



IOWA CIVIL RIGHTS COMMISSION

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

Annual Report
Fiscal Year 2018

KIM REYNOLDS, GOVERNOR
ADAM GREGG, LT. GOVERNOR

IOWA CIVIL RIGHTS COMMISSION
KRISTIN H. JOHNSON, EXECUTIVE DIRECTOR

December 14, 2018

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 2018.

I am very proud of the progress the ICRC made in FY18 toward reducing the time for processing discrimination complaints, enhancing the quality of screening and investigations, and helping parties negotiate mutually acceptable resolutions of complaints. Significantly, for the third year in a row, and in my third year as Director of the agency, the ICRC's complaint processing time substantially decreased. The average number of days it took to process complaints in FY18 was 195, the lowest it has been in decades and a 25% decrease since the year before I became Director of the agency.

This decreased processing time has occurred while the number of complaints processed increased. In this fiscal year, the ICRC received 1,627 complaints of discrimination, just one more than in FY17. The ICRC closed 1,338 complaints in FY18, nearly 140 more than in FY17, despite another mid-year deappropriation. This dramatic improvement in timeliness and effectiveness of investigations is the result of the identification of process redundancies and efficiency enhancements I implemented, as well as a monitoring system I have used to identify and remedy lags in case processing at the earliest possible time.

The Commission conducted 208 mediations this year; 81% of those resulted in voluntary settlement, reflecting the success of our employee mediation training program. Through early voluntary resolutions of complaints, the ICRC is able to remedy discrimination and harassment early in the complaint process and to provide significant cost savings to parties and the taxpayers of Iowa.

Funding for the ICRC comes from a combination of state general funds and work-sharing agreements with federal agencies that have concurrent jurisdiction of discrimination and harassment complaints through equivalent federal laws. The ICRC received credit for 908 complaints with its work-sharing agreement with the EEOC, and 136 complaints were compensated through the work-sharing agreement with HUD, resulting in credit of \$1,143,857 from the federal government for the next fiscal year for processing cases which

also fall under the jurisdiction of federal law. The ICRC processed 33 complaints that resulted in a probable cause finding, successfully conciliating six of those cases. Most of the other complaints which were not conciliated were closed by the ICRC after receiving a request for a right-to-sue. The ICRC pursued public hearing on three complaints in FY18; additional complaints were settled prior to hearing or are still pending. Through the public hearing process, the ICRC was able to help Iowans who have been discriminated against, such as David Curry of Des Moines, who suffered degrading and persistent racial harassment at work, and when he complained about it, his hours were reduced in retaliation for his complaint. He was awarded a total of \$14,700 for lost wages and emotional distress. In addition, the administrative law judge ordered the employer to seek anti-discrimination and harassment training.

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. Our Assistant Attorney General was invited to participate in a panel discussion at HUD's national conference to discuss the ICRC's investigation and negotiation strategies and the excellent settlement of a housing sexual harassment case she was able to negotiate on the eve of trial.

In addition, the ICRC engages in substantial training and outreach to educate Iowans about state and federal laws prohibiting discrimination. Through our training and outreach efforts and our social media and website information, we were able to reach and have contact with over 50,000 Iowans.

The mission of the ICRC is to eliminate discrimination within the State of Iowa. A credible and effective Civil Rights Commission that enforces all provisions the Iowa Civil Rights Act 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 employment, housing, education, credit, and services.

