



# **Iowa Civil Rights Commission Annual Report**

**2002-2003**

**The Iowa Civil Rights Commission Vision:**

*A state where all people are free from discrimination.*

**The Iowa Civil Rights Commission Mission:**

*Enforcing civil rights through*

Compliance, Mediation, Education, and Advocacy



# STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR  
SALLY J. PEDERSON, LT. GOVERNOR

IOWA CIVIL RIGHTS COMMISSION  
CORLIS S. MOODY  
EXECUTIVE DIRECTOR

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The Honorable Thomas J. Vilsack  
Governor of the State of Iowa  
The State Capitol  
Des Moines, Iowa 50319

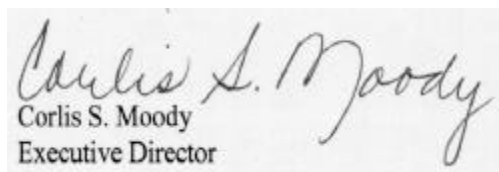
Dear Governor Vilsack:

In accordance with the Code of Iowa, I hereby transmit to you and the General Assembly, the Annual Report of the Iowa Civil Rights Commission for Fiscal Year 2003.

During Fiscal Year 2003, the Iowa Civil Rights Commission sought to eliminate discrimination by enforcing civil rights through compliance, mediation, education and advocacy. Our vision is a state where all people are free of discrimination. The Iowa Civil Rights Commission is fortunate to have the dedication of the staff, the commissioners, and the public in working together to eliminate discrimination.

Your continued support of the commission and its ongoing efforts to carry out the mandates of the Legislature and the Act are earnestly solicited and appreciated.

Respectfully submitted,

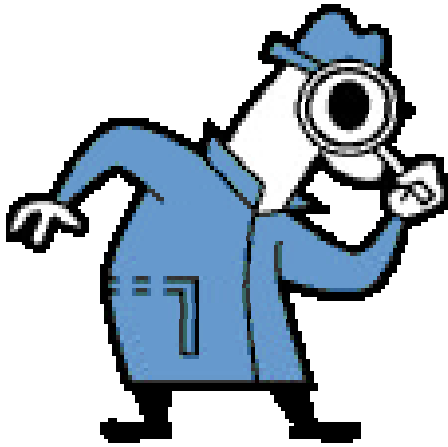


Corlis S. Moody  
Executive Director

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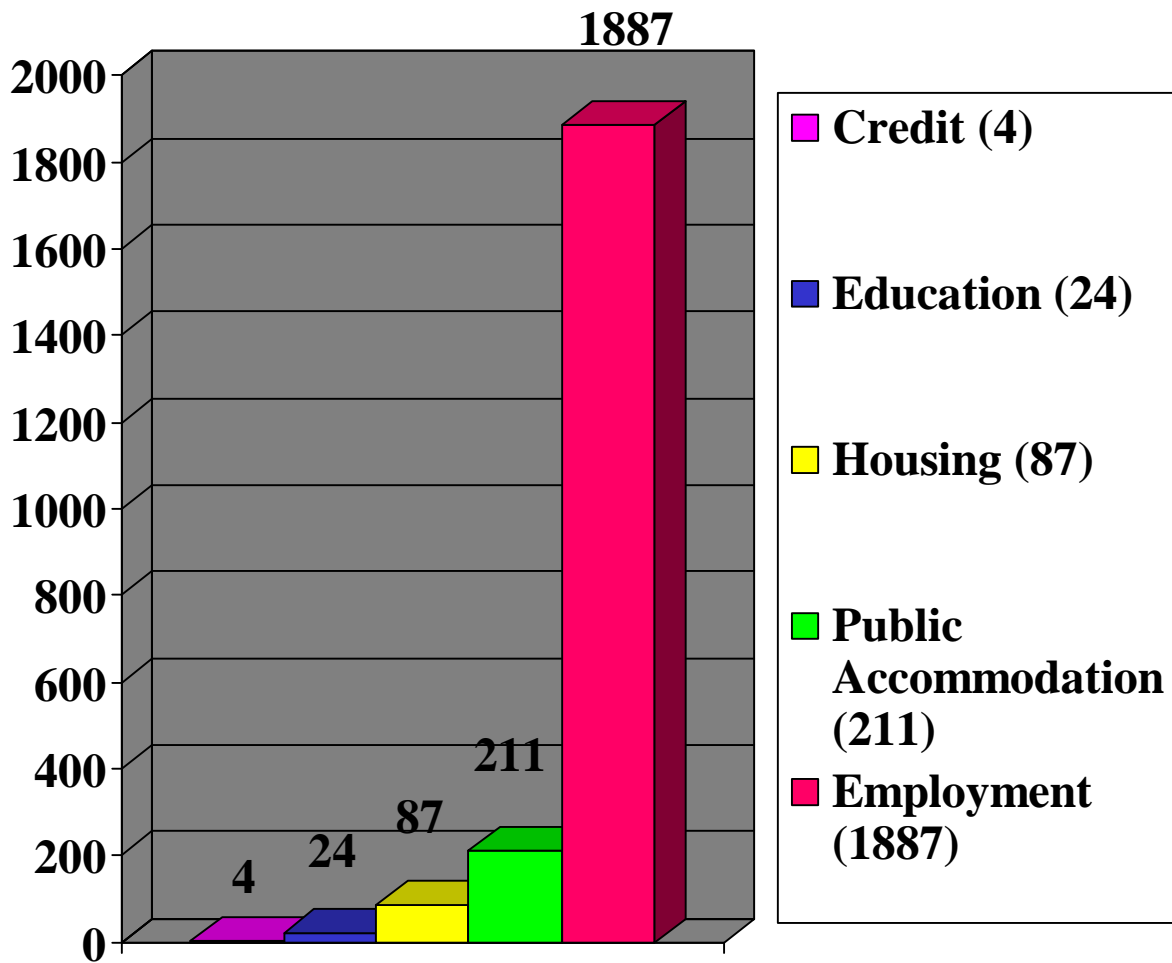
# Case Processing



