

# Iowa Civil Rights Commission Annual Report

FY 2007

*42 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

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 2007.

During this past fiscal year, and even with limited staff and resources, ICRC was able to reduce case processing time and backlog. However, staff and commissioners both understand work remains. We need to further stretch and leverage our resources to improve our work. Last year, ICRC worked to strengthen our training and outreach and links with local communities across the state. ICRC created working partnerships with Iowa Legal Aid. ICRC may be the sole civil rights agency in this nation to successfully submit a grant for VISTA (and hire three volunteers/staff) to do capacity building with local civil and human rights commissions.

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. And to prevent problems and provide a more welcoming economic climate, our agency educates business and industry on discrimination laws and diversity concerns.

One Iowa is a perpetual goal for the Iowa Civil Rights Commission. It is our mission - Discrimination shall have no place in Iowa.

Respectfully submitted,

Ralph Rosenberg, Executive Director

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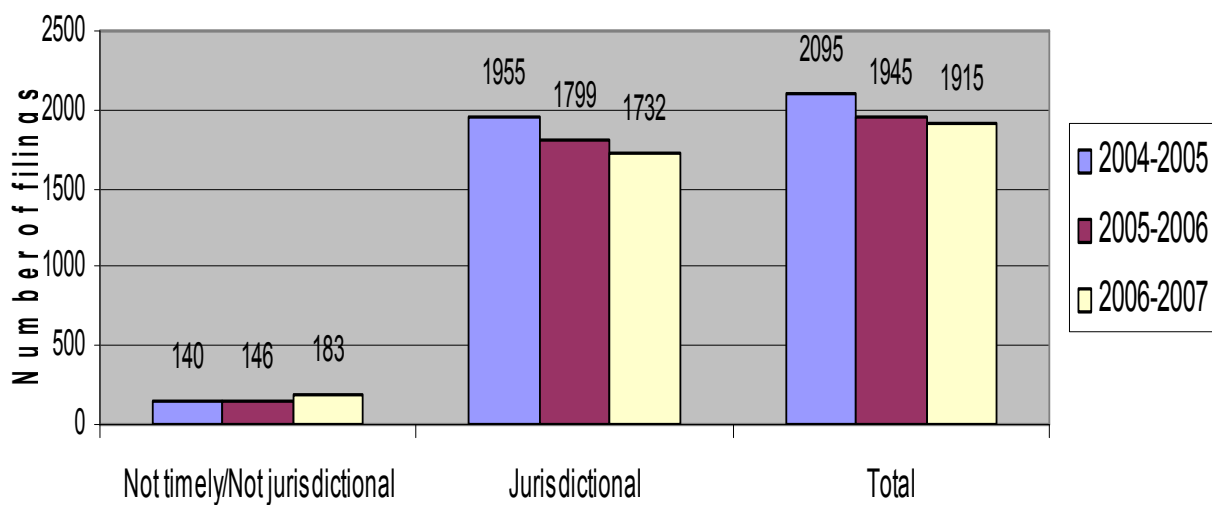
# Case Processing



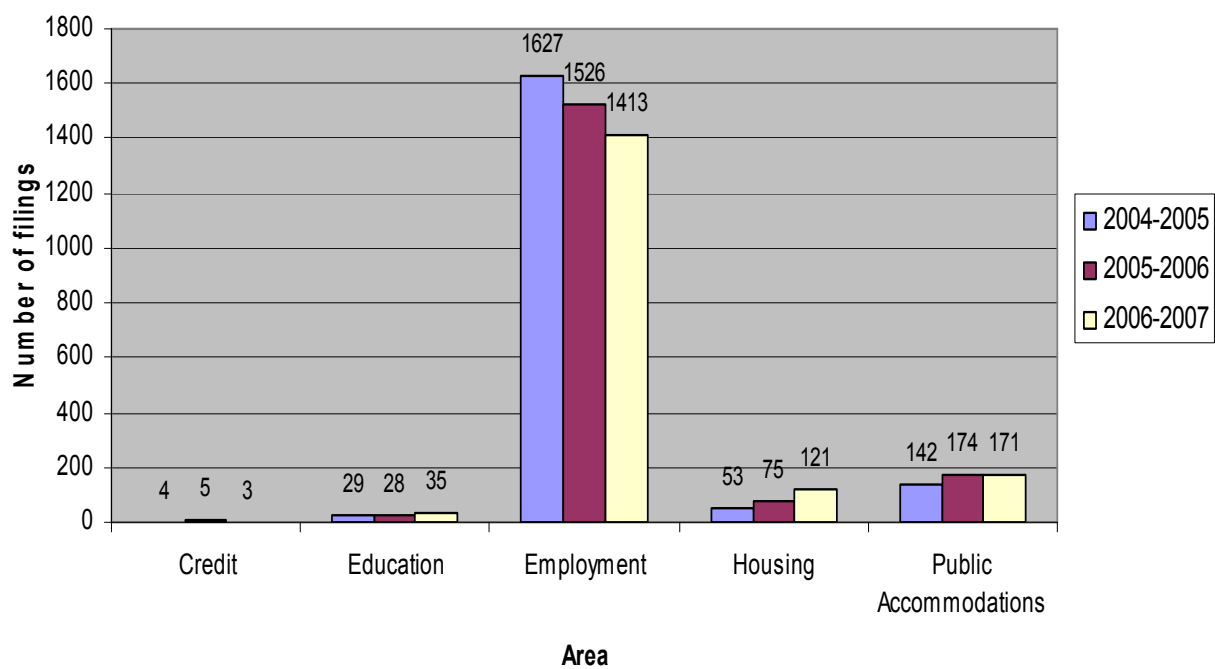
During this past fiscal year **1915** cases were **filed** with the Iowa Civil Rights Commission. Of those complaints, **183** were judged to be non-jurisdictional or untimely filed prior to being assigned a case number. Therefore, the number of complaints **docketed for processing** was **1732**. **Resolutions** numbered **1739**.

- Employment (82%) continues to be the largest area of complaints filed, followed by public accommodations (10%), and housing (7%). Over the past three fiscal years, housing complaints have increased 128% from 53 in FY 2005 to 121 in FY 2007.
- Race (40%) and sex (37%) were the most frequently named bases (personal characteristics) for discrimination in non-housing cases. These two leading bases of discrimination were followed by disability (30%), retaliation (25%), and age (24%).
- In housing complaints, race (37%) and disability (37%) were the most frequently named bases for discrimination; this was followed by sex (13%), familial status (12%), national origin (12%), and retaliation. (11%)
- Of the 1739 case resolutions during this period, the largest category was “does not warrant further investigation/administrative closures” (46%). This was followed by rights-to-sue (13%), satisfactory adjustments/mediated settlements (9%), no probable causes (8%), and withdrawal with settlements (6%).