Kristin H. Johnson
Executive Director

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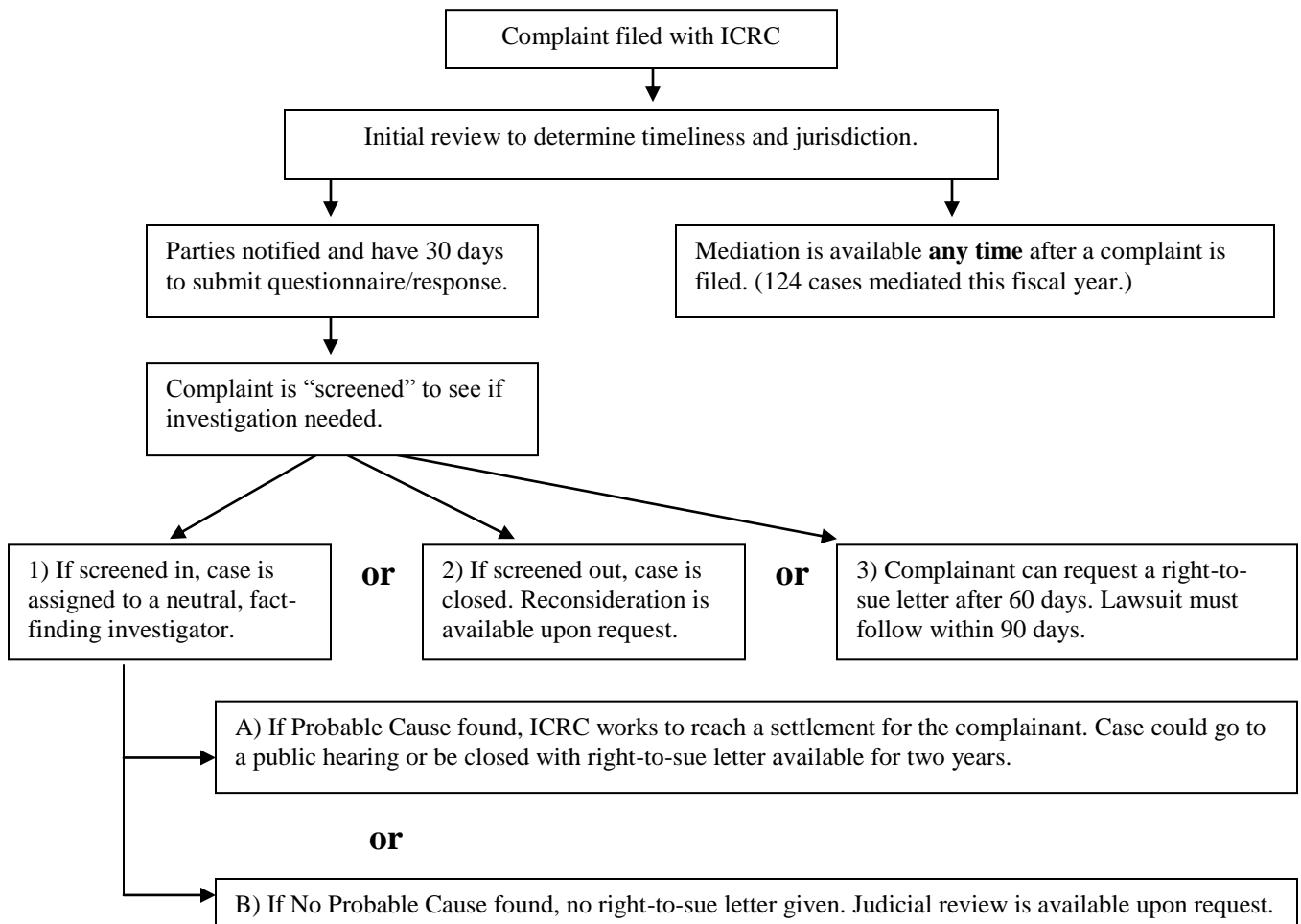
About the Iowa Civil Rights Commission

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

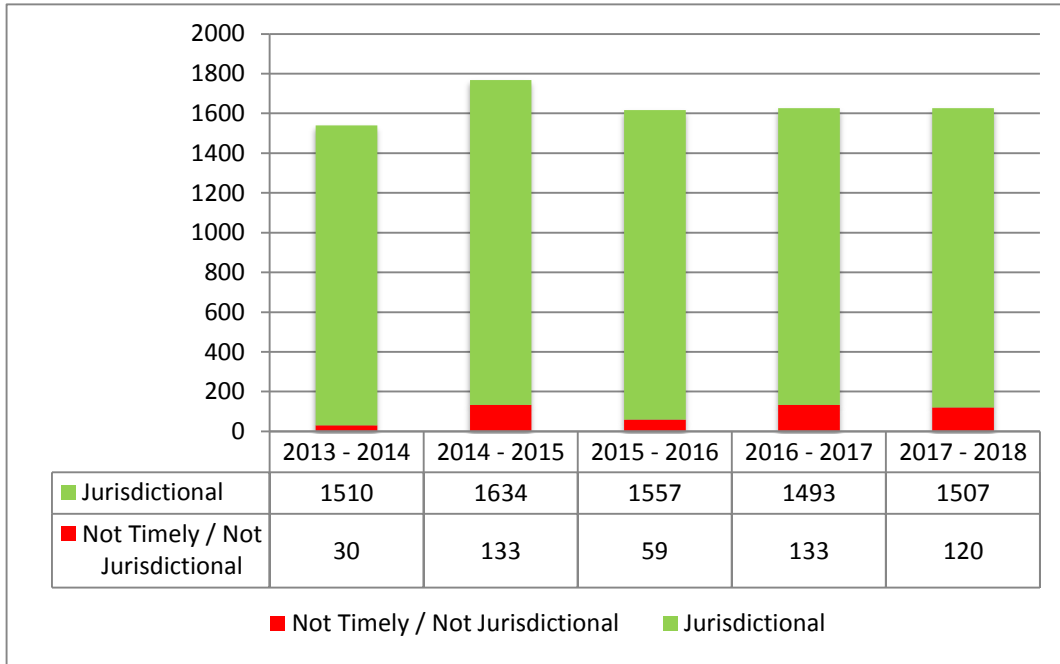
The Iowa Civil Rights Act of 1965 prohibits discrimination in the areas of employment, housing, credit, public accommodations (public services and buildings), and education. Discrimination and harassment are illegal if based on actual or perceived race, skin color, national origin, religion, creed, sex,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

