



Civil Rights Commission
Peer City Analysis

Prepared by the City of Fayetteville Sustainability and Resilience
Department

125 W. Mountain St.
Fayetteville, AR. 72701
479-575-8268

August 2014

Peer Cities

Sustainability and Resilience staff looked at four college towns of a comparable size that have adopted Human Rights Ordinances and have created administrative processes for handling inquiries and complaints. This includes: Bloomington, In., Columbia, Mo., Ames, Ia., and Iowa City, Ia. These cities are home respectively to Indiana University, the University of Missouri, Iowa State University and the University of Iowa. The populations of these cities are similar to Fayetteville ranging from 61,792 in Ames, IA to 115,276 in Columbia, MO.

Elements in Common

The research indicates that these four cities have common elements regarding their Human Rights legislation. They also have similar procedural actions for how they administer the process of receiving inquiries, investigating complaints, determining probable cause, facilitating mediation and conciliation procedures and prosecution. The elements that these peer cities share in common include:

- They all utilize a Human Rights Commission for hearing registered complaints and these boards all meet monthly.
- They all typically investigate claims of discrimination in the areas of housing, employment and public accommodations. Some also investigate discrimination related to credit, education and ADA complaints.
- They are all internally staffed by City employee(s).
- They all have developed sophisticated procedures for registering, investigation, mediating and prosecuting complaints.
- They all keep records of the number and type of complaints that are lodged in a fiscal year. This is typically summarized in an annual report that states the number and type of inquiries, investigations and prosecutions undertaken within the last year.
- They all typically cover discriminatory actions related to age, race, ethnicity, national origin, marital status, sex, religious affiliation, sexual orientation, gender, familial status, disability and retaliation.
- They all participate in, and many have annual budgets for, public education and outreach programs.
- Telephone conversations with peer cities HRC staff indicate that staff ranges from 1 to 4 people administering these programs.
- Telephone conversations also indicate that there can be a significant amount of time and resources investigating claims that are ultimately deemed to not have merit.
- Some peer cities partner with the Law Departments at the local university for interns and conciliation mediators.
- Staff for HRC's are varied and include Assistant City Attorneys, Assistant City Managers and Human Rights Coordinator/Equity Director.

- However, they all commonly have a background in the Law. This is confirmed with discussions with staff with the Human Rights Campaign who said that it is most common, although not exclusive, to have someone with a legal background as the Staff for a Human Rights Commission.
- Bloomington Indiana has their staff partner with a HRC member to do the investigation and processing of each case. This creates a team process and the HRC members take turns in partnering in investigations.
 - Bloomington HRC staff also reviews Affirmative Action Plans for contractors who are doing work for the City in addition to the other tasks assigned.

Elements of Fayetteville's Ordinance that are Different from Peer Cities

There are some elements of Fayetteville's ordinance that are different from some or all of the peer cities analyzed. This includes:

- Fayetteville's ordinance addresses the areas of employment, housing and public accommodations and does not address credit, education or ADA complaints.
- Some peer cities have very strong State Human Rights Ordinances and Commissions that are utilized for many complaints especially in regard to housing and employment.
- Fayetteville's ordinance includes protections for "gender expression" which is not found in any of the four peer cities evaluated. Gender expression refers to the way in which individuals manifest masculinity or femininity. It is expressed through appearance, speech, behavior, movement and other factors for which the individual wishes to be understood as either masculine or feminine.
- "Socio-economic Background" is not defined in Fayetteville's Ordinance. An example of how someone could be discriminated against for socio-economic background would be if a landlord refused to rent to someone because they felt like the potential renters employment would not be able to cover the cost of the monthly rent without the landlord going through a credit check to determine the renters ability to pay: "I am not going to rent to you because you are dishwasher and you obviously don't make enough money to afford to live here."

City #	City	Population	Setting	Civil Rights Com. - # of Members - Background of Members	Civil Rights Administrator - Job Description - Qualifications	Procedures or Criteria for Investigating Complaints	Workload - # of Complaints - Hours Spent Administering Civil Rights	Notes
1	Bloomington, IN	82,575- 2013 Census Estimate	Indiana University	The Human Rights Commission is a 7 member board designed to enforce Bloomington's Human Rights Ordinance in a fair and timely manner, to educate community members about their rights and responsibilities under various civil rights laws, to raise awareness on all human rights issues, to ensure that contractors and subcontractors on city jobs pay employees applicable common wages, to ensure that the City, as an employer, governmental entity and provider of public accommodations, complies with the Americans with Disabilities Act (ADA), and to provide the community with information about the ADA. Commission meets once a month.	Director/Attorney - Barbara McKinney. The BHRC can be reached at 812- 349-3429 Monday through Friday from 8 a.m. to 5 p.m. and can be reached at human.rights@bloomington.in.gov	1) Filing a complaint and investigation, 2) Probable Cause Determination, 3) Formal conciliation, 4) Public hearing, 5) HRC will issue order that is binding upon findings of the public hearing, Findings may be appealed for administrative declaration from a court (no trial).	In 2013 the BHRC had 5 new complaints filed. 4 cases alleged discrimination in employment (2 race & 2 sex), the 5th case alleged discrimination on disability in public accommodations. In 2013, the BHRC referred 3 complaints to State or Federal agencies and dismissed 5 on grounds of no probable cause, failure to cooperate, etc.	Bloomington HRC does not mention "socioeconomic status" or "gender expression", "gender identity is a protected class.
2	Columbia, MO	115,276 - 2013 Census Estimate	University of Missouri	Human Rights Commission (HRC) of 7 members that "demonstrated a strong commitment to human rights and a belief in the principles of equal opportunity embodied in this chapter." Overlapping 3 year terms. Budget of \$1,500 in 2013 for educational programming.	Staff Liaison Adam Kruse - Assistant City Counselor, Law Department	1) Preliminary Inquiry, 2) Intake of Complaint, 3) Notification of Complaint, 4) Jurisdictional Review, 5) Resolution prior to Investigation, 6) Investigation, 7) HRC Review and Determination, 8) No Probable Cause, 9) Probable Cause, 10) Conference, Conciliation or mediation, 11) Referral or Prosecution, 12) Voluntary Withdrawal, 13) Construction of Rules, Regulations and Pleadings.	In 2013 the HRC received 17 inquiries or questions without filing a complaint (6 employment, 4 housing, 2 public accommodations, 5 other). In 2013 the HRC received 5 Complaints (2 sex, 1 race, 1 disability and 1 retaliation). 1 complaint was mediated, 2 were withdrawn by complainants and 2 were found to be without cause.	Human Rights Commission established in 1974. Court challenged in 1990 and restructured in 1991 to educate, conciliate and mediate complaints. No mention of "socioeconomic status" or "gender expression" in Columbia's ordinance, "gender identity" is a protected class.
3	Ames, IA	61,792 - 2013 Census Estimate	Iowa State University	Human Relations Commission (HRC) is a 6 member board that covers discriminatory actions against a person because of his or her race, ethnicity, national origin, color, creed, religious affiliation, sexual orientation, gender, physical disability, age (employment and credit only), familial status (presence of children, for housing only), marital status (credit only), or developmental disability (not applicable to credit). Human Relations Commission -- Hearing Officers: Persons appointed must be educated in the law.	Staff Liaison Melissa Mundt - Assistant City Manager. 515-239-5142. mmundt@city.ames.ia.us	1) Register the complaint, 2) Meet with staff to discuss the complaint and start the process, 3) Volunteer investigators gather fact about the case, 4) If no probable cause the complaint is withdrawn, 5) If probable cause is found it goes to conciliation. 6) Conciliation - HRC members attempt to settle the complaint, 7) A hearing is held before the HRC if conciliation fails	Contract with the State of Iowa for legal services regarding HRC.	HRC created in 1974 to implement the provisions of the Iowa Civil Rights Act of 1965. No mention of "socioeconomic status" or "gender identity" or "gender expression" in Ames ordinance.
4	Iowa City, IA	71,591 - 2013 Census Estimate	University of Iowa	The commission shall consist of nine (9) members, appointed by vote of the city council. Appointees shall serve for a term of three (3) years and thereafter until a successor has been appointed. Vacancies shall be filled for the remainder of the unexpired term. Appointments shall take into consideration men and women of the various racial, religious, cultural, social and economic groups in the city. The Commission meets once per month.	Stephanie Bowers - Human Rights Coordinator/Equity Director - 319-356-5022	1) File complaint, 2) Investigation of complaint. 3) Probable cause, 4) Conciliation procedures, 5) Remedial action, 6) Notice and hearing, 7) Findings and order, 8) Judicial review and enforcement, 9) Alternative judicial proceedings upon complaints	3 member staff with 1 person being an intern from the Law School. The Human Rights Coordinator said that they see 40-60 complaints per year with most complaints being employment discrimination. They have had 1 sexual orientation case in 2014.	Human Rights Commission established in 2003. No mention of "socioeconomic status" or "gender expression" in Iowa City ordinance, "gender identity" is a protected class.

