

Iowa Civil Rights Commission

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

Annual Report
Fiscal Year 2014



STATE OF IOWA

TERRY BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

IOWA CIVIL RIGHTS COMMISSION
BETH TOWNSEND
EXECUTIVE DIRECTOR

November 25, 2014

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 2014.

The ICRC has continued its efforts to improve the timeliness and competency by which complaints of discrimination are processed. In FY14, the ICRC requested and received a voluntary reduction of 10% to our state appropriated funds. Despite this reduction, the ICRC had a very successful and productive year. The ICRC investigated all cases in a timely manner and maintained no backlog. The average age of cases being investigated was 251 days and the average number of days it took to process complaints in FY14 was 245 days. Cases are now being investigated after the mediation process concludes as the backlog has been eliminated. The Commission conducted 111 mediations this year and 59% of those were successful. The ICRC processed 1140 complaints for the EEOC and 172 complaints for the Department of Housing and Urban Development resulting in over \$1.2 million in federal funds paid to the ICRC. The ICRC had 38 cases that resulted in a probable cause finding. The ICRC successfully conciliated 14 of those 38 cases. Through the public hearing process, Iowans such as Geralyn Allison from Burlington Iowa, were protected and restored. Ms. Allison was the victim of a business owner who refused to provide her service because of her race and used a racial epithet in his meeting with Ms. Allison. The business owner was held accountable and presumably no future discrimination will occur. Our housing unit continues to be recognized as one of the best partners HUD has given the 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 FY14, the ICRC received 1540 complaints of discrimination. Of those 30 were determined not to be jurisdictional. The Commission processed 1510 cases or 40 fewer complaints than were filed in the previous fiscal year. This marks a 20% reduction in the total number of complaints received in the two fiscal years prior to the current administration. The ICRC has observed a sustained reduction in the number of complaints indicating the State of Iowa is making real progress in ending discrimination overall.

The ICRC continues to provide a cost-effective method of resolving issues of discrimination in housing with savings for the landlord as well as the agency. Even with a 10% reduction to the state appropriated budget, as a result of the changes and efficiencies that the ICRC has created and adopted, the agency finished the fiscal year with a budget surplus of \$89,746.84 which was returned to the State.

The mission of the ICRC remains eliminating discrimination within the State of Iowa. As you can see in the report, the ICRC is making real and sustained progress in its efforts while at the same time reducing its budgetary requirements. A credible ICRC that enforces the ICRA ensures that Iowa has a diverse and inclusive workforce and a more welcoming business environment as well as ensuring that all Iowans have equal access to housing and services.

Beth Townsend
Executive Director

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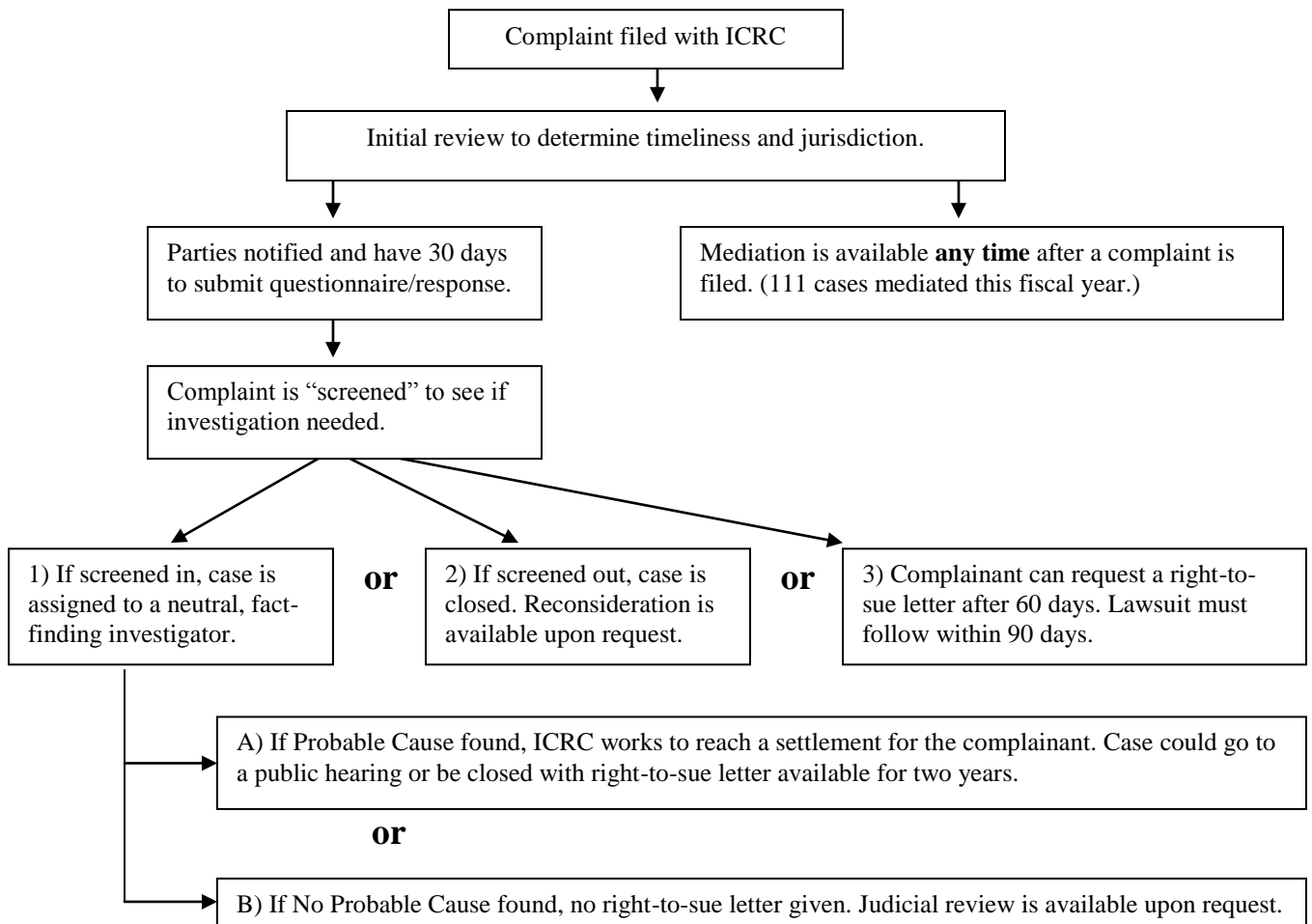
About the Iowa Civil Rights Commission