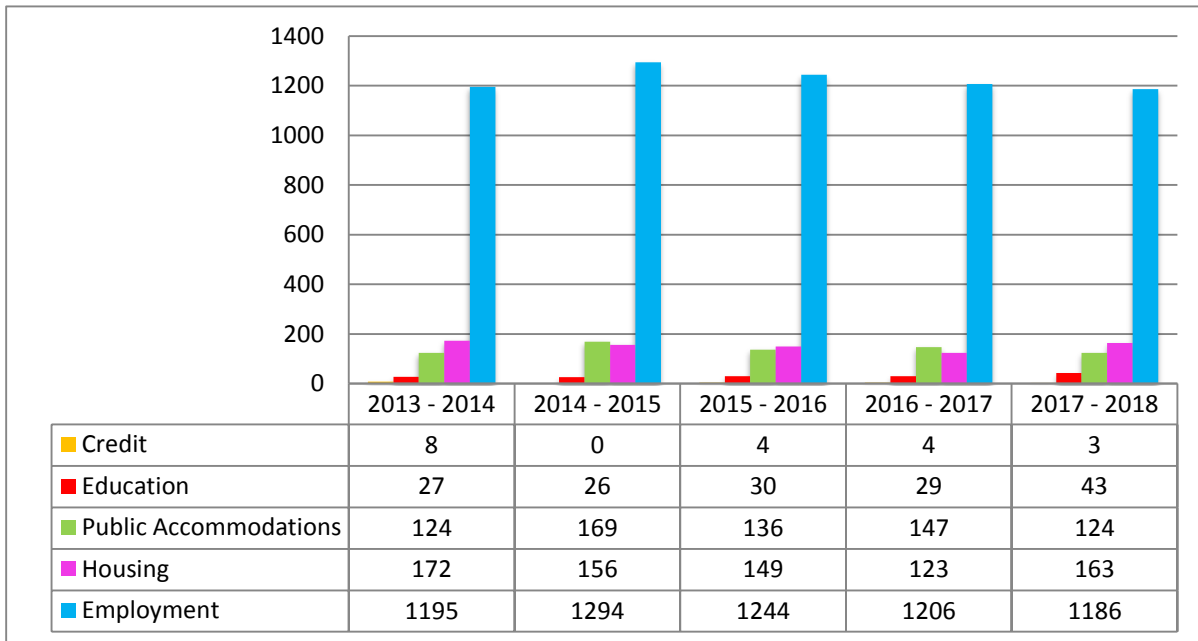


Processing of Discrimination Complaints

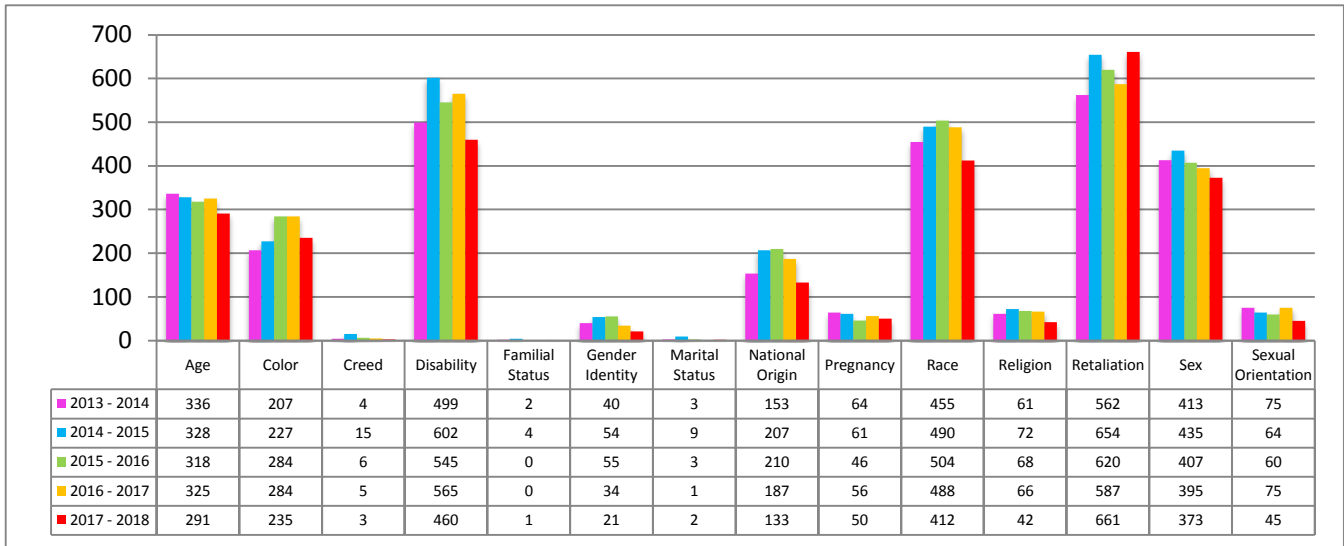
During FY18, the Commission received 1,627 discrimination cases. Of those complaints, 120 complaints either did not meet the jurisdictional requirements or the 300-day time limit since the last alleged incident took place.