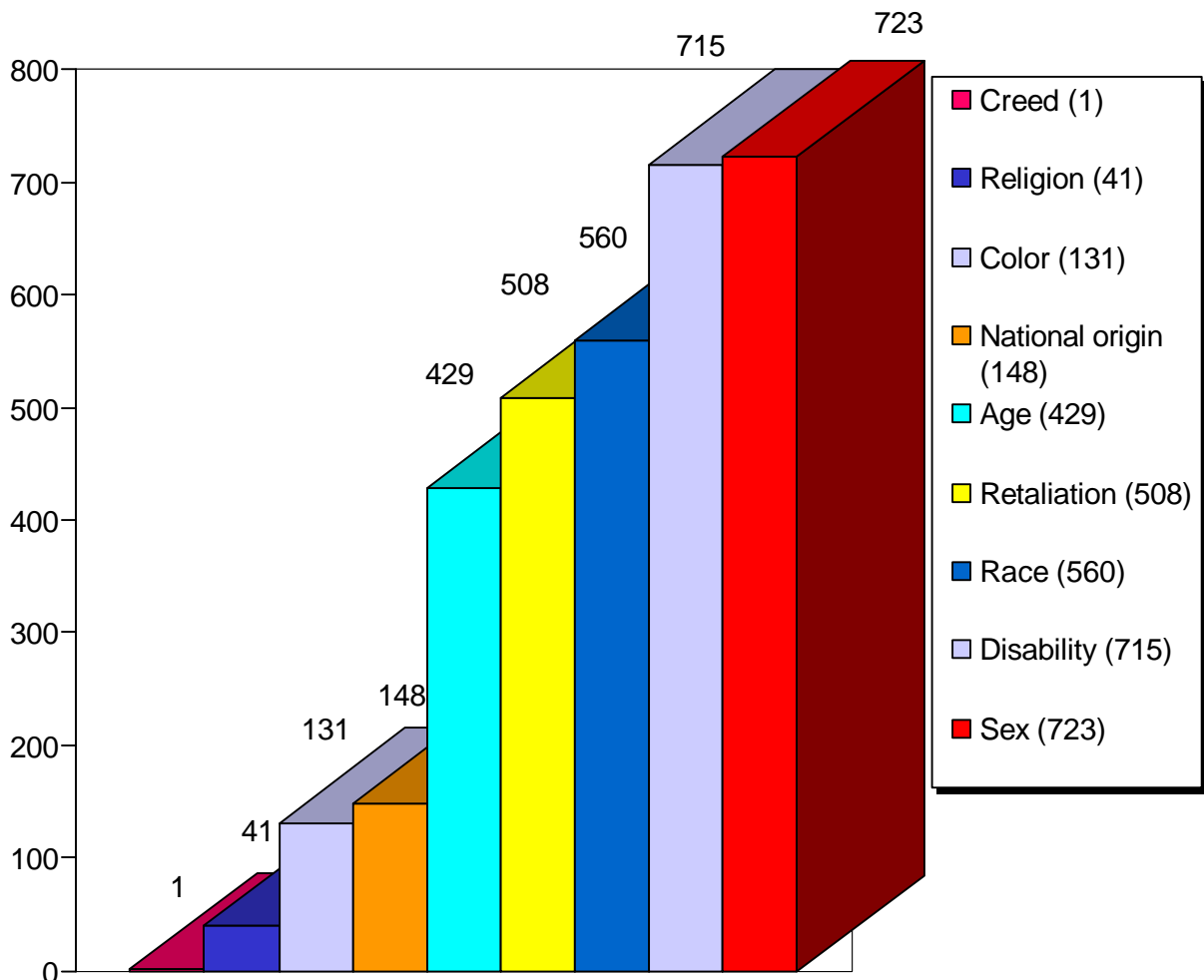
During this fiscal year, **2367** complaints were **filed** with the Iowa Civil Rights Commission. Of those complaints, 154 were judged to be non-jurisdictional or untimely filed prior to being assigned a case number. Therefore, the number of complaints **docketed for processing** was **2,213**. **Resolutions** numbered **2,295**. Individuals who filed complaints with the Iowa Civil Rights Commission recovered **\$1,279,742.12 in settlement agreements/annualized benefits**.

- Employment continued to be the largest area of complaints filed, 85.3%. This year, the second largest area was public accommodations, 9.5%; followed by housing, 3.9%.
- Sex was the most frequently named basis (characteristic) for discrimination in non-housing cases, with 723 filings. This was followed by disability discrimination at 715 filings. These two leading causes of discrimination were followed by race at 560 filings, retaliation at 508, age at 429, and national origin at 148. All other bases accounted for only 173 other complaints.
- In housing complaints, race was the most frequently named basis for discrimination with 39 filings. This was followed by disability with 27 and familial status with 20.
- In fiscal year 2002/2003, 1669 complaints were filed against private employers; the other category, accounted for 230; and 175 were filed against state and local government employers. Almost half of the cases filed with the Iowa Civil Rights Commission came from four counties (Black Hawk, Linn, Polk, and Scott). Together these counties accounted for 1095 of the cases filed (49.5%).
- Local human/civil rights commissions assist the Iowa Civil Rights Commission in processing or referring a number of cases every year. 452 cases were filed by local human/civil rights agencies.
- Of the 2295 case resolutions, the largest category was does not warrant further investigation/administrative closures at 1074 (46.8%), followed by rights-to-sue at 277 (12.1%), satisfactory adjustments/mediated settlements or withdrawal with benefits settlements at 256 (11.2%), and no probable causes at 210 (9.5%).

