

# **Iowa Civil Rights Commission**

50 Years of Working For a State Free of Discrimination  
Through Enforcement of Civil Rights Laws

**Annual Report**  
Fiscal Year 2015



# STATE OF IOWA

TERRY BRANSTAD, GOVERNOR  
KIM REYNOLDS, LT. GOVERNOR

IOWA CIVIL RIGHTS COMMISSION  
KRISTIN H. JOHNSON  
EXECUTIVE DIRECTOR

November 20, 2015

Governor Terry Branstad  
Governor of the State of Iowa  
The State Capitol  
Des Moines, IA 50319

Dear Governor Branstad:

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 2015.

The ICRC has continued its efforts to improve the timeliness and competency by which complaints of discrimination are processed. In FY15, the ICRC experienced an unusually high turnover of staff, including six Civil Right Specialists, the Executive Director, and the Administrative Supervisor. The ICRC continued to investigate cases in a timely manner. The average number of days it took to process complaints in FY15 was 259 days. The Commission conducted approximately 285 mediations this year and 51% of those were successful. The ICRC processed 988 complaints for the EEOC and 129 complaints for the Department of Housing and Urban Development resulting in over \$1 million in federal funds paid to the ICRC, which was a decrease from the previous year. The ICRC had 36 cases that resulted in a probable cause finding. The ICRC successfully conciliated 13 of those 36 cases, including a claim involving an employer's refusal to accommodate the religion of its employee. Through the public hearing process, rights of Iowans continue to be redressed with, for example, a successful pre-hearing settlement of a sexual harassment claim by a para-educator by an elementary school principal, and an award of damages for age discrimination by one employer against two employees. Our housing unit continues to be recognized as one of HUD's best partners based on quality and number of cases processed by the ICRC each year. Housing cases are primarily resolved through settlement that includes training of the landlords and an end to the discriminatory policy.

In FY15, the ICRC received 1,767 complaints of discrimination. Of those 133 were determined not to be jurisdictional. The Commission processed 1,634 cases. While there was a decrease in number of housing, credit, and education complaints filed in FY15, the 36% increase in public accommodation complaints should be noted, and of special note, there was an 80% increase in claims against law enforcement agencies and correctional facilities. These are complaints that are funded exclusively by the general fund.

The mission of the ICRC continues to be the elimination of discrimination within the State of Iowa. It is important to the promotion of a more welcoming business environment that the Iowa Civil Rights Commission enforce the Iowa Civil Rights Act to secure a diverse and inclusive workforce as well as ensure that all Iowans have equal access to housing, education, credit, and services.

Kristin H. Johnson  
Executive Director

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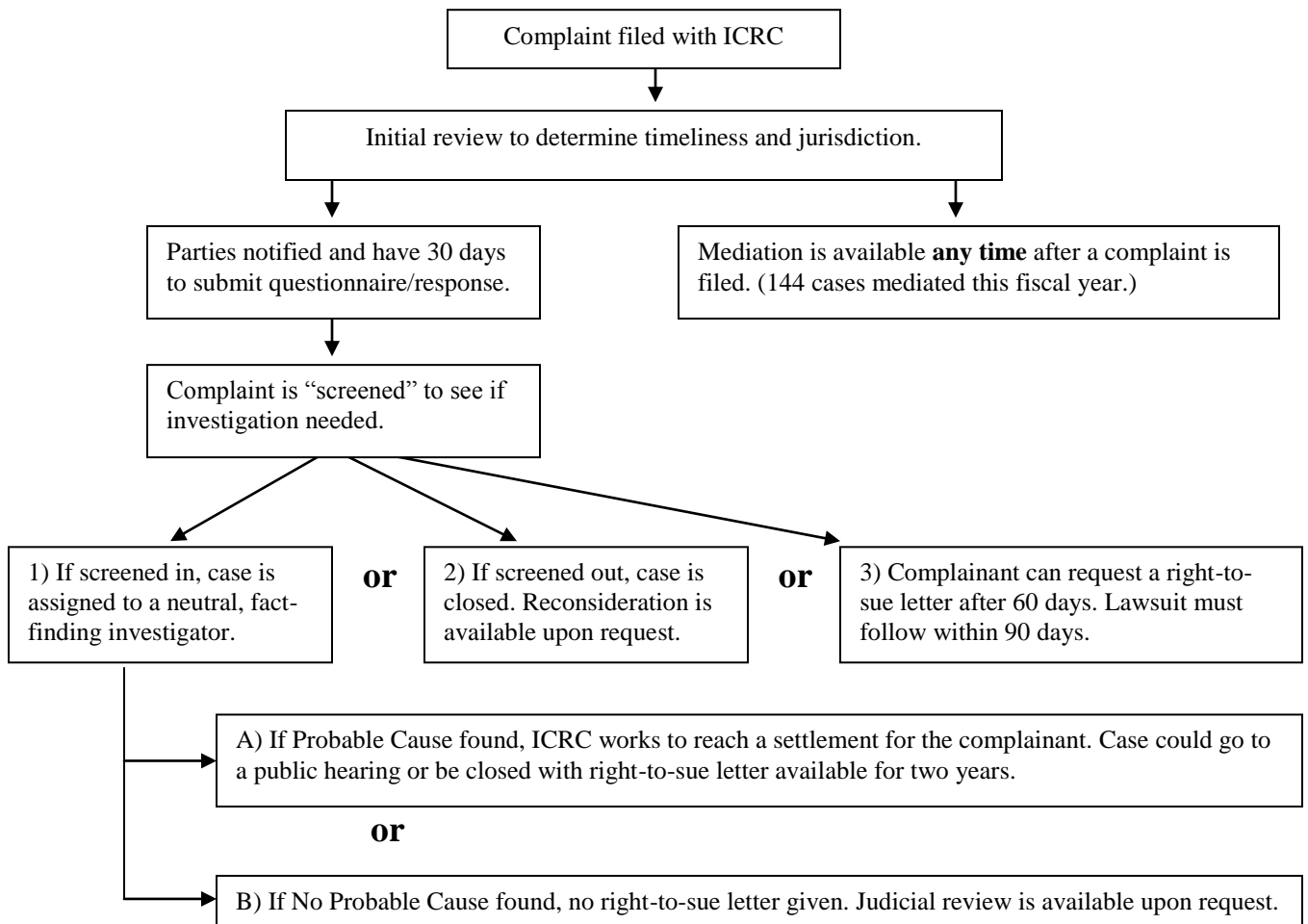
# About the Iowa Civil Rights Commission