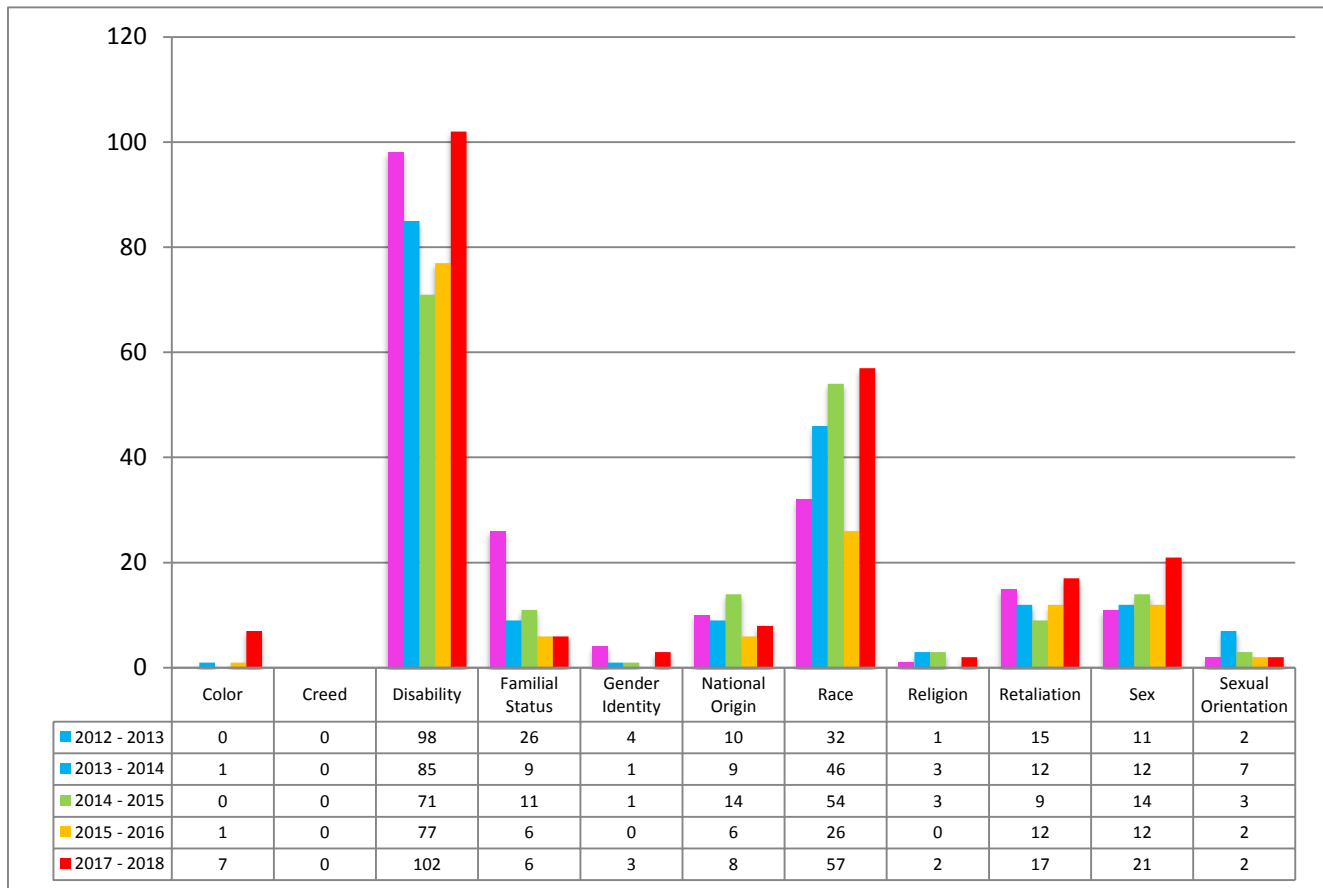
Cases Docketed by Area and Fiscal Year



Cases Docketed in Non-Housing by Basis



Cases Docketed in Housing by Basis



Filings by County

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

County	Filings
Adair	0.06%
Adams	0.06%
Allamakee	0.06%
Appanoose	0.40%
Audubon	0.00%
Benton	0.00%
Black Hawk	7.04%
Boone	0.54%
Bremer	0.33%
Buchanan	0.20%
Buena Vista	0.27%
Butler	0.13%
Calhoun	0.20%
Carroll	0.20%
Cass	0.40%
Cedar	0.13%
Cerro Gordo	1.83%
Cherokee	0.40%
Chickasaw	0.20%
Clarke	0.20%
Clay	0.27%
Clayton	0.13%
Clinton	1.21%
Crawford	0.88%
Dallas	2.03%
Davis	0.13%
Decatur	0.27%
Delaware	0.40%
Des Moines	1.82%
Dickinson	0.13%
Dubuque	2.77%
Emmet	0.13%
Fayette	0.27%

County	Filings
Floyd	0.67%
Franklin	0.06%
Fremont	0.00%
Greene	0.06%
Grundy	0.06%
Guthrie	0.06%
Hamilton	0.27%
Hancock	0.47%
Hardin	0.20%
Harrison	0.20%
Henry	0.54%
Howard	0.40%
Humboldt	0.27%
Ida	0.13%
Iowa	0.20%
Jackson	0.27%
Jasper	1.08%
Jefferson	0.20%
Johnson	5.55%
Jones	0.27%
Keokuk	0.06%
Kossuth	0.06%
Lee	0.81%
Linn	6.63%
Louisa	0.27%
Lucas	0.00%
Lyon	0.00%
Madison	0.33%
Mahaska	0.40%
Marion	0.94%
Marshall	0.60%
Mills	0.20%
Mitchell	0.13%

County	Filings
Monona	0.06%
Monroe	0.13%
Montgomery	0.06%
Muscatine	1.76%
O'Brien	0.13%
Osceola	0.00%
Page	0.27%
Palo Alto	0.06%
Plymouth	0.27%
Pocahontas	0.13%
Polk	26.76%
Pottawattamie	2.30%
Poweshiek	0.74%
Ringgold	0.06%
Sac	0.00%
Scott	10.43%
Shelby	0.27%
Sioux	0.40%
Story	2.10%
Tama	0.20%
Taylor	0.13%
Union	0.33%
Van Buren	0.00%
Wapello	1.28%
Warren	0.81%
Washington	0.47%
Wayne	0.00%
Webster	1.01%
Winnebago	0.81%
Winneshiek	0.20%
Woodbury	3.45%
Worth	0.13%
Wright	0.33%

Mediation

The ICRC continues to run 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 208 cases, 168 of which were successful. A notable 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 29 cases assigned to conciliation, with six successful conciliations.

