

# **Iowa Civil Rights Commission Annual Report**

**FY 2009**

***44 years of***

*Enforcing civil rights through*

Compliance, Mediation, Education, and Advocacy



# STATE OF IOWA

CHESTER J. CULVER, GOVERNOR  
PATTY JUDGE, LT. GOVERNOR

IOWA CIVIL RIGHTS COMMISSION  
RALPH ROSENBERG  
EXECUTIVE DIRECTOR

October 30, 2009  
The Honorable Chester J. Culver  
Governor of the State of Iowa  
The State Capitol  
Des Moines, Iowa 50319

Dear Governor Culver:

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 2009.

ICRC continues to stretch and leverage resources to improve our work. During this past fiscal year, with limited staff and resources, ICRC was able to reduce backlog. However, achieving justice in the world of civil rights also means reducing and preventing acts of discrimination and making Iowa a more welcoming state. Last year, ICRC worked to strengthen our training, outreach, and links with local communities across the state. To assist with intake, informal screening of cases, and mediation, ICRC partners with Iowa Legal Aid. ICRC is one of the few civil rights agencies in this nation to partner with VISTA (and hire volunteers/staff) to do capacity building with local civil and human rights commissions. Within the past years, VISTA grant applications were successfully applied for to extend the VISTA work and 'place' VISTA staff in local commission offices in Des Moines, Sioux City, Council Bluffs, Ft. Dodge, Waterloo, Iowa City, Dubuque, Ames, and Davenport. VISTA's have also been placed to assist with the Iowa Department on Aging, Department of Cultural Affairs, and the Department of Human Rights and its Divisions. In fact, the VISTA project is a finalist for a regional award of the Council of State Governments.

ICRC works to promote safe, just, and inclusive communities. Safe and inclusive communities are free from discrimination and free from loss of dignity and humanity. Civil rights enforcement helps ensure society receives full benefits of a diverse and inclusive workforce and reduces economic losses from discrimination. To prevent problems and provide a more welcoming economic climate, our agency educates business and industry on civil rights laws and diversity concerns.

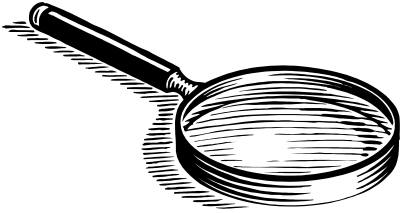
One Iowa is a perpetual goal for the Iowa Civil Rights Commission. The goal of our agency is also in furtherance of our state's motto: *Our liberties we prize and our rights we will maintain*. Indeed, discrimination shall have no place in Iowa.

Respectfully submitted,  
Ralph Rosenberg, Executive Director

# Table of Contents

Cover	1
Letter of Transmittal to the Governor	2
Table of Contents	3
Case Processing	4
Filings – Total	5
Filings by Area	5
Filings in Non-Housing Cases by Basis	6
Filings in Housing Cases by Basis	6
Filings by County	7
Filings by County – continued	8
Case Closures – Total	9
Case Closures by Type	9
Case Closures by Area	10
Case Closures by Basis	10
Average Time to Process Cases	11
Reimbursement by EEOC and HUD	11
ICRC is a Leader in Civil Rights	12
Mediation	13
Mediation (statistics)	14
Noteworthy Mediations	15
Conciliation	16
Cases Handled by Assistant Attorney General	18
Educational Resources	21
Educational Resources (statistics)	22
Budget	24
Commissioners	25
Staff	26

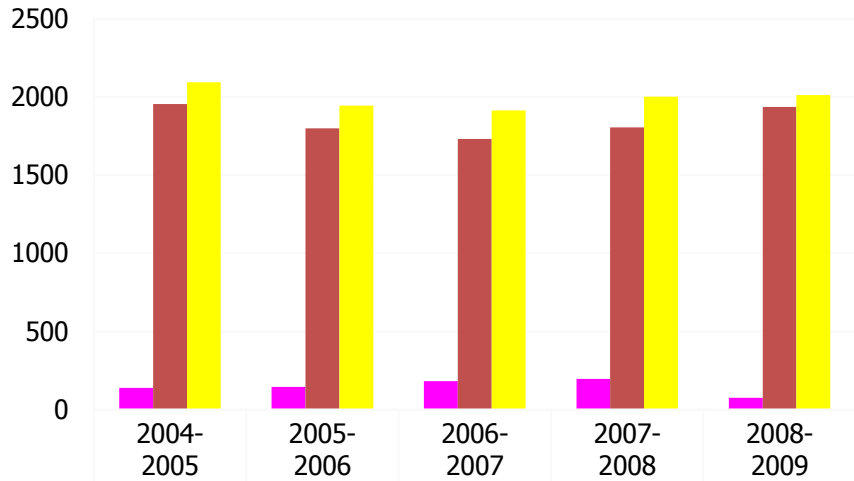
# Case Processing



During this past fiscal year **2,012** cases were **filed** with the Iowa Civil Rights Commission. Of those complaints, **76** 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 **1,936**. **Resolutions** or case closures numbered **1,837**.

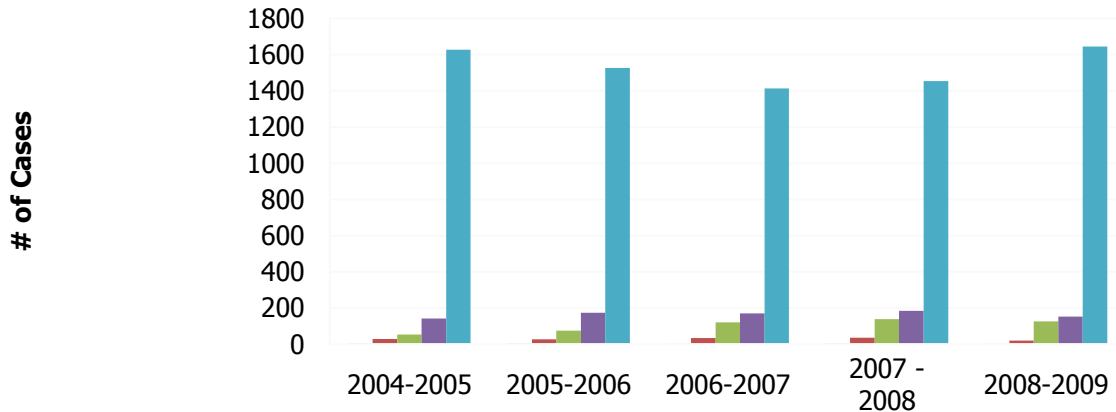
- Employment (85%) continues to be the largest area of complaints filed, followed by public accommodations (8%) and housing (7%). Over the past four fiscal years, housing complaints have increased 140% from 53 in FY 2005 to 127 in FY 2009.
- Sex (40%) and race (38%) were the most frequently named bases (personal characteristics) for discrimination in non-housing cases. These two leading bases of discrimination were followed by retaliation (31%), disability (31%), and age (20%).
- In housing complaints, disability (41%) and race (35%) were the most frequently named bases for discrimination; this was followed by national origin (15%), retaliation (13%), sex (13%), and familial status (11%).
- Of the 1,837 case resolutions during this period, the largest category was “does not warrant further investigation/administrative closure” (45%). This was followed by no probable cause (12%), right-to-sue (12%), satisfactory adjustment/mediated settlement (8%), and withdrawal with settlement (4%).