THE CITY OF
FAYETTEVILLE

WHAT IS DISCRIMINATION?

The City of Fayetteville defines discrimination as an act, policy or practice that has the effect of subjecting any person to differential treatment as a result of that person's real or perceived race, ethnicity, national origin, age, gender, gender identity, gender expression, familial status, marital status, socioeconomic background, religion, sexual orientation, disability or veteran status.

HOW TO FILE A COMPLAINT?

- Bring the Complaint Form to the Civil Rights Office, located in City Hall.
- Mail the complaint form to the Civil Rights Office.
- Email a complete, signed and dated Complaint Form to _____@_____

CIVIL RIGHTS COMMISSION

113 West Mountain St.
Fayetteville, AR 72701
www.accessfayetteville.org

The Fayetteville Civil Rights Commission was designed to protect and safeguard the right and opportunity of all persons to be free from discrimination based on real or perceived race, ethnicity, national origin, age, gender, gender identity, gender expression, familial status, marital status, socioeconomic background, religion, sexual orientation, disability and veteran status. The FCRC also intends to promote the public health and welfare of all persons who live or work in the City of Fayetteville and to ensure that all persons within the City have equal access to employment, housing, and public accommodations.

WHO IS PROTECTED?

The Fayetteville Civil Rights Commission protects the following classes in the areas of Employment, Housing and Public Accommodation :

Age
Real or Perceived Race
Disability
Familial Status
Gender Identity
Marital Status
National Origin
Religion
Gender
Sexual Orientation
Gender Expression
Socioeconomic Background
Veteran Status

THE COMPLAINT PROCESS

FILING A COMPLAINT AND INVESTIGATION

If you believe that you have been discriminated against, you may file a complaint with the Fayetteville Civil Rights Commission. The complaint is a sworn, written statement that explains the basis of your belief in understandable language. It should be taken seriously, for it charts the scope of the investigation. The FCRC will collect and summarize the facts and law related to your complaint. You may be asked to supply documents or other information that supports your complaint.

PROBABLE CAUSE DETERMINATION

If there has been no settlement after all the facts are gathered, the FCRC decides whether to proceed further with your complaint. If we believe discrimination has occurred, we will issue a finding of "probable cause." If we do not believe discrimination occurred, we will issue a finding of "no probable cause." If we find no probable cause, your complaint will be dismissed, unless you appeal.

FORMAL CONCILIATION

Upon finding probable cause, the FCRC sends a proposed consent agreement to the parties and invites them to settle. This proposal can be negotiated.

PUBLIC HEARING

If we find probable cause, and if the parties cannot agree on a settlement through conciliation, the FCRC will hold a public hearing to decide your case. This is relatively rare. After hearing all the evidence, the FCRC will issue an order in your case that is binding on the parties. Final orders of the FCRC can be reviewed by a court. If such a review is requested, however, the court will not hold a trial. It simply will review the record of the public hearing before the FCRC and consider legal arguments.

Authorization Release Form

Fayetteville Civil Rights Commission
City Hall
113 West Mountain St.
Fayetteville, AR 72701
479.521.7700

“Disclaimer Paragraph”

Signature

Date

Please fill in the particulars of your complaint below:
(Be sure to state why you feel you were discriminated against)

DRAFT

I certify under penalty of perjury and pursuant to the laws of the State of Arkansas and the laws of the United States of America that the preceding charge is true and correct.