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

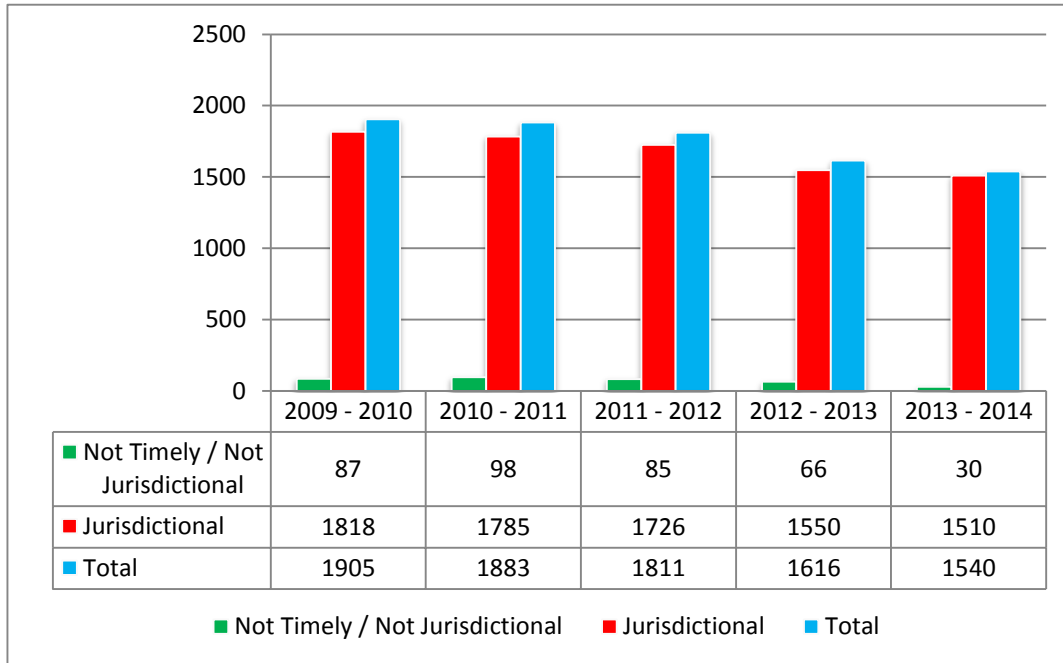
The Iowa Civil Rights Act of 1965 prohibits discrimination in the areas of employment, housing, credit, public accommodations (public services and buildings), and education. Discrimination and harassment are illegal if based on actual or perceived race, skin color, national origin, religion, creed, sex, 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