Cases Handled by the Attorney General's Office

FY18 (July 1, 2017 – June 30, 2018)

State Courts

Steve Kuhle as Fraternal Order of Eagles #568 v. Iowa Civil Rights Commission, Dubuque County, CVCV106156, Appellate No. 18-0495

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. The district court found in favor of the Commission. Steve Kuhle as Fraternal Order of Eagles #568 then appealed the district court's ruling, and the decision is pending.

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

The Commission previously prevailed at an administrative hearing alleging pregnancy discrimination against these respondents. The Commission filed an action to enforce the monetary judgment against the respondents. The Commission agreed to a payment arrangement with Respondents before the scheduled hearing.

Palmer College of Chiropractic v. Iowa Civil Rights Commission, Scott County, CVCV298255

Palmer College filed a Petition for Judicial Review challenging the Commission's issuance of a right to sue letter on a complaint Palmer College alleged was duplicative of a previous complaint. The Commission submitted its resistance to the Petition during FY18. The hearing took place in FY19, at which time the ICRC prevailed and the petition was dismissed.

Hager v. Iowa Civil Rights Commission, Polk County, CVCV056404

Petitioner Hager filed a Petition for Judicial Review challenging the Commission's administrative closure of his civil rights complaint. The Commission moved to dismiss the Petition arguing Mr. Hager was not an aggrieved party under the Iowa Administrative Procedure Act due to the Commission's action. The hearing took place in FY19, at which time the ICRC prevailed and the petition was dismissed.

Administrative Actions

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

The Commission filed an administrative action charging the respondent with disability discrimination regarding restroom accessibility issues. The Administrative Law Judge found in favor of the respondent.

Iowa Civil Rights Commission v. Fraternal Order of Eagles, Manchester Aerie No. 3538 and Robin Kempf, DIA No. 18ICRC001

The Commission filed an administrative action charging the respondents with sex and race discrimination and retaliation, respectively. After hearing, the Administrative Law Judge found the Fraternal Order of Eagles had discriminated against the complainant due to her sex and awarded \$15,240 in lost wages and emotional distress damages.

Iowa Civil Rights Commission v. AAA Allied Building Services, Bruce Smith and Bruce Smith d/b/a AAA Allied Building Services, DIA No. 18ICRC002

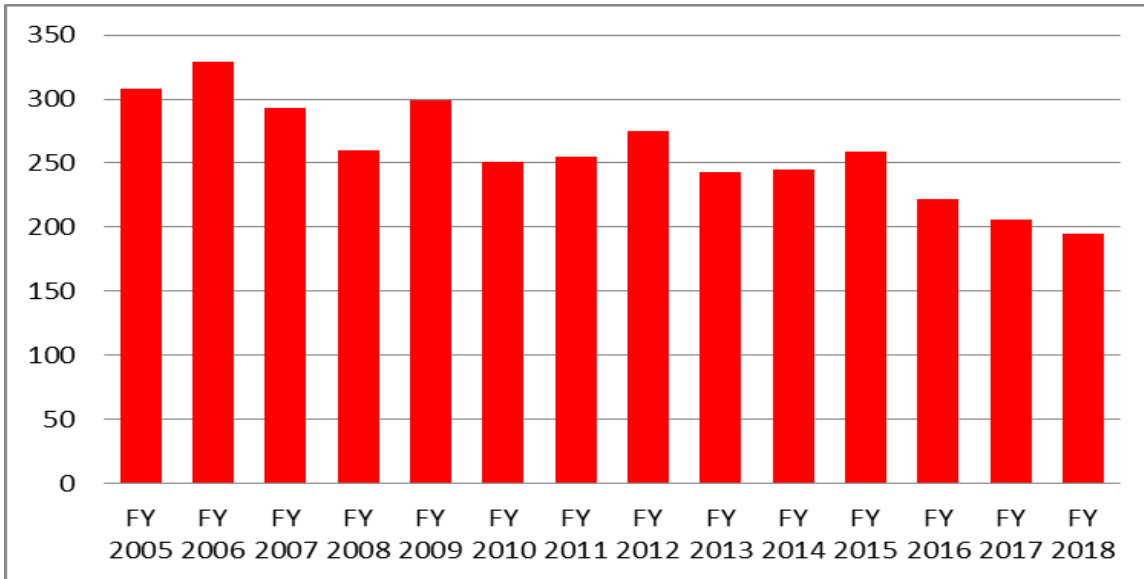
The Commission filed an administrative action charging the respondent with race discrimination. The respondent did not appear for the scheduled hearing, and the Administrative Law Judge found in favor of the Commission and awarded \$14,700 in lost wages and emotional distress damages. The respondent appealed the judgment to the Iowa Civil Rights Commissioners, and a hearing was held in FY19, resulting in a rejection of the appeal.

Pre-Litigation Settlement

The Commission found probable cause on a complaint of sexual harassment by one tenant to another tenant in a housing complex. The Commission settled the case prior to litigation for \$65,000 in damages to the complainant, along with extensive policy changes and training requirements for the housing provider.

