9 months from date of assignment to the investigator.

Analysis of results: Essentially met goal.

Resources used: The investigative process was completely overhauled in FY11 to streamline investigations and improve the quality and timeliness of investigations. Additionally, this goal was deleted as it does not address the larger issue of the backlog of investigative cases. A more accurate measure of whether investigations are being timely investigated is the time between the end of the screening/mediation process and assignment to an investigator. The new process provides that investigations will be completed within 60 days from the date assigned to the investigator.

Overall Performance

Strategic Goal 1: People involved in civil rights complaints receive timely, quality resolutions

	Goal	Actual
Measure 1: Number of days to complete various stages of the process	300	255.43
Measure 2: Percent of cases accepted for reimbursement by HUD and EEOC	95%	100%

Strategic Goal 2: People are knowledgeable about civil rights laws and issues

Measure 1: Percent of customers rating the service satisfactory or better	80%	92.30%
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Strategic Goal 3: The Iowa Civil Rights Commission is recognized as a leader in promoting civil rights.

Measure 1: Percent of survey respondents indicating ICRC is a leader	70%	71.19%
Measure 2: Number of civil rights projects ICRC participates/collaborates in	2	25

Core Function 1: Adjudication and Dispute Resolution

Measure 1: Number of days to complete various stages of the process	300	255.43
Measure 2: Percent of cases accepted for federal reimbursement	95%	100%
SPA 1: Screening		
Measure 1: Percent of cases screened in less than 120 days	80%	82.34%
SPA 2: Mediation		
Measure 1: Percent of cases mediated in less than 90 days from assignment	80%	60.38%
SPA 3: Investigation		
Measure 1: Percent of cases investigated in less than 9 months	80%	79.58%

Core Function 2: Advocacy

Measure 1: Percent of survey respondents indicating ICRC is a leader	70%	71.19%
SPA 1: Participation		
Measure 1: Number of civil rights projects ICRC participates/collaborates in	2	25
SPA 2: Commissioner hours		
Measure 1: Number of hours/month commissioners spend on civil rights	8	8

Core Function 3: Education

Measure 1: Percent of Customers indicating they will use educational info	80%	81.51%
SPA 1: Timeliness		
Measure 1: Number of complaints regarding timeliness of requests	0	0
SPA 2: Education satisfaction		
Measure 1: Percent of customers rating service satisfactory or better	80%	92.30%

Core Function 4: Investigation (see Core Function 1 – Adjudication and Dispute Resolution)