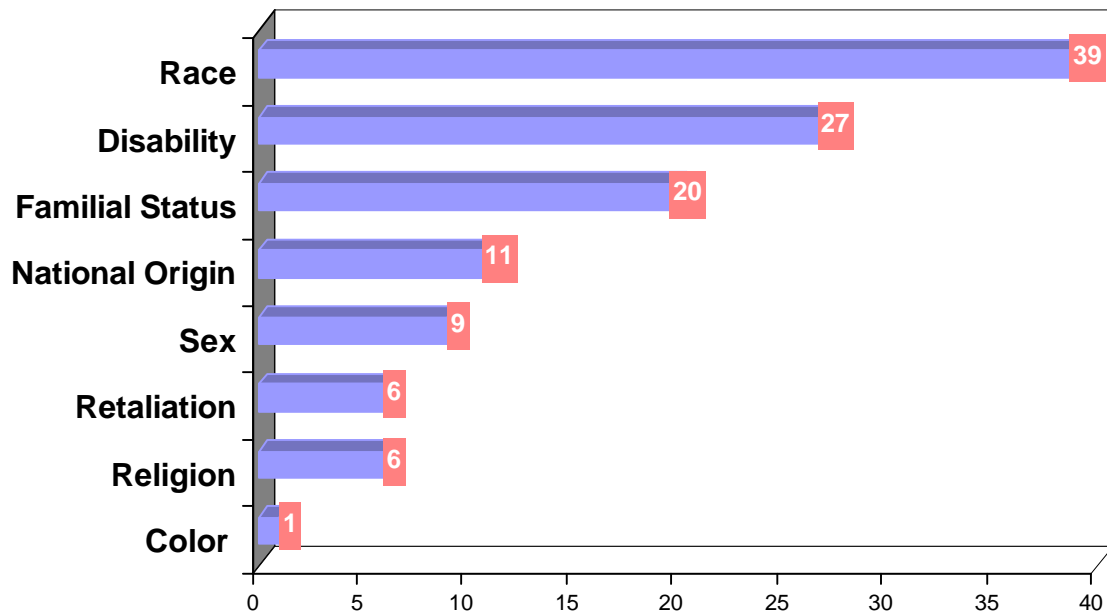
# Filings by Area



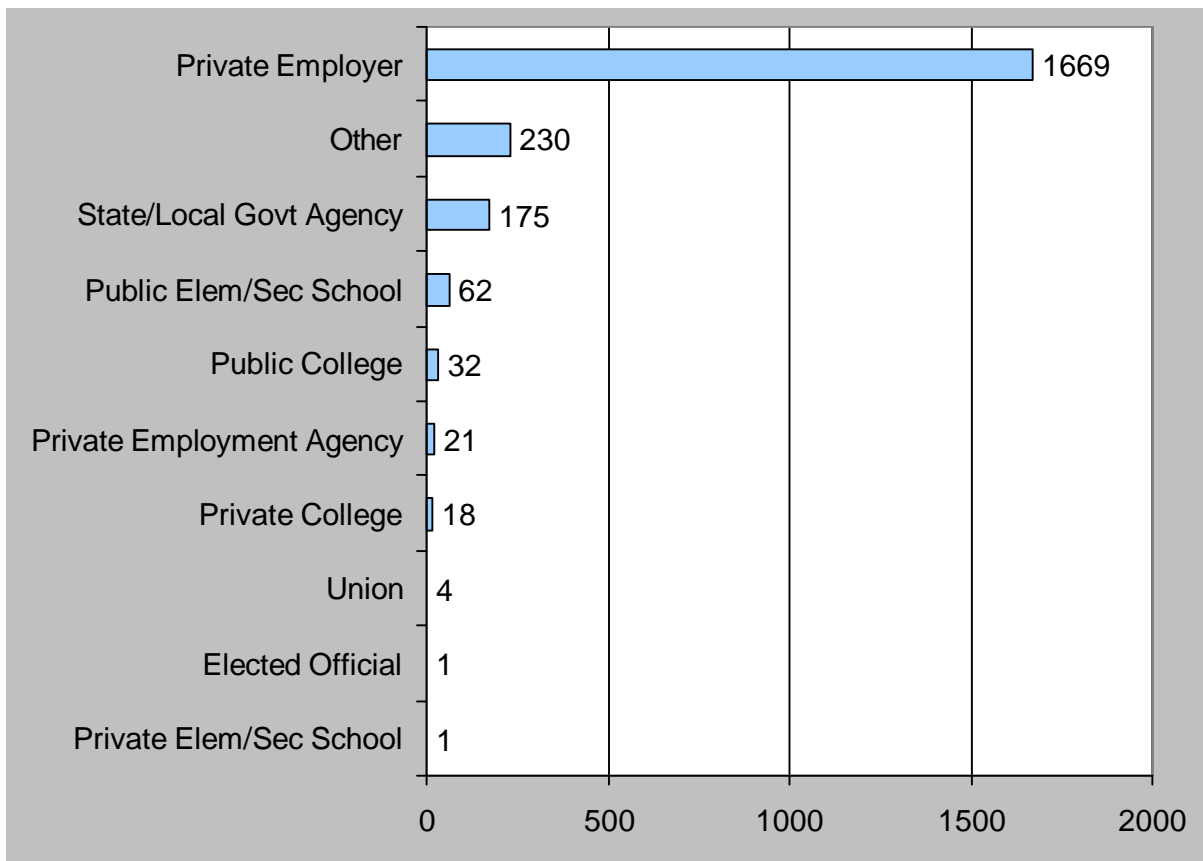
# Filings in Non-housing Cases by Basis



# Filings in Housing Cases by Basis



# Filings in Employment by Employer Type





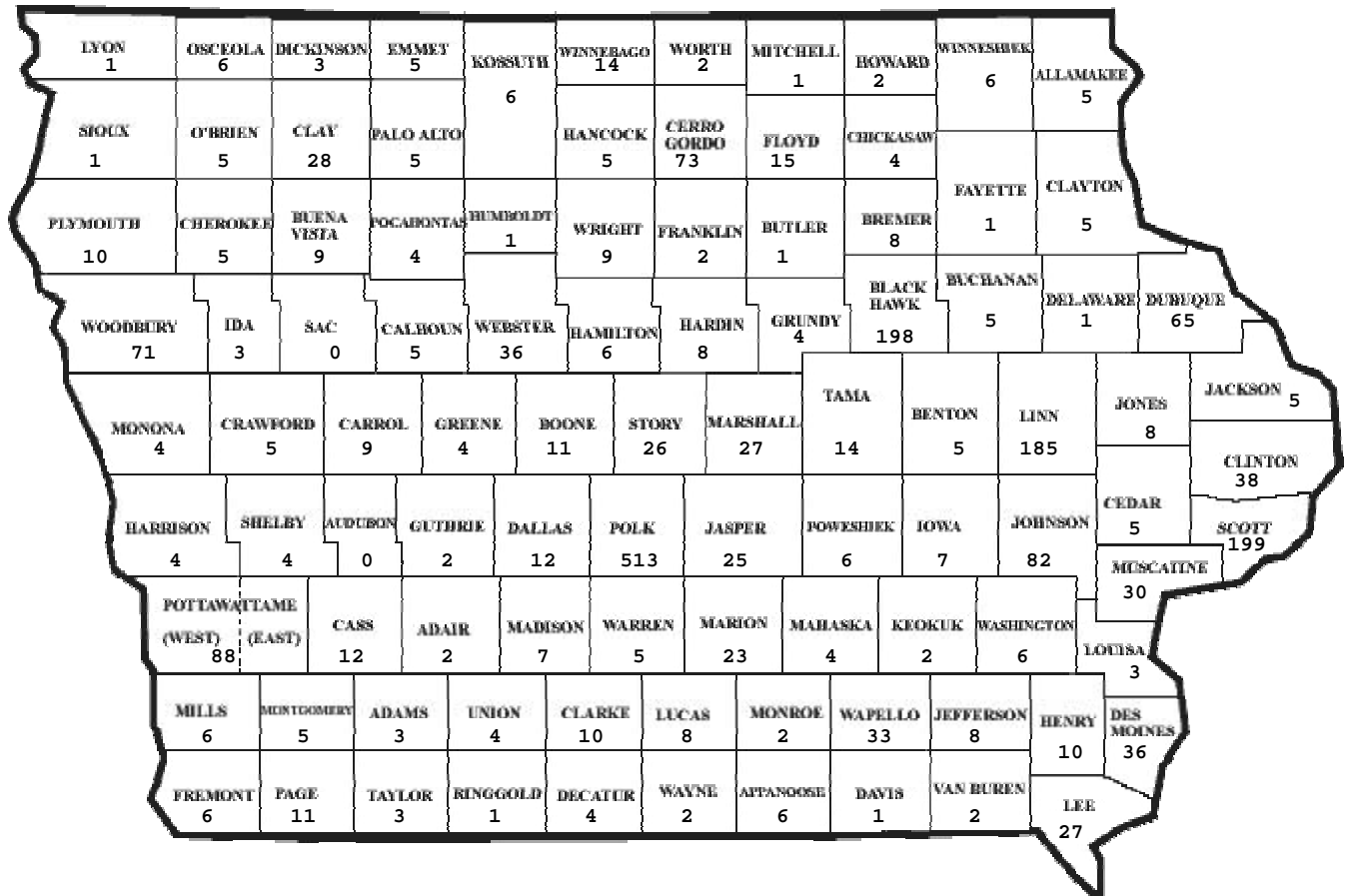
# Case Filings by Agency Processor

Processor	Number of Cases
Iowa Civil Rights Commission	1711
Davenport Civil Rights Commission	115
Waterloo Commission on Human Rights	72
Cedar Rapids Civil Rights Commission	57
Equal Employment Opportunity Commission (EEOC)	50
Mason City Human Rights Commission	50
Des Moines Human Rights Commission	46
Dubuque Human Rights Commission	31
Iowa City Human Rights Commission	16
Council Bluffs Human Rights Commission	15
Cedar Falls Human Rights Commission	11
Sioux City Human Rights Commission	11
Ft. Dodge Human Rights Commission	9
Clinton Human Rights Commission	1
Ft. Madison Human Rights Commission	1
Ottumwa Human Rights Commission	1
<b>TOTAL</b>	2213