The Iowa Civil Rights Commission is a neutral, law enforcement agency that enforces the “Iowa Civil Rights Act of 1965.” The Commission addresses discrimination in the following ways:

- Case resolution through intake, screening, mediation, investigation, conciliation, and public hearings
- Conducting state-wide public education and training programs to prevent and respond to discrimination
- Testing to determine the existence or extent of discrimination in Iowa

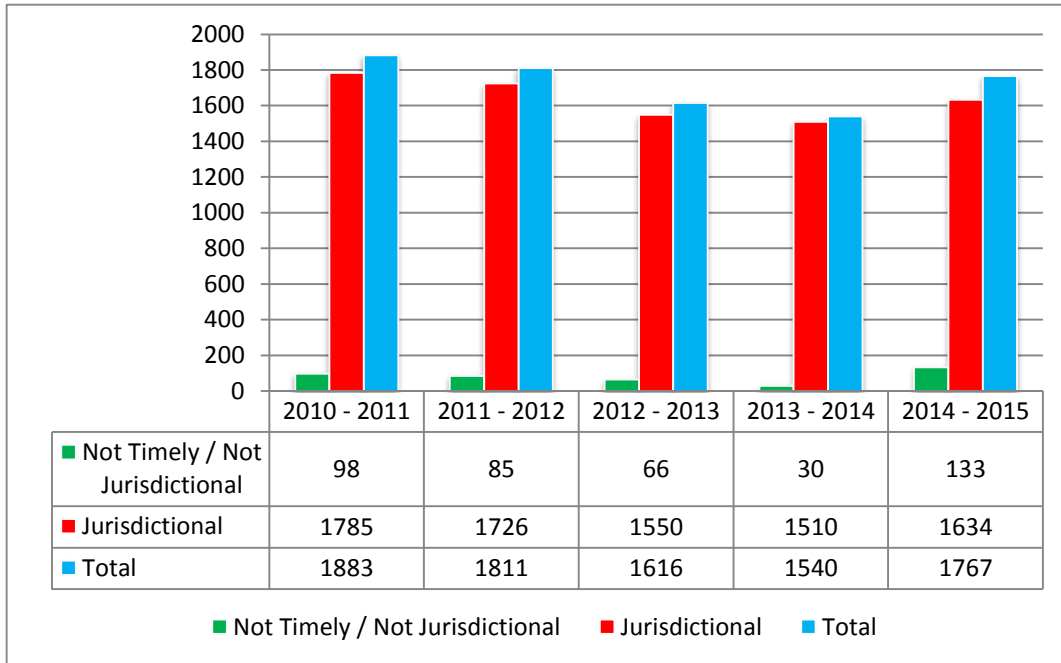
The Iowa Civil Rights Act of 1965 prohibits discrimination in the areas of employment, housing, credit, public accommodations (public services and buildings), and education. Discrimination and harassment are illegal if based on actual or perceived race, skin color, national origin, religion, creed, sex, pregnancy, sexual orientation, gender identity, physical disability, mental disability, age (in employment and credit), familial status (in housing and credit), or marital status (in credit).