X

Signature

Date

FAYETTEVILLE CIVIL RIGHTS COMMISSION COMPLAINT FORM

Fayetteville Civil Rights Commission

City of Fayetteville Arkansas
113 West Mountain St.
Fayetteville, AR 72701

(Complaint of Discrimination under Fayetteville Municipal Code Chapter ___)

AGENCY USE ONLY

Complaint Number : _____

Local Agency

State Agency

EEOC

NOTE : PLEASE TYPE OR PRINT (in ink only)

1. What is your legal name? _____

2. What is your address?

Street _____

City _____ State _____ Zip Code _____

3. Telephone _____

4. E-mail _____

5. What is your date of birth? _____

6. Sex _____

7. Race _____

8. On what basis do you feel you have been discriminated against? (Please check all that apply)

Age

Familial Status

Gender Expression

Socioeconomic Background

Veteran Status

Disability

Gender Identity

Sexual Orientation

National Origin

Real or Perceived Race

Gender

Marital Status

Religion

9. Please check the areas in which the discrimination occurred :

Employment

Public Accommodations

Housing

10. What is the FULL LEGAL NAME of the organization that allegedly discriminated against you?

Organization mailing address : _____

County _____ State _____ Zip Code _____

Telephone _____

11. Address where discrimination allegedly occurred :

Street _____

County _____ State _____ Zip Code _____

12. What does that organization do?

13. Check the approximate number of full and part-time employees at all employer locations (VERY IMPORTANT) :

0 – 24

25 – 49

50 – 99

100 +

14. Have you filed this complaint with any other Federal, State, or Local Anti-Discrimination Agency?

Yes

No

If yes, what agency? _____

On what date? _____

15. Please identify the person(s) who allegedly discriminated against you.

Name _____ Position / Title _____

Name _____ Position / Title _____

16. What is the last date that something possibly discriminatory happened to you?

17. What happened on that date?

ORDINANCE NO. 5703

AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY ENACTING CHAPTER 119 **CIVIL RIGHTS ADMINISTRATION** TO PROTECT THE CIVIL RIGHTS OF FAYETTEVILLE CITIZENS AND VISITORS AND TO CREATE THE POSITION OF CIVIL RIGHTS ADMINISTRATOR FOR THE CITY OF FAYETTEVILLE

WHEREAS, the City of Fayetteville seeks to protect and safeguard the right and opportunity of all persons to be free from unfair discrimination based on real or perceived race, ethnicity, national origin, age, gender, gender identity, gender expression, familial status, marital status, socioeconomic background, religion, sexual orientation, disability and veteran status; and

WHEREAS, the City of Fayetteville seeks to promote the public health and welfare of all persons who live or work in the City of Fayetteville and to ensure that all persons within the City have equal access to employment, housing, and public accommodations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas enacts Chapter 119 **Civil Rights Administration** as shown on Exhibit "A" attached hereto.

PASSED and **APPROVED** this 20th day of August, 2014.

APPROVED:

ATTEST:

By:


LIONELD JORDAN, Mayor

By:


SONDRA E. SMITH, City Clerk/Treasurer

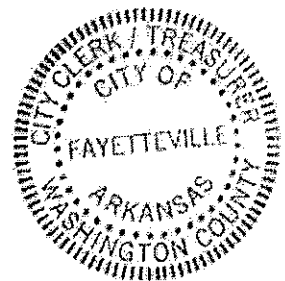


EXHIBIT A

CHAPTER 119: CIVIL RIGHTS ADMINISTRATION

119.01 Purpose

The purpose of this chapter is to protect and safeguard the right and opportunity of all persons to be free from discrimination based on real or perceived race, ethnicity, national origin, age, gender, gender identity, gender expression, familial status, marital status, socioeconomic background, religion, sexual orientation, disability and veteran status. This chapter's purpose is also to promote the public health and welfare of all persons who live or work in the City of Fayetteville and to ensure that all persons within the City have equal access to employment, housing, and public accommodations.

119.02 Definitions

- (A) "Business Establishment" means any entity, however organized, which furnishes goods, services or accommodations to the general public. An otherwise qualifying establishment which has membership requirements is considered to furnish services to the general public if its membership requirements consist only of payment of fees or consist only of requirements under which a substantial portion of the residents of the city could qualify.
- (B) "Civil Rights Administrator" means the person designated by the Mayor to receive, investigate and conciliate complaints brought under this chapter.
- (C) "Disability" or "Disabled" means, with respect to an individual, a physical or mental impairment, a record of such an impairment, or being perceived or regarded as having such impairment. For purposes of this chapter, discrimination on the basis of disability means that no covered entity shall discriminate against a qualified individual with a disability because of that individual's disability. The term "qualified individual with a disability" shall mean an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment positions that the individual holds or desires.
- (D) "Discriminate, Discrimination or Discriminatory" means any act, policy or practice that has the effect of subjecting any person to differential treatment as a result of that person's real or perceived race, ethnicity, national origin, age (if 18 years of age or older), gender, gender identity, gender expression, familial status, marital status, socioeconomic background, religion, sexual orientation, disability or veteran status.
- (E) "Employee" means any individual employed by a covered employer.
- (F) "Employer" means any person, business or organization which regularly employs five (5) or more individuals, not including the employer's parents, spouse or children. For purposes of this chapter an employer "regularly" employs five (5) individuals when the employer employs five (5) or more individuals for each working day in any twenty (20) or more calendar weeks in the current or previous calendar year. For purposes of this chapter an "employer" is also any person or entity acting on behalf of an employer, directly or indirectly, or any employment agency.
- (G) "Familial status" means an individual's status as parent or legal guardian to a child or children below the age of eighteen (18) who may or may not reside with that individual.
- (H) "Gender" means actual or perceived sex.
- (I) "Gender Identity" means a person's gender-related identity, whether or not that identity is or is perceived to be different from that traditionally associated with the sex assigned to that individual at birth.
- (J) "Gender Expression" means a person's gender-related appearance and behavior whether or not that gender expression is or is perceived to be different from that traditionally associated with the person's assigned sex at birth.
- (K) "Marital status" means an individual's status as single, married, domestically partnered, divorced or widowed.
- (L) "Place of public accommodation" means inns, taverns, hotels, motels, restaurants, wholesale outlets, retail outlets, banks, savings and loan associations, other financial institutions, credit information bureaus, insurance companies,

dispensaries, clinics, hospitals, theaters, recreational parks and facilities, trailer camps, garages, public halls, and all other establishments within the City which offer goods, services, accommodations and entertainment to the public. A place of public accommodation does not include any institution, club or other place of accommodation, which by its nature is distinctly private.

- (M) "Sexual orientation" means actual or perceived heterosexuality, homosexuality or bisexuality.
- (N) "Veteran status" means an individual's status as one who served in the active military, naval or air service, and who was discharged or released under conditions other than dishonorable.