## Filings by County

County	Number of cases
Polk	513
Scott	199
Black Hawk	198
Linn	185
Pottawattamie	88
Johnson	82
Cerro Gordo	73
Woodbury	71
Dubuque	65
Clinton	38
Des Moines	36
Webster	36
Wapello	33
Muscatine	30
Clay	28
Lee	27
Marshall	27
Story	26
Jasper	25
Marion	23
Floyd	15
Tama, Winnebago	14
Cass, Dallas	12
Boone, Page	11
Clarke, Henry, Plymouth	10
Buena Vista, Carroll, Wright	9
Bremer, Hardin, Jefferson, Jones, Lucas	8
Iowa, Madison	7
Appanoose, Fremont, Hamilton, Kossuth, Mills, Osceola, Poweshiek, Washington, Winneshiek	6
Allamakee, Benton, Buchanan, Calhoun, Cedar, Cherokee, Clayton, Crawford, Emmet, Hancock, Jackson, Montgomery, O'Brien, Palo Alto, Warren	5
Chicasaw, Decatur, Greene, Grundy, Harrison, Mahaska, Monona, Pocahontas, Shelby, Union	4
Adams, Dickinson, Ida, Louisa, Taylor	3
Adair, Franklin, Guthrie, Howard, Keokuk, Monroe, Van Buren, Wayne, Worth	2
Butler, Davis, Delaware, Fayette, Humboldt, Lyon, Mitchell, Ringgold, Sioux	1
Audubon, Sac	0
<b>TOTAL</b>	<b>2213</b>

