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THE IOWA CIVIL RIGHTS ACT of 1965
as amended through
June 30, 1975



Iowa Civil Rights Commission
Suite 340, Liberty Building
418 Sixth Avenue
Des Moines, Iowa 50319
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CHAPTER 601A

CIVIL RIGHTS COMMISSION

Referred to in §§601A.5, 605.6
Federal funds appropriated, 65GA, ch 88,§3
See also ch 735

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601A.1 Citation. This chapter may be known and may be cited as the "Iowa Civil Rights Act of 1965." [C66, 71,§105A.1; C73, §601A.1]

601A.2 Definitions. When used in this chapter, unless the context otherwise requires:

1. "Court" means the district court in and for the judicial district of the state of Iowa in which the alleged unfair or discriminatory practice occurred or any judge of said court if the court is not in session at that time.

2. "Person" means one or more individuals, partnerships, associations, corporations, legal representatives, trustees, receivers, and the state of Iowa and all political subdivisions and agencies thereof.

3. "Employment agency" means any person undertaking to procure employees or opportunities to work for any other person or any person holding himself or itself to be equipped to do so.

4. "Labor organization" means any organization which exists for the purpose in whole or in part of collective bargaining, of dealing with employers concerning grievances, terms, or conditions of employment, or of other mutual aid or protection in connection with employment.

5. "Employer" means the state of Iowa or any political subdivision, board, commission, department, institution, or school district thereof, and every other person employing employees within the state.

6. "Employee" means any person employed by an employer.

7. "Unfair practice" or "discriminatory practice" means those practices specified as unfair or discriminatory in sections 601A.6, 601A.7 and 601A.10.

8. "Commission" means the Iowa state civil rights commission created by this chapter.

9. "Commissioner" means a member of the commission.

10. "Public accommodation" means each and every place, establishment, or facility of whatever kind, nature, or class that caters or offers services, facilities, or goods to the general public for a fee or charge, provided that any place, establishment, or facility that caters or offers services, facilities, or goods to the general public gratuitously shall be deemed a public accommodation if the accommodation receives any substantial governmental support or subsidy. Public accommodation shall not mean any bona fide private club or other place, establishment, or facility which is by its nature distinctly private, except when such distinctly private place, establishment, or facility caters or offers services, facilities, or goods to the general public for fee or charge or gratuitously, it shall be deemed a public accommodation during such period.

11. "Disability" means the physical or mental condition of a person which constitutes a substantial handicap. In reference to employment, under this chapter, "disability" also means the physical or mental condition of a person which constitutes a substantial handicap, but is unrelated to such person's ability to engage in a particular occupation. [C66, 71, §105A.2; C73, §601A.2]

601A.3 Commission appointed. The Iowa state civil rights commission shall consist of seven members appointed by the governor with the advice and consent of the senate. Appointments shall be made to provide geographical area representation insofar as may be practicable. No more than four members of the commission shall belong to the same political party. Members appointed to the commission shall serve for a term of four years except the initial appointees shall be appointed by the governor to serve as follows:

1. Three members shall serve from the date of appointment until June 30, 1967.

2. Four members shall serve from the date of appointment until June 30, 1969.

Vacancies on the commission shall be filled by the governor by appointment for the unexpired part of the term of the vacancy with the advice and consent of the senate if the general assembly shall be in session. Any appointment filling a vacancy occurring while the general assembly is not in session shall be transmitted to the senate for confirmation within thirty days following the convening of the next session of the general assembly or the appointment shall expire. Any commissioner may be removed from office by the governor for cause. [C66, 71, §105A.3; C73, §601A.3]

601A.4 Compensation and expenses—rules. Commissioners shall be paid a forty-dollar per diem and shall be reimbursed for actual and necessary expenses incurred while on official commission business. All per diem and expense moneys paid to commissioners shall be paid from funds appropriated to the commission. The commission shall adopt, amend or rescind such rules as shall be necessary for the conduct of its meetings. A quorum shall consist of four commissioners. [C66, 71, §105A.4; C73, §601A.4; 65GA, ch 124, §22]

601A.5 Powers and duties. The commission shall have the following powers and duties:

1. To appoint and prescribe the duties of a director and such investigators and other employees and agents as the commission shall deem necessary for the enforcement of this chapter.

2. To receive, investigate, and pass upon complaints alleging unfair or discriminatory practices.

3. To investigate and study the existence, character, causes, and extent of discrimination in public accommodations, employment, apprenticeship programs, on-the-job training programs, vocational schools, and housing in this state and to attempt the elimination of such discrimination by education and conciliation.

