



IOWA CIVIL RIGHTS COMMISSION

52 Years of Working for a State Free of Discrimination
Through Enforcement of the Iowa Civil Rights Act

Annual Report
Fiscal Year 2017



STATE OF IOWA

KIM REYNOLDS, GOVERNOR
ADAM GREGG, LT. GOVERNOR

IOWA CIVIL RIGHTS COMMISSION
KRISTIN H. JOHNSON, EXECUTIVE DIRECTOR

December 15, 2017

Governor Kim Reynolds
Governor of the State of Iowa
The State Capitol
Des Moines, IA 50319

Dear Governor Reynolds:

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 2017.

The ICRC continues its efforts to improve the timeliness and competency by which complaints of discrimination are processed. In FY17, the ICRC initially requested and received a status quo appropriation from the general fund, for the third year in a row. In March 2017, The ICRC experienced a deappropriation of approximately 1% from state-appropriated funds. The ICRC has been able to remain relatively steady in its progress of processing complaints of discrimination. The average number of days it took to process complaints was 206 days in FY17, compared with the 222 days in FY16. The Commission conducted 150 mediations this year; 83% of those resulted in voluntary settlement. The ICRC processed 925 complaints for the EEOC and 126 complaints for the Department of Housing and Urban Development resulting in over \$1.2 million in federal funds paid to the ICRC, a reduction of nearly 10% from the amount budgeted due to an unanticipated decrease in the number of case closures. The ICRC had 18 complaints that resulted in a probable cause finding. The ICRC successfully conciliated 11 of those cases. Through the public hearing process, the ICRC was able to help Iowans who have been discriminated against. For example, the ICRC successfully prosecuted a restaurant whose owners terminated a pregnant employee's employment because she told them she was pregnant. Our housing unit continues to be recognized as one of the highest performing HUD partners in Region VII 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 FY17, the ICRC received 1,626 complaints of discrimination. Of those 133 were determined not to be jurisdictional. The Commission processed 1,206, fewer than in FY16. The ICRC experienced a slight increase in the number of complaints filed from the previous year.

The mission of the ICRC remains eliminating discrimination within the State of Iowa. A credible ICRC that enforces the ICRA ensures that Iowa has a diverse and inclusive workforce and a more productive and welcoming business environment as well as ensuring that all Iowans have equal access to housing, education, credit, and services.

Kristin H. Johnson
Executive Director

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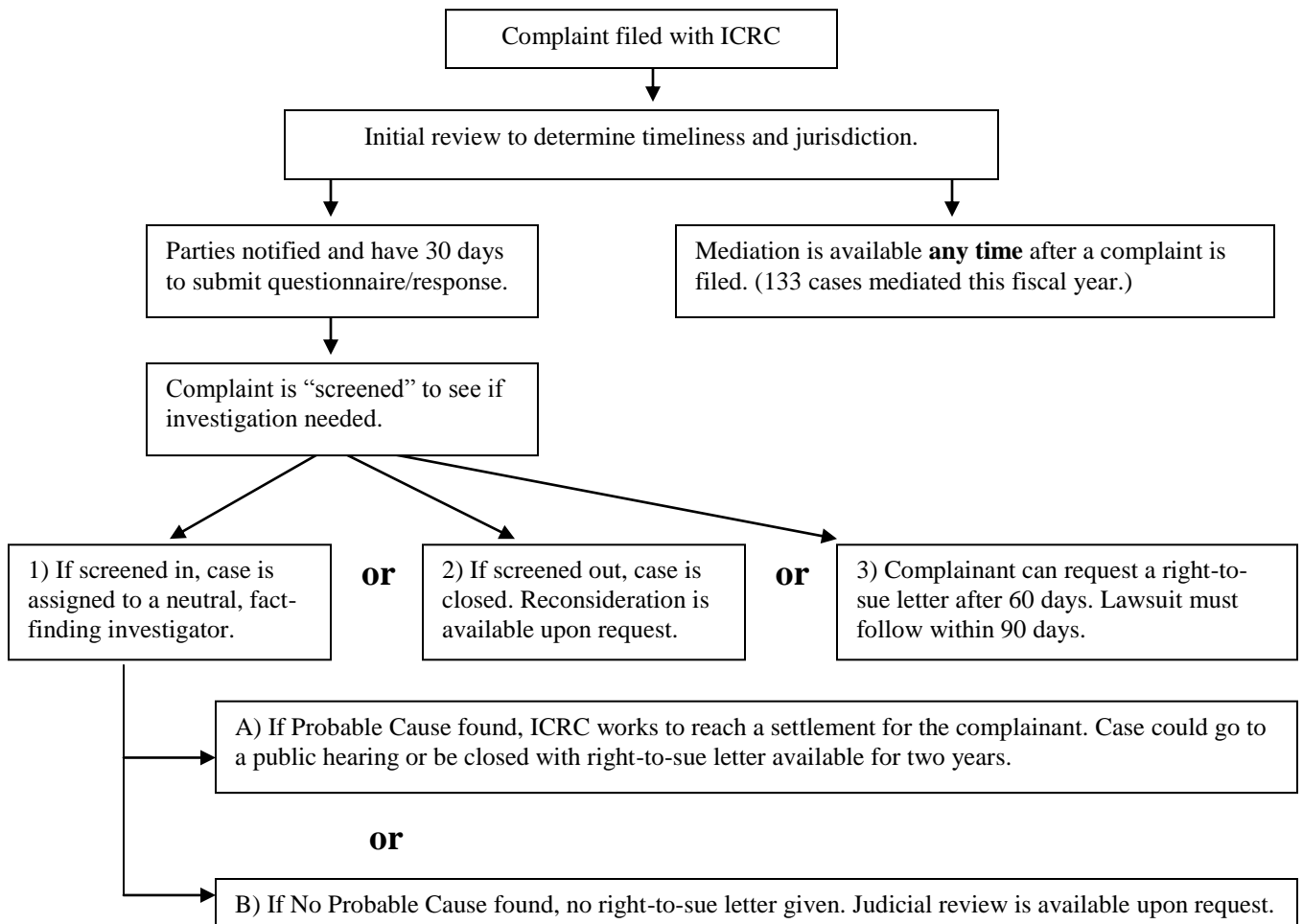
About the Iowa Civil Rights Commission