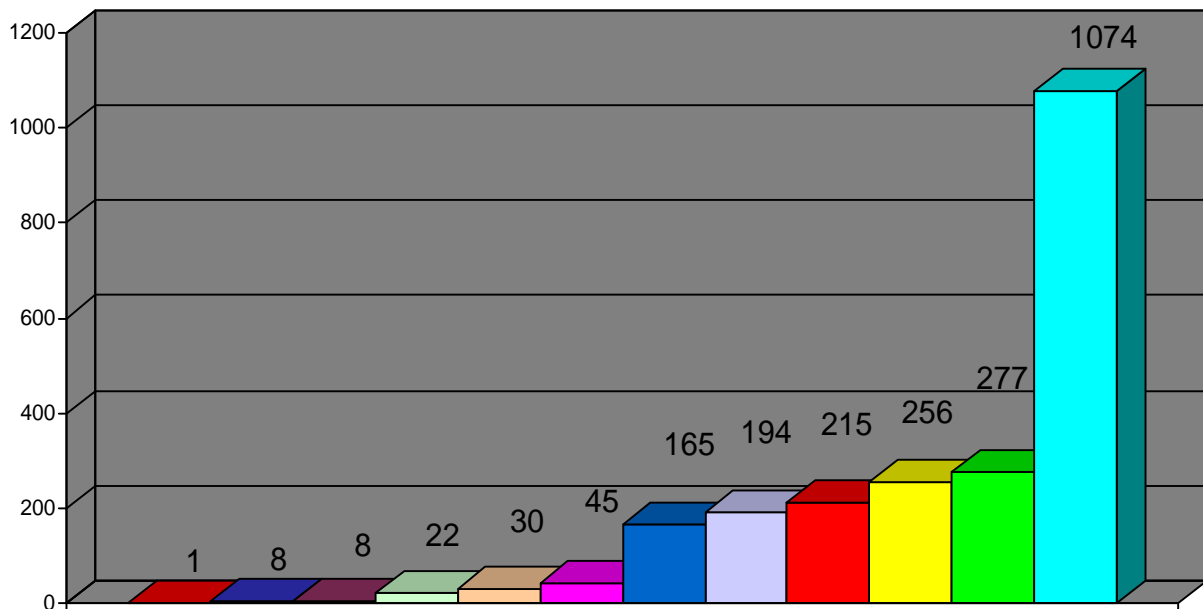
# Filings by County



## Filings by Incident

Type of Incident	Number of Cases*
Terms and Conditions	1585
Discharge	1076
Harassment	555
Reasonable Accommodation	515
Sexual Harassment	239
Discipline	235
Other	197
Hiring	173
Constructive Discharge	167
Wages	128
Promotion	105
Suspension	105
Demotion	79
Layoff	74
Training	57
Recall	29
Intimidation	24
Assignment	20
Benefits	19
Benefits - Insurance	8
Testing	4
Union representation	3
Benefits – Retirement, Seniority, Tenure	2 each
Advertising, Job Classification, Maternity, References- Unfavorable, Reinstatement, and Retirement-Involuntary	1 each
* More than one incident can be alleged in each case	