4. To seek a temporary injunction against a respondent when it appears that a complainant may suffer irreparable injury as a result of an alleged violation of chapter 601A. A temporary injunction may only be issued ex parte, if the complaint filed with the commission alleges discrimination in housing. In all other cases a temporary injunction may be issued only after the respondent has been notified and afforded the opportunity to be heard.

5. To hold hearings upon any complaint made against a person, an employer, an employment agency, or a labor organization, or the employees or members thereof, to sub-

poena witnesses and compel their attendance at such hearings, to administer oaths and take the testimony of any person under oath, and to compel such person, employer, employment agency, or labor organization, or employees or members thereof to produce for examination any books and papers relating to any matter involved in such complaint. The commission shall issue subpoenas for witnesses in the same manner and for the same purposes on behalf of the respondent upon his request. Such hearings may be held by the commission, by any commissioner, or by any hearing examiner appointed by the commission. If a witness either fails or refuses to obey a subpoena issued by the commission, the commission may petition the district court having jurisdiction for issuance of a subpoena and the court shall in a proper case issue the subpoena. Refusal to obey such subpoena shall be subject to punishment for contempt.

6. To issue such publications and reports of investigations and research as in the judgment of the commission shall tend to promote good will among the various racial, religious, and ethnic groups of the state and which shall tend to minimize or eliminate discrimination in public accommodations, employment, apprenticeship and on-the-job training programs, vocational schools, or housing because of race, creed, color, sex, national origin, religion, ancestry or disability.

7. To prepare and transmit to the governor and to the general assembly from time to time, but not less often than once each year, reports describing its proceedings, investigations, hearings conducted and the outcome thereof, decisions rendered, and the other work performed by the commission.

8. To make recommendations to the general assembly for such further legislation concerning discrimination because of race, creed, color, sex, national origin, religion, ancestry or disability as it may deem necessary and desirable.

9. To co-operate, within the limits of any appropriations made for its operation, with other agencies or organizations, both public and private, whose purposes are consistent with those of this chapter, and in the planning and conducting of programs designed to eliminate racial, religious, cultural, and inter-group tensions.

10. To adopt, publish, amend, and rescind regulations consistent with and necessary for the enforcement of this chapter.

11. To receive, administer, dispense and account for any funds that may be voluntarily contributed to the commission and any grants that may be awarded the commission for furthering the purposes of this chapter with the approval of the executive council.

12. To defer a complaint to a local civil rights commission under commission rules promulgated pursuant to chapter 17A. [C66, 71, §105A.5; C73, §601A.5; 65GA, ch 1254, §1]

(Subpoenas duces tecum until July 1, 1975, see 65GA, ch 1254, §1)

601A.6 Unfair employment practices.

1. It shall be an unfair or discriminatory practice for any:

a. Person to refuse to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment against any applicant for employment or any employee because of the age, race, creed, color, sex, national origin, religion or disability of such applicant or employee, unless based upon the nature of the occupation. If a disabled person is qualified to perform a particular occupation, by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminating practices prohibited by this subsection.

b. Labor organization or the employees, agents or members thereof to refuse to admit to membership any applicant, to expel any member, or to otherwise discriminate against any applicant for membership or any member in the privileges, rights, or benefits of such membership because of the age, race, creed, color, sex, national origin, religion or disability of such applicant or member.

c. Employer, employment agency, labor organization, or the employees, agents, or members thereof to directly or indirectly advertise or in any other manner indicate or publicize that individuals of any particular age, race, creed, color, sex, national origin, religion or disability are unwelcome, objectionable, not acceptable, or not solicited for employment or membership unless based on the nature of the occupation. If a disabled person is qualified to perform a particular occupation by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminating practices prohibited by this subsection.

An employer, employment agency, or their employees, servants or agents may offer employment or advertise for employment to only the disabled, when other applicants have available to them, other employment compatible with their ability which would not be

available to the disabled because of their handicap. Any such employment or offer of employment shall not discriminate among the disabled on the basis of race, color, creed, sex or national origin.

2. This section shall not apply to:

a. Any employer who regularly employs less than four individuals. For purposes of this subsection, individuals who are members of the employer's family shall not be counted as employees.

b. The employment of individuals for work within the home of the employer if the employer or members of his family reside therein during such employment.

c. The employment of individuals to render personal service to the person of the employer or members of his family.

d. Any bona fide religious institution or its educational facility, association, corporation or society with respect to any qualifications for employment based on religion when such qualifications are related to a bona fide religious purpose. [C66, 71, §105A.7; C73, §601A.7; 65GA, ch 1254, §2]

Referred to in §601A.2(7)

601A.7 Unfair practices — accommodations or services.