## Total Case Filings by Fiscal Year



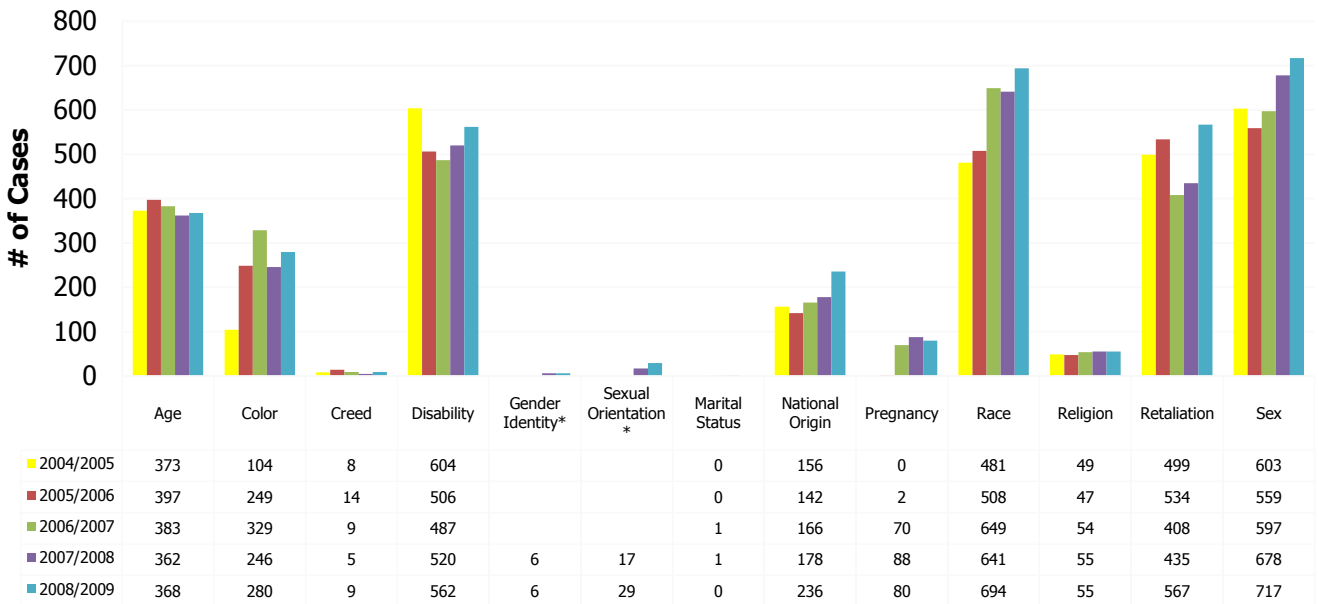
■ Not timely/Not jurisdictional	140	146	183	197	76
■ Jurisdictional	1955	1799	1732	1806	1936
■ Total	2095	1945	1915	2003	2012

## Case Filings by Area and Fiscal Year



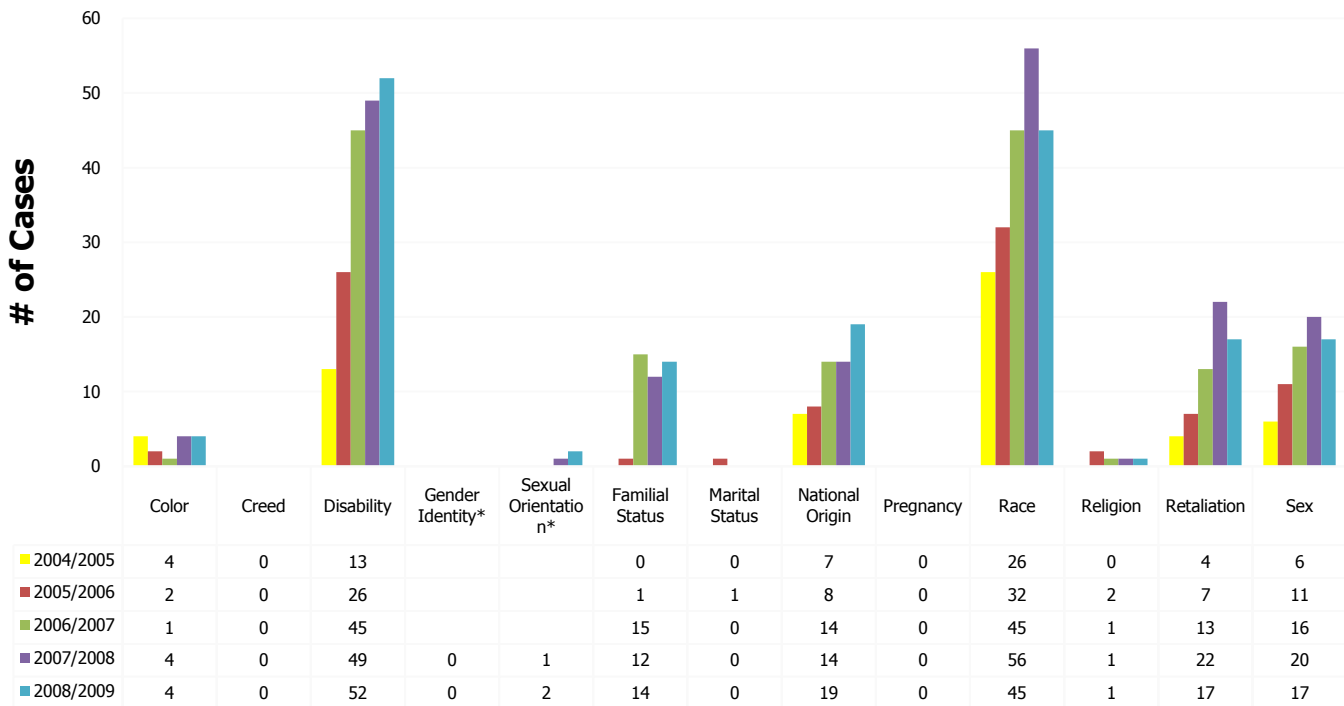
■ Credit	4	5	3	5	2
■ Education	29	28	35	36	21
■ Housing	53	75	121	138	127
■ Public Accommodations	142	174	171	185	153
■ Employment	1627	1526	1413	1453	1644

# Filings in Non-Housing Cases by Basis FY 2005-2009



\* Gender Identity and Sexual Orientation were not added as bases until July 1, 2007.

# Filings in Housing by Basis FY 2005-2009



\* Gender Identity and Sexual Orientation did not become protected bases until July 1, 2007.

# Filings by County

7/1/2008 to 6/30/2009

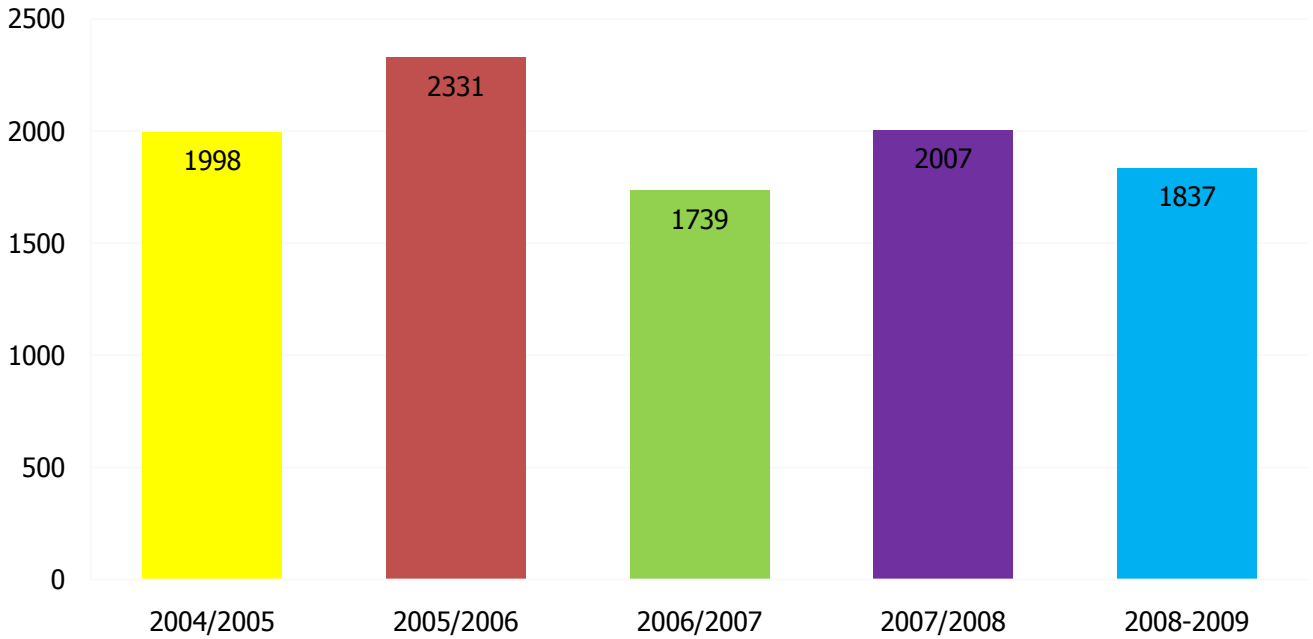
County	Number of Filings	County	Number of Filings
Adair	2	Des Moines	21
Allamakee	49	Dickinson	5
Appanoose	4	Dubuque	55
Benton	6	Fayette	10
Black Hawk	134	Floyd	8
Boone	9	Franklin	2
Bremer	4	Fremont	1
Buchanan	2	Greene	4
Buena Vista	18	Grundy	5
Butler	3	Guthrie	4
Calhoun	1	Hamilton	3
Carroll	5	Hardin	8
Cass	3	Harrison	4
Cedar	9	Henry	9
Cerro Gordo	14	Howard	3
Chickasaw	6	Humboldt	1
Clarke	8	Ida	4
Clay	6	Iowa	8
Clayton	5	Jackson	6
Clinton	36	Jasper	14
Crawford	2	Jefferson	7
Dallas	20	Johnson	121
Davis	2	Jones	3
Decatur	2	Keokuk	2
Delaware	5	Kossuth	2
Lee	14	Pocahontas	1