119.03 Prohibited Acts of Discrimination - Employment

With regard to employment, it shall be unlawful for any employer or labor organization to engage in any of the following acts wholly or partially for a discriminatory reason:

- (A) To fail to hire, refuse to hire or discharge an individual;
- (B) To discriminate against any individual with respect to compensation, terms, conditions or privileges of employment, including promotion. Nothing in this section shall be construed to require any employer to provide benefits, such as insurance, to individuals not employed by the employer;
- (C) To limit, segregate or classify employees in any way which would deprive or tend to deprive any employee of employment opportunities, or which would otherwise tend to adversely affect his or her status as an employee;
- (D) To fail or refuse to refer for employment any individual in such a manner that would deprive an individual of employment opportunities, that would limit an individual's employment opportunities or that would otherwise adversely affect an individual's status as a prospective employee or as an applicant for employment;
- (E) To discriminate against an individual in admission to, or employment in, any program established to provide apprenticeship or other job training, including on-the-job training programs;
- (F) To print or publish, or cause to be printed or published, any discriminatory notice or advertisement relating to employment. This subsection shall not be construed so as to expose the person who prints or publishes the notice or advertisement, such as a newspaper, to liability;
- (G) To discriminate in referring an individual for employment whether the referral is by an employment agency, labor organization or any other person.

119.04 Prohibited Acts of Discrimination - Housing and Real Estate Transactions

With regard to housing and real estate transactions, which include both sales and leases, it shall be unlawful to engage in any of the following acts wholly or partially for a discriminatory reason:

- (A) To discriminate by impeding, delaying, discouraging or otherwise limiting or restricting any transaction in real estate;
- (B) To discriminate by imposing different terms on a real estate transaction;
- (C) To represent falsely that an interest in real estate is not available for transaction;
- (D) To include in the terms or conditions of a real estate transaction any discriminatory clause, condition or restriction;
- (E) To discriminate in performing, or refusing to perform, any act necessary to determine an individual's financial ability to engage in a real estate transaction;
- (F) For a property manager to discriminate by refusing to provide equal treatment of, or services to, occupants of any real estate which he or she manages;

- (G) To make, print or publish, or cause to be made, printed or published, any discriminatory notice, statement or advertisement with respect to a real estate transaction or proposed real estate transaction, or financing relating thereto. This subsection shall not be construed to prohibit advertising directed to physically disabled persons or persons over the age of fifty-five (55) for the purpose of calling to their attention the existence or absence of housing accommodations or services for the physically disabled or elderly;
- (H) To discriminate in any financial transaction involving real estate on account of the location of the real estate, be it residential or non-residential ("red-lining");
- (I) For a real estate operator, a real estate broker, a real estate salesperson, a financial institution, an employee of any of these or any other person, for the purposes of inducing a real estate transaction from which such person may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to the race, ethnicity, national origin, age, gender, gender identity, gender expression, familial status, marital status, socioeconomic background, religion, sexual orientation, physical characteristic, disability or veteran status of the owners or occupants in the block, neighborhood or area in which the real property is located or to represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior or a decline in the quality of schools in the block, neighborhood or area in which the real property is located ("block-busting");
- (J) Notwithstanding the provisions of subsections (A) through (I), it shall not be an unlawful discriminatory practice for an owner to limit occupancy on the basis of a person's low-income, age over fifty-five (55) years or disability status in accordance with federal or state law;
- (K) Notwithstanding the provisions of subsections (A) through (I), it shall not be an unlawful discriminatory practice for an owner, lessor or renter to refuse to rent, lease or sublease a portion of a single family dwelling unit to a person as a tenant, roomer or boarder where it is anticipated that the owner, lessor or renter will be occupying any portion of the single-family dwelling or to refuse to rent, lease or sublease where it is anticipated that the owner, lessor or renter will be sharing either a kitchen or a bathroom with the tenant, roomer or boarder.
- (L) Notwithstanding any other provision of this chapter, it is not an unlawful discriminatory practice to apply or enforce the definition of "family" for zoning purposes pursuant to § 151.01 of the Unified Development Code.

119.05 Prohibited Acts of Discrimination - Business Establishments or Public Accommodations

It shall be unlawful for a business establishment or place of public accommodation for a discriminatory reason to deny, directly or indirectly, any person the full enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any business establishment or place of public accommodation, unless required by state or federal law.

119.06 City Services, Facilities, Transactions and Contracts

- (A) The City of Fayetteville and all of its employees are bound by the provisions of this chapter to the same extent as private individuals and businesses.
- (B) All contractors doing business with the City of Fayetteville shall comply with this ordinance.

119.07 General Exceptions

- (A) Any practice which has a discriminatory effect and which would otherwise be prohibited by this chapter shall not be deemed unlawful if it can be established that the practice is not intentionally devised to contravene the prohibitions of this chapter and there exists no less discriminatory means of satisfying a business purpose.
- (B) This chapter shall not apply to any federal, state or county government office or official, or any public educational institution within the City.
- (C) Unless otherwise prohibited by law, nothing contained in this chapter shall be construed to prohibit promotional activities such as senior citizen discounts and other similar practices designed primarily to encourage participation

by a protected group.

- (D) It shall not be an unlawful discriminatory practice for an employer to observe the conditions of a bona fide seniority system or a bona fide employee benefit system such as a retirement, pension or insurance plan which is not a subterfuge or pretext to evade the purposes of this chapter.
- (E) It shall not be an unlawful discriminatory practice for any person to carry out an affirmative action plan as required by state or federal law, or by court order.
- (F) Nothing contained in this chapter shall be deemed to prohibit selection or rejection based solely upon a bona fide occupational qualification or a bona fide physical requirement. ~~Nothing contained in this chapter shall be deemed to prohibit a religious or denominational institution from selecting or rejecting applicants and employees for non-secular positions on the basis of the applicant's or employee's conformance with the institution's religious or denominational principles. If a party asserts that an otherwise unlawful practice is justified as a permissible bona fide occupational qualification or a permissible bona fide physical requirement, that party shall have the burden of proving:~~
 - (1) That the discrimination is in fact a necessary result of such a bona fide condition; and
 - (2) That there exists no less discriminatory means of satisfying the bona fide requirement.
- (G) If a party asserts that an otherwise unlawful practice is justified as a permissible bona fide religious or denominational preference, that party shall have the burden of proving that the discrimination is, in fact a necessary result of such a bona fide condition.
- (H) Any age restrictions required by state or federal law or regulations, including for the sale or delivery of alcoholic beverages, are not improper age discrimination under this chapter.
- (I) Nothing in this Chapter shall be construed to require any religious or denominational institution or association to open its tax exempt property or place of worship to any individual or group for any ceremony or meeting, except for any activity or service that is supported in whole or part by public funds.
- (J) Designating a facility as a gender-segregated space shall not be a violation of this chapter. Nothing in this chapter shall be construed as allowing any person to enter any gender-segregated space for any unlawful purpose