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

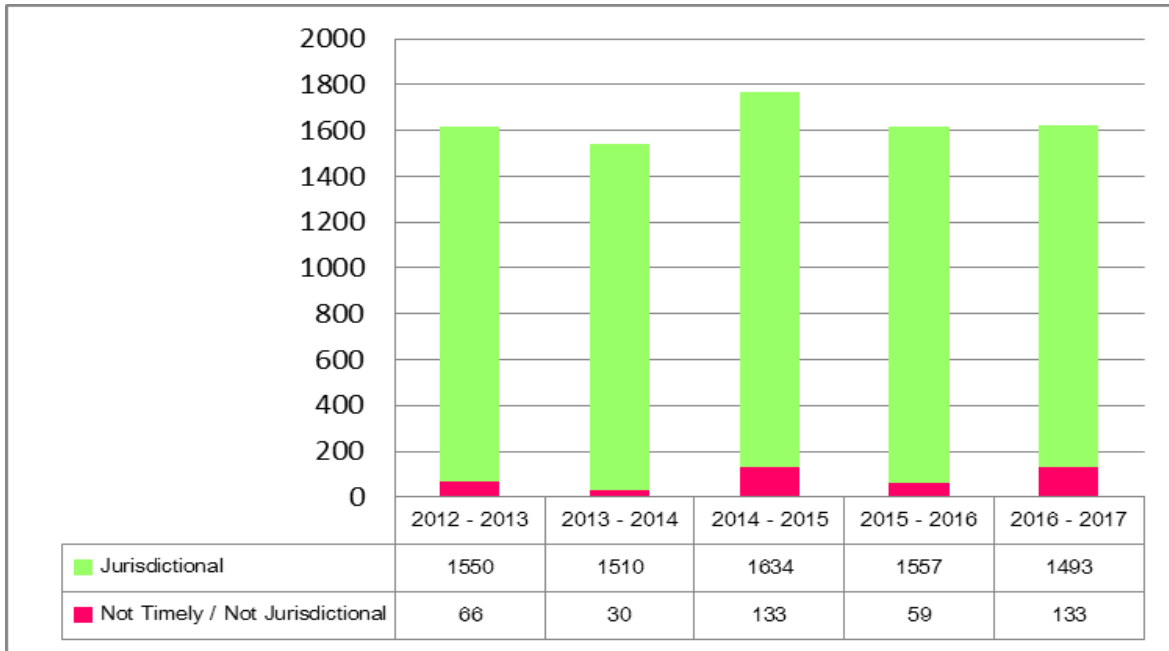
The Iowa Civil Rights Act of 1965 prohibits discrimination in the areas of employment, housing, credit, public accommodations (public services and buildings), and education. Discrimination and harassment are illegal if based on actual or perceived race, skin color, national origin, religion, creed, sex,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