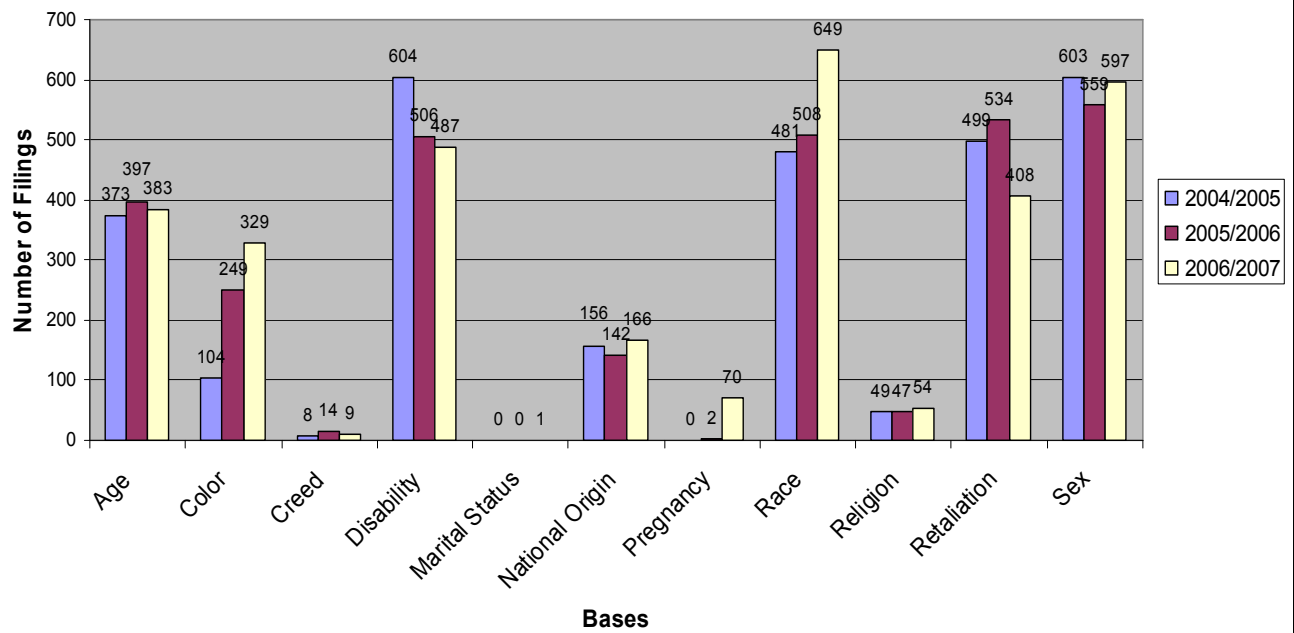
### Total Case Filings FY 2005-2007



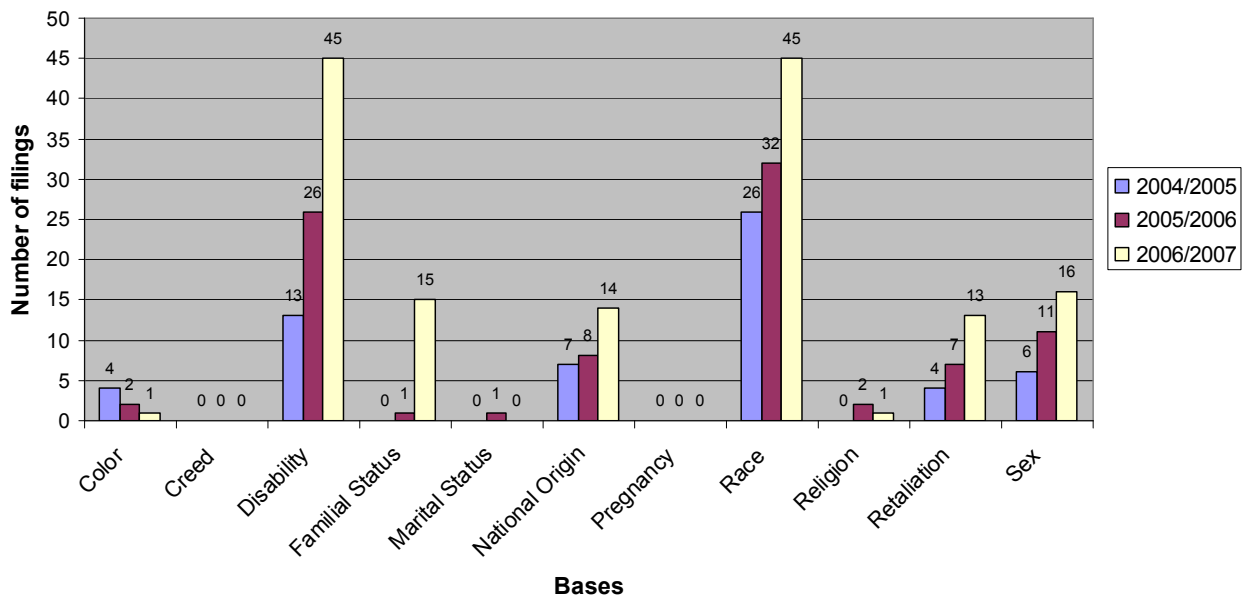
### Case Filings by Area FY 2005-2007



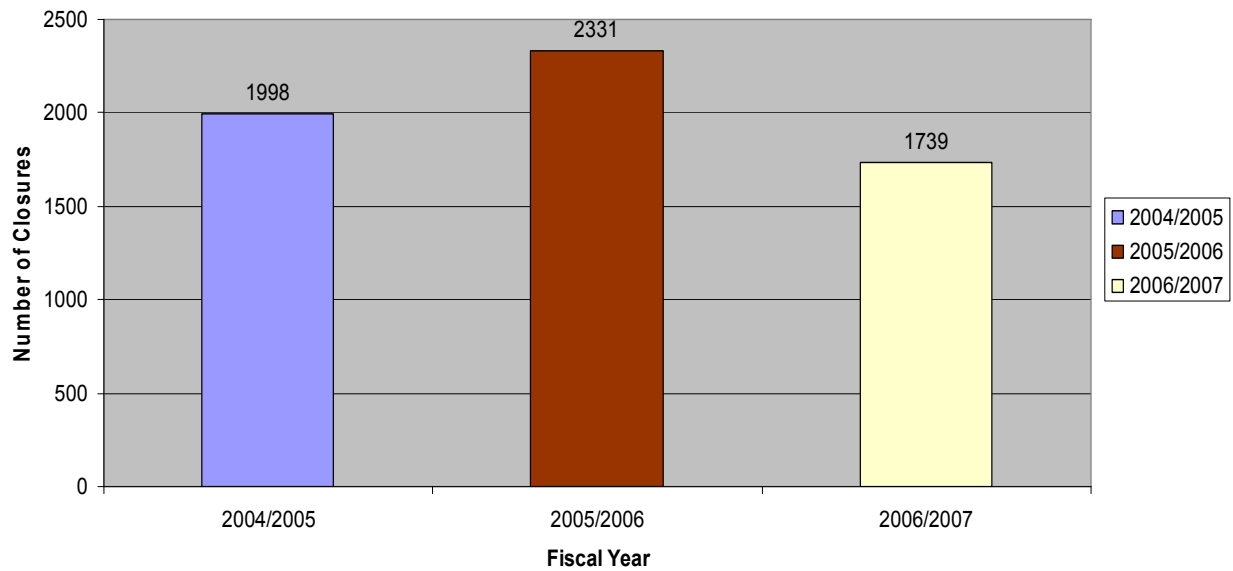
### Filings in Non-Housing Cases by Basis FY 2005-2007