# Filings by County Continued

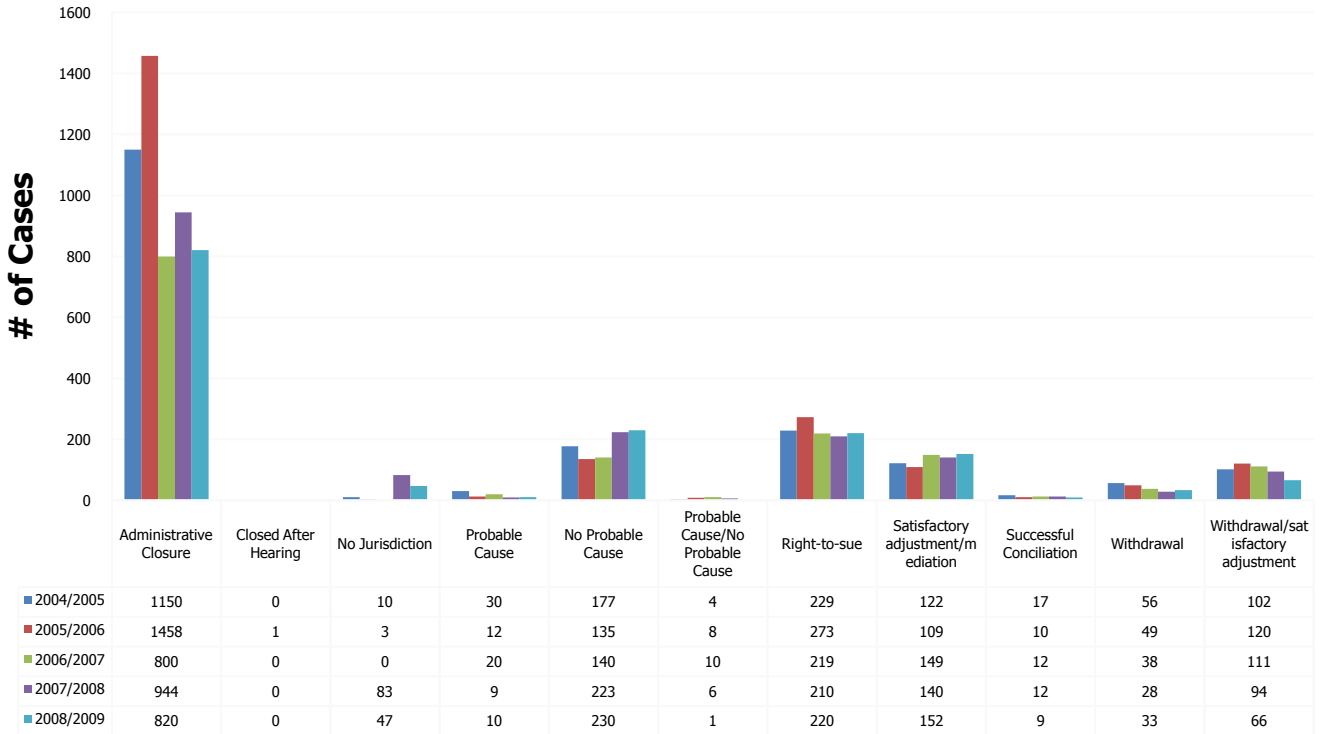
<b>County</b>	<b>Number of Filings</b>	<b>County</b>	<b>Number of Filings</b>
Lynn	173	Ringgold	1
Lyon	2	Sac	3
Madison	4	Scott	207
Mahaska	11	Shelby	1
Marion	11	Sioux	9
Marshall	23	Story	30
Mills	6	Tama	4
Mitchell	1	Taylor	2
Monona	1	Union	6
Monroe	3	Van Buren	4
Montgomery	1	Wapello	23
Muscatine	23	Warren	14
O'Brien	8	Washington	11
Osceola	1	Wayne	1
Page	3	Webster	32
Palo Alto	2	Winnebago	12
Plymouth	8	Winneshiek	6
Polk	513	Woodbury	76
Pottawattamie	47	Worth	7
Poweshiek	1	Wright	9