119.08 Posting of Notices

Every employer or entity subject to this chapter shall post and keep posted in a conspicuous location where business or activity is customarily conducted or negotiated, a notice, the language and form of which has been prepared by the City of Fayetteville, setting forth excerpts from or summaries of the pertinent provisions of this chapter and information pertinent to the enforcement of rights hereunder. The notice shall be in both English and Spanish. If over ten percent of an employer's employees speak, as their native language, a language other than English or Spanish, notices at that employer's place of business shall be posted in that language. At the request of the employer or entity, notices required by this section shall be provided by the City. Notices shall be posted within ten days after receipt from the City.

119.09 Retaliation Prohibited

- (A) It is an unlawful discriminatory practice to coerce, threaten, retaliate against, interfere with or discriminate against a person because that person has opposed any practice made unlawful by this chapter, has made a non-frivolous charge or complaint, or has testified truthfully, assisted or participated in an investigation, proceeding or hearing pursuant to this chapter.
- (B) It is an unlawful discriminatory practice to require, request or suggest that a person or entity retaliate against, interfere with, intimidate or discriminate against a person because that person has opposed any practice made unlawful by this chapter, has made a non-frivolous charge or has testified truthfully, assisted or participated in an investigation, proceeding or hearing authorized under this chapter.
- (C) It is an unlawful discriminatory practice to cause or coerce, or attempt to cause or coerce, directly or indirectly, any person in order to prevent that person from complying with the provisions of this chapter.

119.10 Preservation of Business Records

Where a complaint of discrimination has been filed against a person under this ordinance, such person shall preserve all records relevant to the complaint until a final disposition of the complaint.

119.11 Administration and Enforcement

- (A) The Mayor shall designate the Civil Rights Administrator, who shall administer this chapter and be responsible for receiving, investigating and conciliating complaints filed under this chapter. To be considered and administered by the Civil Rights Administrator, complaints must be received in the Civil Rights Administrator's office no more than six months after the alleged discriminatory action or, in the case of ongoing alleged discriminatory actions, no more than six months after the most recent incident of alleged discrimination. The Civil Rights Administrator shall prepare an easy to use complaint form and make the form easily accessible to the public.
- (B) The Civil Rights Administrator should first attempt to eliminate the unlawful practice or practices through conciliation or mediation. In conciliating a complaint, the administrator should try to achieve a just resolution and obtain assurances that the respondent will satisfactorily remedy any violation of the complainant's rights and take action to ensure the elimination of both present and future unlawful practices in compliance with this chapter. If the Civil Rights Administrator determines that the complainant is not acting in good faith, the conciliation or mediation may be terminated and the complaint may be immediately dismissed. If the respondent is not participating in good faith, the complaint may be immediately referred to the City Prosecutor's office.
- (C) After any attempted conciliation or mediation, the Civil Rights Administrator will refer any unresolved complaint and complainant as needed to the City Prosecutor's Office for appropriate further action, including prosecution.
- (D) The filing of a complaint under this chapter does not preclude any other state or federal remedies that may be available to a complainant.

CITY OF BLOOMINGTON HUMAN RIGHTS COMMISSION 2013 ANNUAL REPORT



The Bloomington Human Rights Ordinance promotes equal opportunity in employment, education, housing and access to public accommodations, regardless of race, sex, religion, color, sexual orientation, gender identity, national origin, ancestry or disability. The ordinance also prohibits discrimination in housing on the basis of familial status.

City of Bloomington
401 N. Morton Street
PO Box 100
Bloomington IN 47402-0100
(812) 349-3429
human.rights@bloomington.in.gov
www.bloomington.in.gov/legal/hr.php

Table of Contents

Topic	Page No.
City Policy.....	1
Commissioners and Staff	2
Chair's Statement	3
Director's Statement	5
Comparative Data	8
Breakdown of BHRC Complaints	9
Summary of 2013 Cases	10
Public Inquiries	12
Hate Incidents Report	21
Steps in Processing Complaints.....	24
Essay Quotes.....	25
2013 Meeting Dates.....	26
Former Commissioners	27

POLICY OF THE CITY OF BLOOMINGTON

It is the public policy of the City of Bloomington to provide all citizens equal opportunity for education, employment, access to public accommodations and acquisition through purchase or rental of real property including but not limited to housing, and to eliminate segregation or separation based on race, religion, color, sexual orientation, sex, disability, national origin, gender identity or ancestry, since such segregation is an impediment to equal opportunity. It is also the public policy of the City of Bloomington to prohibit discrimination in housing on the basis of familial status. Equal education and employment opportunities, equal access to and use of public accommodations and equal opportunity for acquisition of real property are hereby declared to be civil rights.

The practice of denying these rights to persons because of race, religion, color, sex, disability, sexual orientation, gender identity, national origin, familial status or ancestry is contrary to the principles of freedom and equality of the City, and shall be considered as discriminatory practices. The promotion of equal opportunity without regard to race, religion, color, sexual orientation, sex, disability, gender identity, national origin, familial status or ancestry is the purpose of this Section.

It is also the public policy of the City to protect employers, labor organizations, employment agencies, property owners, real estate brokers, builders and lending institutions from unfounded charges of discrimination.

CITY OF BLOOMINGTON HUMAN RIGHTS ORDINANCE Bloomington Municipal Code §2.21.020, as amended

The Bloomington Human Rights Commission usually meets at 5:30 p.m. on the fourth Monday of each month, in the McCloskey Conference Room of the Showers Building, 401 N. Morton. Unless otherwise specified, meetings are open to the public. The 2014 meeting dates are listed on page 26 of this report.