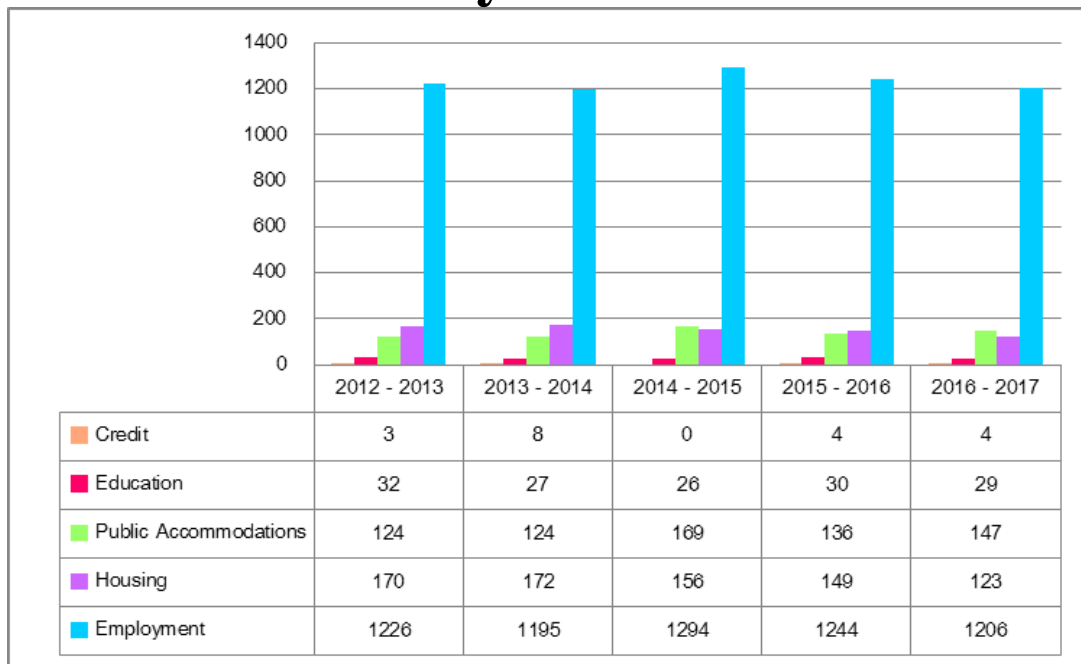


Processing of Discrimination Complaints

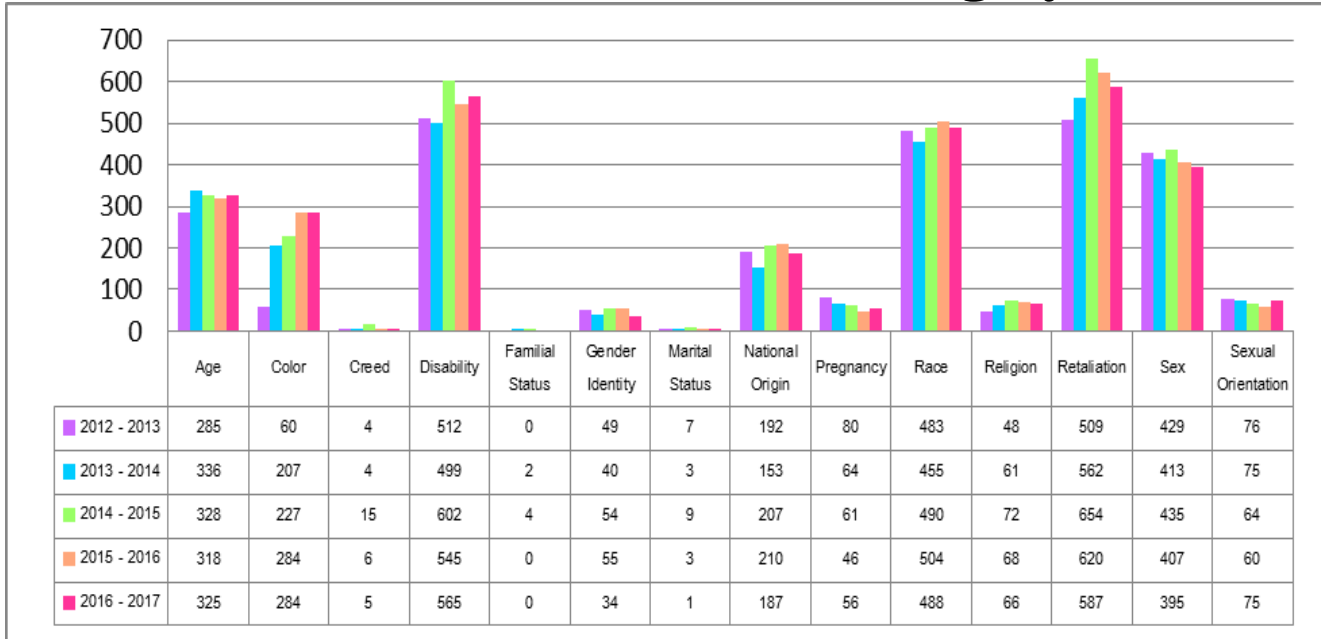
During FY17, the Commission received 1,626 discrimination cases. Of those complaints, 133 complaints either did not meet the jurisdictional requirements or the 300-day time limit since the last alleged incident took place. The Commission processed 1,493 cases.