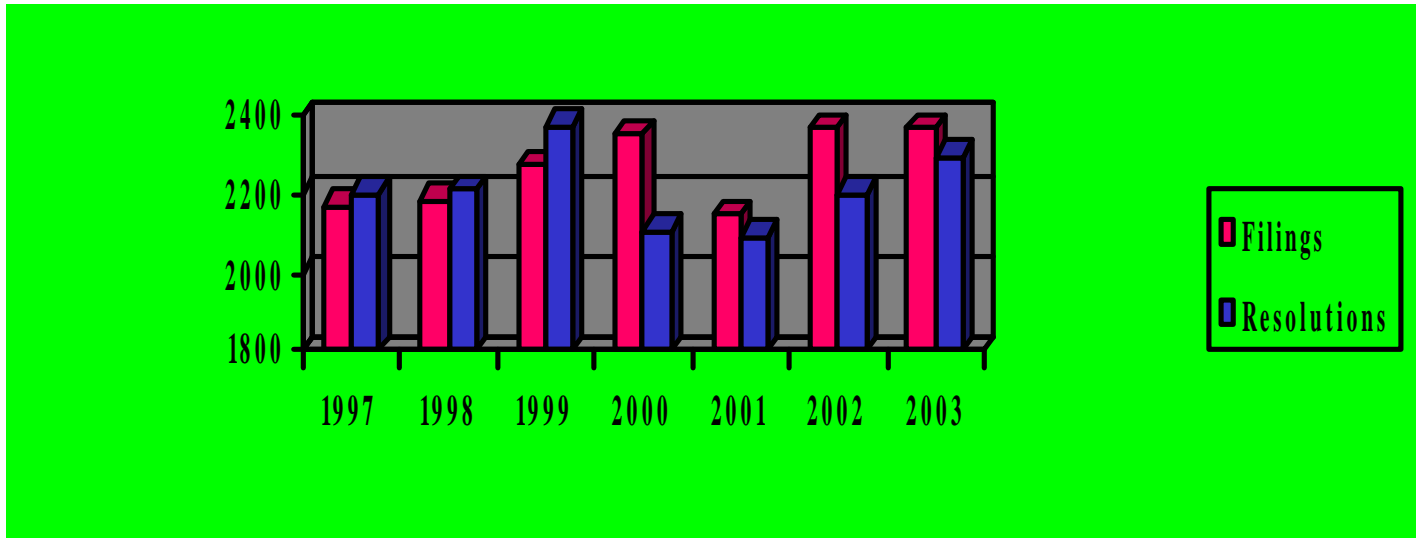
# Case Resolutions by Type



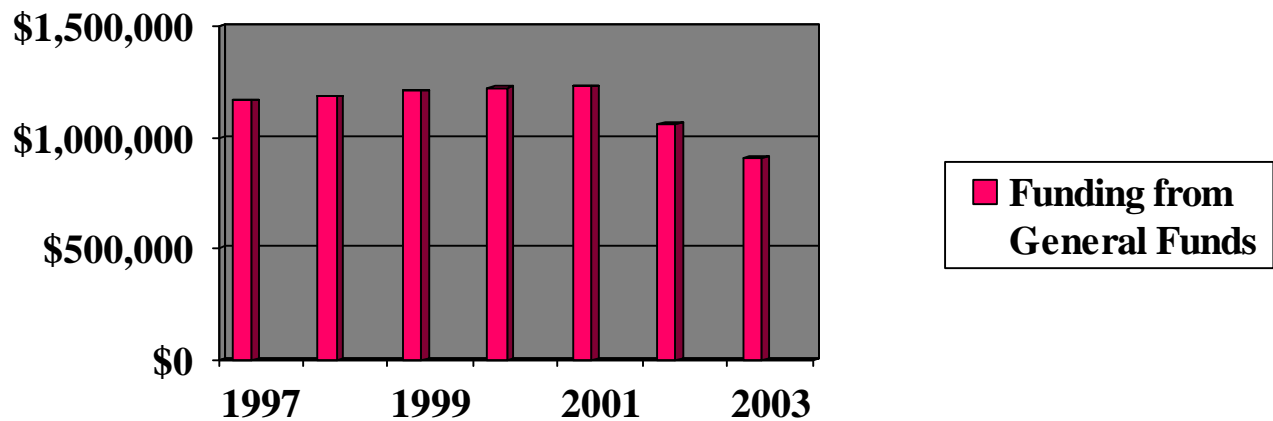
- Closed at Hearing (1)
- No Jurisdiction or Not Timely (8)
- Successful Conciliation (8)
- Probable Cause (22)
- Withdrawal (30)
- Administrative Closure by EEOC (45)
- Administrative Closure (165)
- Administrative Closure by Local (194)
- No Probable Cause (215)
- Settlement/mediation (256)
- Rights-to-sue (277)
- Does not warrant further investigation/screening (1074)

# Comparison of Filings, Resolutions, and State Funding

## Filings and Resolutions: 1997 to 2003



## State General Funding



# Examples of complaints filed with the Iowa Civil Rights Commission and investigated to a decision during the fiscal year - Housing

## **Probable Cause for Family Status Discrimination**

The complainants are a family consisting of a mother, father and their four children. They applied to rent a three-bedroom house in a small city in Iowa. Their rental, work and credit history were very good. After the family applied, the owner of the property inquired how many people would live in the home. The mother answered truthfully that she, her husband and their four children would live in the home. The owner refused to rent to them because they were a family with young school-age children and chose to rent to a couple without children. The law says a landlord cannot discriminate based on familial status.

## **Probable Cause for Disability Discrimination**

The Complainant applied and was accepted to rent an apartment in an Iowa community. She and the owner of the apartment met in the apartment so that the Complainant could tender her check for rent and deposit and the owner could tender the keys to the Complainant's new home. They had already made the exchange when the Complainant suffered an epileptic seizure. During the time that the Complainant was suffering from the seizure, the owner stated that she did not wish to rent to the Complainant and then removed the keys from the Complainant's pocketbook. All of this was witnessed by the Complainant's daughter, who had accompanied her mother. The owner did not rent to the Complainant because of her disability. Refusal to rent to a person because they have a disability is a violation of Iowa law.

## **No Probable Cause for Discrimination based on Family Status**

A mother, father and their three children lived in a mobile home park for approximately three years without any problems. After the father left the residence the tenancy soured. The children were often outside without supervision, the exterior of the home fell into disrepair, and loud disturbances occurred within their mobile home. When she and her family were evicted, she filed a complaint alleging discrimination based on family status.

While the Iowa Civil Rights Act protects persons from discrimination because of the presence of children, it does not give families with children more rights than others. The investigation showed that it was not the presence of children in the household, but the excessive noise, disturbances, and police visits that caused the eviction.

## **No Probable Cause for Discrimination based on Race**

The Complainants are a mother, father and their children. They resided in an apartment and alleged that they were not treated as favorably as other tenants because of their race. The father is African American, the mother is white and the children were a product of this union. At some point during the tenancy, the owner used the term "half-breed" to refer to the children in a conversation with other tenants. The use of this term and the lack of attention to valid maintenance requests led to the filing of this charge.

The Commission found that other tenants' maintenance requests did not always get prompt attention from the owner. The owner had purchased the property not long before the Complainants moved in and there were serious deficiencies in the property. While the use of the term "half-breed" was disrespectful and unprofessional, there was no evidence that the owner's actions regarding maintenance requests were based on race.

# Examples of complaints filed with the Iowa Civil Rights Commission and investigated to a decision during the fiscal year - Employment

## **Probable Cause for Sex Discrimination**

The Complainant is a woman who wanted to work as a route salesperson in a traditionally male-dominated field. She got the job as a trainee but then was denied the opportunity to move into a designated route where she would be able to cultivate and improve her sales figures. Instead, the open route was given to a male and the Complainant was given a “probationary” route and required to sign a contract of additional expectations. Neither the “probationary” route nor a required list of additional expectations had ever been used with a male employee.

Ultimately, the Complainant was discharged because on her first day of completing the route by herself, she listed “no sales” on her computer to ten calls she was unable to complete on that day. The code was not correct, but it was the code that the Complainant had been taught to use in that situation. No other male salespersons had ever been discharged for making a mistake like she made and no other male’s work performance had been as carefully scrutinized as the Complainant’s.

## **Probable Cause for Race Discrimination**

The Complainant, an African American college student, began working as a server in a large restaurant. He found the job through his girlfriend, a white woman, who had worked at the restaurant as a server for several years during high school. His employment did not last very long before he was discharged because several long-term employees as well as the owner were offended when they saw the Complainant, a black man, holding hands and kissing his white girlfriend. Other white employees had not suffered the same consequences when they did the same thing that the Complainant did.