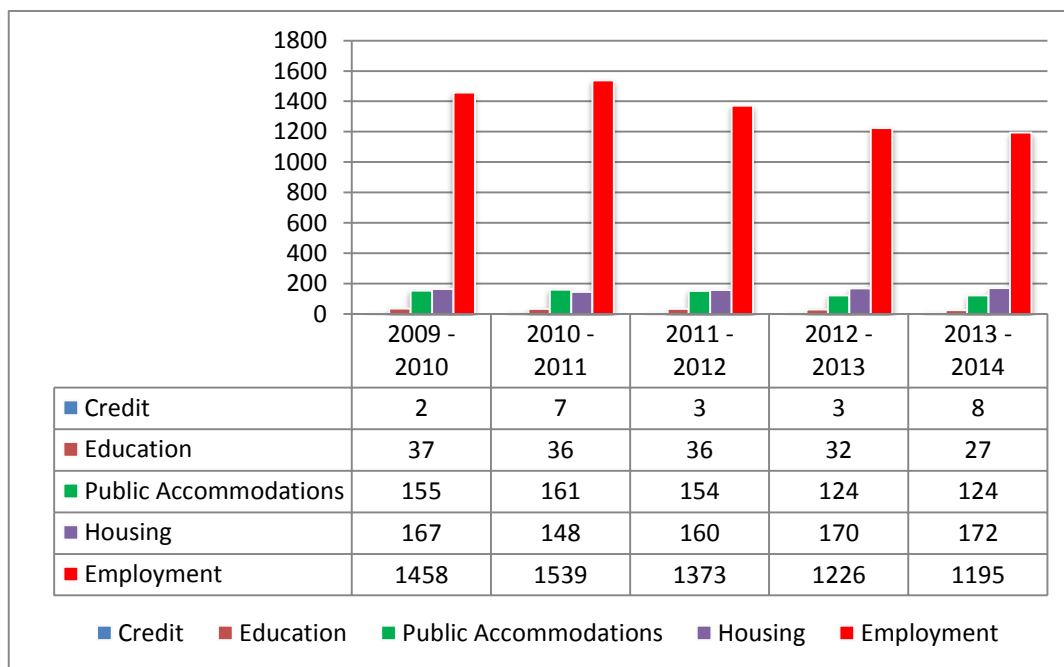


Processing of Discrimination Complaints

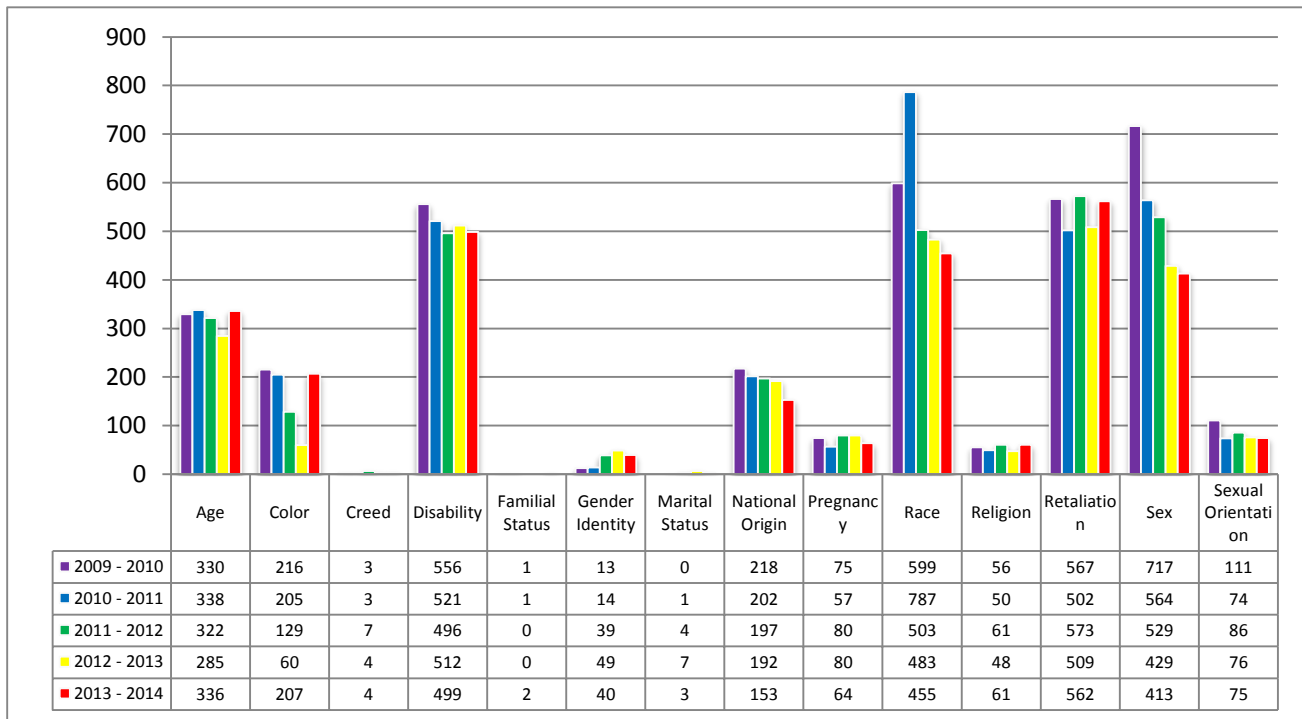
During FY14, the Commission received **1,540** discrimination cases. Of those complaints, **30** complaints either did not meet the jurisdictional requirements or the 300-day time limit since the last alleged incident took place. The Commission processed **1,510** cases.



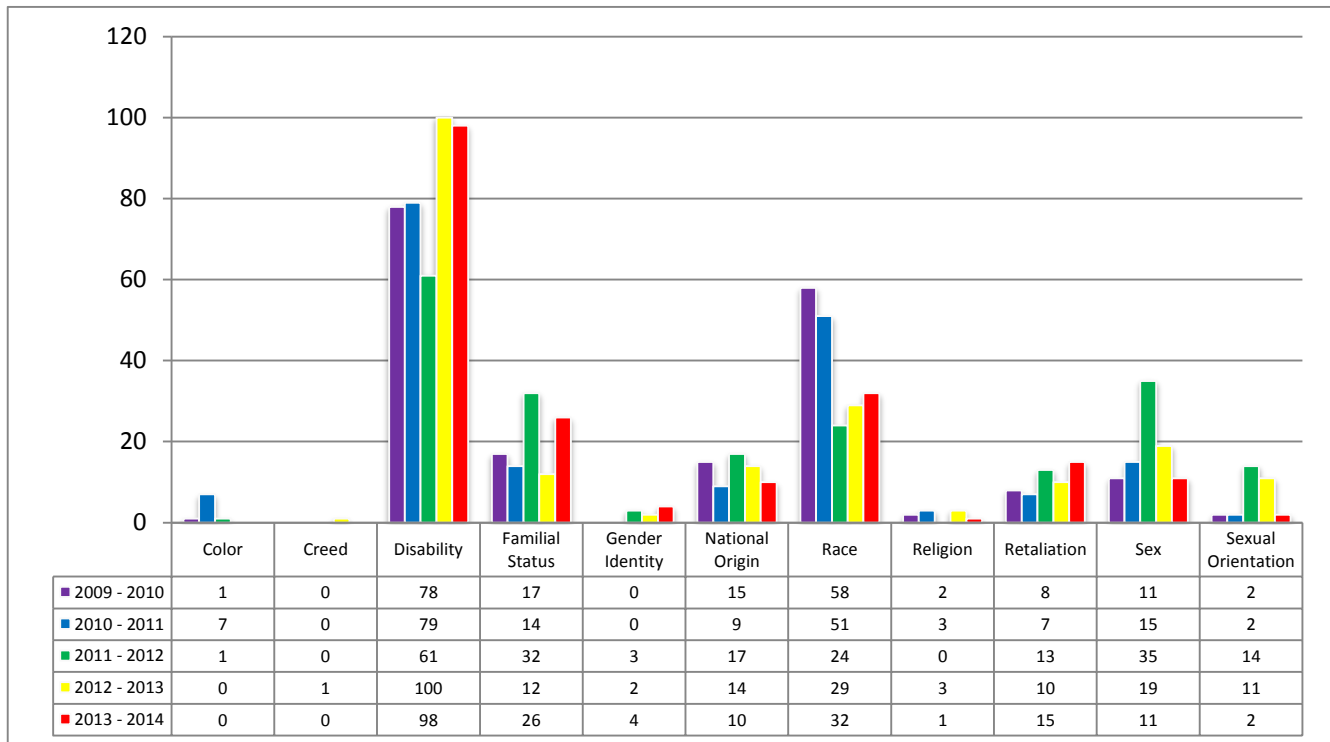
Cases Docketed by Area and Fiscal Year



Cases Docketed in Non-Housing Cases by Basis



Cases Docketed in Housing by Basis



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

Filings by County

The Iowa Civil Rights Commission received complaints from **93** of the 99 counties.