## The Discrimination Complaint Process

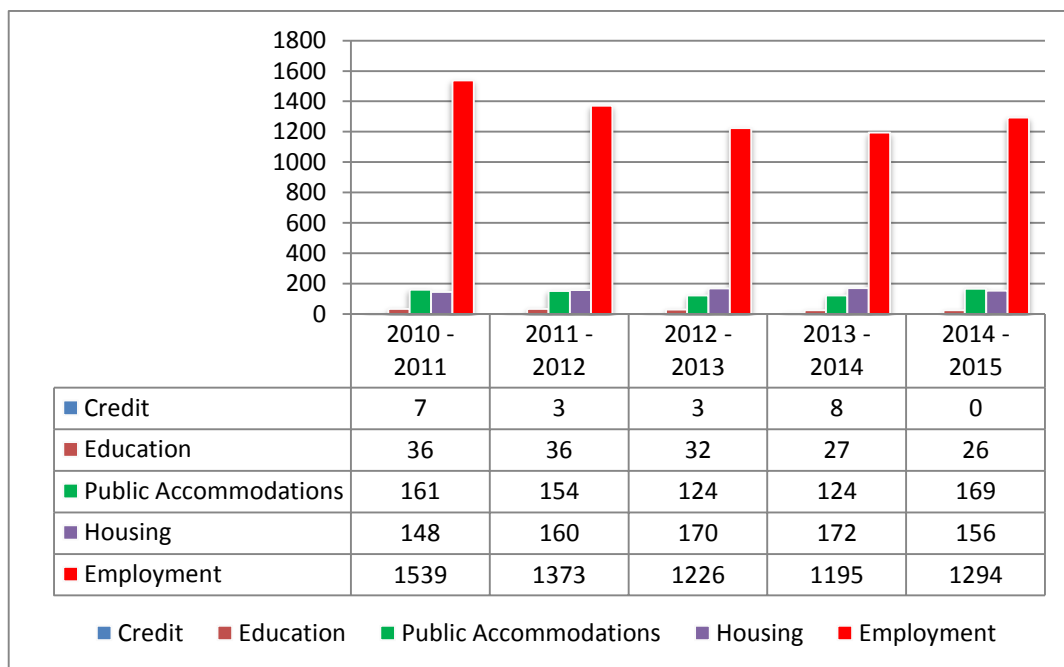


# Processing of Discrimination Complaints

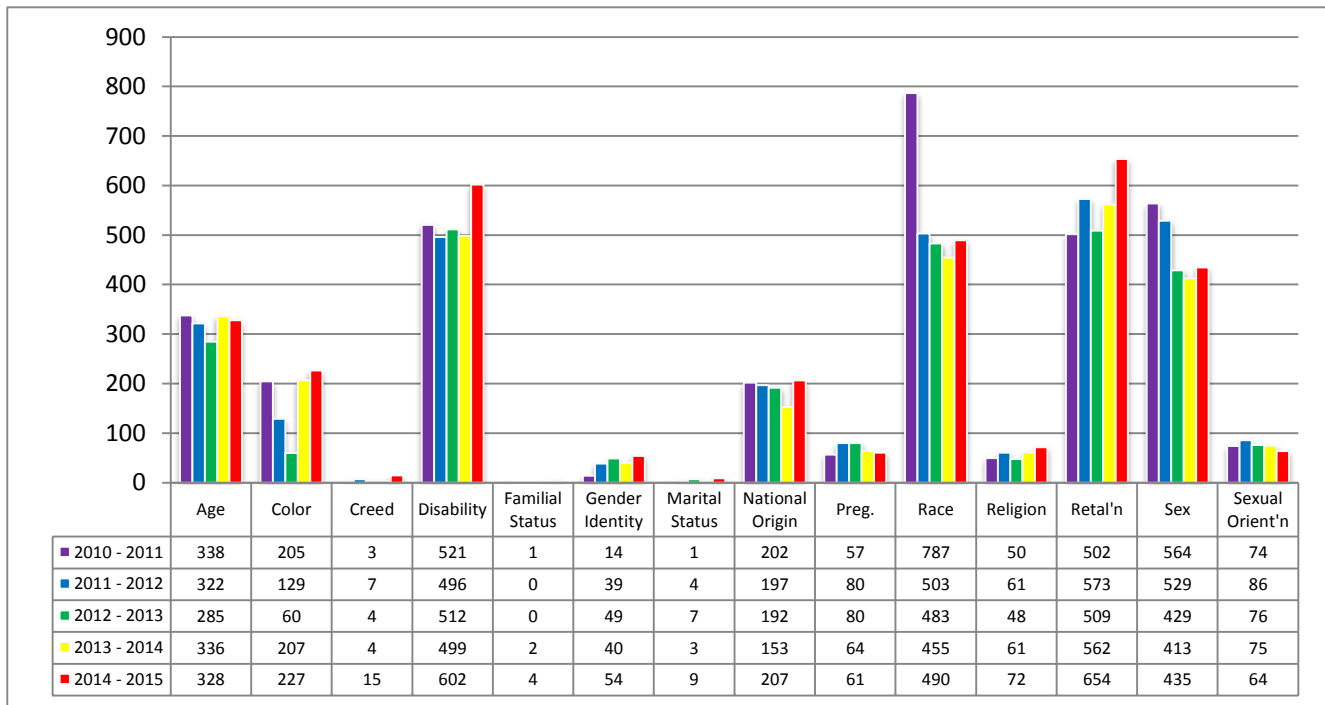
During FY15, the Commission received **1,767** discrimination cases. Of those complaints, **133** complaints either did not meet the jurisdictional requirements or the 300-day time limit since the last alleged incident took place. The Commission processed **1,634** cases.



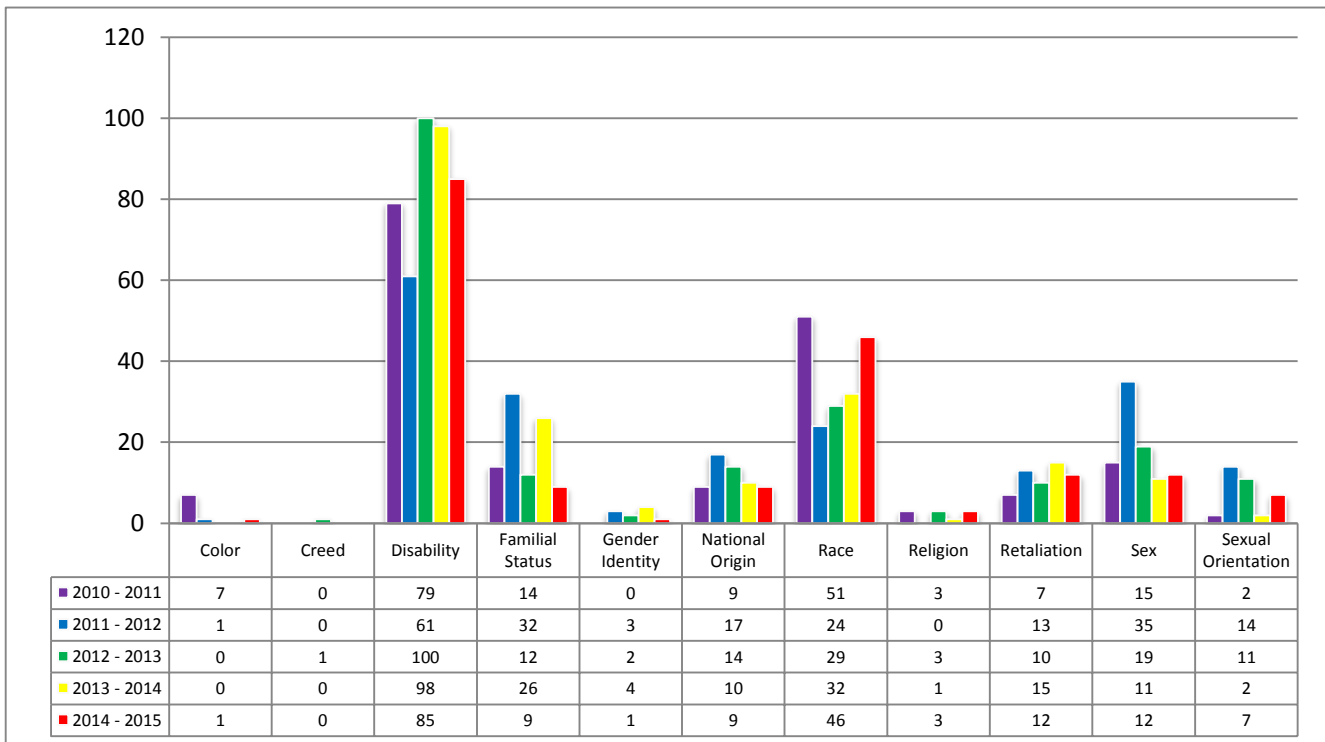
# Cases Docketed by Area and Fiscal Year



# Cases Docketed in Non-Housing Cases by Basis



# Cases Docketed in Housing by Basis



# Filings by County

The Iowa Civil Rights Commission received complaints from **90** of the 99 counties (percentage of total).