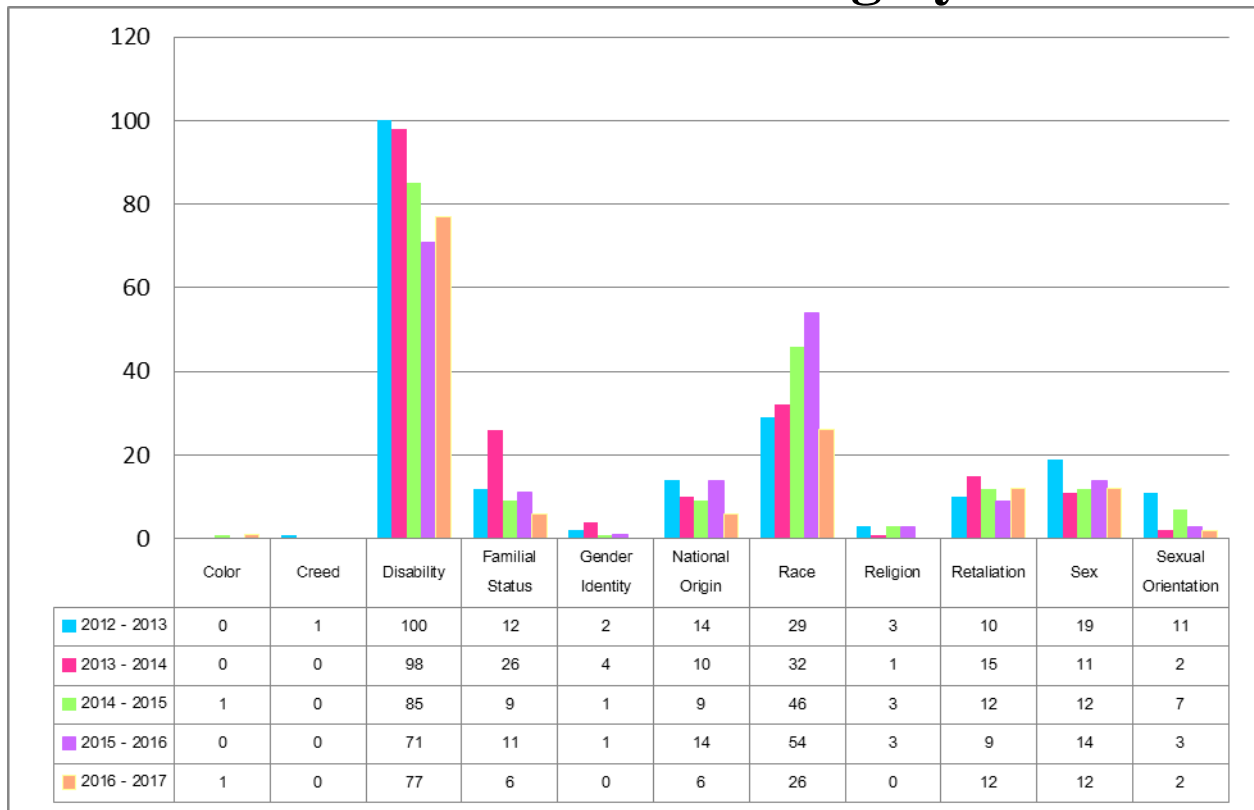
Cases Docketed by Area and Fiscal Year



Cases Docketed in Non-Housing by Basis



Cases Docketed in Housing by Basis



Filings by County

The Iowa Civil Rights Commission received complaints from 93 of the 99 counties (percentage of total).

County	Filings
Adair	0.26%
Adams	0.13%
Allamakee	0.26%
Appanoose	0.47%
Audubon	0.13%
Benton	0.06%
Black Hawk	7.63%
Boone	0.53%
Bremer	0.33%
Buchanan	0.13%
Buena Vista	0.20%
Butler	0.20%
Calhoun	0.00%
Carroll	0.20%
Cass	0.26%
Cedar	0.13%
Cerro Gordo	1.87%
Cherokee	0.40%
Chickasaw	0.13%
Clarke	0.53%
Clay	0.60%
Clayton	0.06%
Clinton	1.27%
Crawford	0.93%
Dallas	1.40%
Davis	0.06%
Decatur	0.13%
Delaware	0.33%
Des Moines	0.93%
Dickinson	0.26%
Dubuque	3.68%
Emmet	0.26%
Fayette	0.33%

County	Filings
Floyd	0.47%
Franklin	0.40%
Fremont	0.00%
Greene	0.20%
Grundy	0.00%
Guthrie	0.26%
Hamilton	0.33%
Hancock	0.26%
Hardin	0.40%
Harrison	0.33%
Henry	0.47%
Howard	0.26%
Humboldt	0.06%
Ida	0.00%
Iowa	0.53%
Jackson	0.13%
Jasper	0.53%
Jefferson	0.47%
Johnson	5.22%
Jones	0.33%
Keokuk	0.06%
Kossuth	0.06%
Lee	1.27%
Linn	7.03%
Louisa	0.00%
Lucas	0.06%
Lyon	0.13%
Madison	0.26%
Mahaska	0.20%
Marion	0.47%
Marshall	1.27%
Mills	0.06%
Mitchell	0.06%

County	Filings
Monona	0.20%
Monroe	0.06%
Montgomery	0.26%
Muscatine	1.27%
O'Brien	0.20%
Osceola	0.06%
Page	0.47%
Palo Alto	0.06%
Plymouth	0.47%
Pocahontas	0.06%
Polk	22.77%
Pottawattamie	2.74%
Poweshiek	0.33%
Ringgold	0.06%
Sac	0.06%
Scott	9.98%
Shelby	0.20%
Sioux	0.13%
Story	2.47%
Tama	0.53%
Taylor	0.06%
Union	0.20%
Van Buren	0.13%
Wapello	0.93%
Warren	1.13%
Washington	0.20%
Wayne	0.00%
Webster	1.00%
Winnebago	1.47%
Winneshiek	0.33%
Woodbury	3.08%
Worth	0.06%
Wright	0.20%

Mediation

The ICRC continues to monitor a robust mediation program designed to assist parties in the voluntary resolution of discrimination complaints at the earliest stage possible. 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 150 cases, 124 of which were successful. A significant percentage of the remaining cases were voluntarily resolved by the parties after the in-person mediation, as the parties continued discussions after the initial sessions facilitated by ICRC mediators.

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. The ICRC's submission of strong probable cause recommendations to administrative law judges renders the conciliation process a useful and attractive dispute resolution alternative. Conciliation is accomplished with the ICRC staff members' efforts in determining and implementing the appropriate remedies to address the situation and make Complainant whole, as well as provide public relief and ensure discrimination is not repeated. During this fiscal year, there were 18 cases assigned to conciliation, with 11 successful conciliations.

Cases Handled by the Attorney General's Office

FY17 (July 1, 2016 – June 30, 2017)

Federal Court

Dickton Masch Plastics, LLC v. Angela Williams et al, Southern District of Iowa, No. 4:16-cv-00104-JEG-HCA

Dickton Masch Plastics, LLC filed a federal Complaint for Declaratory Judgment and Preliminary and Permanent Injunctive Relief against the Commissioners and an alleged complainant, asserting the alleged underlying complaint filed with the Commission was preempted by ERISA, which is federal law. The federal court denied Dickton Masch's complaint and request for injunction.