1. It shall be an unfair or discriminatory practice for any owner, lessee, sublessee, proprietor, manager, or superintendent of any public accommodation or any agent or employee thereof:

a. To refuse or deny to any person because of race, creed, color, sex, national origin, religion or disability the accommodations, advantages, facilities, services, or privileges thereof, or otherwise to discriminate against any person because of race, creed, color, sex, national origin, religion or disability in the furnishing of such accommodations, advantages, facilities, services, or privileges.

b. To directly or indirectly advertise or in any other manner indicate or publicize that the patronage of persons of any particular race, creed, color, sex, national origin, religion or disability is unwelcome, objectionable, not acceptable, or not solicited.

2. This section shall not apply to:

a. Any bona fide religious institution with respect to any qualifications the institution may impose based on religion when such qualifications are related to a bona fide religious purpose.

b. The rental or leasing to transient individuals of less than six rooms within a single

housing accommodation by the occupant or owner of such housing accommodation if the occupant or owner or members of his family reside therein. [C97,§5008; C24, 27, 31, 35, 39, §13251; C46, 50, 54, 58,§735.1; C66, 71,§105A.6; C73,§601A.6]

Referred to in §601A.2(7)

601A.8 Unfair or discriminatory practices—housing. It shall be an unfair or discriminatory practice for any owner, or person acting for an owner, of rights to housing or real property, with or without compensation, including but not limited to persons licensed as real estate brokers or salesmen, attorneys, auctioneers, agents or representatives by power of attorney or appointment, or any person acting under court order, deed of trust, or will:

1. To refuse to sell, rent, lease, assign or sublease any real property or housing accommodation or part, portion or interest therein, to any person because of the race, color, creed, sex, religion, national origin or disability of such person.

2. To discriminate against any person because of his race, color, creed, sex, religion, national origin or disability, in the terms, conditions or privileges of the sale, rental, lease assignment or sublease of any real property or housing accommodation or any part, portion or interest therein.

3. To directly or indirectly advertise, or in any other manner indicate or publicize that the purchase, rental, lease, assignment, or sublease of any real property or housing accommodation or any part, portion or interest therein, by persons of any particular race, color, creed, sex, religion, national origin or disability is unwelcome, objectionable, not acceptable or not solicited. [C71,§105A.13; C73,§601A.13; 65GA, ch 1255,§1]

Referred to in §601A.11

601A.9 Unfair credit practices.

1. A creditor shall not refuse to enter into a consumer credit transaction or impose finance charges or other terms or conditions more onerous than those regularly extended by that creditor to consumers of similar economic backgrounds because of age, color, creed, national origin, race, religion, marital status, sex, or physical disability.

2. A person authorized or licensed to do business in this state pursuant to chapter 524, 533, 534, 536, or 536A shall not refuse to loan or extend credit or impose terms or conditions more onerous than those regularly extended to persons of similar economic back-

grounds because of age, color, creed, national origin, race, religion, marital status, sex or physical disability.

3. Refusal by a creditor to offer credit life or health and accident insurance based upon the age or physical disability of the consumer shall not violate the provisions of this section provided such denial is based solely upon bona fide underwriting considerations not prohibited by title XX.

The provisions of this section shall not be construed by negative implication or otherwise to narrow or restrict any other provisions of this chapter. [65GA, ch 1254,§4]

601A.10 Aiding or abetting. It shall be an unfair or discriminatory practice for:

1. Any person to intentionally aid, abet, compel, or coerce another person to engage in any of the practices declared unfair or discriminatory by this chapter.

2. Any person to discriminate against another person in any of the rights protected against discrimination on the basis of age, race, creed, color, sex, national origin, religion or disability by this chapter because such person has lawfully opposed any practice forbidden under this chapter, obeys the provisions of this chapter, or has filed a complaint, testified, or assisted in any proceeding under this chapter. An employer, employment agency, or their employees, servants or agents may offer employment or advertise for employment to only the disabled, when other applicants have available to them other employment compatible with their ability which would not be available to the disabled because of their handicap. Any such employment or offer of employment shall not discriminate among the disabled on the basis of race, color, creed, sex or national origin. [C66, 71,§105A.8; C73,§601A.8]

Referred to in §601A.2(7)

601A.11 Exceptions. The provisions of section 601A.8 shall not apply to:

1. Any bona fide religious institution with respect to any qualifications it may impose based on religion, when such qualifications are related to a bona fide religious purpose.