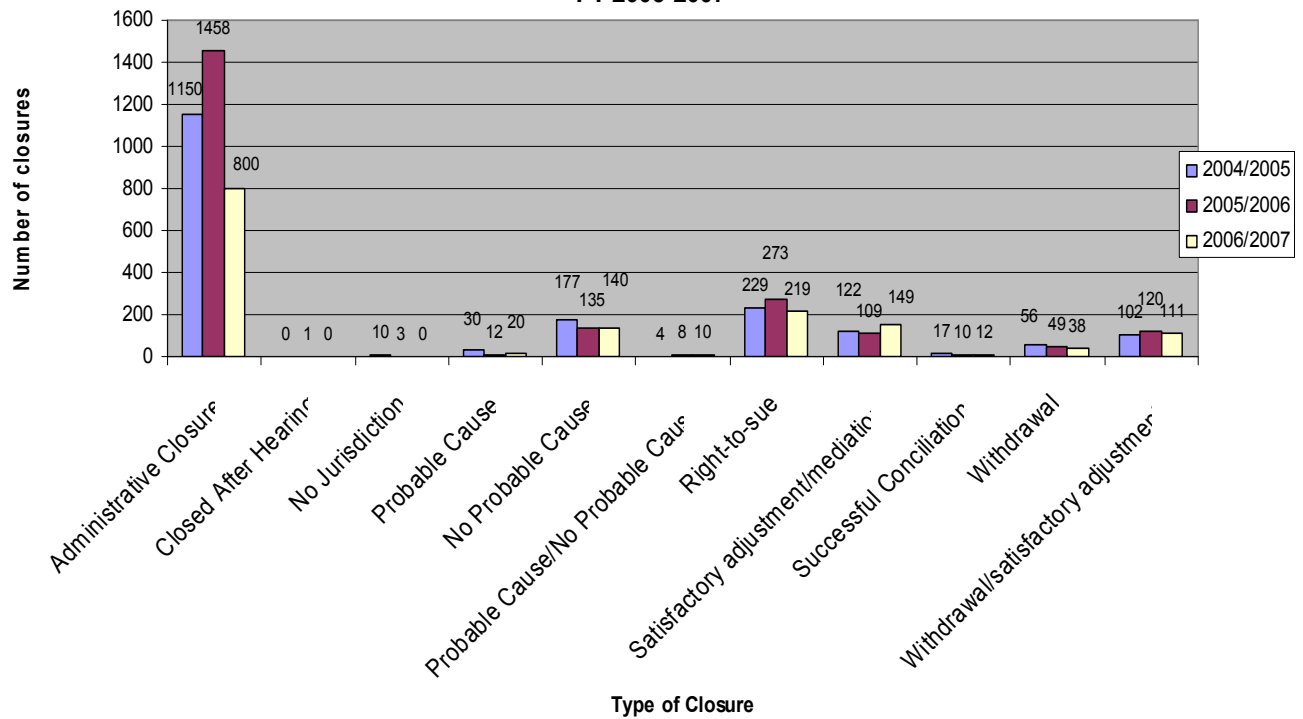
### Filings in Housing Cases by Basis FY 2005-2007



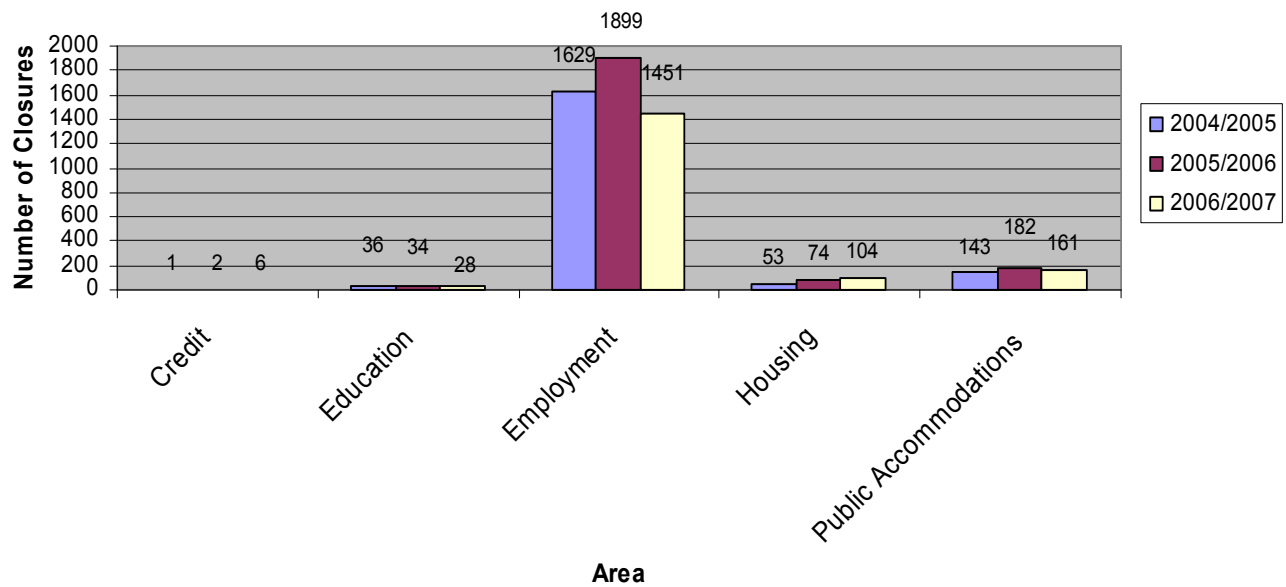
**Total Case Closures  
FY 2005-2007**



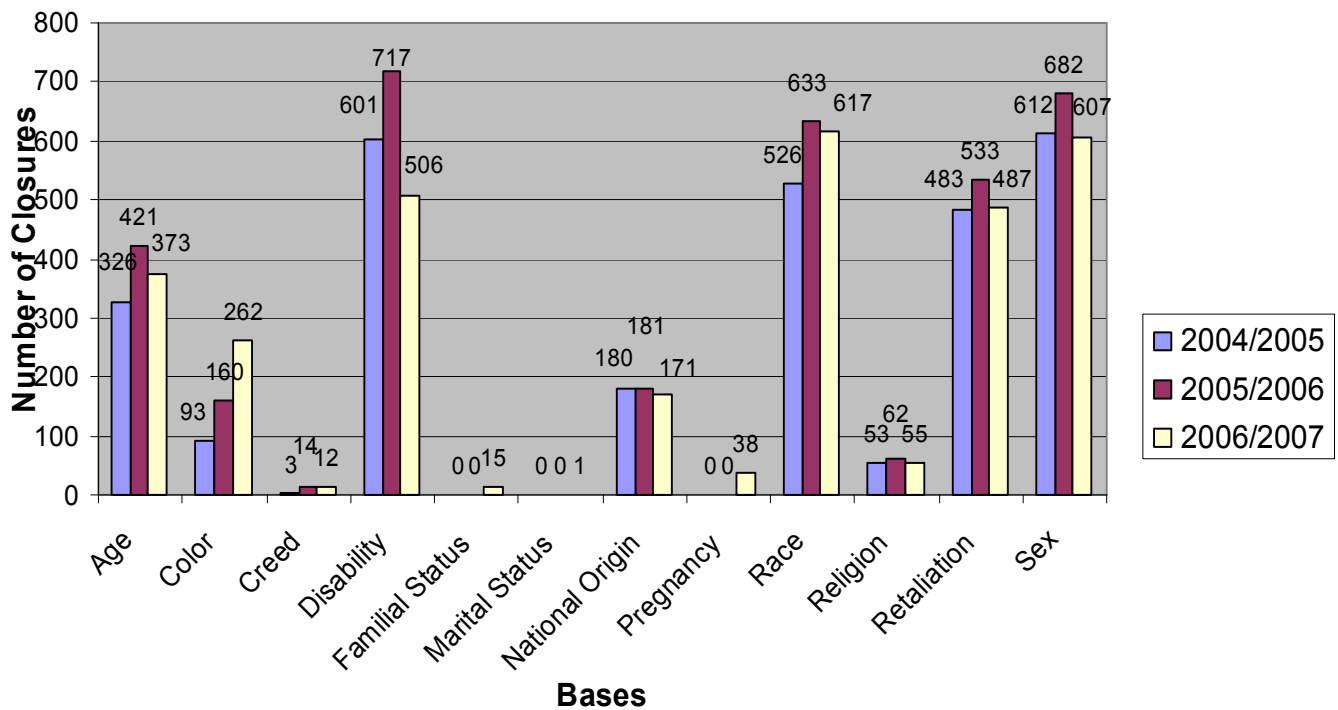
**Case Closures by Type  
FY 2005-2007**