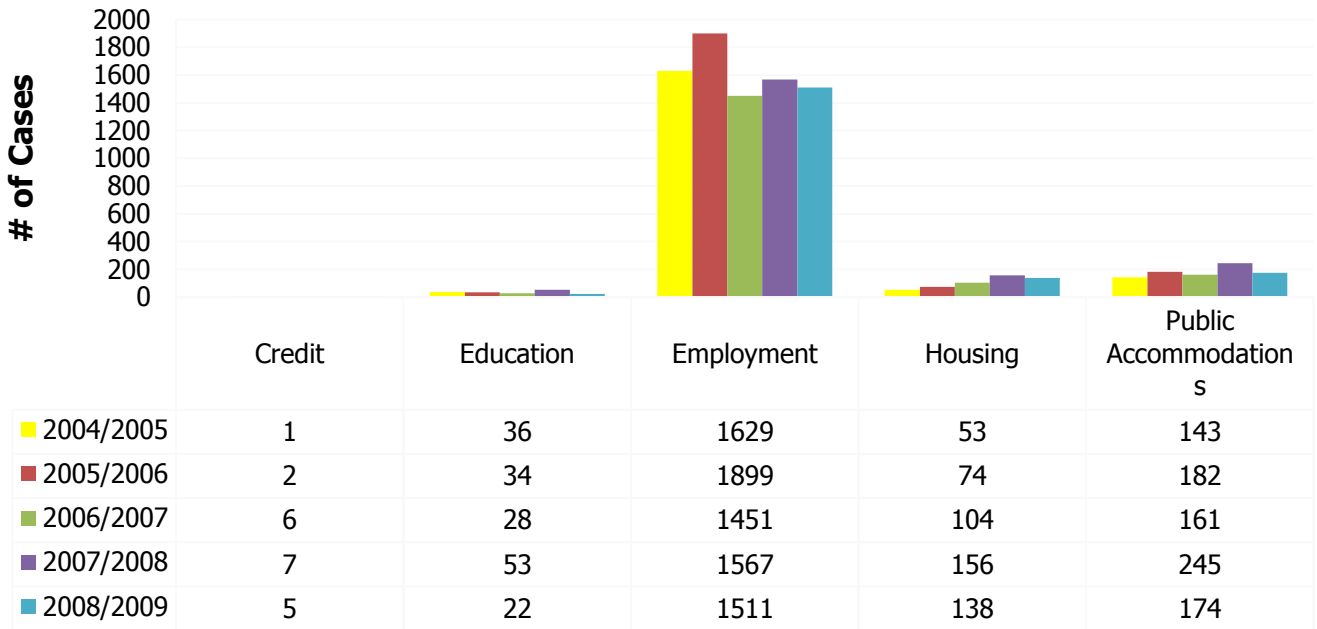
# Total Closures FY 2005-2009



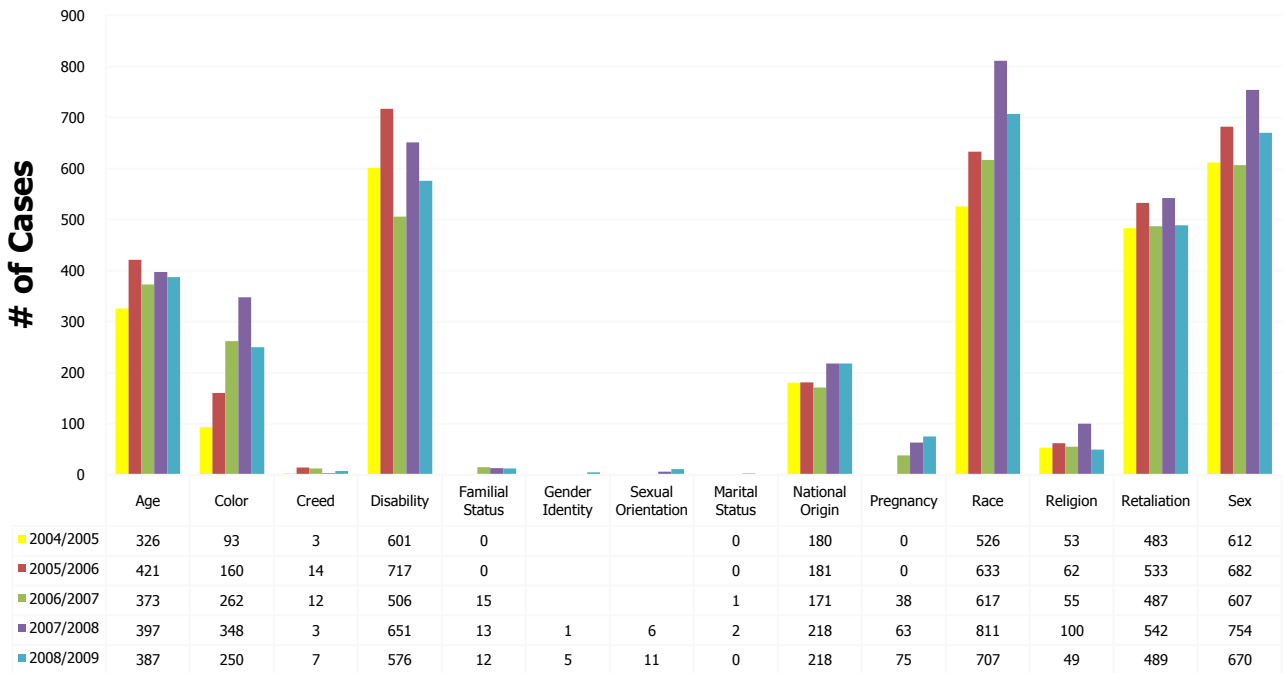
# Case Closures by Type FY 2005 - 2009



## Case Closures by Area FY 2005-2009

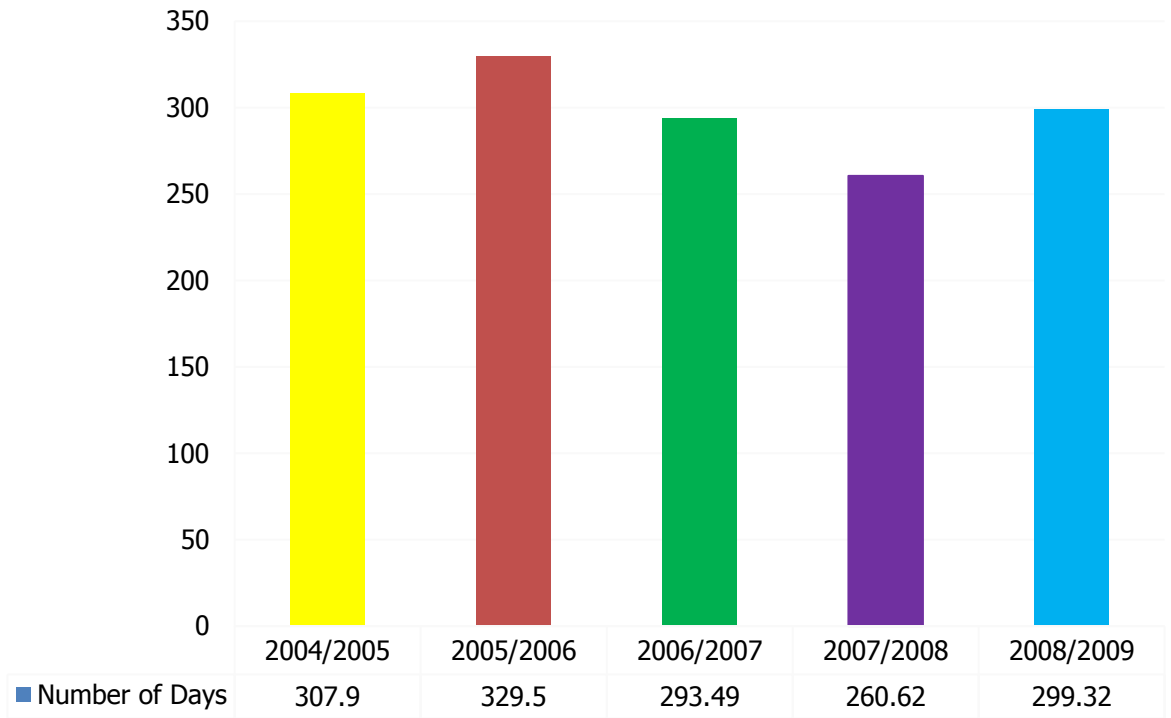


## Cases Closures by Basis FY 2005-2009

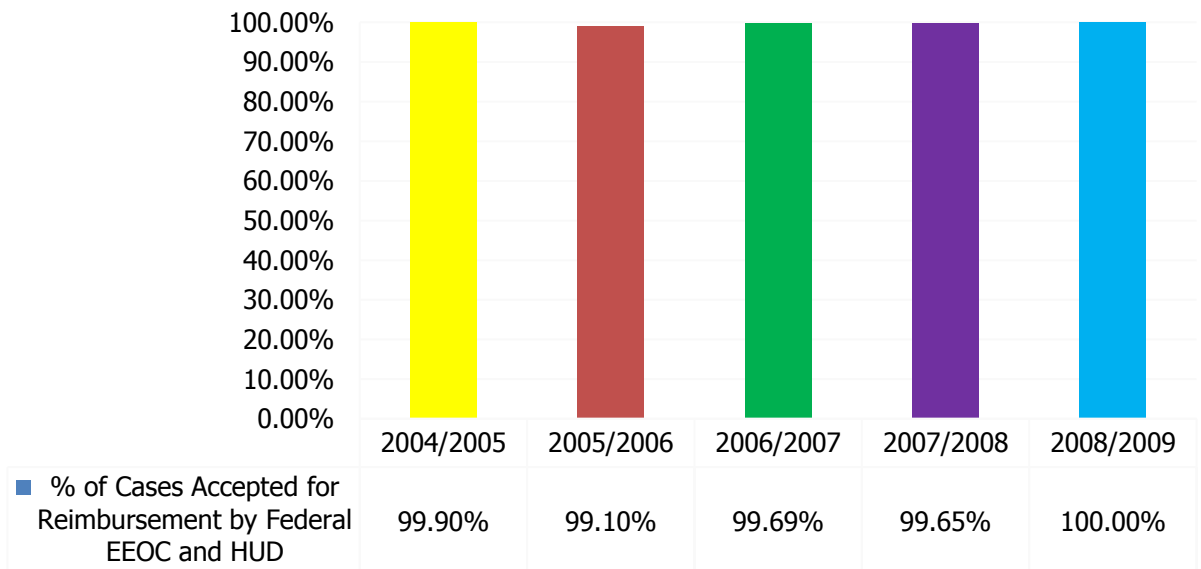


In fiscal years 2004/2005 and 2005/2006 computer issues prevented collection of closure data on familial status, marital status, and pregnancy.