2. The rental or leasing of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or members of his family reside in one of such housing accommodations.

3. The rental or leasing of less than six rooms within a single housing accommodation by the occupant or owner of such housing

accommodation, if he or members of his family reside therein.

4. Restrictions based on sex on the rental or leasing of housing accommodations by non-profit corporations.

5. The rental or leasing of a housing accommodation within which residents of both sexes must share a common bathroom facility on the same floor of the building. [C71,§105A.14; C73, §601A.14; 65GA, ch 1255,§2]

601A.12 Sex or age provisions not applicable to retirement plans. The provisions of this chapter relating to discrimination because of sex or age shall not be construed to apply to any retirement plan or benefit system of any employer unless such plan or system is a mere subterfuge adopted for the purpose of evading the provisions of this chapter. [C71, §105A.15; C73,§601A.15]

601A.13 Promotion or transfer. After a handicapped individual is employed, the employer shall not be required under this chapter to promote or transfer such handicapped person to another job or occupation, unless, prior to such transfer, such handicapped person by training or experience is qualified for such job or occupation. Any collective bargaining agreement between an employer and labor organization shall contain this section as a part of such agreement. [C73,§601A.16]

601A.14 Complaint—hearing.

1. Any person claiming to be aggrieved by a discriminatory or unfair practice may, by himself or his attorney, make, sign, and file with the commission a verified, written complaint in triplicate which shall state the name and address of the person, employer, employment agency, or labor organization alleged to have committed the discriminatory or unfair practice of which complained, shall set forth the particulars thereof, and shall contain such other information as may be required by the commission. The commission, a commissioner, or the attorney general may in like manner make, sign, and file such complaint.

In an action the plaintiff may recover, if he shows that there was no reasonable cause to believe the ground upon which the complaint was made, the actual damages sustained and reasonable attorney fees to be fixed by the court.

2. Any place of public accommodation, employer, labor organization, or other person who has any employees or members who refuse or threaten to refuse to comply with the pro-

visions of this chapter may file with the commission a verified written complaint in triplicate asking the commission for assistance to obtain their compliance by conciliation or other remedial action.

3. After the filing of a verified complaint, a true copy thereof shall be promptly served by registered mail to the person against whom the complaint is filed. Then a commissioner or a duly authorized member of the commission's staff shall make a prompt investigation thereof and if such investigating official shall determine that probable cause exists for crediting the allegations of the complaint, the investigating official shall promptly endeavor to eliminate such discriminatory or unfair practice by conference, conciliation, and persuasion.

4. The members of the commission and its staff shall not disclose the filing of a complaint, the information gathered during the investigation, or the endeavors to eliminate such discriminatory or unfair practice by conference, conciliation, and persuasion, unless such disclosure is made in connection with the conduct of such investigation.

5. In case of failure to satisfactorily settle a complaint by conference, conciliation, and persuasion, or in advance thereof if in the opinion of the investigating official circumstances so warrant, the official may issue and cause to be served a written notice together with a copy of such complaint, as the same may have been amended, requiring the person, employer, employment agency, or labor organization named in such complaint, hereafter referred to as respondent, to answer the charges of such complaint in writing within ten days after the date of such notice or within such extended time as the investigating official may allow.

6. When the investigating official is satisfied that further endeavor to settle a complaint by conference, conciliation, and persuasion shall be futile, the official shall report the same to the commission. If the commission determines that the circumstances warrant, it shall issue and cause to be served a written notice requiring the respondent to answer the charges of such complaint at a hearing before the commission, a commissioner, or such other person designated by the commission to conduct the hearing, hereafter referred to as hearing examiner, and at a time and place to be specified in such notice.

7. The case in support of such complaint shall be presented at the hearing by one of the commission's attorneys or agents. The investigating official shall not participate in the

hearing except as a witness nor shall he participate in the deliberations of the commission in such case.

8. The respondent may file a written verified answer to the complaint, and may appear at the hearing in person, with or without counsel, and submit testimony. In the discretion of the hearing examiner, a complainant may be allowed to intervene and present testimony in person or by counsel.

9. When a respondent has failed to answer a complaint at a hearing as provided by this section the commission may enter his default. For good cause shown, the commission may set aside an entry of default within ten days after the date of such entry. If the respondent is in default, the commission may proceed to hear testimony adduced upon behalf of the complainant. After hearing such testimony, the commission may enter such order as in its opinion the evidence warrants.