### Case Closures by Area FY 2005-2007



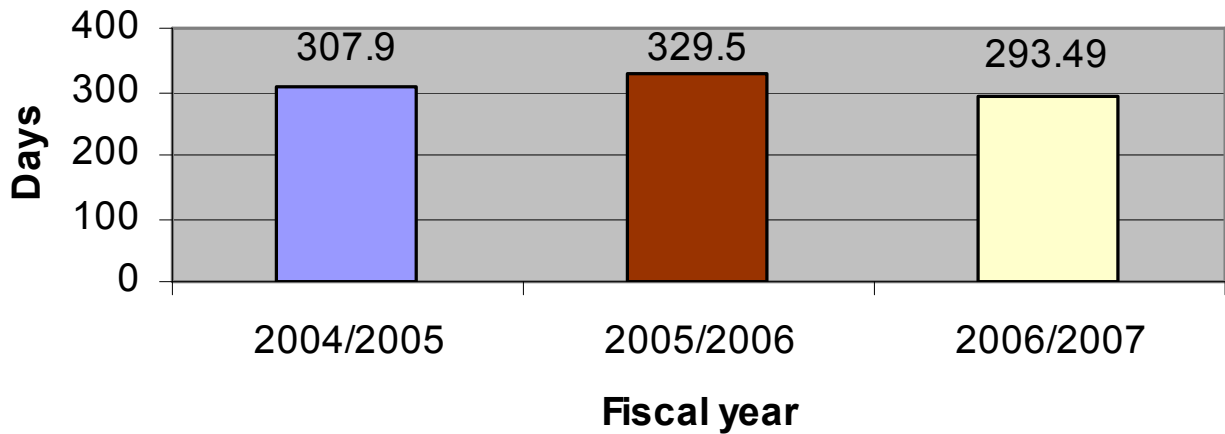
### Case Closures by Basis FY 2005-2007



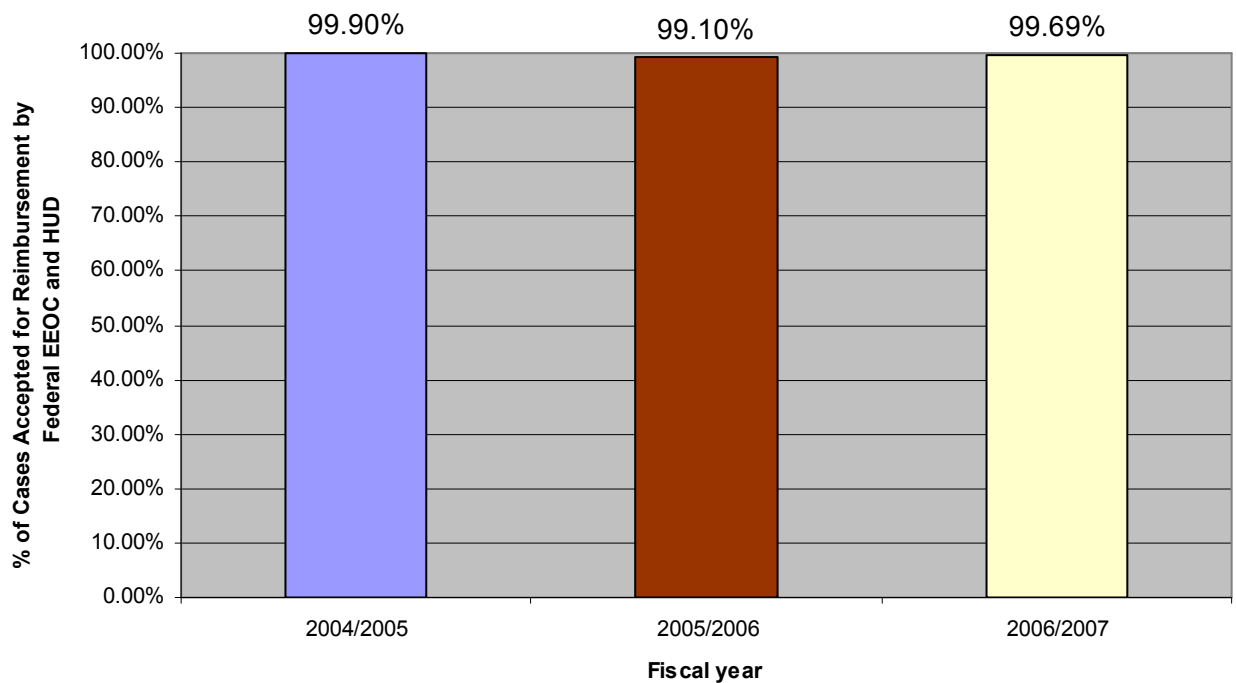
In fiscal years 2004/2005 and 2005/2006 computer issues prevented collection of closure data on familial status, marital status, and pregnancy.



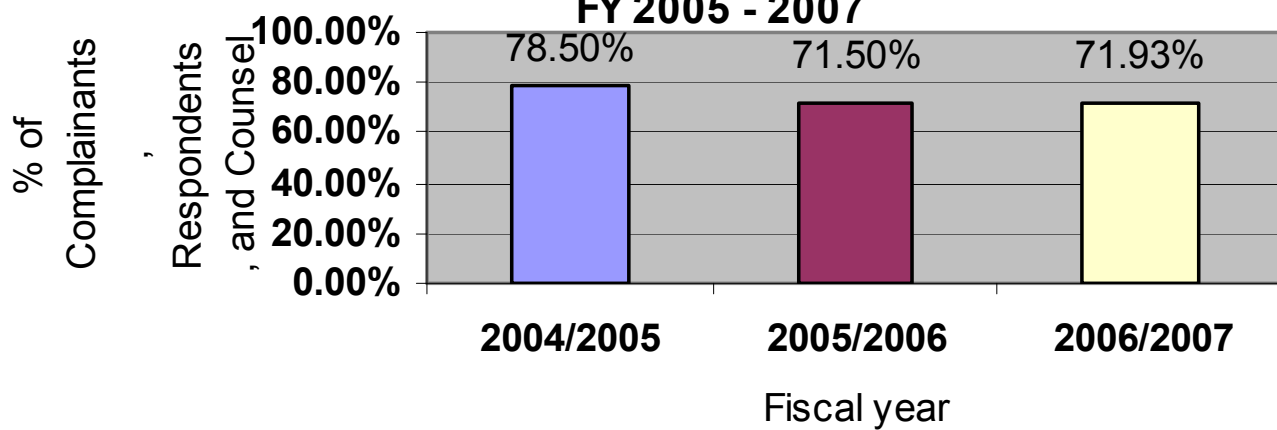
## Average Time to Process a Civil Rights Case FY2005 - FY2007



## Timely and Quality Work Done by ICRC FY2005 - FY2007



**Based on Case Processing Surveys  
ICRC is a Leader in Civil Rights  
FY 2005 - 2007**



# 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 29 cases assigned to conciliation; 15 cases resolved; and 8 failed. Some of the more notable successful conciliations are listed below:

## **FY 2006/2007:**

Area: Employment

Basis: Race

Incidents: Termination and terms and conditions

Resolution: \$27,500 for Complainant and training

Area: Employment

Basis: Sex and Retaliation

Incidents: Sexual harassment, terms and conditions, constructive discharge

Resolution: \$22,500 for Complainant, training, and posting EEO policy

Area: Employment

Basis: National Origin

Incidents: Failure to promote

Resolution: \$21,000 for Complainant and training

Area: Employment

Basis: Sex (Pregnancy)

Incidents: Termination

Resolution: \$17,704 for Complainant and distribution of pregnancy policy to all employees

## Conciliation – continued

Area: Employment

Basis: Disability

Incidents: Constructive discharge

Resolution: \$8,450 for Complainant and training

Area: Employment

Basis: Sex

Incident: Sexual harassment, constructive discharge, terms and conditions

Resolution: \$7900 for Complainant, training, and posting EEO policy

Area: Employment

Basis: Disability

Incident: Termination

Resolution: \$7,754.68 for Complainant

Area: Public Accommodations – 2 cases

Basis: Race

Incidents: Different treatment

Resolution: \$7,250 for each Complainant and training for all Respondent managers

Area: Employment

Basis: Sex (Pregnancy)

Incidents: Termination

Resolution: \$5,120 for Complainant, training, and development of pregnancy policy

# Cases Handled by Assistant Attorney General

FY 2007 Report

Agency enforcement activities:

State ex re/ Dawn Halligan, Jeannie Dobbs, et al v John Burche et al.