**BLOOMINGTON HUMAN RIGHTS COMMISSION
2013 OFFICERS**

CHAIR
Byron Bangert

VICE CHAIR
Carolyn Calloway-Thomas

SECRETARY
Alexa Lopez 1/13 – 8/13
Michael Molenda 9/13 – 12/13

COMMISSIONERS

NAME	TERM EXPIRES	APPOINTED BY
Byron Bangert	1/14	Council
Carolyn Calloway-Thomas	1/15	Mayor
Valeri Haughton	1/14	Council
Michael Molenda	1/15	Mayor
Alice Tischler (Resigned 12/13)	1/14	Mayor
Teri Guhl (Resigned in 6/13)	1/14	Council
Alexa Lopez (Resigned in 8/13)	1/14	Mayor
William Morris	1/14	Mayor
Beth Applegate	1/15	Mayor

2013 STAFF

DIRECTOR/ATTORNEY: Barbara E. McKinney

SECRETARY: Barbara Toddy

Bloomington Human Rights Commission Annual Report of the Chair, 2013

The Bloomington Human Rights Commission, established by ordinance enacted by the Bloomington City Council, exercises jurisdiction within the City of Bloomington only. The BHRC promotes equal opportunity in employment, housing, education, and access to public accommodations, regardless of race, sex, religion, color, sexual orientation, gender identity, national origin, ancestry, or disability. The Bloomington Human Rights Ordinance also prohibits discrimination in housing on the basis of familial status.

The Commission's Director and members investigate complaints of discrimination filed by residents of Bloomington, issue findings, and pursue negotiated or imposed settlements in those instances where violations are found.

The BHRC also works to promote greater community awareness of human rights issues by engaging in public education and various civic activities, advocacy efforts, and diversity and multi-cultural events.

The BHRC also collaborates with other City commissions that share overlapping missions, including the Commission of the Status of Women, the Dr. Martin Luther King, Jr., Birthday Commission, the Commission of the Status of Black Males and the Council for Community Accessibility.

The BHRC has long had an interest in the conditions prevailing inside the Monroe County Jail. We arranged a tour with Sheriff James Kennedy in February, both to acquaint our newer members with the jail and to gain a better understanding of what currently transpires inside the walls.

On February 20 we formally presented our 2013 Human Rights Awards to attorney Guy Loftman in recognition of his long-standing commitment to civil rights and, in particular, his work in cooperation with the Monroe County NAACP to address issues of racial discrimination in the city and county. In April we again fielded a team called the "Rights Stuff" in the annual VITAL Quiz Bowl fund-raiser for Volunteers in Tutoring Adult Learners. In April we also recognized the student winners of our annual Essay & Art Contest with an awards ceremony presided over by the Mayor at City Hall. Our adopted theme for 2014: "Choosing Civility: The best examples I've seen for being considerate to others."

We participated in the annual 4th of July parade with a colorful float bearing the theme, "Red, Blue, or White: All Have Human Rights." Due to the large crowds, we exhausted our supply of activity booklets given to children on the route.

We commissioned a piece of artwork depicting former Monroe County Council member Sophia Travis, who died in 2012, in recognition of her multiple contributions to better life in our community. The Monroe County Human Rights Commission agreed to share in the cost of the artwork, which will be created by a Stone Belt Center client, and which will be hung in an appropriate County building.

Throughout the year, in response to an overture from local citizens involved in assisting the homeless in our community, we explored the possibility of recommending to the Common Council the addition of "housing status" as a protected category to the ordinance defining our

Commission's work. The issue remains open as more input is being sought, especially from persons representing the homeless and the local business community.

We also explored and continue to work on a plan to address wage theft and related labor abuses that tend to occur in settings where workers are vulnerable to exploitation due to their legal status (e.g., as undocumented immigrants) and/or divergent cultural norms and expectations. We agreed to encourage fair labor practices among Bloomington restaurants by creating a decal for eating establishments to display on a voluntary basis attesting to their fair practices, as defined in a Fair Labor Compliance Certification statement we are preparing for distribution.

In October the BHRC unanimously passed a resolution in support of the Bloomington Common Council's proposed resolution 13-15, opposing House Joint Resolution 6, which calls for amending the Indiana State Constitution to prohibit same-sex marriage and potentially to deny rights and protections to all domestic partnerships that might otherwise be regarded as legally analogous to marriage. Resolution 13-15 also calls for marriage equality. The BHRC resolution was read before the Common Council on December 4. The Council unanimously passed its resolution with evident and enthusiastic support from all persons present at the meeting.

Each quarter the Director prepares, and the Commission reviews and receives, the Quarterly report of contacts made to the BHRC office and the disposition of actual cases, as well as other activities of the Director and BHRC. The number of complaints filed, the number of cases investigated, and the number of hate incidents reported all continue to be at relatively low levels.

Respectfully submitted,

Byron C. Bangert, Chair

CITY OF BLOOMINGTON HUMAN RIGHTS COMMISSION

DIRECTOR'S REPORT 2013

In 2013, as in every year, the BHRC continued its efforts to meet its two central and related objectives: to investigate complaints in a fair and timely manner and to undertake a variety of educational activities. Investigating complaints must remain our top priority, and must be done as promptly and as thoroughly as possible. At the same time, we believe that the more educational programs we organize or co-sponsor, the fewer complaints we likely will have to investigate.

DISCRIMINATION COMPLAINTS: In 2013, we had five new complaints filed with us. We continued our long-standing practice of having members of the commission take on the difficult task of investigating these complaints and deciding if there was probable cause to believe that illegal discrimination had occurred. The job of the investigating commissioner is to weigh complicated and conflicting testimony, evaluate sometimes overwhelming documentary evidence and apply the relevant law. The commissioners continued to approach this responsibility with the serious dedication it requires, and our community is the better because of their work. On average, we closed cases within four months.

Four of our new cases alleged discrimination in employment: two of these alleged race discrimination and two alleged sex discrimination in employment. The fifth case alleged discrimination on the basis of disability in public accommodations.

We resolved six cases in 2013, including three pending from 2012. We found no probable cause to believe discrimination occurred in four of these cases. One of these was appealed, unsuccessfully. Two of our cases were settled; two cases filed in late 2013 are still pending.

As is true every year, we receive many complaints about alleged discrimination that occurred outside of our jurisdiction, or for which we may have a conflict of interest. In these cases, we often refer the complainant directly to an agency that has jurisdiction. Time permitting, we meet with the complainant, prepare a complaint and file it with the appropriate agency. In 2013, we referred approximately fifteen people directly to the Equal Employment Opportunity Commission (the federal fair employment agency) and filed three complaints with that agency. We referred approximately five people directly to the Indiana Civil Rights Commission (the state civil rights agency).