## **No Probable Cause for Age Discrimination**

The Complainant worked in a care facility for the elderly as director of nursing for more than thirty years. During the last few years of her employment, her superiors began to see that the Complainant was not an approachable manager. She was perceived by staff as distant and difficult to work with. The profitability of the facility was in decline because of the high number of temporary workers who were needed to fill the vacancies caused by high turnover. While the Complainant’s supervisor made vague references to her management style in her annual reviews, Complainant was not aware that her job was on the line nor what she needed to do to maintain her employment. Abruptly, her employment was terminated. She concluded that her age was a motivating factor in her discharge since she was unaware of her manager’s assessment of her work. She was 57 years old at the time of her discharge.

The investigation substantiated claims that the Complainant was difficult to work for or with. Upper management failed to make her aware that her job was on the line because of her work performance; however, the evidence showed that Complainant’s age was not a factor in her discharge.



# Examples of complaints filed with the Iowa Civil Rights Commission and investigated to a decision during the fiscal year – Public Accommodations

## **Public Accommodation – Probable Cause for Racial Discrimination**

Complainants (consisting of thirteen African Americans of which half were children) went to a national chain restaurant to eat and were not served in a timely manner, while customers who were not African American were timely served. The group was provided seating arrangements immediately, however the investigation showed that they sat for about thirty minutes before a waiter was stopped by one of the group to ask if they could order. During this time while they waited, servers kept walking past the table but did not take their order or bring them drinks. The same server took the group's food order only after being stopped again after approximately another thirty minutes of waiting. During the time the group was waiting for their order for drinks and food to be taken, several members noticed that other customers were being served in a timely manner, many of which arrived after they did. These other customers ranged in number from two to five persons at a table. The group never did receive service in regards to dinner. Employees for Respondent stated they heard the manager tell Complainant, "No one wants to wait on you because you people don't tip".

Two other customers (also African Americans) filed complaints based on similar treatment the same evening. They also were seated right away and were there for about 45 minutes. They also did not receive service for dinner.

The restaurant denied service because of race.

## **Public Accommodation – Probable Cause for Racial Discrimination**

Complainants (all African American women) entered the business of Respondent, (a national chain department store) and were subjected to much more scrutiny than non- African American customers, including being followed and being accused of matching the description of persons wanted for theft. The only part of the description that the Complainants fit was that they are African American women.

The conduct of the employees scrutinizing Complainants was obviously unwelcome. No shopper would invite being followed or stopped while shopping. The conduct was definitely basis-related in that Complainants' race was the key to the description and was actually the only similarity between Complainants and the individuals described as being wanted for theft.

The only reason for following or giving closer scrutiny to Complainants was because of their race. Such conduct is a violation of Iowa law.

# **Cases Referred to Public Hearing This Fiscal Year**

## **Housing-**

### **Probable Cause for Familial Status Discrimination**

A family of 9 was rejected in their attempt to rent a 4-bedroom home because the family included small children. The owner knew that his older home had at some time been painted with lead-based paint. Both the federal Fair Housing Act and the state Civil Rights Act prohibit a property owner or manager from discriminating against families with children, even if their stated motive for the discrimination is the safety of the intended occupant. Instead, the prescribed response in the case of the presence of lead-based paint is for the owner to advise the family of the presence of the paint so that they can make an informed decision [The presence of lead-based paint does not necessarily mean that it constitutes a hazard to children under the age of six, if the home is well-maintained and the paint is neither flaking nor chipping.]. This complaint was approved for public hearing.

## **Employment-**

### **Probable Cause for Sex Discrimination**

Three waitresses alleged that they were sexually harassed to the point that they were compelled to resign their employment at a restaurant. The sexually hostile work environment was created by the actions of a member of the kitchen staff, as well as that of an individual who was the brother of the owner of the restaurant and had charge of the restaurant when the owner was not present. The kitchen staffer's behavior escalated from rude banter and jokes to attempts to grab the breasts and buttocks of the waitresses [which they had to fend off] and trapping them in the cooler. In addition to his persistent use of profanity, the owner's brother asked the waitresses to perform oral sex on him. These behaviors were pervasive, unwelcome and based on sex; complaints to the owner by the employees had no effect. The three complaints were approved for public hearing.