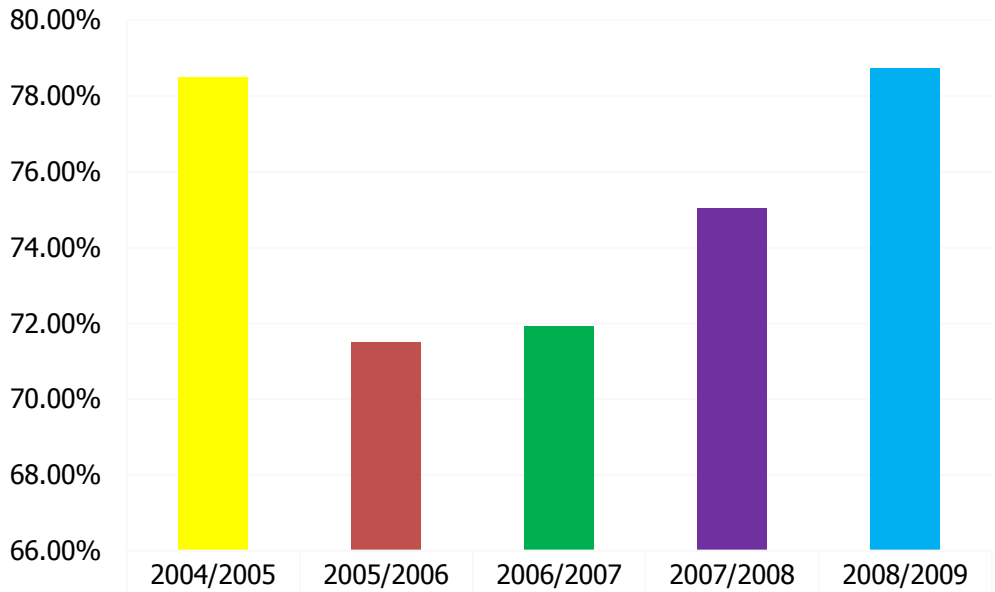
## Average Number of Days to Process a Case



## % of Cases Accepted for Reimbursement by Federal EEOC and HUD



## % of Complainants, Respondents, and Counsel Who See ICRC as a Leader in Civil Rights



■ % of Complainants, Respondents, and Counsel Who See ICRC as a Leader in Civil Rights

2004/2005	2005/2006	2006/2007	2007/2008	2008/2009
78.50%	71.50%	71.93%	75.04%	78.74%

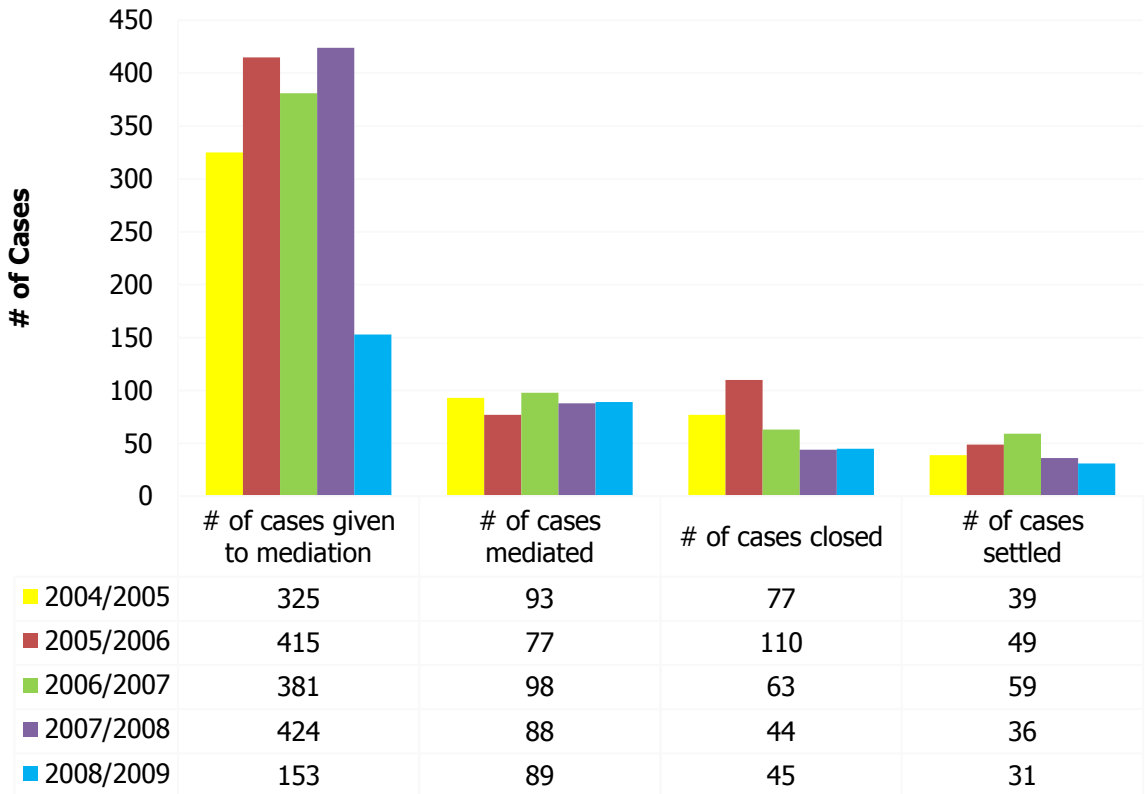
# Mediation



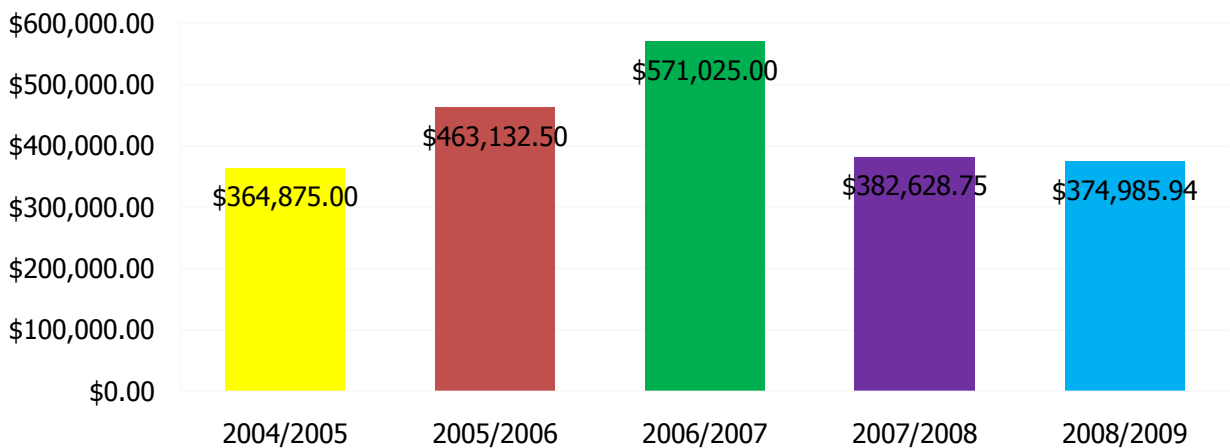
The **Mediation Program** was created to provide efficient and effective mediation service for Iowans with civil rights complaints. Mediations are conducted throughout the state of Iowa. Onsite mediations encourage Complainants and Respondents to resolve disputes in one meeting, which significantly decreases timeframes 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.
- 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:
  1. Both parties must be willing to resolve the dispute.
  2. The process must remain confidential.
- The partnership between the Local Commissions and the Iowa Civil Rights Commission to utilize space at the Local's offices 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 Data FY 2005 - 2009



## Total Value of All Mediation Settlements FY 2005 - 2009



**Noteworthy Mediations  
FY 2009**

<b>Date</b>	<b>Area</b>	<b>Basis</b>	<b>Incidents</b>	<b>Terms</b>
June 2009	Employment	Race, Color	Failure to promote	\$16,000
June 2009	Employment	Sex, Retaliation	Harassment, discharge	\$47,000 (including \$32,000 for medical bills)
May 2009	Employment	Age, Retaliation	Harassment, unequal pay, undesired assignment, different treatment	\$65,040 (including retirement package of \$45,000)
May 2009	Employment	Sexual Orientation	Harassment, different treatment, discharge	\$20,000
May 2009	Employment	Physical Disability	Discharge	\$29,317
April 2009	Employment	Race, Color	Harassment, failure to promote, discharge	\$12,500
April 2009	Employment	Race, Sex, National Origin, Color	Discharge	\$12,500
February 2009	Employment	Physical disability	Failure to accommodate, discharge	\$13,500
November 2008	Employment	Sex, Retaliation	Harassment, constructive discharge	\$20,000
October 2008	Employment	Race, Sex, Pregnancy, Retaliation	Harassment	\$25,000
September 2008	Employment	Sex (pregnancy)	Discharge	\$15,000 and job reinstatement