AFFIRMATIVE ACTIONS AND WAGE ISSUES: Pursuant to the Bloomington Human Rights Ordinance, all City bidders with bids of more than \$10,000 are required to submit affirmative action plans to the BHRC for approval before the bid opening. In 2013, I reviewed and approved 75 affirmative action plans.

The BHRC staff is also responsible for making sure that City Contractors pay their employees the required common or prevailing wages for work done on covered City projects. Almost all federally-funded projects are covered by Davis Bacon prevailing wage laws pursuant to federal law; all City-funded projects that cost more than \$250,000 are covered by the state common wage law. In 2013, I attended nine preconstruction or pre-bid conferences, explaining to potential bidders their responsibilities under applicable laws. Barbara Toddy monitored compliance with these laws by answering questions from contractors and employees, reviewing wage documentation forms and writing letters to employees.

This year was the eighth year that the Bloomington Living Wage Ordinance (LWO) was in effect, and the BHRC staff was assigned the job of monitoring compliance with this ordinance. Monitoring compliance has largely been a matter of answering questions about whether the ordinance is applicable to a specific situation, obtaining required documentation from contractors and updating the web site. To date, no one has filed a formal complaint alleging violations of the LWO.

ACCESSIBILITY ISSUES: I serve as the City's Americans with Disabilities compliance officer, working to make sure that the City, both as an employer and as a governmental entity, is meeting or exceeding its requirements under the ADA. I also try to help keep businesses aware of their obligations under the ADA, and I try to help resolve complaints from citizens about businesses not being accessible. Since 2010, I've been working to keep the special needs dispatch program up to date. This program helps first responders know when people calling 911 have disabilities and may need specific services. More than 150 people have signed up for this program thus far. Keeping the information current continues to be a time-consuming task, but one we believe is worth the effort.

I continue to work with several City departments to update the City's ADA transition plan. We plan to have the updated plan ready for citizen review and input in early 2014.

In my role as an assistant City attorney, I work with the City's Human Resources Department to make sure that the City is complying with

applicable fair employment laws. I review our policies and procedures, provide legal assistance with internal grievances and when necessary, represent the City when formal discrimination complaints or unemployment claims have been filed.

EDUCATIONAL PROGRAMS: Our monthly newsletter, "Rights Stuff," completed its fourteenth full year of publication in 2013. We distribute the newsletter largely through e-mail, but also leave hard copies at coffee houses and at the county library. With the newsletter, we try to inform readers of recent trends in civil rights laws and to let the community know what we do. We also regularly update and distribute our brochures. During the 2013 Fourth of July parade, we distributed 2000 copies of our ever-popular activity book on diversity in Bloomington.

We are always glad to talk to groups or the media about what we do. In 2013, some of these presentations including talking about fair housing to Renters 101 classes and to the Monroe County Apartment Association, participating in a webinar about the special needs dispatch registration and answering questions from reporters, among other activities.

In October, the BHRC unanimously passed a resolution in opposition to the proposed state constitutional ban on same-sex marriage, joining many other organizations and businesses that have done the same. We hope adding our voice to the growing choir will help prevent this harmful proposal from becoming part of our state's constitution.

The BHRC can't achieve its goals alone, and thus we work with like-minded groups to sponsor activities that we hope will enhance civility in our community. Some of these activities in 2013 included co-sponsoring the 2013 Women's History Month Lunch in March, competing (unsuccessfully) in the VITAL Quiz Bowl in April, co-sponsoring the Council for Community Accessibility awards in October, working with Bloomington United as needed, and making donations to the King Commission, the Commission on the Status of Black Males and the Monroe County NAACP.

BUDGET: The BHRC's budget in 2013 was \$157,227.00. Of that, \$149,192.00 went to salaries and benefits. The remaining \$8,035.00 paid for office supplies, law books, instruction, printing, advertising, dues, subscriptions, consultants and workshops.

CITY OF BLOOMINGTON HUMAN RIGHTS COMMISSION

2007 - 2013 Comparative Data

	2007	2008	2009	2010	2011	2012	2013
New complaints within BHRC jurisdiction	5	6	9	5	3	5	5
No probable cause findings issued	4	2	2	3	1	2	4
Settlement agreements reached	0	2	1	1	2	1	2
Complaints withdrawn before determination issued	0	0	1	2	0	0	0
Cases still pending	0	0	2	1	1	3	2
Complaints drafted and forwarded to EEOC	13	12	9	10	2	4	3
Complaints drafted and forwarded to ICRC	4	2	1	2	1	1	0
Complaints drafted and forwarded to HUD	0	0	0	0	0	0	0
Complaints transferred to appropriate federal agency after partial investigation	1	0	2	0	0	0	0
Complaints dismissed for failure to cooperate	1	1	2	0	0	0	0
Complaints drafted but never signed	2	1	0	0	0	2	2
Affirmative action plans reviewed	100	55	89	73	72	61	78
Preconstruction/prebid conferences attended	12	3	5	8	10	12	9
Employer seminars and community speeches	8	10	9	13	6	7	4

**BREAKDOWN OF BHRC COMPLAINTS
2007 - 2013**

	2007	2008	2009	2010	2011	2012	2013
EMPLOYMENT	3	4	7	4	3	4	4
Race discrimination	0	0	3	2	0	0	2
Disability discrimination	0	0	1	2	1	1	0
Sex discrimination (includes sexual harassment)	0	3	0	0	0	2	2
Sex & disability and/or retaliation	1	0	0	0	0	0	0
Race & sex	0	0	0	0	0	0	0
Sexual orientation & disability	1	0	0	0	0	0	0
Race and national origin	0	0	0	0	1	0	0
Religion	0	1	1	0	0	0	0
Disability and/or race	0	0	0	0	0	0	0
Sex/religion/disability/retaliation	0	0	1	0	0	0	0
Sex/religion/retaliation	0	0	1	0	0	0	0
Sexual orientation	0	0	0	0	0	1	0
Disability and/or national origin	0	0	0	0	0	0	0
Sex/sexual orientation and/or religion	1	0	0	0	0	0	0
Sex and/or disability	0	0	1	0	0	0	0
National origin	0	0	0	0	1	0	0
HOUSING	1	1	1	0	0	0	0
Sex discrimination	0	0	0	0	0	0	0
Disability discrimination	0	0	0	0	0	0	0
Race discrimination	0	0	0	0	0	0	0
Familial Status discrimination	0	1	1	0	0	0	0
Sexual orientation	0	0	0	0	0	0	0
PUBLIC ACCOMMODATIONS	0	1	2	1	0	1	1
Race discrimination	0	0	0	0	0	1	0
Gender identity	0	0	1	0	0	0	0
Sex	0	0	0	0	0	0	0
Sex/race and/or national origin	0	0	1	1	0	0	0
Sexual orientation	0	1	0	0	0	0	0
Disability	0	0	1	0	0	0	1