Fort Des Moines Church of Christ v. Angela Jackson et al, Southern District of Iowa, No. 4:16-cv-00403-SMR-CFB

Fort Des Moines Church of Christ filed a federal Complaint for Declaratory and Injunctive Relief arguing the public accommodation provisions of the ICRA are unconstitutional. The Commissioners and related defendants moved to dismiss the Complaint. After briefing and a hearing, the district court denied Fort Des Moines Church of Christ's request for a preliminary injunction and the state defendants' motion to dismiss. Fort Des Moines Church of Christ then dismissed its Complaint.

State Courts

City of Davenport and Wal-Mart Stores Inc. Inc. v. Iowa Civil Rights Commission, Scott County, CVCV294730; Iowa Court of Appeals No. 15-1691

The City of Davenport filed a Petition for Writ of Certiorari challenging the Commission's agency action in reversing a summary judgment ruling by an administrative law judge. The district court ruled in favor of the Commission. The City of Davenport and Wal-Mart, the other respondent in the underlying matter, then appealed the district court's decision. The Commission prevailed in the Iowa Court of Appeals.

Iowa Civil Rights Commission and Mark and Brad Dinning v. R. Clark Properties, Inc. and Ricky Clark, Story County, CVCV049619

The Commission filed a district court action on behalf of Mark and Brad Dinning alleging Respondents discriminated against them in the area of housing on the basis of their disabilities by denying their request for a reasonable accommodation to allow their assistance animals in a rental unit. The Commission settled the case before a scheduled jury trial.

Steve Kuhle as Fraternal Order of Eagles #568 v. Iowa Civil Rights Commission, Dubuque County, CVCV106156

Steve Kuhle as Fraternal Order of Eagles #568 filed for judicial review of the Commission's decision in favor of the Iowa Civil Rights Commission, case numbers DIA No. 14ICRC009-010. This case remains pending in FY18.

Iowa Civil Rights Commission v. George Papadopoulos and Erasmia "Rosemary" Papadopoulos, Iowa County, CVCV024058

The Commission prevailed at a public hearing alleging pregnancy discrimination against these respondents. The Commission filed an action to enforce the monetary judgment against the respondents. A hearing is scheduled in FY18.

Administrative Actions

Iowa Civil Rights Commission and Michael Fishnick and Patricia Kelly v. Fraternal Order of Eagles #568 and Steve Kuhle, DIA No. 14ICRC009-010

The Commission's staff successfully represented the Commission at public hearing on this age discrimination case in FY15. The respondents then appealed the administrative law judge's ruling, and the Attorney General's Office represented the Commission on appeal. The Commission prevailed on appeal, after a remand to the ALJ for the taking of additional evidence. Steve Kuhle as Fraternal Order of Eagles #568 has filed for judicial review of this matter.

Iowa Civil Rights Commission v. George's Pizza & Steak House, George Papadopolous, Rosemary Papadopolous, and Agapi Lagiote, DIA No. 16ICRC001

The Commission filed an administrative action charging the respondents with pregnancy discrimination. The ALJ found in favor of the Commission.

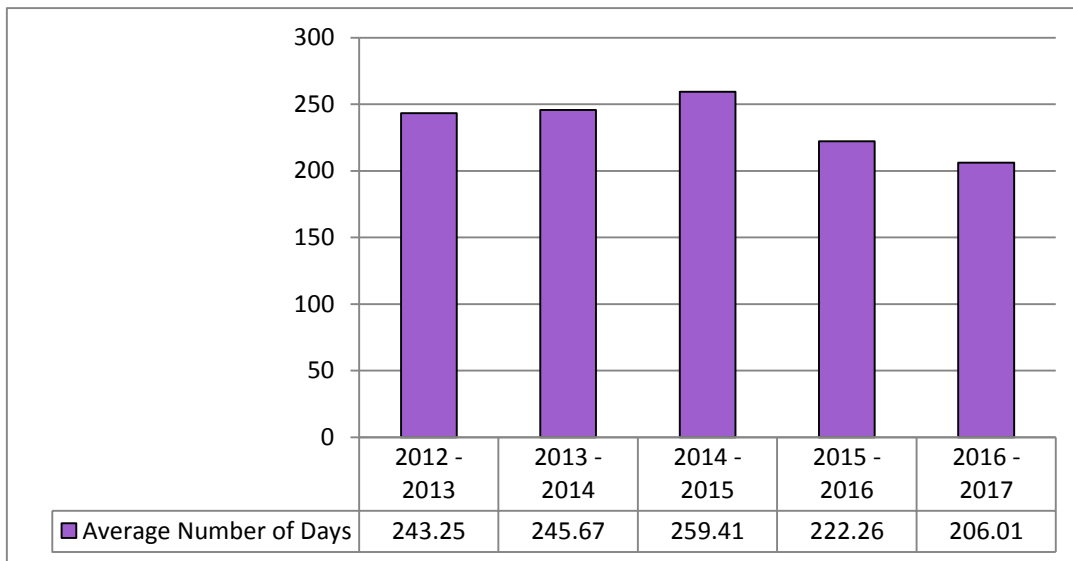
Iowa Civil Rights Commission v. City of Davenport and Davenport Police Department and Wal-Mart Stores Inc., DIA No. 14ICRC003-006

The Attorney General's Office worked with Commission staff to represent the Commission at public hearing on this race discrimination case. The ALJ found in favor of the City of Davenport, Davenport Police Department, and Wal-Mart Stores, Inc.