The Commission concluded its pattern or practice housing discrimination litigation against a Davenport, Iowa landlord during fiscal year 2007, with the Bankruptcy Court distribution to the women who had been sexually harassed by John Burche, a principal of the debtor corporation, I.J.P., Inc. As a result of the settlement within the bankruptcy proceeding, and the distribution, I.J.P, Inc. was dismissed as a party to the Supreme Court appeal in which I.J.P., Inc., as well as John and Maura Burche had challenged the district court's ruling. The Burches, individually, continued their appeal.

In March 2007, the Iowa Supreme Court entered its decision as to the remaining issues. In that decision, the court found that there was an overwhelming factual basis for the permanent injunction restraining John Burche from initiating contacts with existing or potential female tenants when visiting his rental properties. The court found, however, that the requirement that John Burche refrain from all management activities with regard to the residential rental properties and that Maura Burche also be enjoined from management activities and contact with female tenants were not justified or required by the record. The Supreme Court remanded the matter to the District Court for the grant of an injunction consistent with the opinion.

State ex re/ S. Sinclair v. Redwood Knolls, et al.

Following the entry of an order of Probable Cause by the Iowa Civil Rights Commission, the parties elected to have this matter heard in the Iowa District Court for Polk County. The issue raised was the co-owners' invocation of a clause in the condominium documents prohibiting the permanent occupancy by anyone less than 12 years of age, against Steve and Jana Sinclair and their 8-year old son.

Following trial, the court found that the defendants had receded from their unlawful efforts to remove the Sinclair family without causing any injury to the Sinclairs in the interim. The Court also found that the Defendants had already modified the condominium documents to remove the illegal provision.



# Cases Handled by the Assistant Attorney General (continued)

## State ex rel Alicia Claypool v. Evans, MTE Project, et al

Following the entry of an order of Probable Cause by the Iowa Civil Rights Commission, the parties elected to have this matter heard in the Iowa District Court for Johnson County. The issue presented is the discriminatory denial of housing on the basis of disability as a consequence of designing and constructing multi-family housing out of compliance with the accessibility requirements of the Iowa Civil Rights Act. As lack of accessibility of the Blue Jay Ridge Condominiums affects numerous housing units, the State alleged that the denial of housing to persons who are disabled was also a matter of general public importance. The district court granted the defendants' motion for summary judgment on the basis that the statute of limitations had run prior to the filing of this action. The State has appealed that decision to the Iowa Supreme Court.

## State ex rel Jeff Frank v. Evans, MTE Project, et al.

Jeff Frank is a person with a disability, aggrieved by the lack of accessibility to the Blue Jay Ridge Condominiums [see above]. Following the entry of an order of Probable Cause by the Iowa Civil Rights Commission, the parties elected to have this matter heard in the Iowa District Court for Johnson County. The district court granted the defendants' motion for summary judgment on the basis that the statute of limitations had run prior to the filing of this action. The State has also appealed from that ruling to the Iowa Supreme Court.

## State ex rel Carol Henderson v. Des Moines Public Housing

The State took an appeal from an adverse district court ruling in this housing discrimination case. The State argued that the court erred by concluding that the housing client could not establish that she was qualified for the housing in question because she was in violation of the housing authority's rules due to her possession of the service animal necessary to mitigate the effects of her disability. In its appeal the State argued that the determination of whether a disabled person is qualified for housing is one that can be made only after considering the proposed accommodation. The tenant's requested accommodation was the waiver of pet rules for her service dog. The case has been argued and submitted to the Court of Appeals.

## Judicial Review Cases

The attorney general's office also successfully defended the agency's determinations of "No Probable Cause" and "No Jurisdiction" in judicial review proceedings in Harney v. Iowa Civil Rights Commission, Newcomb v. Iowa Civil Rights Commission, Bundy v. Iowa Civil Rights Commission and Haigh v. Iowa Civil Rights Commission.