10. The commission or the complainant shall have the power to reasonably and fairly amend any complaint and the respondent shall have like power to amend his answer.

11. The commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity but the right of cross-examination shall be preserved. Complainant shall bear the burden of proving the allegations in his complaint. The testimony taken at a hearing shall be under oath, reported, and, if ordered by the commission, transcribed.

12. If, upon taking into consideration all the evidence at a hearing, the commission shall find that a respondent has engaged in or is engaging in, any discriminatory or unfair practice as defined in this chapter, the commission shall state its findings of fact and shall issue and cause to be served upon such respondent an order requiring such respondent to cease and desist from such discriminatory or unfair practice and to take such affirmative action, including, but not limited to, hiring, reinstatement, or upgrading of employees, with or without back pay, the referring of applicants for employment by any respondent employment agency, the admittance or restoration to membership by any respondent labor organization, the admission to or continuation in enrollment in an apprenticeship program, on-the-job training program, the posting of notices, and the making of reports as to the manner of compliance, as in the judgment of the commission shall effectuate the purposes of this chapter.

13. If, upon taking into consideration all of the evidence at a hearing, the commission shall

find that a respondent has not engaged in any such discriminatory or unfair practice, the commission shall state its findings of fact and shall issue and cause to be served an order on the complainant and the respondent dismissing the complaint.

14. The commission shall establish rules to govern, expedite, and effectuate the procedures established by this chapter and its own actions thereunder.

15. Any verified complaint filed under this chapter shall be so filed within one hundred twenty days after the alleged discriminatory or unfair practice occurred. [C66, 71, §105A.9; C73, §601A.9; 65GA, ch 1254, §3]

Referred to in §601A.15(10)

601A.15 Judicial review—enforcement.

1. Judicial review of the actions of the commission may be sought in accordance with the terms of the Iowa administrative procedure Act. Notwithstanding the terms of said Act, petition for judicial review may be filed in the district court in which an enforcement proceeding under subsection 2 may be brought.

2. The commission may obtain an order of court for the enforcement of commission orders in a proceeding as provided in this section. Such an enforcement proceeding shall be brought in the district court of the district in the county in which the alleged discriminatory or unfair practice which is the subject of the commission's order was committed, or in which any respondent required in the order to cease or desist from a discriminatory or unfair practice or to take other affirmative action, resides, or transacts business.

3. Such an enforcement proceeding shall be initiated by the filing of a petition in such court and the service of a copy thereof upon the respondent. Thereupon the commission shall file with the court a transcript of the record of the hearing before it. The court shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript an order enforcing, modifying, and enforcing as so modified, or setting aside the order of the commission, in whole or in part.

4. An objection that has not been urged before the commission shall not be considered by the court in an enforcement proceeding, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

5. Any party to the enforcement proceeding may move the court to remit the case to the commission in the interests of justice for the purpose of adducing additional specified and material evidence and seeking findings thereof, providing such party shall show reasonable grounds for the failure to adduce such evidence before the commission.

6. In the enforcement proceeding the court shall determine its order on the same basis as it would in a proceeding reviewing commission action under section 17A.19, subsection 8.

7. The commission's copy of the testimony shall be available to all parties for examination at all reasonable times, without cost, and for the purpose of judicial review of the commission's orders.

8. The commission may appear in court by its own attorney.

9. Petitions filed under this section shall be heard expeditiously and determined upon the transcript filed without requirement for printing.

10. If no proceeding to obtain judicial review is instituted within thirty days from the service of an order of the commission under section 601A.14, the commission may obtain an order of the court for the enforcement of such order upon showing that respondent is subject to the jurisdiction of the commission and resides or transacts business within the county in which the petition for enforcement is brought. [C66, 71,§105A.10; C73,§601A.10; 65GA, ch 1090,§199]

Amendment effective July 1, 1975

601A.16 Rule of construction. This chapter shall be construed broadly to effectuate its purposes. [C66, 71,§105A.11; C73,§601A.11]

601A.17 Local laws may implement this chapter. Nothing contained in any provision of this chapter shall be construed as indicating an intent on the part of the general assembly to occupy the field in which this chapter operates to the exclusion of local laws not inconsistent with this chapter that deal with the same subject matter. [C66, 71,§105A.12; C73,§601A.12]

Constitutionality, 61GA, ch 121,§12

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