Iowa Civil Rights Commission v. Machine Shed LLC, DIA No. 17ICRC001

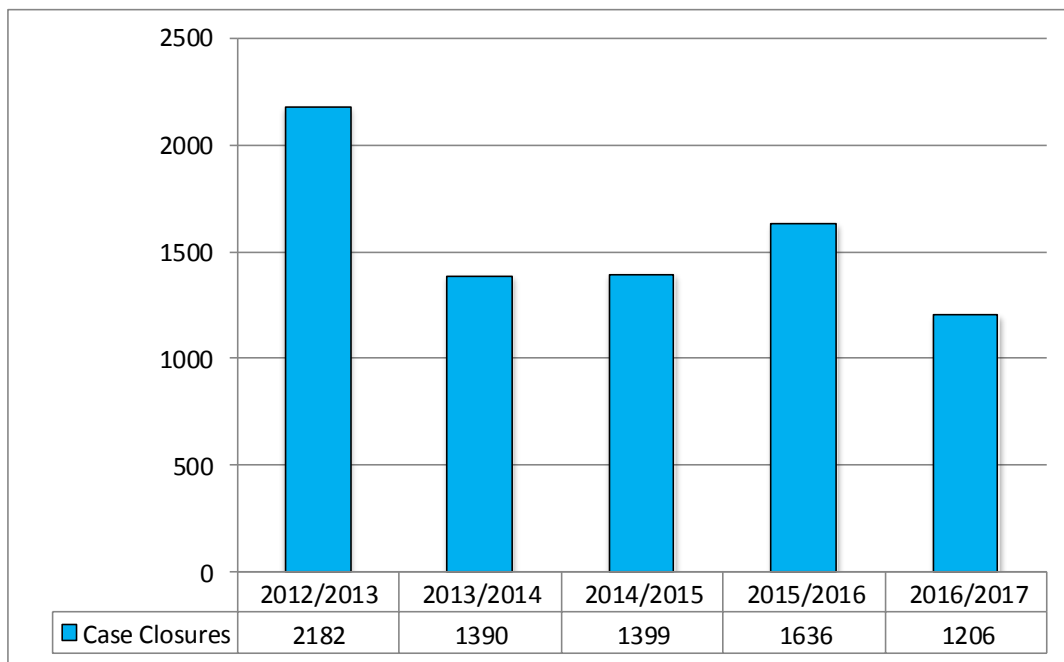
The Commission filed an administrative action charging the respondent with disability discrimination. This case is scheduled for a public hearing in FY18.