# Conciliation

**Conciliation** occurs after a finding of probable cause has been made. It is the first point in the process at which the Commission becomes an advocate. Until this point, the Iowa Civil Rights Commission is a neutral investigatory agency. The Commission does not become an advocate, however, on the Complainant's behalf, but rather on behalf of the Probable Cause finding. During this fiscal year there were **15** cases assigned to conciliation; **13** cases resolved (including 9 successful conciliations); and **6** failed. The successful conciliations are listed below:

## **FY 2008/2009:**

Area: Employment

Basis: Race and retaliation

Incidents: Terms and conditions, harassment, and constructive discharge

Resolution: \$5000 for Complainant , training for Respondent, and new harassment policy

Area: Employment

Basis: National origin

Incidents: Failure to hire

Resolution: \$5000 for Complainant, language on applications and posters regarding documents for Respondent

Area: Employment

Basis: Age

Incidents: Terms and conditions, assignment, failure to promote, training, and demotion

Resolution: \$20,000 for Complainant



## Conciliation – continued

Area: Employment

Basis: Sex and pregnancy

Incidents: Terms and conditions, layoff , and discharge

Resolution: \$29,000 for Complainant ; pregnancy policy, including duty to accommodate in employee handbook; and provide copy of policy to staff

Area: Employment

Basis: Race and sex

Incident: Terms and conditions, harassment, discipline, and discharge

Resolution: \$10,000 for Complainant , Respondent t to inform employees of policy of non-discrimination including race harassment, training for all staff and managers on *Diversity in the Workplace*

Area: Employment, Public Accommodations and Retaliation  
4 cases

Basis: Retaliation

Incident: Terms and conditions

Resolution: \$12,500 divided among the 4 cases plus one additional case

# Cases Handled by Assistant Attorney General

FY 2009 Report

State of Iowa, ex rel Alicia Claypool v. Michael Evans, MTE Project Development, and Anderson-Bogert Engineers & Surveyors, Inc. and State of Iowa, ex re. Jeff Frank v. Michael Evans and MTE Project Development and Blue Jay Ridge Condominium Owners Association, S.Ct. #95/07-0158 (October 24, 2008).

In this case, the State appealed the decision of the Iowa District Court for Johnson County in granting summary judgment because the statute of limitations for unfair or discriminatory practices in housing under the Iowa Civil Rights Act barred the Complainant's claim. Mr. Frank and his wife purchased a condominium at Blue Jay Ridge Condominiums in Coralville from Michael T. Evans Construction in August 1999. Mr. Frank suffers from osteoarthritis and progressive degeneration of the joints in his hips and knees. Mr. Frank uses a cane, crutches, and a walker, depending on the particular situation. Doctors have also said that Mr. Frank will likely need to use a wheelchair in the future. "The design and construction of the condominium development included obstructed sidewalks that caused Frank difficulty accessing his unit from the parking area. About two to three months after moving in, Frank complained to Evans about the obstructed sidewalks, but Evans ignored the complaints, so Frank's accessibility problem continued for the duration of his occupancy." Mr. Frank filed a complaint with the Iowa Civil Rights Commission on April 8, 2002. On December 10, 2004, in a separate proceeding, Iowa Civil Rights Commissioner Alicia Claypool, filed a commission-initiated complaint against Appellees for violation of the Iowa Civil Rights Act.

This case is an appeal from a motion for summary judgment by the district court. A court "enters summary judgment when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law." If there is no real issue regarding the material facts, then the Supreme Court must decide if the district court correctly applied the law in granting summary judgment.

Continued on next page.



## Cases Handled by the Assistant Attorney General (continued)

The Iowa Supreme Court affirmed the district court's granting of the defendant's motion for summary judgment based on the following:

1. "Frank's 180-day period for filing his complaint with the commission and two-year period to file his petition with the district court began in August of 1999 when he purchased the unit."
2. "The last unit in the condominium development occurred more than 180 days prior to the filing of the Claypool complaint and more than two years prior to the filing of the Claypool petition. Thus, Claypool's complaint and petition were also untimely, and the statutes of limitations bar her action."
3. "The statutes of limitations begin to run on the sale of the unit as to Frank, and on the last sale of the units as to Claypool."
4. "In this case the specific discriminatory practice was the sale of a housing unit designed and constructed to be inaccessible to a person with disabilities. This discriminatory practice was complete upon the sale. The lack of accessibility of the non-compliant development was a continuing effect of the discriminatory practice rather than a continuing violation."

### Renda v. Iowa Civil Rights Commission, S. Ct. No. 08-0428

This is an appeal of a decision of the Polk County district court in a judicial review proceeding. The agency had determined that it lacked jurisdiction over the complaint filed by an inmate of a correctional institution, claiming both employment and housing discrimination. The agency had determined that because Renda's relationship with the correctional institution is custodial, Renda was not an "employee" and the correctional facility to which she was sentenced was not a "dwelling". The Polk County District Court affirmed the decision of the Civil Rights Commission and the Petitioner appealed the matter to the Iowa Supreme Court, where a decision is pending.

## Cases Handled by the Assistant Attorney General (continued)

### State ex rel Stanley, Stevens v. Jordan Creek Residential Cooperative, Polk Cty. No. CV7530.

This was the consolidated action on behalf of two women who resided in an apartment at the Jordan Creek Residential Cooperative for over two years until they were evicted from their dwelling because of the mental disability of Sharon Stanley. The action to terminate the tenancy of Stanley and Stevens was initiated after Stanley exhibited unusual conduct related to her mental disability, for which the property management firm refused to consider any accommodation which might have removed or mitigated whatever risk was presented by Stanley's disability. The Defendant confessed judgment in the amount of \$5,000.00, which offer was accepted.

### State ex rel Collier v. BBMYII, Willow Park, Polk Cty. No. 7208

The State's action was brought on the claim that Michael Collier is a person with a disability who needed additional handicapped parking spaces at his apartment complex as the number provided was inadequate, and he asked for that accommodation. No additional spaces were provided, which frequently left Collier struggling to get from his vehicle to his apartment. Prior to trial, the matter was settled on confidential terms.

### State ex rel. Henderson v. Des Moines Municipal Housing Agency, Polk Cty, No. 5838.

The State's action was brought on the claim that Ms. Henderson is a person with a disability who needed the assistance of a psychiatric service dog and that the Municipal Housing Agency refused to accommodate her by waiving its pet policy and had, in fact, terminated her tenancy because she kept the service dog.

Trial is scheduled for September 21, 2009.

### State ex rel Shiltz v. Matkovich, Appanoose Cty. No. CVEQ 8270

This is a housing discrimination action on behalf of Loren Shiltz, alleging disability discrimination in the denial of housing due to mental disability. Loren Shiltz exhibited unusual behavior and while he was hospitalized for what was discovered to be a brain injury, his landlady prohibited his return to the apartment and removed his possessions from the apartment. The matter is scheduled for trial in December 2009.

Others: The attorney general's office successfully defended the agency's determination of No Probable Cause in another judicial review proceeding during this fiscal year.