County	Filings
Adair	0.25%
Adams	0.06%
Allamakee	0.38%
Appanoose	0.25%
Audubon	0.00%
Benton	0.13%
Black Hawk	8.19%
Boone	0.56%
Bremer	0.31%
Buchanan	0.44%
Buena Vista	0.81%
Butler	0.00%
Calhoun	0.06%
Carroll	0.13%
Cass	0.25%
Cedar	0.56%
Cerro Gordo	1.94%
Cherokee	0.19%
Chickasaw	0.31%
Clarke	0.38%
Clay	0.25%
Clayton	0.13%
Clinton	1.38%
Crawford	0.44%
Dallas	1.19%
Davis	0.00%
Decatur	0.00%
Delaware	0.25%
Des Moines	0.81%
Dickinson	0.25%
Dubuque	3.13%
Emmet	0.19%
Fayette	0.44%

County	Filings
Floyd	0.00%
Franklin	0.25%
Fremont	0.00%
Greene	0.31%
Grundy	0.06%
Guthrie	0.06%
Hamilton	0.19%
Hancock	0.25%
Hardin	0.25%
Harrison	0.00%
Henry	0.25%
Howard	0.06%
Humboldt	0.06%
Ida	0.06%
Iowa	0.75%
Jackson	0.25%
Jasper	1.69%
Jefferson	0.44%
Johnson	5.25%
Jones	0.13%
Keokuk	0.06%
Kossuth	0.13%
Lee	0.94%
Linn	8.31%
Louisa	0.19%
Lucas	0.25%
Lyon	0.31%
Madison	0.25%
Mahaska	0.31%
Marion	0.69%
Marshall	1.06%
Mills	0.44%
Mitchell	0.25%

County	Filings
Monona	0.38%
Monroe	0.19%
Montgomery	0.00%
Muscatine	1.50%
O'Brien	0.13%
Osceola	0.13%
Page	0.25%
Palo Alto	0.06%
Plymouth	0.63%
Pocahontas	0.19%
Polk	24.13%
Pottawattamie	2.69%
Poweshiek	0.31%
Ringgold	0.06%
Sac	0.13%
Scott	9.50%
Shelby	0.13%
Sioux	0.00%
Story	2.88%
Tama	0.38%
Taylor	0.06%
Union	0.31%
Van Buren	0.06%
Wapello	1.13%
Warren	1.00%
Washington	0.25%
Wayne	0.25%
Webster	1.38%
Winnebago	0.69%
Winneshiek	0.19%
Woodbury	3.38%
Worth	0.19%
Wright	0.38%



# **Mediation**

In order to achieve earlier and cost-effective resolutions of cases, the mediation program was revamped in FY11 to provide greater opportunities for parties to utilize mediation services. As a result the ICRC has seen a significant increase in the number of complaints being mediated. Mediation services are available any time after a complaint is filed. Mediations can be conducted throughout the state of Iowa. Onsite mediations encourage Complainants and Respondents to resolve disputes within a limited time frame, which significantly decreases the length of time expended in case resolution and reduces the costs associated with litigation. Both parties must be willing to resolve the dispute. If mediation succeeds, the case is closed. If mediation fails, the case is moved on to investigation. During this fiscal year, the Commission mediated approximately 284 cases, 144 of which were successful.

The ICRC utilizes offices of local commissions, if available or public libraries so that the mediations can take place on neutral ground and in the location of the parties. Mediations are commonly conducted outside the city of Des Moines, thereby decreasing the amount of travel for the parties. A mediator's role is as a neutral third party who facilitates the discussions between the Complainant and Respondent. The purpose is to assist the parties to reach a compromise without having to go through a full investigation.

# **Conciliation**

Conciliation occurs after a finding of probable cause has been made. Until this point, the Iowa Civil Rights Commission is a neutral, fact finding agency. Conciliation is the first point in the process that the Commission becomes an advocate to resolve the discrimination that has been found through the investigation. This can be done by determining and implementing the appropriate remedies to address the situation and make Complainant whole. During this fiscal year, there were 36 cases assigned to conciliation, with 13 successful conciliations.

# **Cases Handled by the Attorney General's Office**

**FY15 (July 1, 2014 – June 30, 2015)**

## **Moulay Tidiri v. Iowa Civil Rights Commission, Story County, CVCV048659**

The Story County District Court remanded Mr. Tidiri's complaint to the Civil Rights Commission for processing.

## **State ex rel Caroline Allen v. Big Ten Property Management, LLC; TSB Holdings, LLC; and Tracy Barkalow, Johnson County, CVCV076899**

The Commission filed a district court action on behalf of Caroline Allen alleging Respondents discriminated against her in the area of housing on the basis of her disability by denying her request for a reasonable accommodation to allow her assistance animal. The Civil Rights Commission settled the case before a scheduled jury trial.

## **Paul Borovac v. Iowa Civil Rights Commission, Polk County, CVCV048500**

Mr. Borovac filed a Petition for Judicial Review against the Civil Rights Commission challenging the Commission's agency action. The Commission defended its action and Mr. Borovac voluntarily dismissed his petition.

## **Durant Community School District v. Iowa Civil Rights Commission, Cedar County, CVCV035507**

Durant Community School District filed a Petition for Judicial Review against the Civil Rights Commission challenged the Commission's issuance of a right to sue letter to a particular complainant. The case was combined with a civil case between the school district and the complainant and is still pending.

## **City of Davenport v. Iowa Civil Rights Commission, Scott County, CVCV294730**

The City of Davenport filed a Petition for Writ of Certiorari challenging the Civil Rights Commission's agency action in reversing a summary judgment ruling by an administrative law judge. The case was decided in favor of the Civil Rights Commission in FY16.

## **State ex rel Erna DeBruyn v. Noelcrest Condominium Owners Association and Ethel Pierangeli, Polk County, CVCV0049978**

The Commission filed a district court action on behalf of Erna DeBruyn alleging Respondents against her in the area of housing on the basis of her disability by denying her request for a reasonable accommodation to allow her assistance animal. The case is set for a jury trial in FY16.