County	Filings
Adair	4
Adams	0
Allamakee	3
Appanoose	1
Audubon	0
Benton	2
Black Hawk	122
Boone	3
Bremer	11
Buchanan	2
Buena Vista	6
Butler	2
Calhoun	2
Carroll	7
Cass	5
Cedar	3
Cerro Gordo	29
Cherokee	6
Chickasaw	2
Clarke	1
Clay	1
Clayton	1
Clinton	13
Crawford	5
Dallas	16
Davis	1
Decatur	2
Delaware	4
Des Moines	17
Dickinson	6
Dubuque	35
Emmet	0
Fayette	4

County	Filings
Floyd	9
Franklin	3
Fremont	3
Greene	4
Grundy	2
Guthrie	2
Hamilton	2
Hancock	2
Hardin	12
Harrison	2
Henry	6
Howard	2
Humboldt	2
Ida	2
Iowa	9
Jackson	3
Jasper	9
Jefferson	5
Johnson	78
Jones	1
Keokuk	2
Kossuth	9
Lee	14
Linn	125
Louisa	10
Lucas	4
Lyon	1
Madison	0
Mahaska	3
Marion	4
Marshall	12
Mills	1
Mitchell	3

County	Filings
Monona	3
Monroe	4
Montgomery	3
Muscatine	17
O'Brien	6
Osceola	1
Page	3
Palo Alto	0
Plymouth	6
Pocahontas	1
Polk	354
Pottawattamie	45
Poweshiek	10
Ringgold	0
Sac	1
Scott	147
Shelby	4
Sioux	1
Story	31
Tama	4
Taylor	2
Union	5
Van Buren	1
Wapello	31
Warren	15
Washington	8
Wayne	1
Webster	20
Winnebago	9
Winneshiek	2
Woodbury	52
Worth	1
Wright	8

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 **111** cases, **65** 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 **38** cases assigned to conciliation; with **14** successful conciliations.

Cases Handled by the Attorney General's Office

FY14 (July 1, 2013 – June 30, 2014)

Rent-A-Center v. ICRC, Polk County, CVCV008843, Supreme Court 13-0412

In 2011, Plaintiff Rent-A-Center filed for judicial review of the Commission's decision that the Commission is not bound by a particular complainant's entry into an arbitration agreement. After a decision by the Polk County district court in favor of the plaintiffs, the Commission appealed. The Iowa Supreme Court accepted the case, and reversed the district court (finding in favor of the Commission) in February 2014.

State ex rel Cynthia Rose Brace v. Ray and Donna Held, Franklin County, CVCV500952

This housing discrimination case was filed in FY12, and is discussed in that year's annual report. The Commission reached a settlement of \$3,000 with the defendants in advance of a scheduled jury trial.

Betty Ann Odgaard and Richard Odgaard v. ICRC, Polk County, CVCV046451

The plaintiffs filed an action in district court raising statutory and constitutional challenges to the public accommodations provision of the Iowa Civil Rights Act. The district court granted the Commission's Motion to Dismiss finding the plaintiffs had failed to exhaust their administrative remedies before the Commission. The plaintiffs appealed the ruling to the Iowa Supreme Court, and the case is awaiting assignment to the Iowa Supreme Court or the Iowa Court of Appeals.

Teri Chapman v. State of Iowa et al, Polk County, CVCV047279

The plaintiff filed an action for judicial review challenging the Commission's "no probable cause" finding in her discrimination case. The Commission filed a Motion to Dismiss arguing the plaintiff failed to timely serve the Commission. The plaintiff then voluntarily dismissed her case.

Iowa Civil Rights Commission v. Lois Capper, Scott County, CVCV123888

The Commission filed an action district court claiming Defendant discriminated and retaliated against the complainants based on one of the complainant's disability and her requests for reasonable accommodation. The Commission settled the case for \$9,000 in advance of a scheduled jury trial. The defendant also agreed to complete fair housing training before engaging in any future activity as a landlord in Iowa.

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

Plaintiff filed an action for judicial review challenged the Commission's "no jurisdiction" determination. The case is set for trial in FY15.

Iowa Civil Rights Commission v. Kerry Inman, Story County, CVCV040041

After a successful public hearing, the Commission filed an action to enforce its damages award. Respondent sent payment to the Commission, and the Commission dismissed the court action.

Iowa Civil Rights Commission and Tiffany Latham v. ABCM Corporation, DIA No. 12ICRC002

In FY12, the Commission filed notice of public hearing alleged Respondent failed to accommodate a pregnant employee in violation of the Iowa Civil Rights Act. An administrative law judge initially granted Respondent's motion for summary judgment finding the Iowa Civil Rights Act does not impose a duty of reasonable accommodation for pregnant employees. After an appeal to the Commission, the Commission reversed the administrative law judge's ruling and found the Iowa Civil Rights Act does impose a duty of reasonable accommodation for pregnant employees. The case was remanded and a public hearing was held in FY14. The Commission prevailed at hearing, and obtained an award of \$2,500 for the complainant.