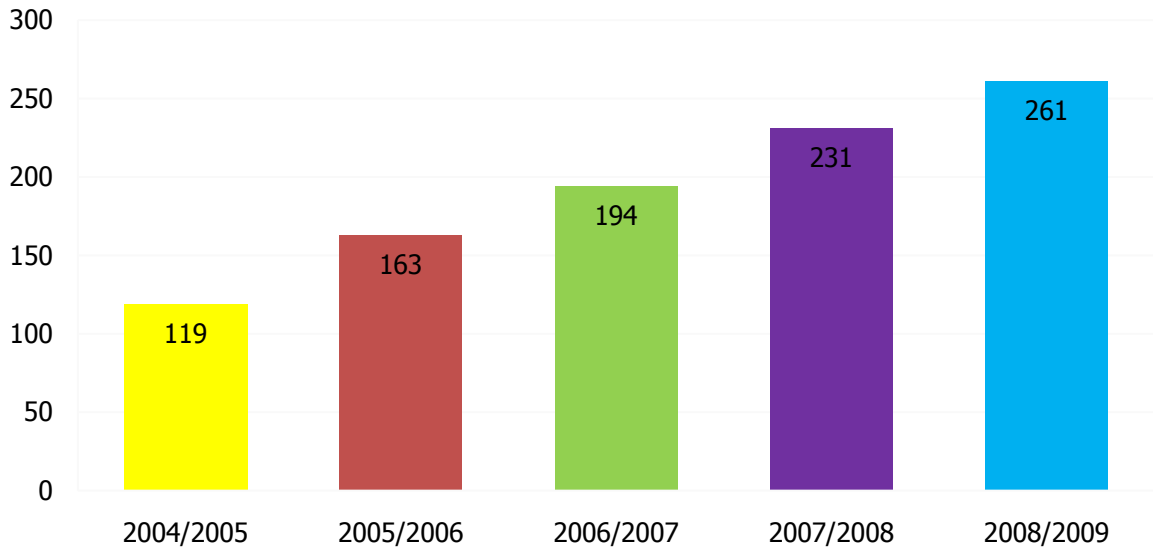
# Educational Resources



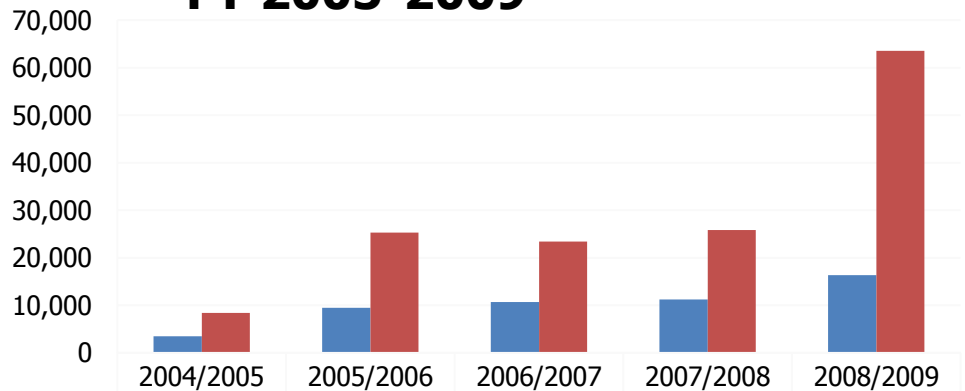
## The Educational Resources Team

1. Plans and implements the education and outreach activities of the Commission;
  2. Coordinates Accountable Government requirements and agency evaluation processes;
  3. Constructs, implements, and measures Enterprise Planning Team (EPT) goals;
  4. Writes and administers grants;
  5. Coordinates special projects;
  6. Produces, updates, and disseminates educational materials;
  7. Coordinates and completes translation requests;
  8. Administers the internal and external educational materials lending libraries; and
  9. Administers the agency's case management system.
- 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. For fiscal year 2009, staff participated in **261 presentations/outreach events**, reaching **16,317 participants**. The most requested topics through the year were for programs on civil rights overviews, harassment, and diversity issues.
  - The citizens of Iowa use the video lending library offered by the Commission for training. There were **35** uses of the videos by staff and by citizen requests.
  - The public called the Commission for information **963** times during this fiscal year. These non-complaint-related calls came from employers, employees, renters, attorneys and others who wanted to know about civil rights and discrimination. Over the years, the number of e-mails has significantly surpassed the number of calls we receive for information. During this fiscal year, **5,163 informational e-mails** were handled. Calls, e-mails, and presentations, resulted in **63,584 materials** being distributed. The Commission's website [www.state.ia.us/government/crc](http://www.state.ia.us/government/crc) received an average of more than **5,291 hits** monthly, from an average of almost **1928 individuals** per month. During this fiscal year **335** translations were also requested or needed.
  - The Iowa Civil Rights Commission also
    1. Continues to sponsor the I'll Make Me a World in Iowa celebration, held at the end of January each year (close to 10,000 people now attend the event, held over a two-day period).
    2. Is actively involved in the planning of Iowa's Mosaic, the statewide diversity conference held in the fall of each year since 2003;
    3. Collaborates with the Des Moines Human Rights Commission for their annual symposium;
    4. Works closely with local human and civil rights agencies; and
    5. Provides outreach via booths at the Iowa State Fair and numerous festivals around the state.