**Iowa Civil Rights Commission and Abbee Gappa v. Emmetsburg Community School District and Matthew Pugh, DIA No. 13ICRC009**

The Commission filed an administrative action alleging the respondents discriminated against the complainant based on her sex. The Commission settled the case in advance of a scheduled public hearing.

**Iowa Civil Rights Commission ex rel Alisoun Ganoë v. West Grand Towers Condominium Association et al, DIA No. 14ICRC002**

The Commission filed an administrative action alleging the respondents discriminated against the complainant on the basis of her disability. The Civil Rights Commission settled the case before a scheduled public hearing.

**Iowa Civil Rights Commission and Marquis Taylor v. Titan Tire and Jerry Palmer, DIA No. 14ICRC008**

The Commission filed an administrative action alleging the respondents discriminated against the complainant on the basis of his race. After a public hearing, an administrative law judge found in favor of Respondents.

## **Public Hearings Handled by ICRC Staff**

**FY15 (July 1, 2014 – June 30, 2015)**

**Iowa Civil Rights Commission and Cathorine Harris v. Casey's General Stores, Inc., DIA No. 14ICRC012**

The Commission filed an administrative action alleging the respondents discriminated against the complainant on the basis of her age. Public hearing was held on May 20, 2015, and the Administrative Law Judge denied relief in FY16.

**Iowa Civil Rights Commission and Patricia Kelly and Michael Fishnick v. Dubuque Fraternal Order of Eagles #568 and Steve Kuhle, DIA No. 14ICRC009-10**

The Commission filed an administrative action alleging the respondents discriminated against the complainants on the basis of their age. Public hearing was held on March 10, 2015, and the Administrative Law Judge found respondents liable and order payment of backpay and damages for emotional distress for both complainants in FY16.

**Iowa Civil Rights Commission and Merla Tegeler v. Quality Inn & Suite Peosta, Laxmee Inc. and Raj Choksi, DIA No. 14ICRC007**

The Commission filed an administrative action alleging the respondents discriminated against the complainant on the basis of her age. After a public hearing, an administrative law judge found in favor

of complainant, ordering payment of backpay and emotional distress. The parties settled the claim without having to proceed to collection.

**Iowa Civil Rights Commission v. On Point Security Group, LLC and Howard Johnston, DIA No. 14ICRC001**

The Commission filed an administrative action alleging the respondents discriminated against the complainant on the basis of her sex. After a public hearing, an administrative law judge found in favor of Respondents.

**Iowa Civil Rights Commission, Reginald Kirk, Camisha Nelson, Robert Harbin, III and James Kirk v. Walmart, City of Davenport and Davenport Police Department, DIA No. 14ICRC003-006**

The Commission filed an administrative action alleging the respondents discriminated against the complainants in public accommodation on the basis of race. After the Administrative Law Judge dismissed on respondents' Motion for Summary Judgment, the Commission reversed and remanded to the ALJ. Respondents attempted to file a writ of certiorari in district court, which was denied. Public hearing is scheduled for FY16.

**Iowa Civil Rights Commission v. Allamakee Recycling Center and Allamakee County Board of Supervisors, DIA No. 14ICRC013**

The Commission filed an administrative action alleging the respondents discriminated against the complainant on the basis of his age. The Civil Rights Commission settled the case in advance of the public hearing.

**Iowa Civil Rights Commission v. Big Bear Insulation and Troy Petersen, DIA No. 15ICRC001**

The Commission filed an administrative action alleging sex discrimination and unequal pay by respondents. Public hearing is scheduled to be held in FY16.

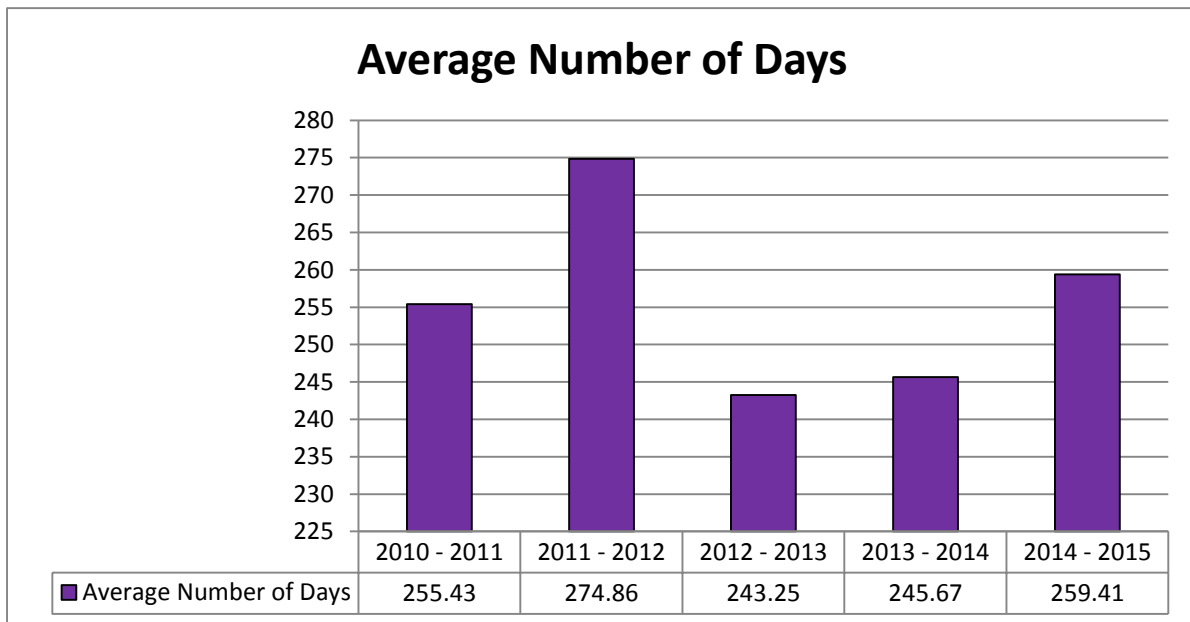
**Iowa Civil Rights Commission and Terry Wells v. Aquacare USA and Mike Pagano, DIA No. 14ICRC015**

The Commission filed an administrative action alleging the respondents discriminated against the complainant on the basis of religion. The Commission settled the case in advance of a scheduled public hearing in FY16.