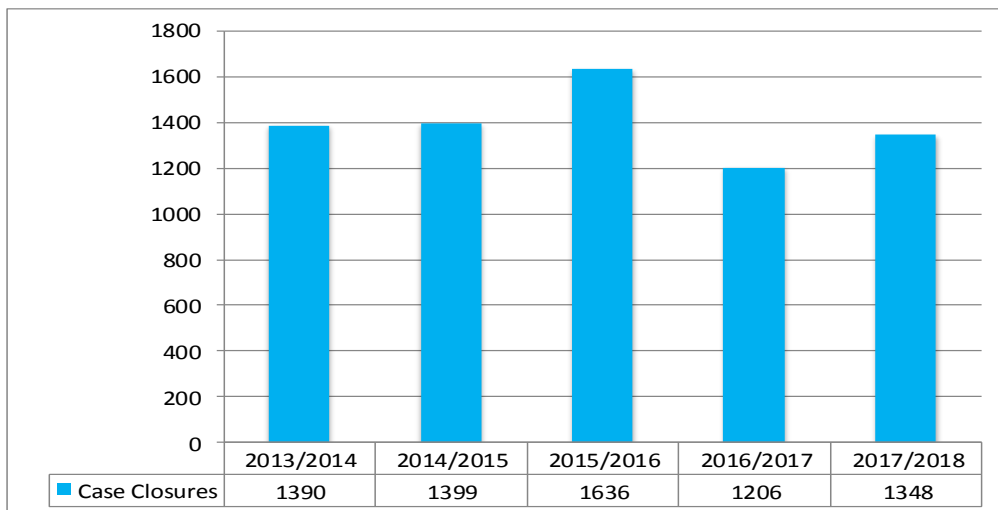
Average Number of Days to Process a Case

In FY 2018, the average number of days to process a case from open to close was 195 days. This is the third consecutive year that the number of days to process a case has substantially decreased. It is the lowest number of average days it has taken the ICRC to process a case in decades. Yet, the ICRC closed more cases than in FY 2017.