## Number of ICRC Presentations/Outreach Events FY 2005 - 2009

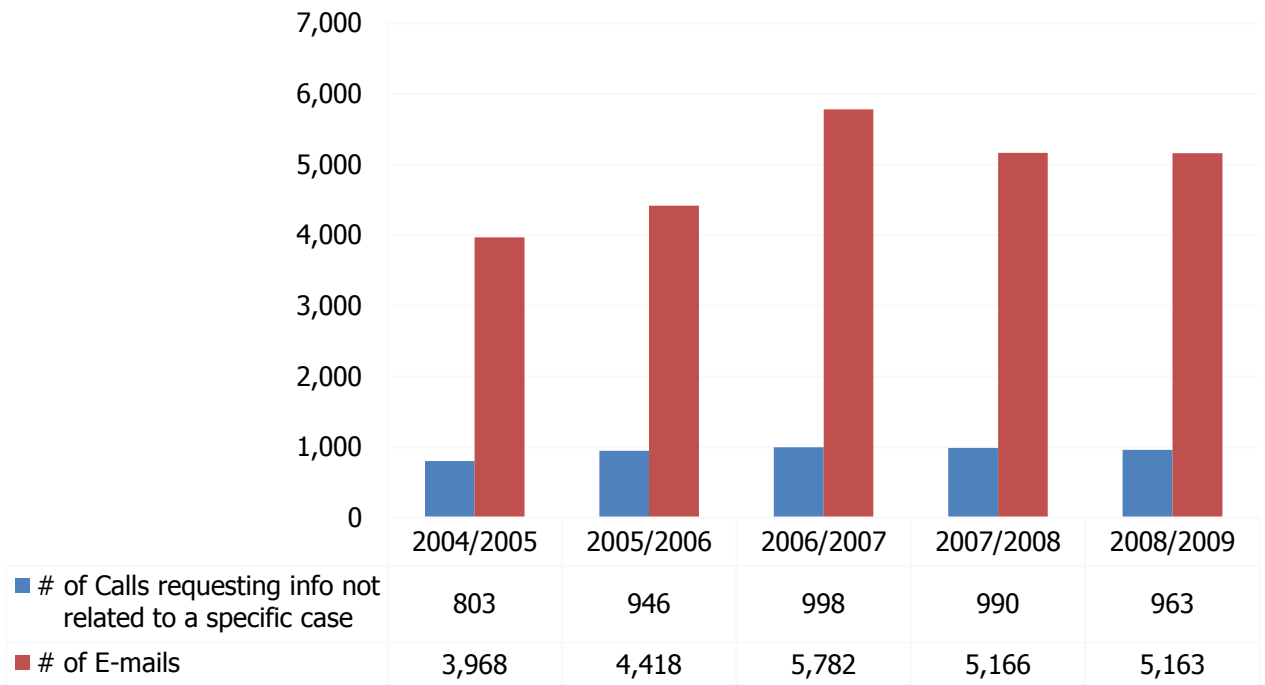


## Number of Attendees at Presentations/Outreach Events and Materials Distributed FY 2005-2009

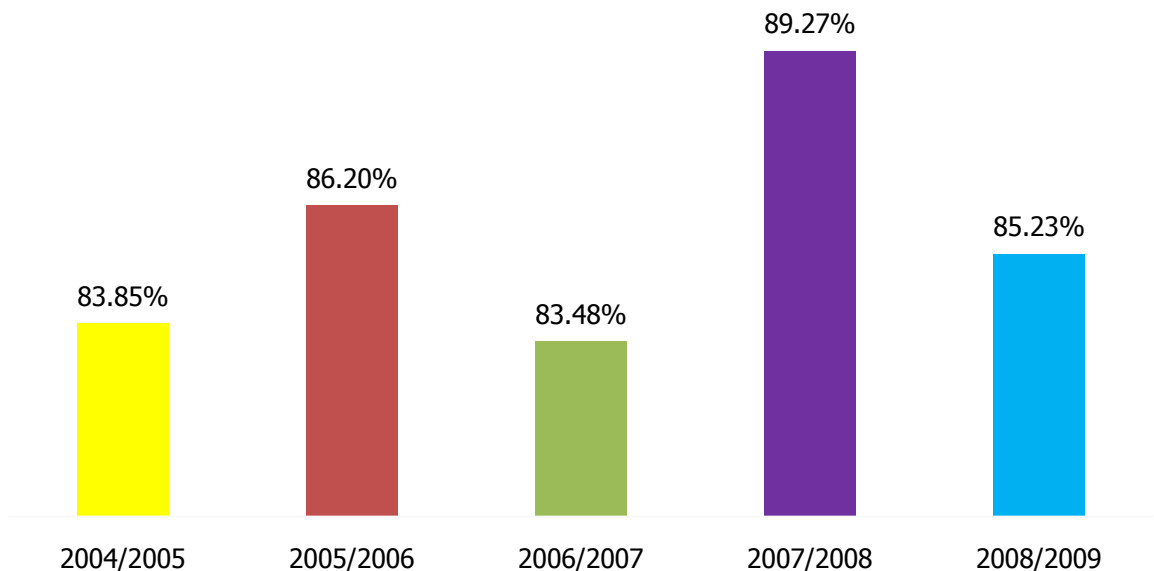


	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009
# of Participants at presentations/outreach events	3,514	9,448	10,708	11,213	16,317
# of Materials distributed	8,405	25,298	23,450	25,821	63,584

## Number of Calls and E-mails Handled FY 2005 - 2009



## % of Presentation Attendees Indicating Satisfaction with Education Services



# Budget

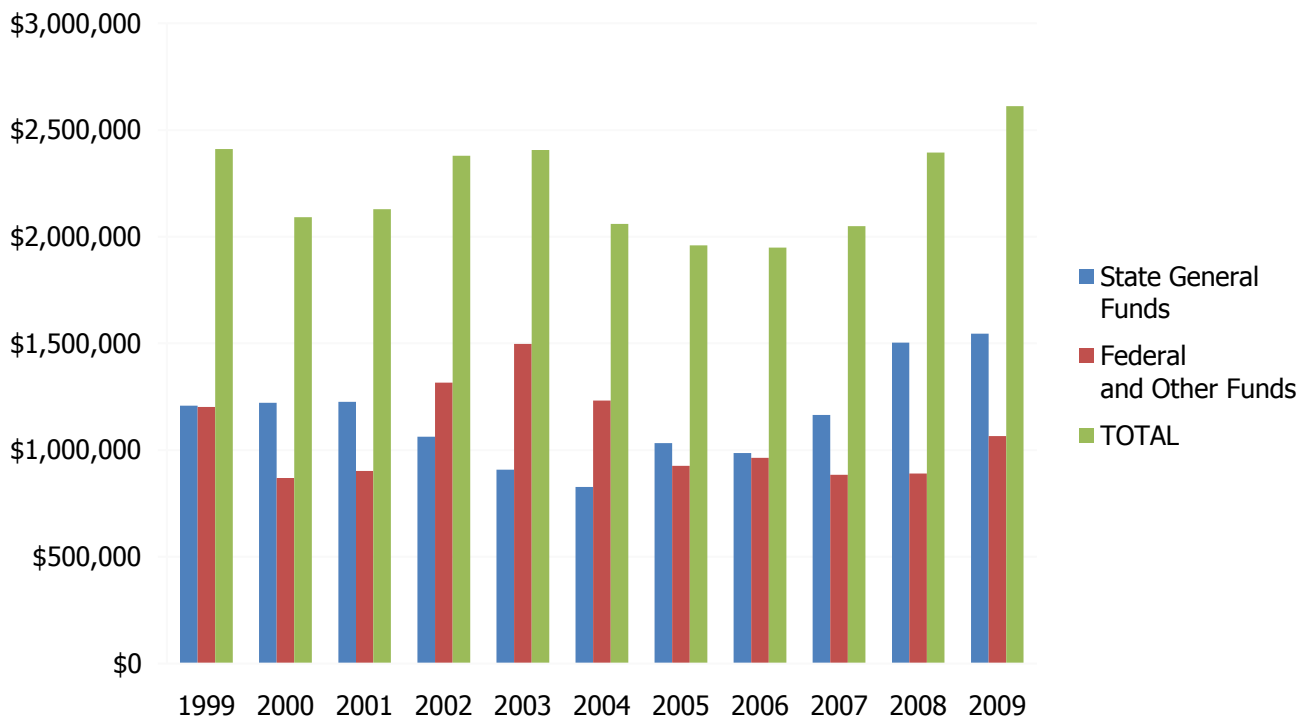
## Agency Funding



The total funding for the Iowa Civil Rights Commission for FY 2009 was **\$2,611,799**:

- **\$1,545,671\*** (including salary adjustments and budget cuts) was state general funding;
- **\$1,028,225** was from federal contract funding (EEOC and HUD) and other contracts/grants; and
- **\$37,903** was for reimbursements for presentations, copying, and video rentals.

## Agency Funding FY 1999 - 2009





# Commissioners

## FY 2009



- **Alicia Claypool, chair**  
**Des Moines**  
**Appointed May 1999**
- **Constance Gronstal Council**  
**Bluffs**  
**Appointed May 2001**
- **Timothy Tutt**  
**Des Moines**  
**Appointed May 2001**
- **Rick Morain**  
**Jefferson**  
**Appointed May 2003**
- **Nancy Witt**  
**Reinbeck**  
**Appointed May 2005**
- **Rich Eychaner**  
**Des Moines**  
**Appointed May 2007**
- **Debbie Gitchell**  
**Ames**  
**Appointed May 2007**

# Iowa Civil Rights Commission Staff, VISTA's, and Volunteers July 1, 2008 to June 30, 2009

## **Ralph Rosenberg, Executive Director**

VALENTIA ALLEYNE\*\*\*  
KATHRYN AUSTIN\*\*\*  
CALVIN BACCAM  
JACOB BECKWITH\*\*\*  
EDIE BOGACZYK  
WENDY BUENGER  
BETTY BUITENWERF\*\*  
NATALIE BURNHAM  
STEPHANIE CALLAHAN  
CINDIE COOK\*\*  
ADAM COTTON\*\*\*  
MARCIA COVERDALE  
MARY COWDREY  
TIFFANIE DRAYTON  
SARAH DODGE\*  
ROLF FIEBIGER\*  
GEOFFREY FISCHER\*\*\*  
ANNETTE FLAHERTY  
AMBER FRICKE\*  
THOMAS GOOD  
DON GROVE  
KERRY HAINLINE  
MURLEAN HALL  
ROGER HALLECK  
MARCIA HARRIS\*\*  
TIM HARRISON\*  
KEITH HARTJE\*\*  
STUART HIGGINS\*  
MILISSA HILLIE\*  
SAM HODGE\*\*\*  
KRISTI HOLZER\*\*

BRYNNE HOWARD\*\*\*  
MICHELE HOWARD  
ARNOLD SKIP KENYON\*\*  
GREGORY KLEIN  
THOMAS KUNSTILE\*  
LARRY LOCKMAN  
EMIGDIO LOPEZ-SANDERS  
JESSICA MAFFITT\*  
ERIN MARTH\*\*\*  
ANNA MCGLAUN\*\*\*  
CALVIN MCRAE\*\*\*  
KAREN MIRANDA\*\*\*  
VICTORIA MONTANO\*  
KAYLA OSEGERA\*  
SYLVIA OWENS  
DAWN PETERSON  
MOLLY RASMUSSEN\*  
TIM REILY\*  
LENA ROBISON  
PAMELA ROSE  
LINDA ROSS  
DAVID ROSSI\*  
DIANA SCHANUEL-SISLER  
CRYSTAL SCHRADER\*\*\*  
SOMMAY SOULINTHAVONG  
SARA STIBITZ  
DAN SWIFT\*\*  
DANNY WAGENER  
JOELLEN WHITNEY\*\*  
SEAN WILLIAMS\*  
SHERRY WILLIAMS

•Temporary, part-time

\*\*Volunteer

•\*\*\*VISTA