**Iowa Civil Rights Commission v. Medical Laboratories of Eastern Iowa, Inc., d/b/a Med Labs, DIA No. 14ICRC014**

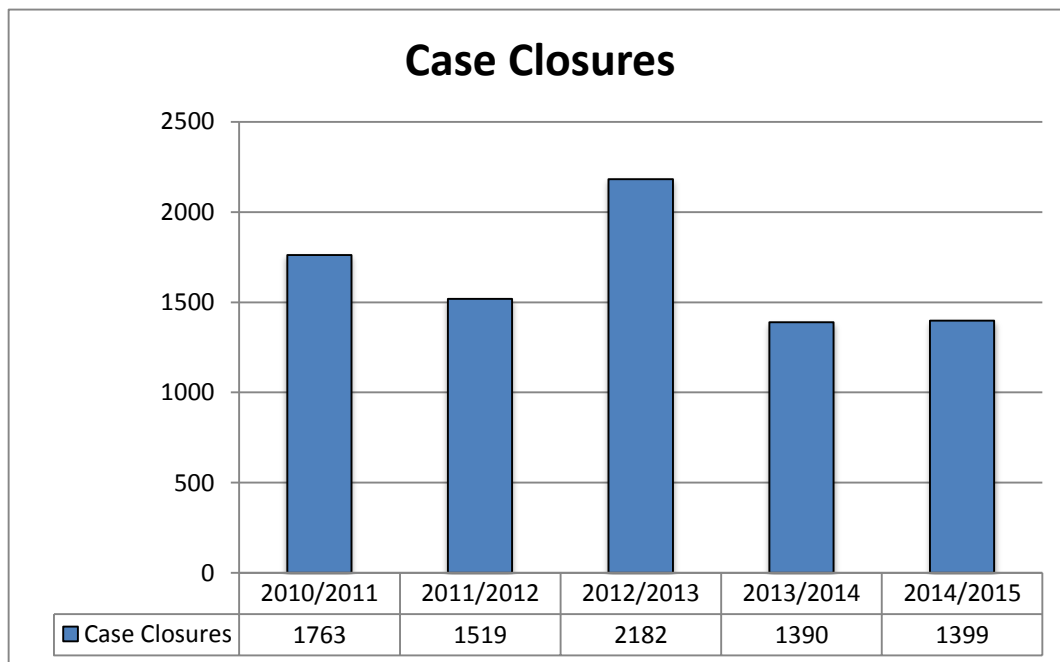
The Commission filed an administrative action alleging the respondents discriminated against the complainant on the basis of her race. The case is set for a public hearing in FY16.