Average Number of Days to Process a Case

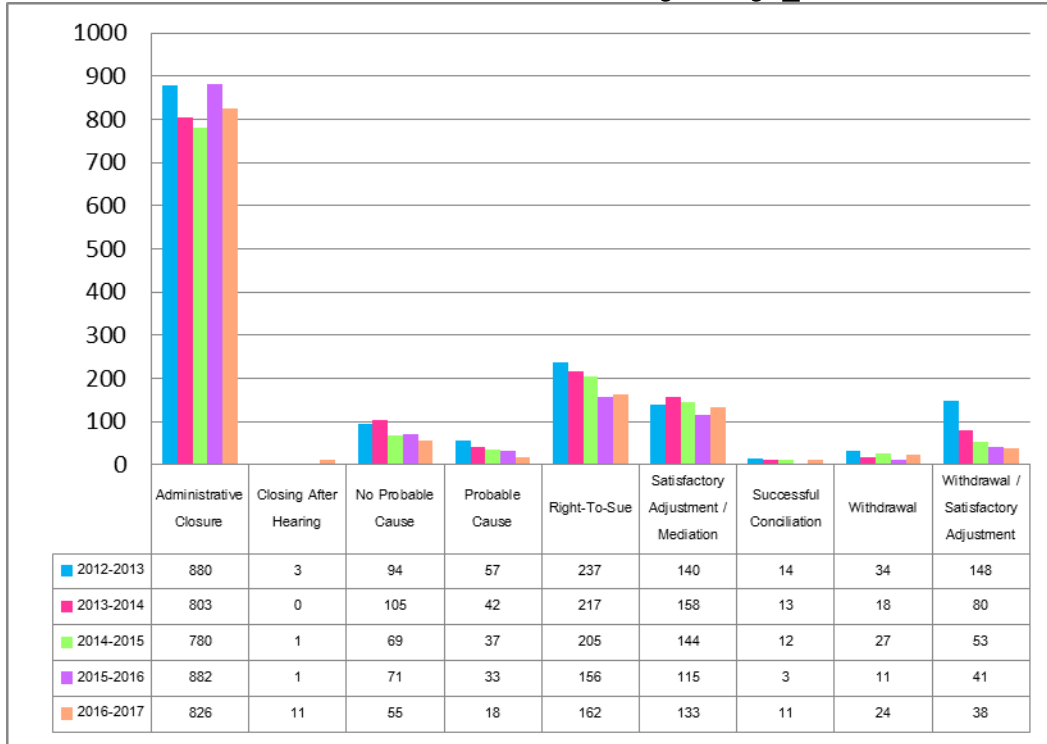


Case Closures

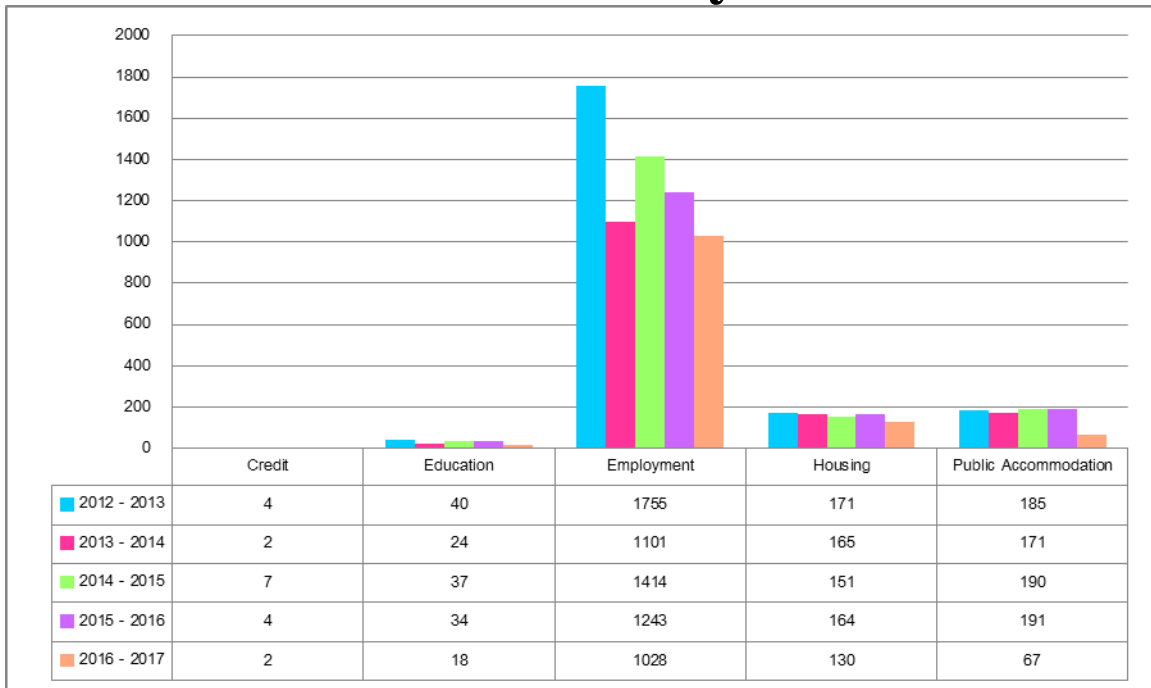
During the year, the Commission closed 1,206 cases. Of these case closures, the largest category was “does not warrant further investigation/administrative closure.” This was followed by right-to-sue, satisfactory adjustment / mediated settlement, no probable cause, and withdrawal/satisfactory adjustment.