Iowa Civil Rights Commission and Melissa O'Brien v. Kerry Inman, DIA. No. 13ICRC003

The Commission filed an administrative action claiming Respondent engaged in discriminatory advertising on the basis of familial status. Respondent did not appear for the hearing, and the Commission obtained a default judgment and an award of \$1,000 for the complainant.

Iowa Civil Rights Commission and Tiffany and Jesse Rhoades v. Lois Gordon, DIA No. 13ICRC004

The Commission filed an administrative action alleging the respondent discriminated against the complainants on the basis of their familial status. The Commission settled the case for \$500 in advance of a scheduled public hearing. The respondent also agreed to no longer act as a landlord in Iowa.

Iowa Civil Rights Commission v. KMC Properties, LLC; Kouri Management; Matthew Kouri; Kimberly Kouri; and Deb Barnes, DIA No. 13ICRC005

The Commission filed an administrative action alleging the respondents discriminated against an ICRC tester by informing her they would require a pet deposit for her assistance animal. The Commission settled the case in advance of a public hearing, and KMC Properties, LLC, Kouri Management, Matthew Kouri, Kimberly Kouri agreed to provide fair housing training to all of their employees or agents involved in the management of their residential rental operations in Council Bluffs, Iowa.

Iowa Civil Rights Commission and Kirk and Katherine Haan v. Catharyn Marquart, DIA No. 13ICRC008

The Commission filed an administrative action alleging the respondent discriminated against the complainants on the basis of their familial status. The Commission settled the case for \$700 in advance of a scheduled public hearing. The respondent also received fair housing training on housing discrimination based on familial status.

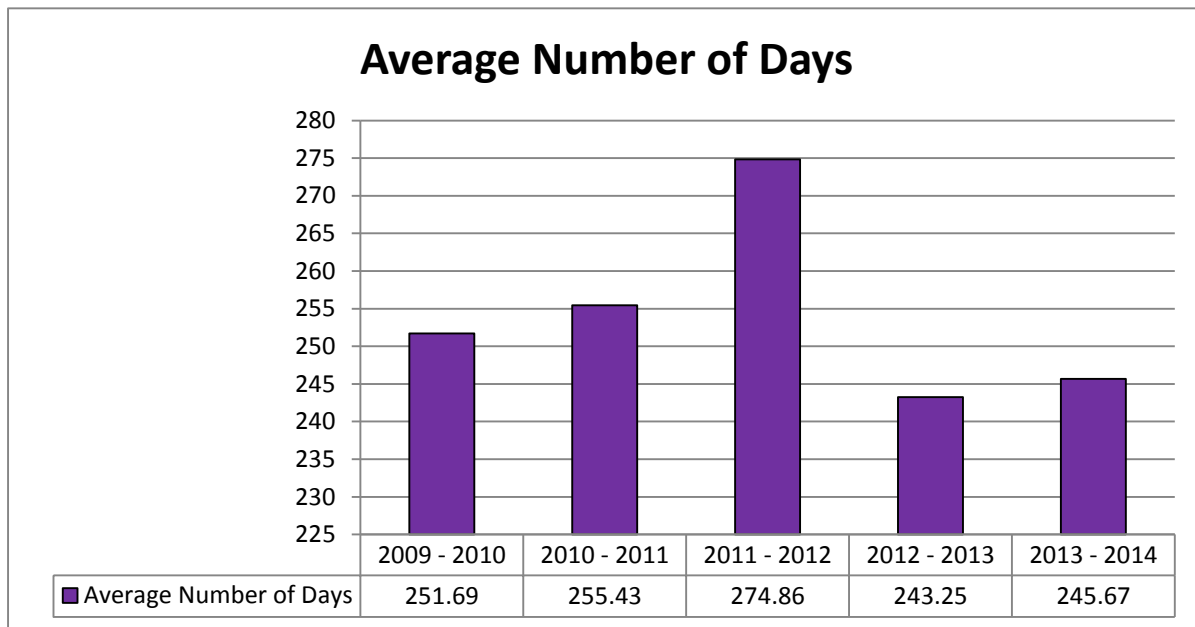
Iowa Civil Rights Commission and Abbee Gappa v. Emmetsburg Community School District and Matthew Pugh, DIA No. 13ICRC009

The Commission filed an administrative action alleging the respondents discriminated against the complainant based on her sex. The Commission settled the case in FY15 in advance of a scheduled public hearing.

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

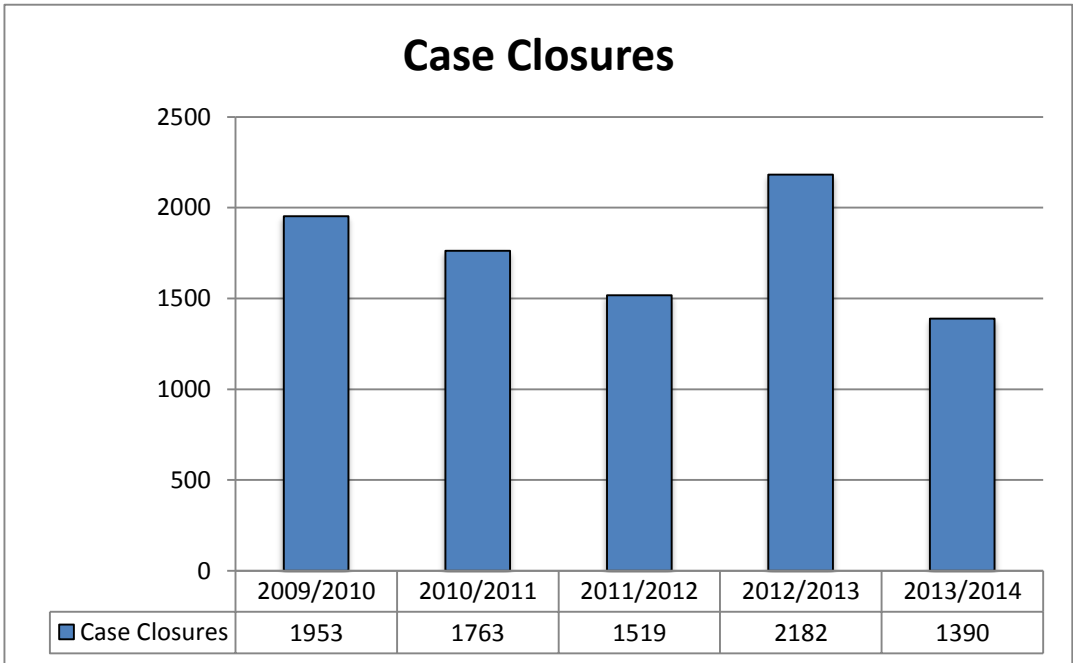
The Commission filed an administrative action alleging the respondents discriminated against the complainant on the basis of his race. A public hearing was held in FY15.