# Average Number of Days to Process a Case

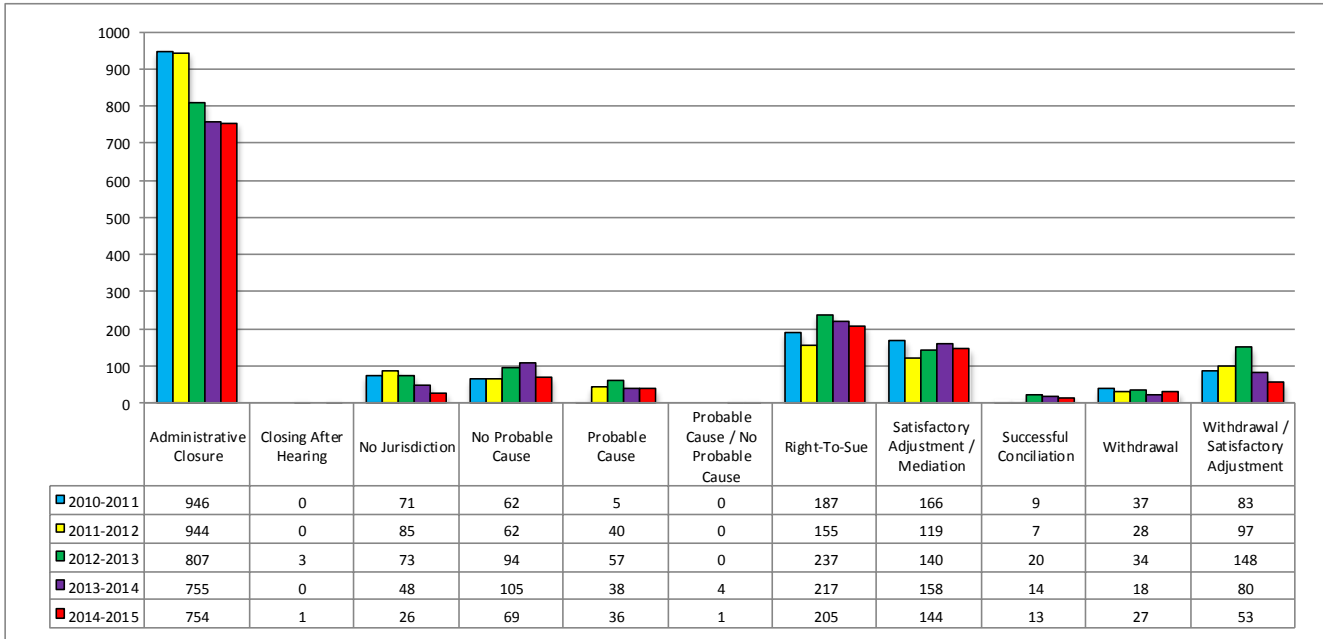


## Case Closures

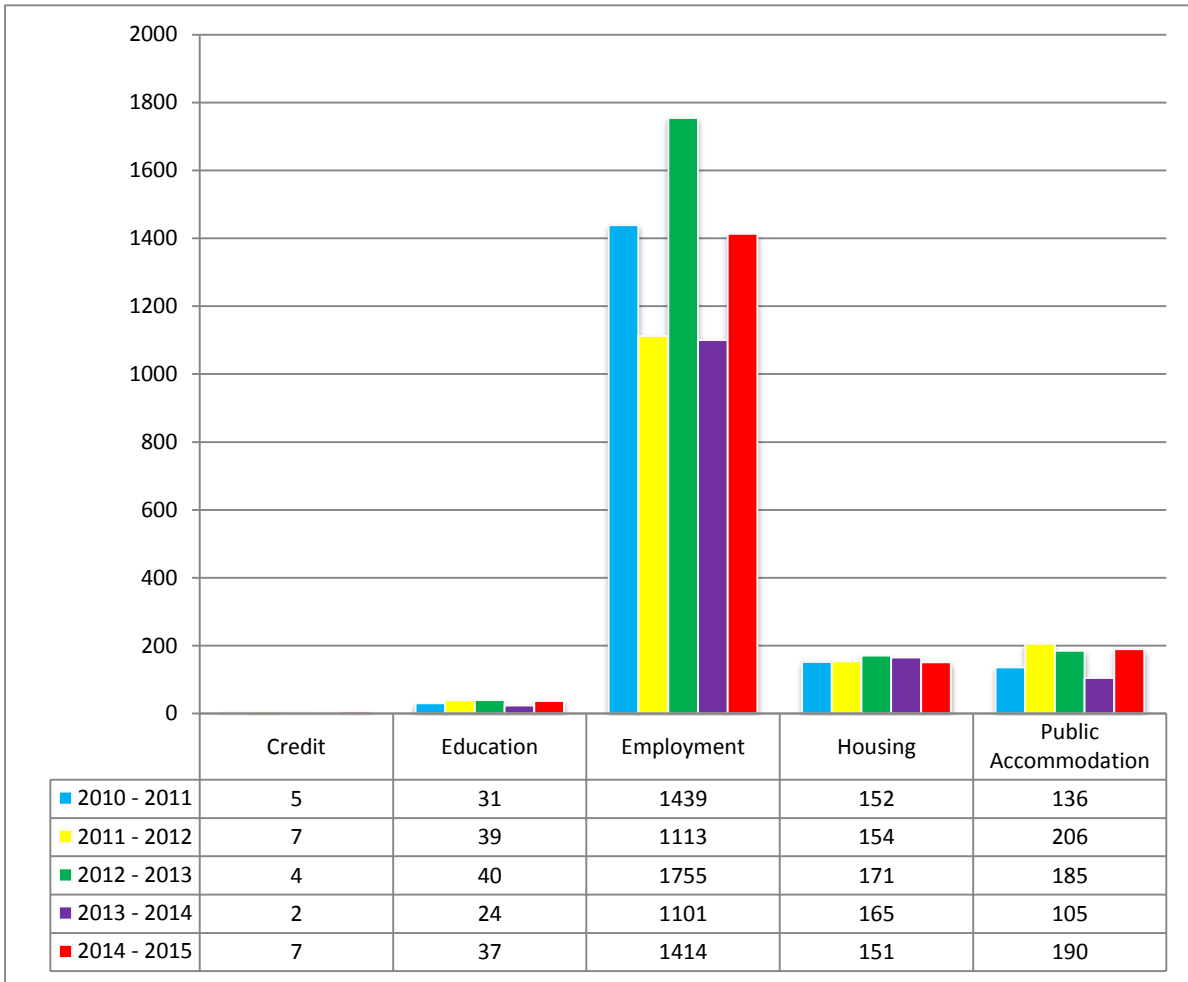
During the year, the Commission closed **1,399** cases. Of the 1,399 case closures during the fiscal year, the largest category was “does not warrant further investigation / administrative closure.” This was followed by right-to-sue, satisfactory adjustment / mediated settlement, no probable cause, and withdrawn / satisfactory adjustment.



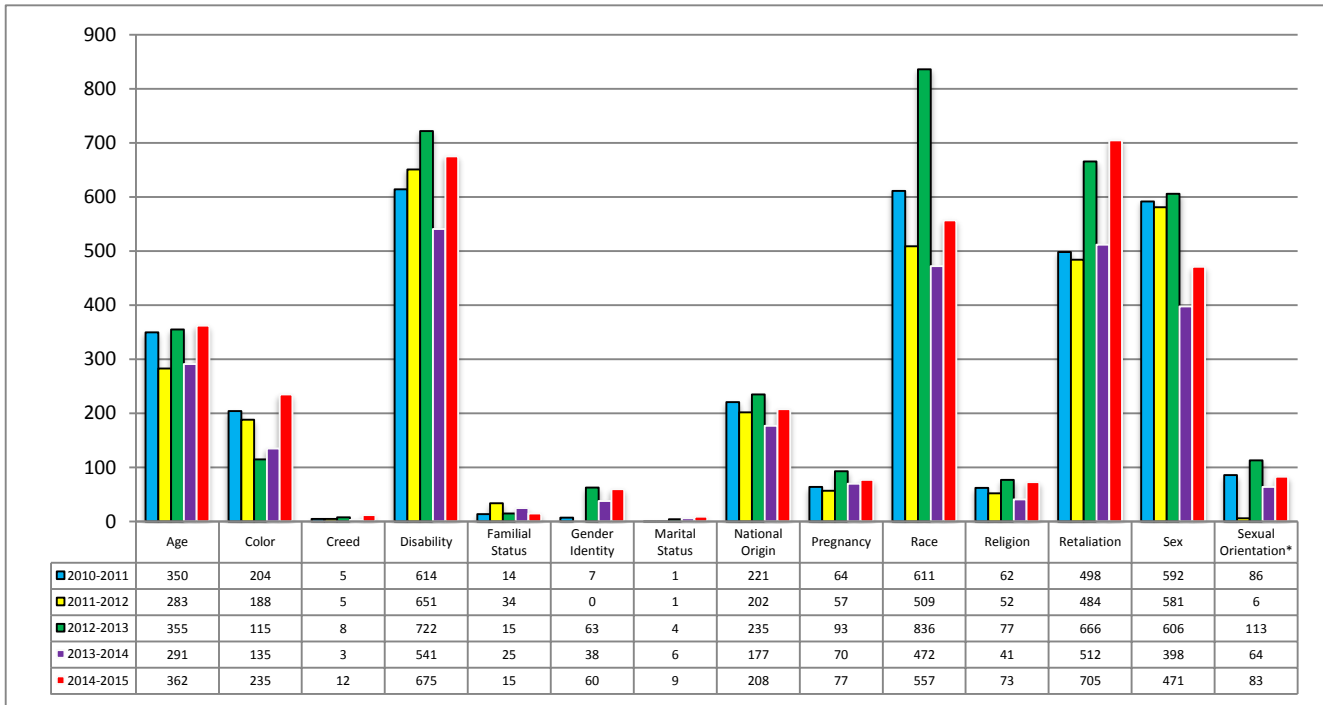
# Case Closures by Type



# Case Closures by Area



# Case Closures by Basis



\* Gender Identity and Sexual Orientation were added to the Iowa Code as protected bases on July 1, 2007.