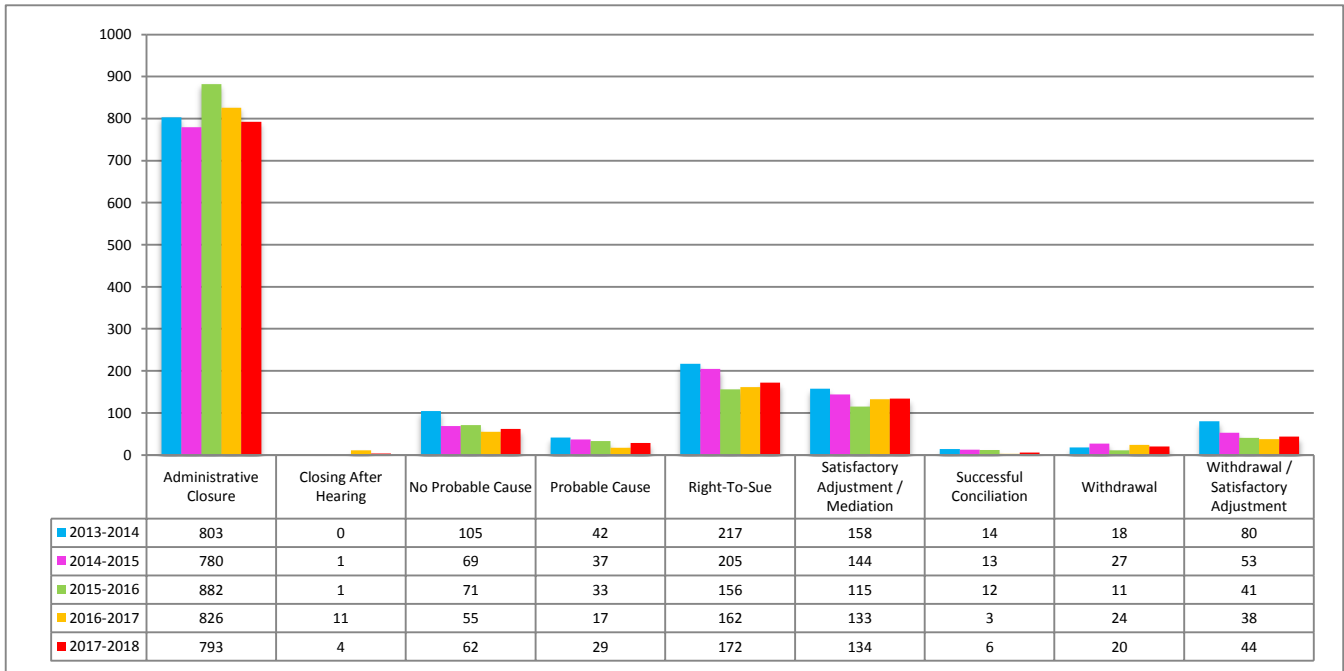


Case Closures

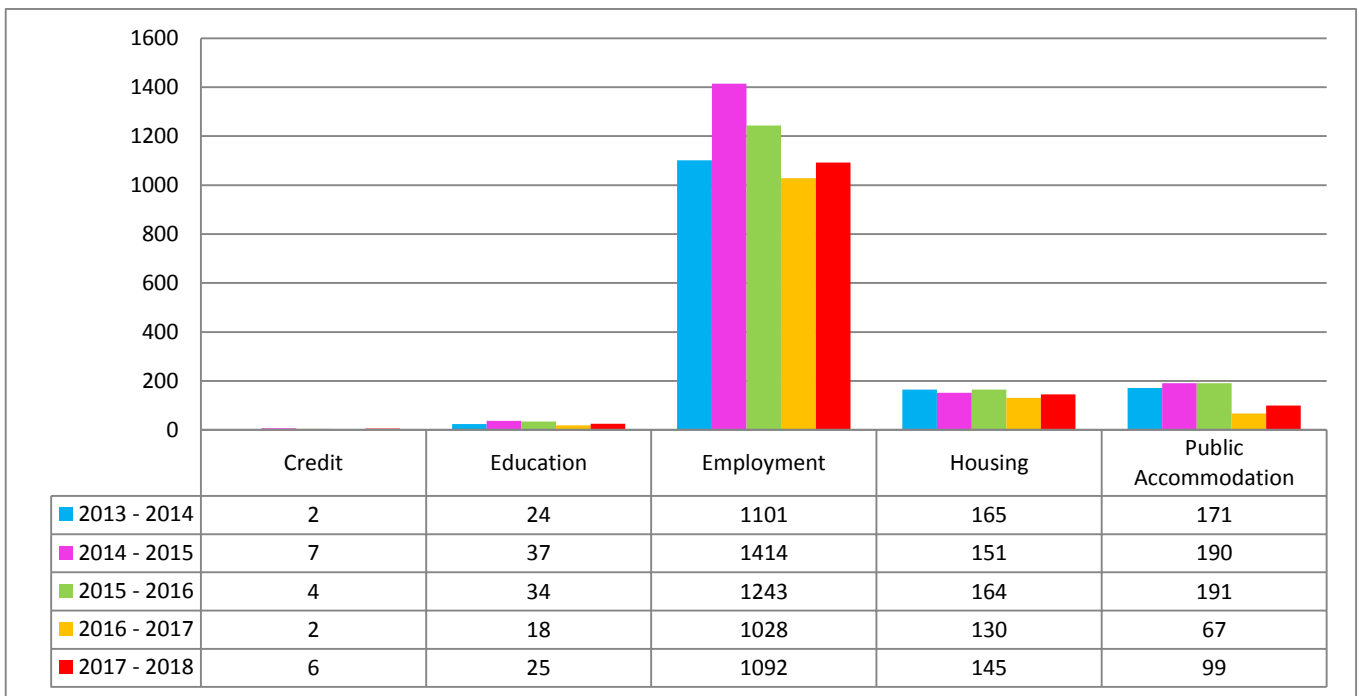
During the year, the Commission closed 1,348 cases. Of these case closures, the largest category was “does not warrant further investigation/administrative closure.” This was followed by right-to-sue, satisfactory adjustment / mediated settlement, no probable cause, and withdrawal/satisfactory adjustment.