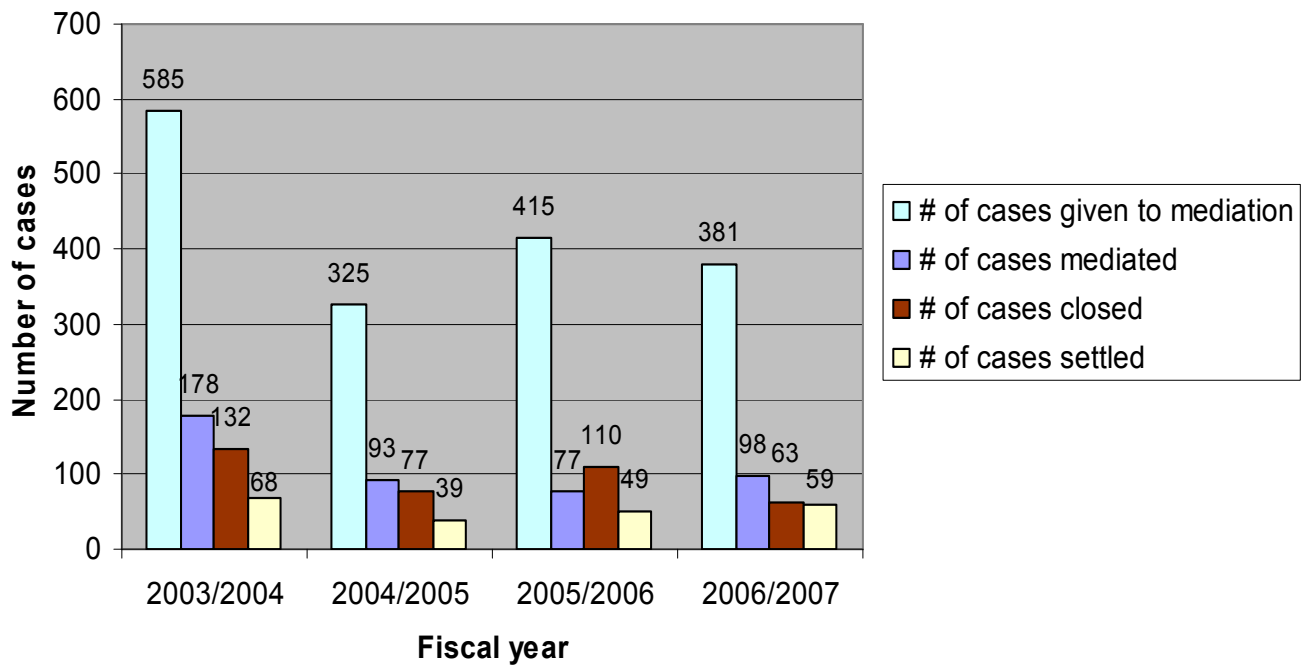
# Mediation



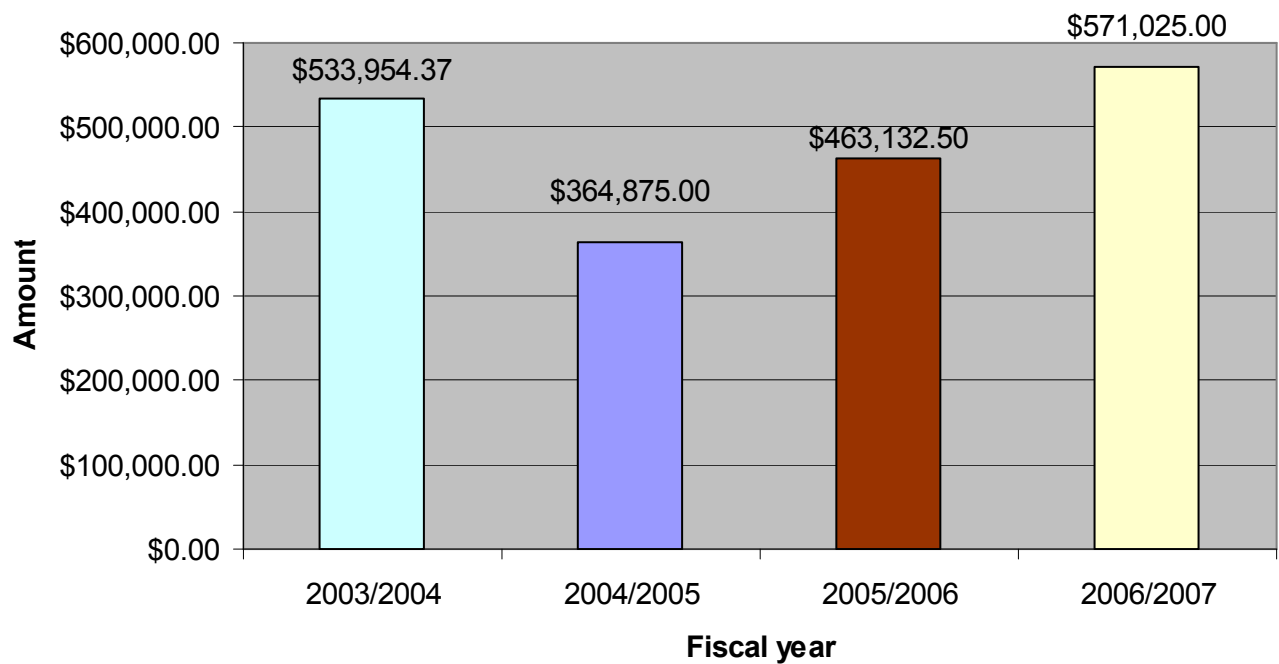
The **Mediation Team** was created to provide efficient and effective customer service for Iowans. Mediations are conducted throughout the state of Iowa. Onsite mediations encourage Complainants and Respondents to resolve disputes in one meeting, which decreases timeframes significantly in case resolution.

- 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.
- 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 Data FY 2004-2007



### Total Value of All Mediation Settlements FY 2004-2007





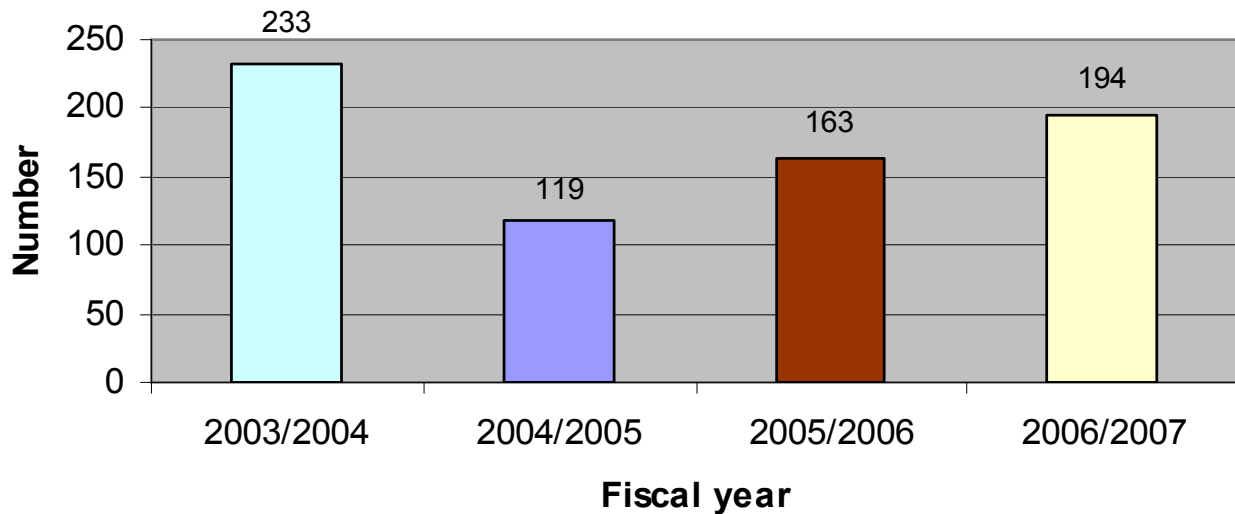
# Educational Resources



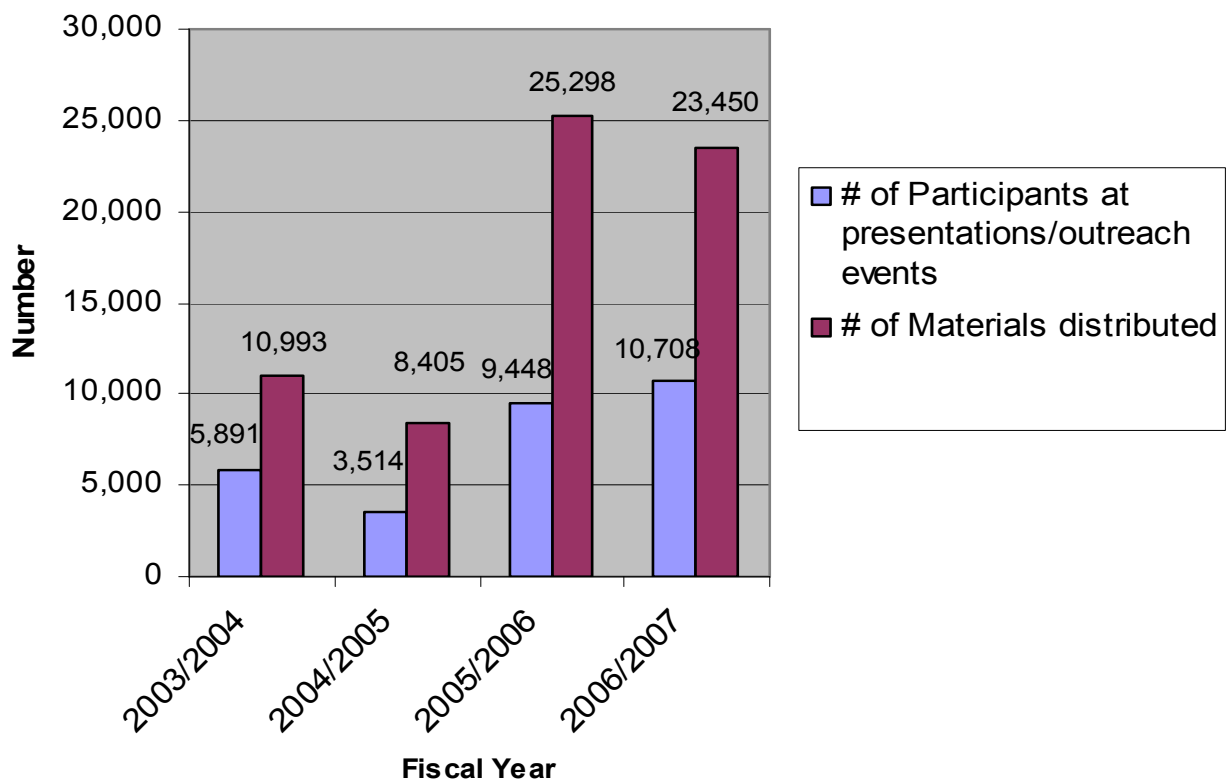
- The Educational Resources Team plans and implements the education and outreach activities of the Commission. It is responsible for the coordination of Accountable Government requirements and agency evaluation processes; implementation of the Iowa Excellence Program; the writing and administration of 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. For fiscal year 2007, staff participated in **194 events**, reaching **10,708 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. There were **73** uses of the videos by staff and by citizen requests.
- The public called the Commission for information **998** 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 surpassed the number of calls we receive for information. During this fiscal year, **5,782 informational e-mails** were handled. Calls, e-mails, and presentations, resulted in **23,450 materials** being distributed. In addition, an average of over 2000 individuals visit the Commission's website [www.state.ia.us/government/crc](http://www.state.ia.us/government/crc) monthly with an average of more than **4,000 hits** per month.
- The Iowa Civil Rights Commission also continued to co-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. The Iowa Civil Rights Commission has also been actively involved in the planning of Iowa's Mosaic, the statewide diversity conference held in the fall of each year since 2003; collaborated with the Des Moines Human Rights Commission for their annual symposium; participated in the ADA Freedom Tour; participated in the GLBT Youth in Iowa Schools Task Force; worked closely with local human and civil rights agencies; and provided outreach via booths at the Iowa State Fair and the Latino Heritage Festival.