Average Number of Days to Process a Case

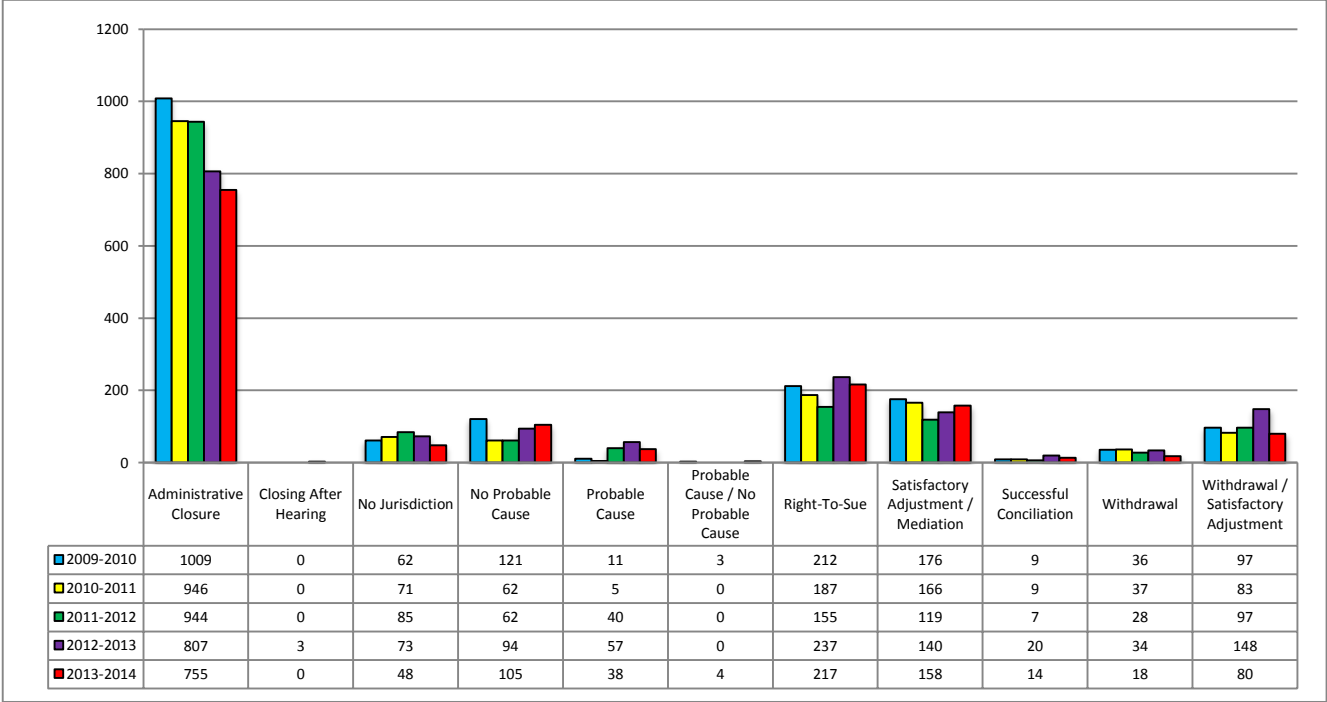


Case Closures

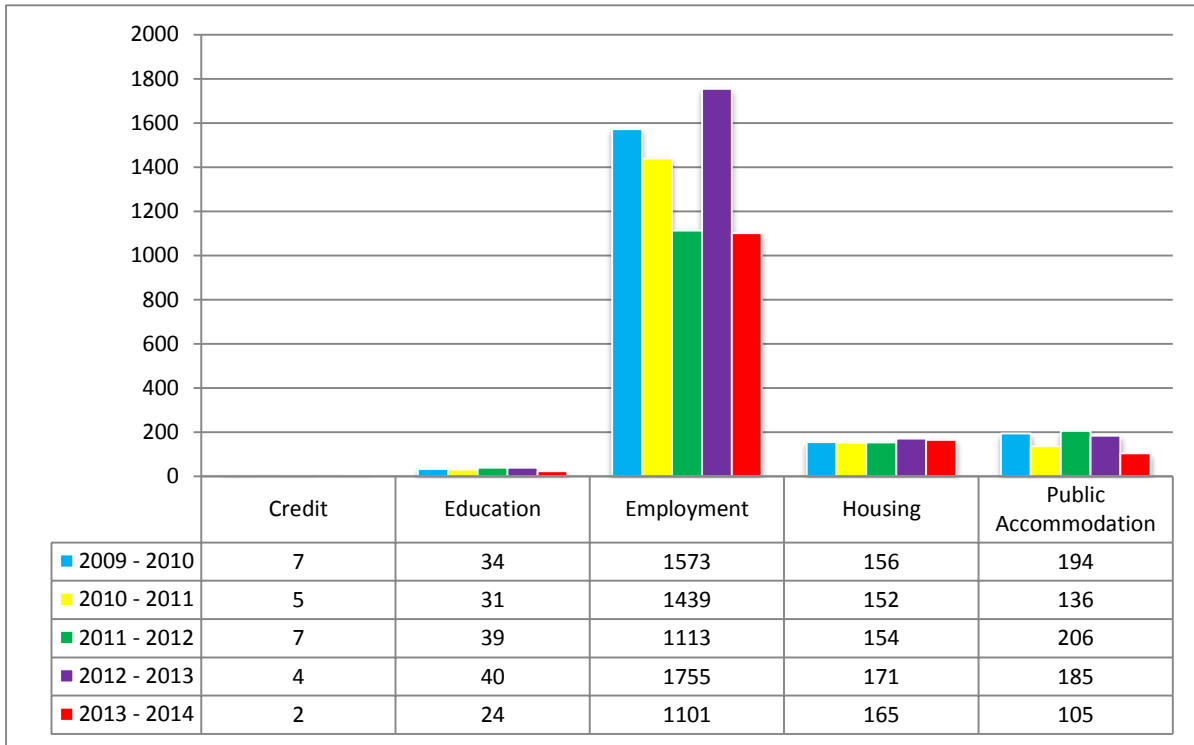
During the year, the Commission closed **1,390 cases**. Of the 1,390 case closures during the fiscal year, the largest category was “does not warrant further investigation / administrative closure.” This was followed by right-to-sue, withdrawn / satisfactory adjustment, satisfactory adjustment / mediated settlement, and no probable cause.