# Mediation

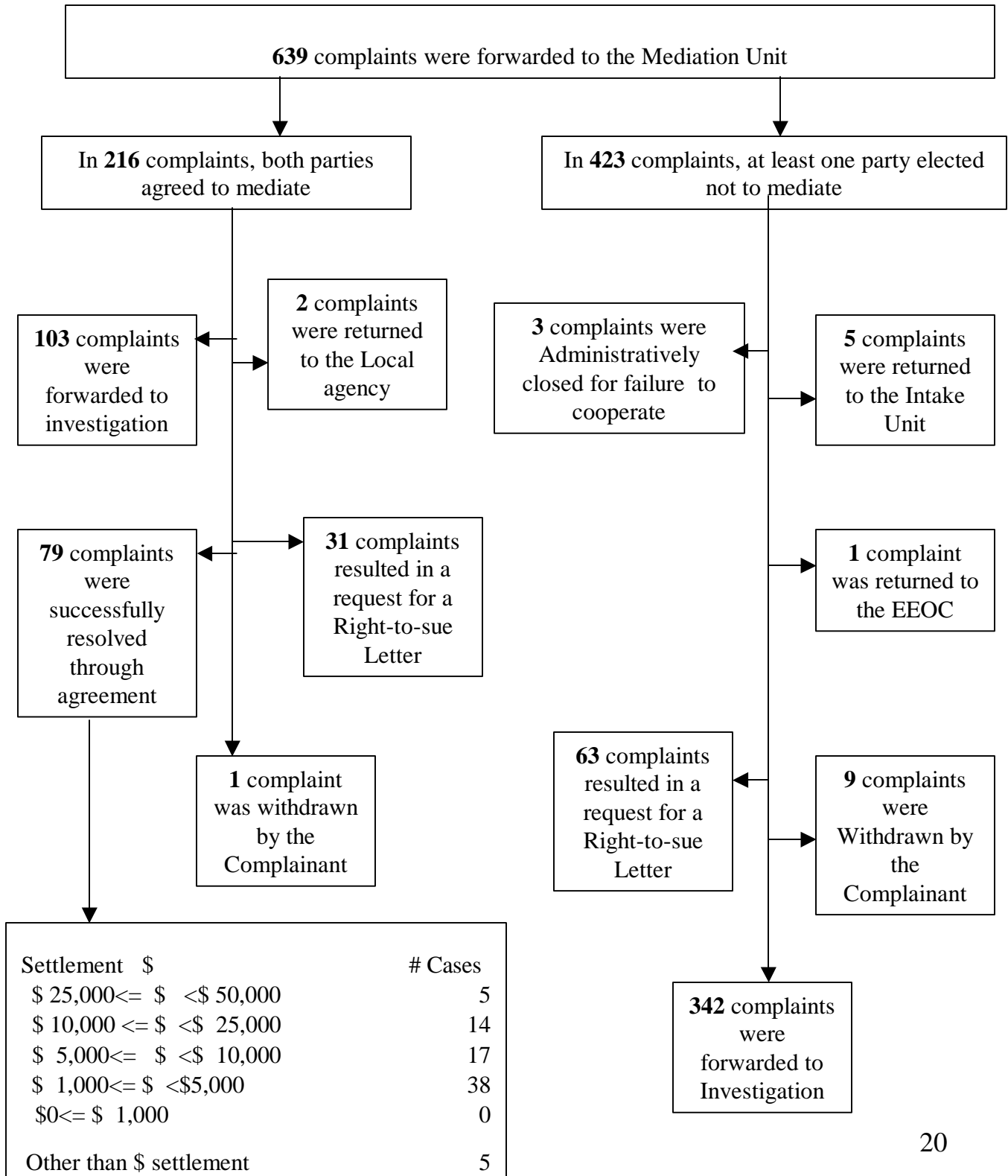


•The *Mediation Team* was created to provide efficient and effective customer service for Iowans. Mediations are conducted throughout the state of Iowa. Onsite mediations encourage Complainants and Respondents to resolve disputes in one meeting, which decreases timeframes significantly in case resolution.

- The mediator's role is as a neutral third party who facilitates the discussions between the Complainant and the Respondent. The purpose is to assist the parties to reach a compromise.
- Fortunately, as the result of the more recent trend towards alternative dispute resolution (ADR), more and more disputes are resolved by mediation, even before the parties file suit in court. Mediation reduces litigation and costs associated with court. There are two requirements that must be met at the Iowa Civil Rights Commission before mediation takes place: first, both parties must be willing to resolve the dispute and second the process must remain confidential.
- The partnership with the Local Commissions and the Iowa Civil Rights Commission to utilize space at the locals to conduct mediations throughout the state of Iowa has been continued. This partnership allows the team to travel and reduce any hardship on Complainants and Respondents.

# Mediation Processing Numbers

\$584,435.81 in settlements



# Educational Resources



- The Educational Resources Team not only plans and implements the education and outreach activities of the Commission, it is also responsible for the coordination of Accountable Government requirements and agency evaluation processes; implementation of the Iowa Excellence Program; the writing and administration of grants; the coordination of special projects; the production, updating, and dissemination of educational materials; the administration of the internal and external educational materials lending libraries; and the scheduling of ICN (Iowa Communication Network) events.

- The Commission's educational programs are designed to inform people about their rights under the law, and to inform businesses, landlords, and other organizations about how to conduct their operations in accordance with the law.
- Staff are available, upon request, to conduct public speaking engagements, workshops, classes, and other events. This fiscal year, staff participated in **176** events, reaching **4,373** participants. The most requested topics through the year were for programs on diversity issues and harassment.
- The citizens of Iowa continued to use the video lending library offered by the Commission. New titles were added to the video lending library. There were **142** uses of the videos by staff and by citizen requests.
- The public called the Commission for information **1,709** times during the year. These non-complaint-related calls came from employers, employees, renters, attorneys and others who wanted to know about civil rights and discrimination. Calls and presentations, resulted in **27,526** materials being distributed. In addition individuals visited the Commission's website, [www.state.ia.us/government/crc](http://www.state.ia.us/government/crc) an average of more than **80,000** times per month.
- The Iowa Civil Rights Commission also continued to co-sponsor the I'll Make Me a World in Iowa celebration, held this fiscal year on Saturday, January 25, 2003. Between 2000 and 3000 people attended. This year the Iowa Civil Rights Commission was also actively involved in the planning of the statewide diversity conference held on September 29, 2003.

# Budget

## Agency Funding



The total funding for the Iowa Civil Rights Commission for FY 2003 was **\$2,406,557**. The sources of the funds were the State General Fund (\$908,894), complaint processing contracts and grants (EEOC \$1,065,500) and HUD \$185,550), an immigration education grant from the U.S. Department of Justice (\$54,869), a fair housing grant from the Fair Housing Initiatives Program of HUD (\$23,500), a fair housing accessibility grant from the Fair Housing Initiatives Program of HUD (\$71,673), a fair housing contract with Iowa Finance Authority (\$50,000), and from reimbursements for copying and civil rights complaint audits (\$46,571).

# Commissioners



- **David Leshtz, chair**  
**Iowa City**  
**Appointed May 1999**
- **Alicia Claypool, vice-chair**  
**Des Moines**  
**Appointed May 1999**
- **Constance Gronstal**  
**Council Bluffs**  
**Appointed April 2001**
- **Din VanLo**  
**Des Moines**  
**Appointed May 2002**
- **Rick Morain**  
**Jefferson**  
**Appointed May 2003**
- **Timothy Tutt**  
**Des Moines**  
**Appointed April 2001**
- **María Waterman**  
**Pleasant Valley**  
**Appointed April 2001**