## Education, Outreach, and Training

The Commission’s educational programs teach people about their rights under the law, how to prevent discrimination, and why diversity is important in Iowa. In FY15, ICRC staff participated in about **70 presentations / outreach events**, reaching nearly **10,000 participants** and distributing approximately **13,000** items. Additionally, this marked the 50<sup>th</sup> anniversary of the Iowa Civil Rights Act, which was celebrated by an event with over 200 attendees, including Governor Branstad and numerous former directors, commissioners and employees, as well as members of the public.

The Commission’s website, <https://icrc.iowa.gov>, received visits from **23,121 individuals** between July 1, 2014 and June 30, 2015. The Commission enhanced its online presence on Facebook (<http://www.facebook.com/pages/Des-Moines-IA/Iowa-Civil-Rights-Commission/80313175514>) **1,211 individuals** like the Commission’s Facebook page.

The Commission conducts workshops, seminars, and training sessions on a variety of civil rights topics, and publishes and distributes materials on civil rights. The Commission publishes fact sheets; posters and brochures; **Fair Housing Guides**; **Annual Reports**; and many other educational materials. These are also available from our website. The Commission offers Fair Housing training to educate Landlords and tenants on their rights and responsibilities under Fair Housing laws.

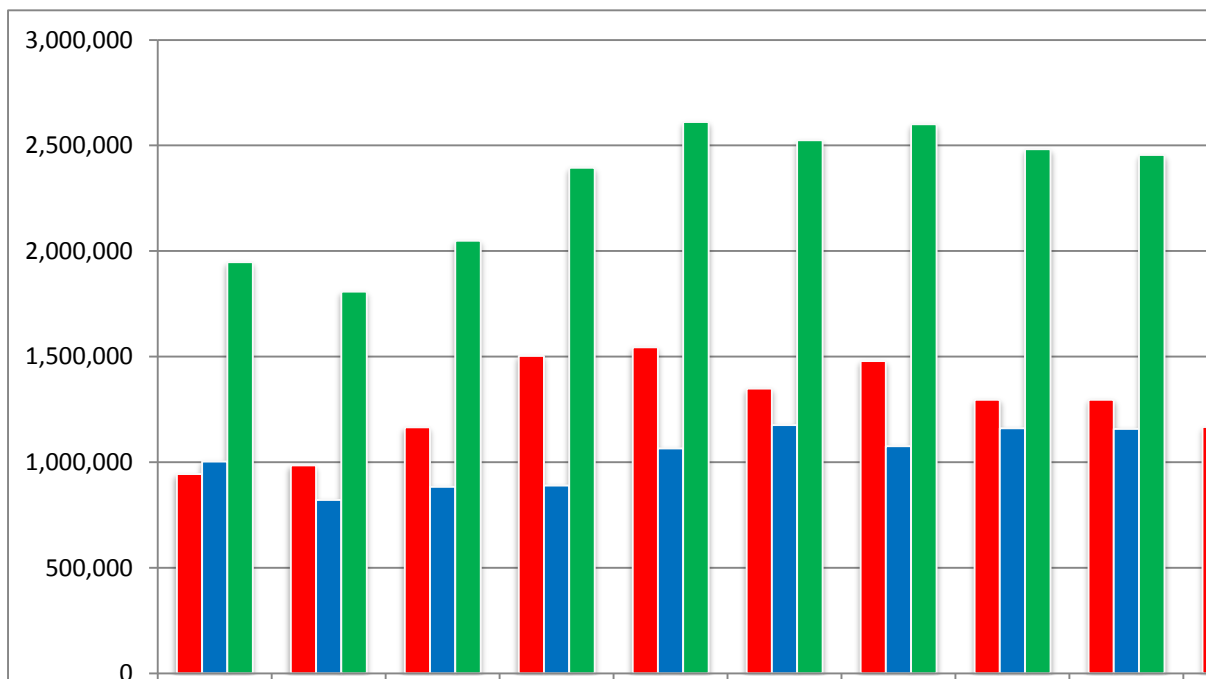


In FY13, the Commission began presenting an **Annual Iowa Civil Rights Symposium**. Attendance at the event between FY13 and FY14 increased from 100 to 125 and is anticipated to increase even more in FY15.

## Fiscal Year 2014 Income

- The total funding for the Iowa Civil Rights Commission for FY14 was **\$2,439,263**.
- **\$1,169,540** was state general funding.
- **\$1,244,794** was from federal contract funding (EEOC and HUD) and other contracts and grants.
- **\$24,929** was for reimbursement for presentations and copying.

## Agency Funding Fiscal Year 2005 – Fiscal Year 2015



# Iowa Civil Rights Commission Staff

**Kristin H. Johnson, Executive Director**

Natalie Burnham  
Michele Cashman  
Stephanie Cox  
Andy Duffelmeyer  
Matthew Femrite  
Katie Fiala  
Annette Flaherty  
Ben Flickinger  
Linda Grathwohl  
Andrew Greenberg  
Don Grove  
Kerry Hainline

Polly Hampton  
Elizabeth Johnson  
Emigdio Lopez-Sanders  
Nicole Merrill  
Brooke Miller  
Sean Nelson  
Sylvia Owens  
Alexis Rowe  
Kaitlin Smith  
Debra Stewart  
Ramona Ubaldo  
Danny Wagener

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Urbandale

Patricia Lipski, Vice Chair  
Washington

Mathew Hosford  
West Des Moines

Tom Conley  
Urbandale

Lawrence Cunningham  
Ames

Lily Hou  
Urbandale

Doug Oelschlaeger  
Cedar Rapids