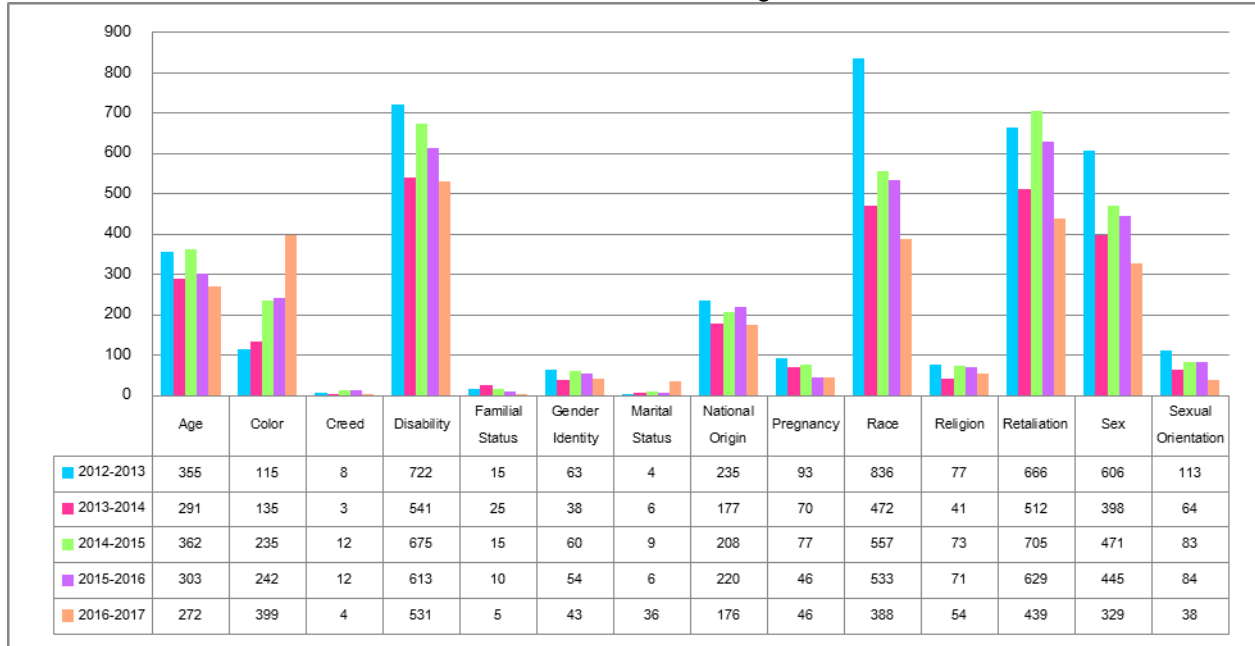
Case Closures by Type



Case Closures by Area



Case Closures by Basis



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 FY17, ICRC staff participated in presentations / outreach events, reaching nearly 25,000 participants and distributing approximately 22,000 items. The largest outreach event was its booth at the Iowa State Fair. The ICRC engaged in social media outreach in conjunction with its booth, giving out over 17,000 promotional items to all age groups who either responded to Iowa Civil Rights trivia questions or tagged the ICRC in social media posts. In addition, the ICRC purchased advertising on the State Fair DART shuttle buses, reaching an estimated ridership of over 220,000.

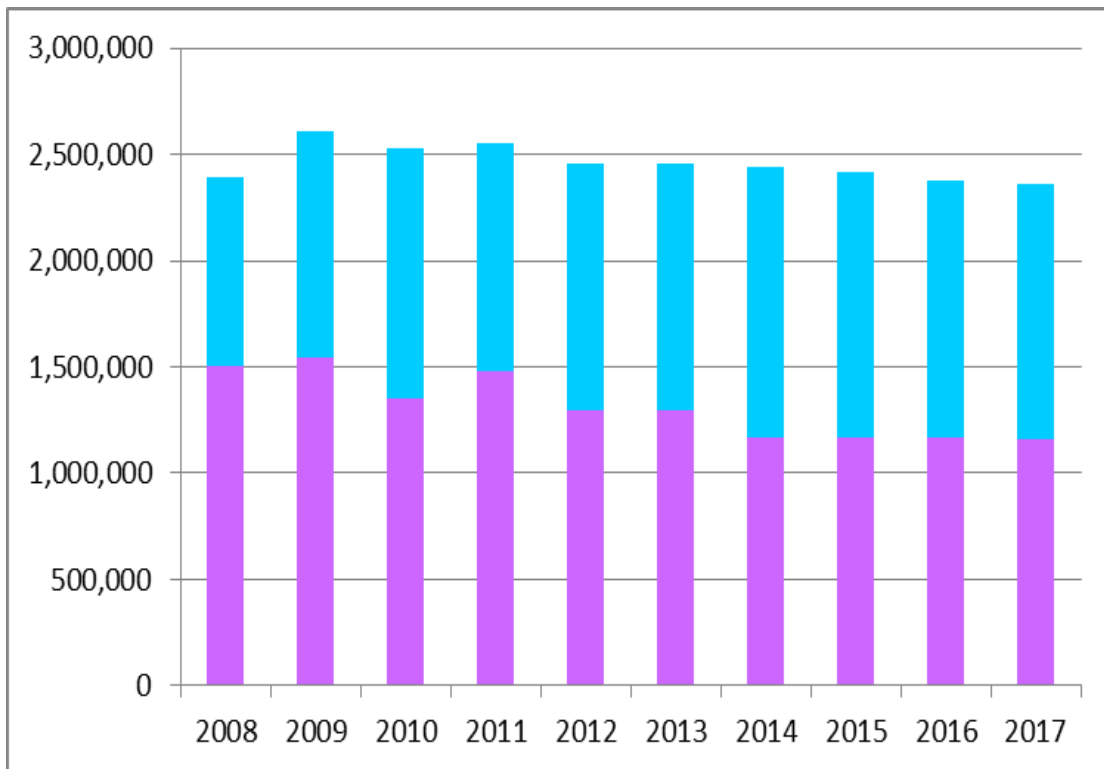
The Commission’s website, <https://icrc.iowa.gov>, received visits from 38,129 individuals between July 1, 2016 and June 30, 2017. The Commission reached over 8,000 individuals through the Commission’s social media presence on Facebook, Twitter, and Instagram.

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. The ICRC held its 5th Annual “Be the Change” Symposium and “Build It Right” Conference, its largest annual training event and the premier education event in Iowa focused on issues of discrimination.

Fiscal Year 2017 Funding

- The total funding for the Iowa Civil Rights Commission for FY16 was \$2,361,973.
- \$1,157,062 was state general funding.
- \$1,204,911 was from federal contract funding (EEOC and HUD) and other contracts and grants.
- \$26,672 was for reimbursement for presentations and copying (offset by costs of same).

ICRC Funding Fiscal Years 2008 – 2017



Iowa Civil Rights Commission Staff

Kristin H. Johnson, Executive Director

Stephanie Adkisson
Natalie Burnham
Hilda Coelho
Stephanie Cox
Andy Duffelmeyer
Matthew Femrite
Katie Fiala
Annette Flaherty
Mathew Gore
Linda Grathwohl
Jayna Grauerholz
Andrew Greenberg

Kerry Hainline
James Harris
Heidi Johnson
SueAnn Johnson
Frank Kopcinski
Emigdio Lopez-Sanders
Sean Nelson
Sylvia Owens
Alexis Rowe
Kaitlin Smith
Debra Stewart
Ramona Ubaldo

State Commissioners

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Urbandale

Patricia Lipski, Vice Chair
Washington

Mathew Hosford
West Des Moines

Lauren Haugh
Des Moines

Sam Kooiker
Cherokee

Marcelena Ordaz
Eldridge

Doug Oelschlaeger
Cedar Rapids