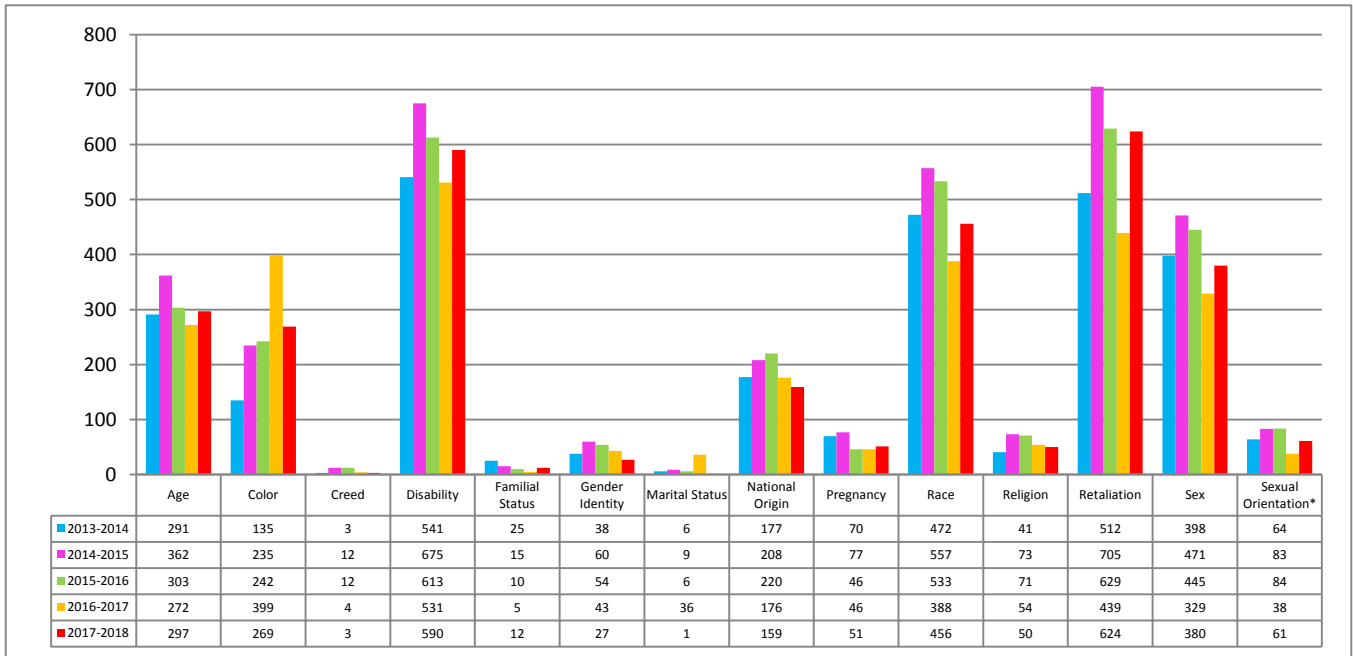
Case Closures by Type



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 FY18, ICRC staff participated in presentations / outreach events, reaching nearly 26,000 participants and distributing approximately 25,900 items. The largest outreach event was our booth at the Iowa State Fair. The ICRC engaged in social media outreach in conjunction with its booth, giving out over 24,100 promotional items to all age groups who either responded to Iowa Civil Rights trivia questions or tagged the ICRC in social media posts.

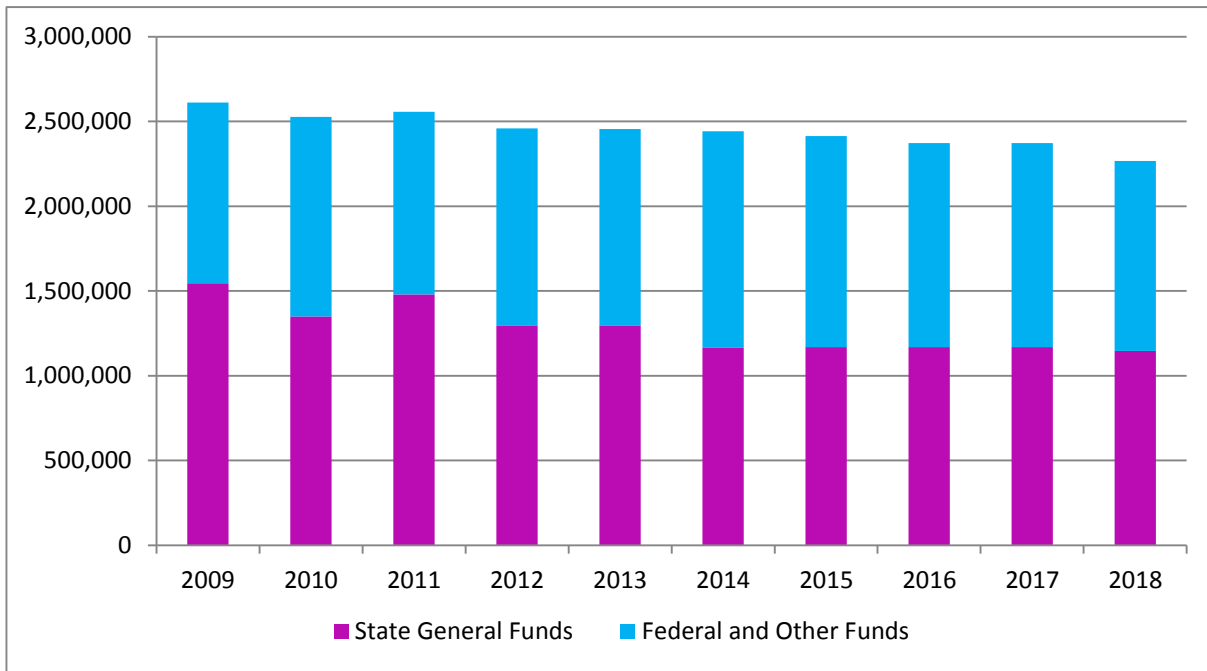
The Commission’s website, <https://icrc.iowa.gov>, received visits from approximately 32,057 individuals between July 1, 2017 and June 30, 2018. The Commission reached over 11,000 individuals through the Commission’s social media presence on Facebook, Twitter, and Instagram.

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 2nd Annual “Build It Right” Conference, its largest annual training event and the premier education event in Iowa focused on issues of discrimination.

Fiscal Year 2018 Funding

- The total funding for the Iowa Civil Rights Commission for FY18 was \$2,265,910.
- \$1,146,631 was state general funding.
- \$1,119,279 was from federal contract funding (EEOC and HUD FY17 worksharing) and other contracts and grants.
- \$31,023 was for reimbursement for presentations, copying and training (offset by costs of same).

ICRC Funding Fiscal Years 2009 – 2018



Iowa Civil Rights Commission Staff

Kristin H. Johnson, Executive Director

Stephanie Adkisson
Kathryn Austin
Jaimee Bullock
Natalie Burnham
Rachel Campbell
Hilda Coelho
Annette Flaherty
David Fountain
Annie Galbraith
Mathew Gore
Linda Grathwohl

Andrew Greenberg
Kerry Hainline
SueAnn Johnson
Emigdio Lopez-Sanders
Kayla McCall
Dean Meester
Sean Nelson
Sylvia Owens
Kaitlin Smith
Debra Stewart
Ramona Ubaldo

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Urbandale

Patricia Lipski, Vice Chair
Washington

Vacant

Lauren Haugh
Des Moines

Sam Kooiker
Cherokee

Marcelena Ordaz
Eldridge

Doug Oelschlaeger
Cedar Rapids