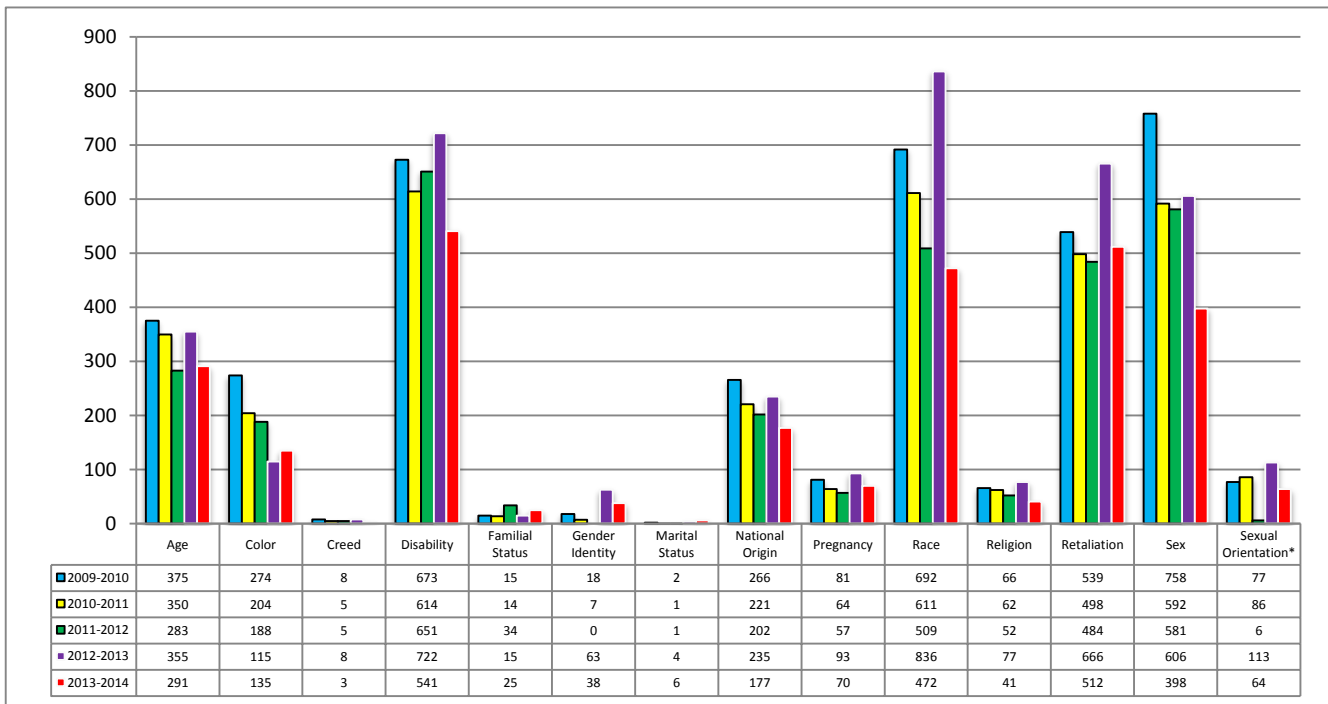
Case Closures by Type



Case Closures by Area



Case Closures by Basis



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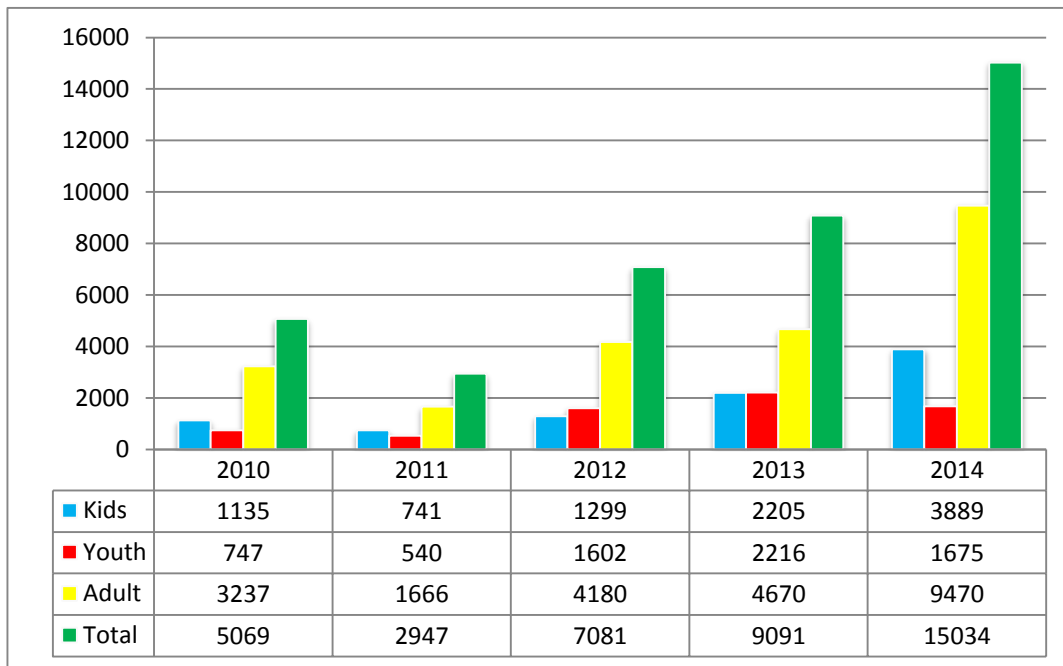
Education, Outreach, and Training