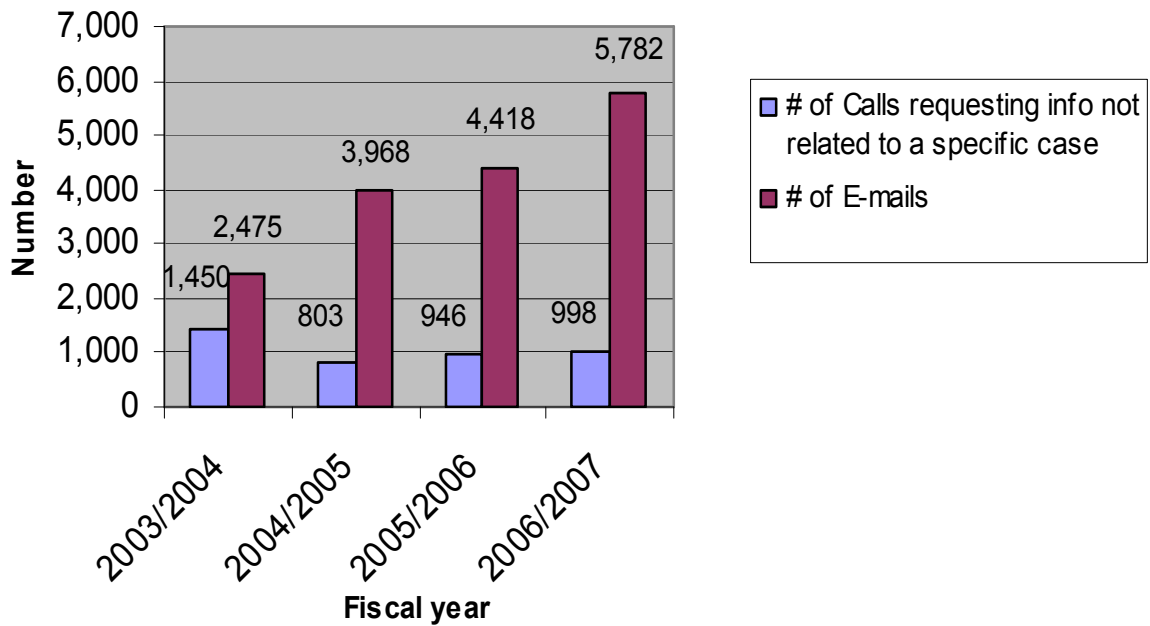
## Number of presentations/outreach events FY 2004-2007



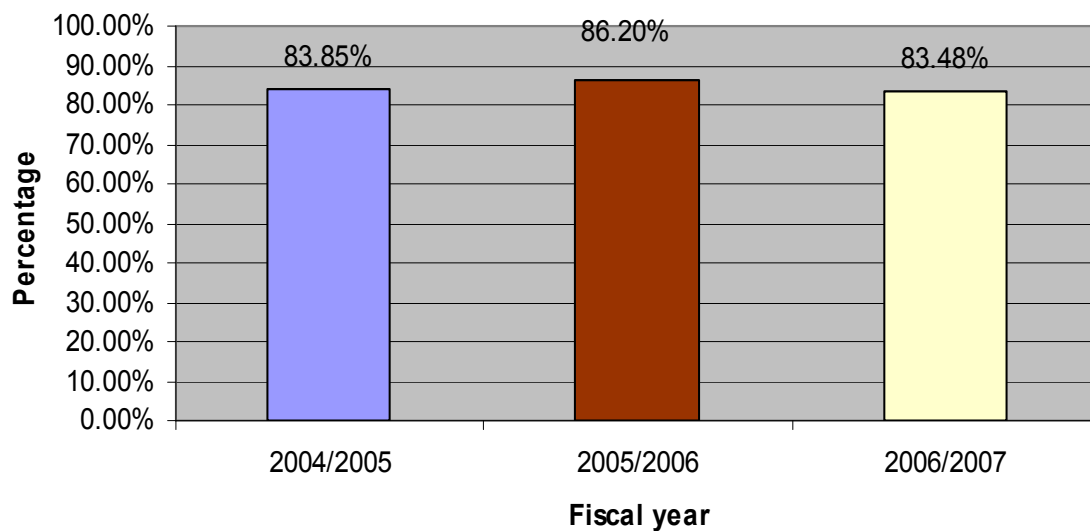
## Number of Participants and Materials Distributed FY 2004-2007