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 FY14, ICRC staff participated in **94 presentations / outreach events**, reaching **12,247 participants** and distributing approximately **14,194** items. Additionally, the largest outreach event was a booth at the Iowa State Fair. The ICRC had its biggest and best attended booth by a large margin in FY14, giving over **15,000** Iowans of all age groups civil rights quizzes.

The Commission’s new website, <https://icrc.iowa.gov>, received visits from **12,354 individuals** between July 1, 2013 and June 30, 2014. The Commission enhanced its online presence on Facebook (<http://www.facebook.com/pages/Des-Moines-IA/Iowa-Civil-Rights-Commission/80313175514>) **1,112 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.

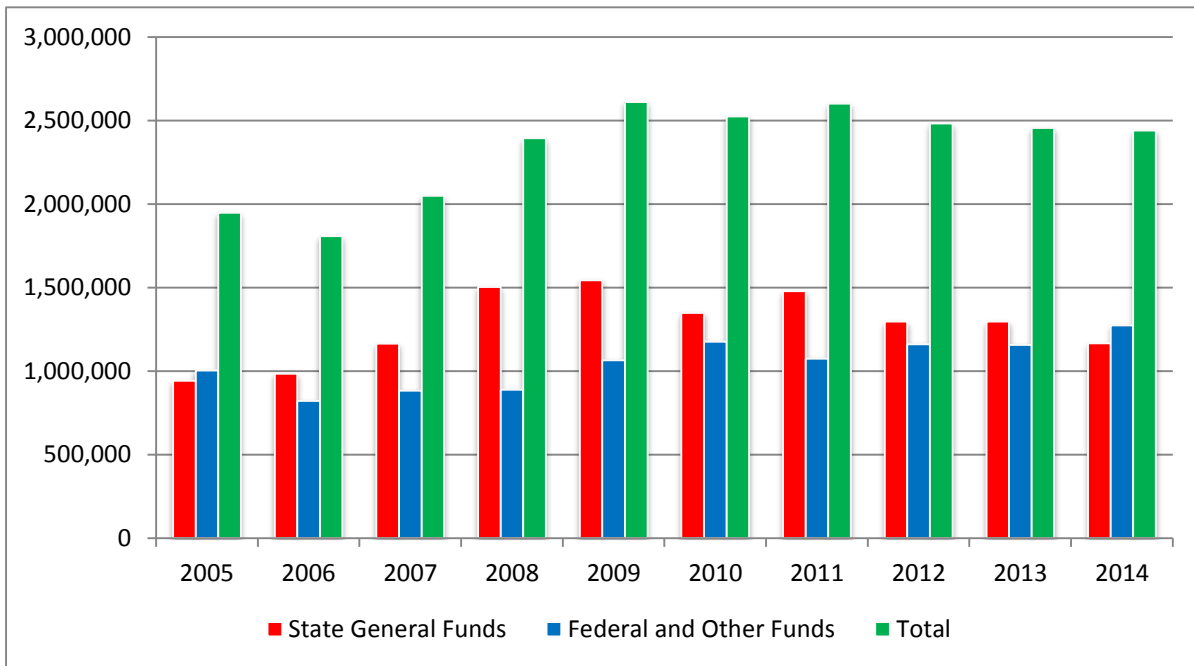
Iowa State Fair Civil Rights Quiz Participants



Fiscal Year 2014 Income

- The total funding for the Iowa Civil Rights Commission for FY14 was **\$2,441,303**.
- **\$1,167,362** (including 10% voluntary budget reduction) was state general funding.
- **\$1,251,865** was from federal contract funding (EEOC and HUD) and other contracts and grants.
- **\$22,076** was for reimbursement for presentations and copying.

Agency Funding Fiscal Year 2005 – Fiscal Year 2014



Iowa Civil Rights Commission Staff

Beth Townsend, Executive Director

Brenda Almanzar
Natalie Burnham
Stephanie Callahan
Michele Cashman
Marcia Coverdale
Stephanie Cox
Katie Fiala
Annette Flaherty
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Linda Grathwohl
Don Grove
Kerry Hainline
Benjamin Humphrey
Elizabeth Johnson

Kristin Johnson
Emigdio Lopez-Sanders
Christine Louis
Nichole Merrill
Brooke Miller
Sean Nelson
Sylvia Owens
Tim Reilly
Diana Schanuel-Sisler
Alex Smith
Kaitlin Smith
Debra Stewart
Ramona Ubaldo
Danny Wagener

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Urbandale

Patricia Lipski, Vice Chair
Washington

Mary Ann Spicer
Des Moines

Tom Conley
Urbandale

Lawrence Cunningham
Urbandale

Lily Hou
Urbandale

Doug Oelschlaeger
Cedar Rapids