### Number of Calls and E-mails Handled FY 2004-2007



### % of Presentation Attendees Indicating Satisfaction with Education Services FY2005-FY2007



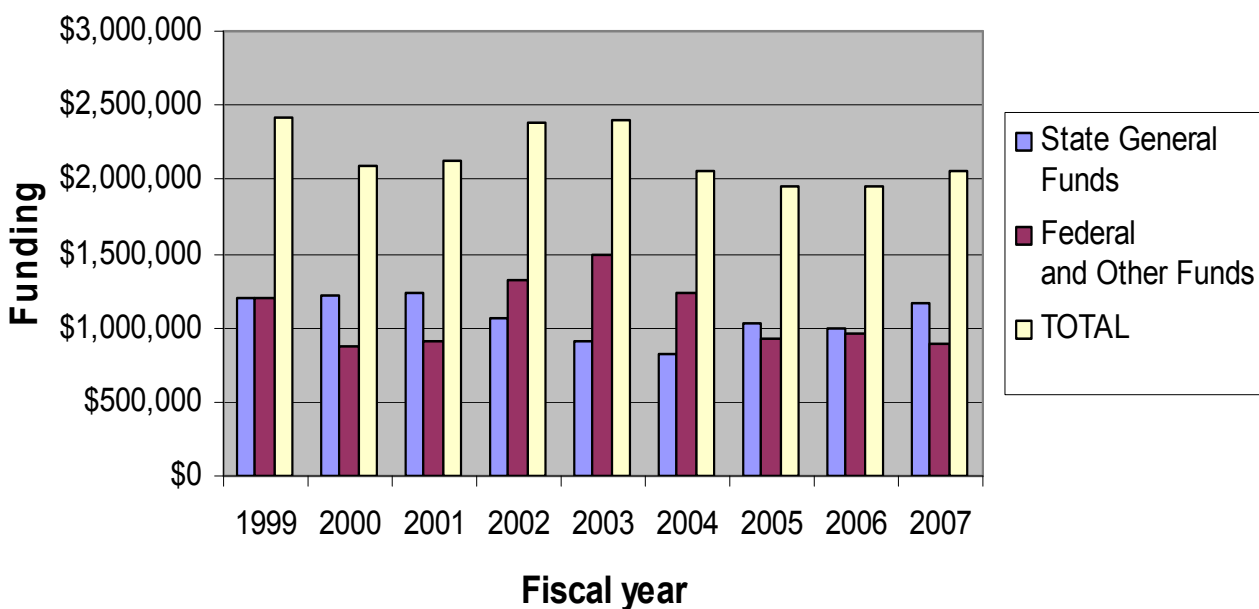
# Budget

## Agency Funding

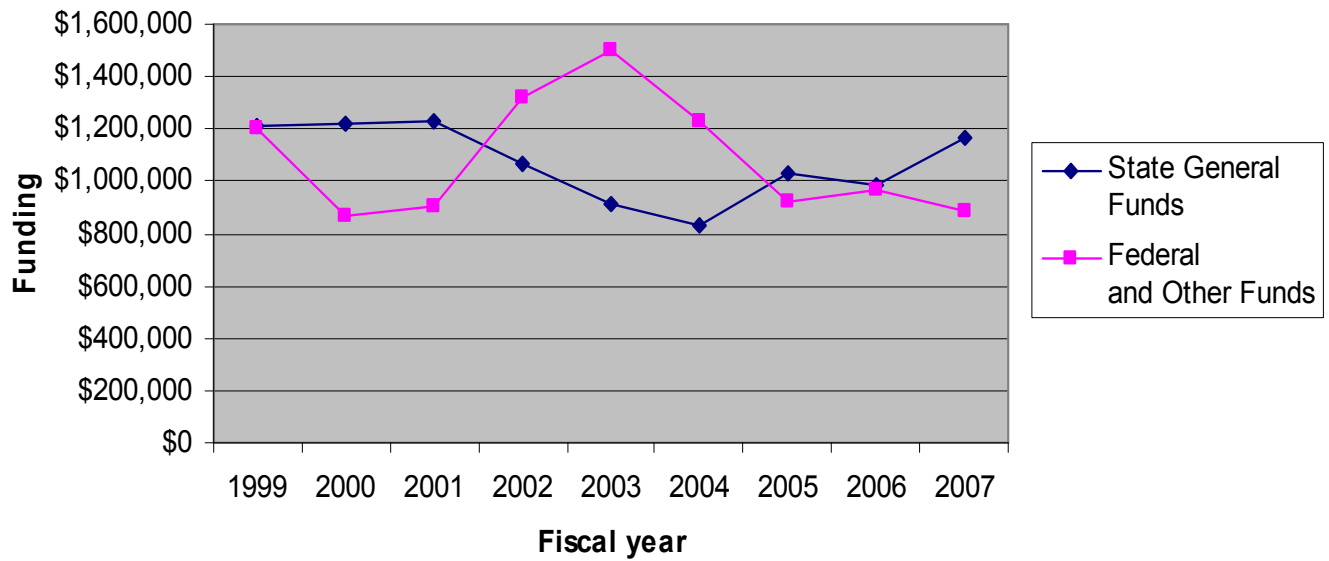


The total funding for the Iowa Civil Rights Commission for FY 2007 was \$2,049,482; \$1,165,322 was state general funding and \$884,160 was from federal contract funding (EEOC and HUD) and other contracts/grants and reimbursements for presentations, copying, and video rentals.

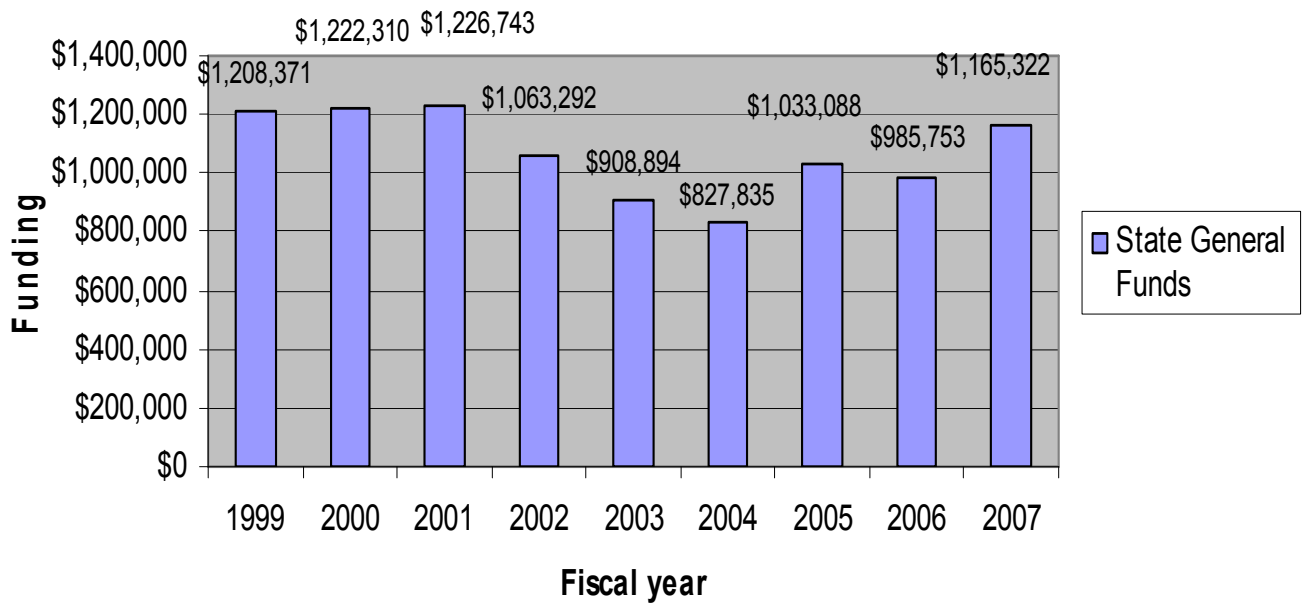
## Agency Funding FY99-FY07



### State Funding and Federal/other Funding FY99-FY07



### State General Funds FY99-FY07



# Commissioners



- **Alicia Claypool, chair\***  
Des Moines  
Appointed May 1999
- **David Leshtz**  
Iowa City  
May 1999-April 2007
- **Constance Gronstal\***  
Council Bluffs  
Appointed May 2001
- **Timothy Tutt\***  
Des Moines  
Appointed May 2001
- **Din VanLo**  
Des Moines  
May 2002-May 2007
- **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

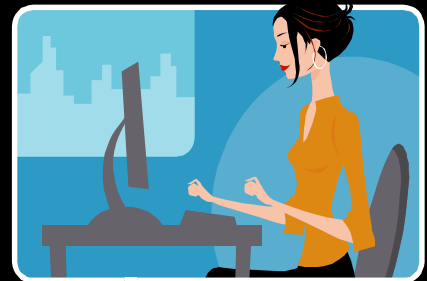
\* Current Commissioners

# Iowa Civil Rights Commission Staff

## July 1, 2006 to June 30, 2007

Ralph Rosenberg, Executive Director

CALVIN BACCAM  
MELANIE BECKMAN\*  
ADAM BUCKLEY\*  
NATALIE BURNHAM  
MARCIA COVERDALE  
MARY COWDREY  
TIFFANIE DRAYTON  
ANNETTE FLAHERTY  
LB GALBEARTH, JR.  
THOMAS GOOD  
ARACELI GOODE  
DON GROVE  
KERRY HAINLINE  
MURLEAN HALL  
ROGER HALLECK  
HEATHER HARMON\*  
AMANDA JAMES\*  
CHRIS KELLY\*  
GREGORY KLEIN  
JASON LEHMAN\*  
ERIC LINDSTROM\*  
LARRY LOCKMAN  
JESSICA MAFFITT\*  
STEPHANIE ODLIN  
SYLVIA OWENS  
DAWN PETERSON  
LENA ROBISON  
PAMELA ROSE  
LINDA ROSS  
DIANA SCHANUEL-SISLER  
KARL SCHILLING  
CYRUS SINCLAIR\*  
SOMMAY SOULINTHAVONG  
CURT STEGER\*  
JOSHUA SWAIM\*  
SHERRY WILLIAMS  
KARI WILLIAMSON



\* interns