BLOOMINGTON HUMAN RIGHTS COMMISSION

SUMMARY OF 2013 CASES

BHRC DOCKET #0646: Man said his female supervisors repeatedly hired unqualified women, giving them better pay, assignments and benefits than he received. He was required to repair the damage they caused. He resigned and filed a sex discrimination in employment complaint. Investigation uncovered perhaps unprofessional behavior on the part of the supervisors, but no clear pattern of better treatment of female employees because of their sex. (Complaint filed in July, 2012; no probable cause finding issued in April, 2013; not appealed; investigated by Commissioner Bangert.)

BHRC DOCKET #0647: A woman with a disability said she was denied a promotion because of her disability. Her supervisor said she should work at a slower-paced store, even though he had never criticized her work performance or ability to keep up at her current, busy store. She filed a complaint alleging discrimination in employment on the basis of her disability. Employer initially said that complainant was not promoted because of her availability and experience, but that explanation did not withstand scrutiny. Employer agreed to pay complainant \$724.80 in back pay; promote her to a higher-paying job and coordinate a discussion between complainant and supervisor who refused to promote her. (Complaint filed in November, 2012; BHRC approved settlement in April, 2013; investigated by Commissioner Molenda.)

BHRC DOCKET #0648: Woman said her employer tolerated a hostile work environment, doing nothing to curtail male employees who frequently discussed sexual issues at work. She complained, but did not feel that her supervisors were treating her complaint seriously. She resigned and filed a complaint of sex discrimination in employment. Investigation revealed atmosphere at work was not "hostile" as the law defines the term; a few unwanted comments, most of which were not directed at complainant, do not create an illegally hostile work environment. (Complaint filed in November, 2012; no probable cause finding issued in April, 2013; appealed unsuccessfully; investigated by Commissioner Calloway-Thomas.)

BHRC DOCKET #0649: Woman with a visual impairment said she was unfairly accused of theft at a grocery store; she forgot to check out an item on the bottom of her cart and couldn't easily see it. Security officer required her to sign a document she could not read because of her impairment and banned her from the store. She filed a complaint alleging disability discrimination in public accommodations. Store agreed to lift ban and to not charge her a fine. (Complaint filed in January, 2013; BHRC approved settlement in February, 2013; investigated by Commissioner Guhl.)

BHRC DOCKET #0650: Woman said she applied for a dishwasher job at a restaurant but was told they hire only women as servers and only men as dishwashers. Restaurant owner admitted saying something along those lines, but claimed she made the comment only as a way to get the complainant, who she said was being demanding and

intimidating, to leave. Restaurant provided evidence that it had hired no one at the time the complainant applied for a job or for months afterwards, and that it had employed female dishwashers in the past. Because the restaurant had not hired anyone, BHRC could not find it had engaged in sex discrimination in employment. BHRC made suggestions to both parties on possible ways to reduce chances of similar incidents in the future. (Complaint filed in March, 2013; no probable cause finding issued in June, 2013; not appealed; investigated by Commissioner Haughton.)

BHRC DOCKET #0651: African American man said he applied for a job at a restaurant, and that the manager all but promised him a job. When manager did not return several phone calls, complainant went to the restaurant to try to talk to him. He entered through the employee-only door, through the employee-only kitchen, and talked to the restaurant owner, whom he had not yet met. He told the owner that he was there about a job. The owner told him they had no openings, and the complainant said either "I've noticed you don't hire any minorities" (according to the complainant) or "I've noticed you have a problem with minorities" (according to the owner). After further discussion, owner told the complainant either to get his "ass" out of the restaurant (according to the owner) or get his "black ass" out of the restaurant (according to the complainant). Complainant filed a complaint of race discrimination in employment. Restaurant provided evidence that more than 15% of its employees are African Americans and that it did not in fact have an opening at the time the complainant applied, or for a couple of months afterwards. BHRC made suggestions to both parties on possible ways to reduce chances of similar incidents in the future. (Complaint filed in June, 2013; no probable cause finding issued in August, 2013; not appealed; investigated by Commissioner Applegate.)

BHRC DOCKET #0652: African American man said that he had been working for a business for a couple of years without any reprimands. He applied for a part-time job with another related business. He was not offered the part-time job, and the day after his interview he was fired by his primary employer. He believes his termination might be related to a complaint of race discrimination he filed against a related organization several years ago, a complaint which was settled by the EEOC and which might have been uncovered when the second employer checked his references. (Complaint filed in November, 2013; investigation pending; being investigated by Commissioner Morris.)

BHRC DOCKET #0653: Woman said she worked at a restaurant where the owner and a co-worker subjected her to sexual harassment and other mistreatment. When she complained, her hours were reduced and then she was effectively fired. (Complaint filed in December, 2013; investigation pending; being investigated by Commissioner Molenda.)

CITY OF BLOOMINGTON HUMAN RIGHTS COMMISSION

PUBLIC INQUIRIES

The Bloomington Human Rights Commission, by ordinance, has a fairly limited jurisdiction. We are authorized to investigate complaints of alleged discrimination on the basis of sex, race, sexual orientation, national origin, color, gender identity, ancestry, religion or disability in employment, public accommodations, education or housing, as long as the complaints arose within the City limits of Bloomington within the past 180 days. We are authorized to organize educational efforts, such as seminars, talks, brochures, awards and essay/art contests, to combat discrimination. We may and we do join forces with like-minded groups to achieve our joint goals. Fulfilling our mandate under the Bloomington Human Rights Ordinance keeps us busy.

However, perhaps because of the broad name of our commission, we often receive calls about matters that are not within our jurisdiction. We try to be familiar with the applicable laws and community resources, and we try to give callers an appropriate referral or other helpful advice. Again this year, we received many inquiries which did not lead to complaints being filed with our office. Some people sought general legal information; some needed to be referred to other agencies; some seemed to need only a sounding board. What follows is a categorical breakdown and a summary of some inquiries for the purpose of illustration.

CATEGORICAL BREAKDOWN

Sexual Orientation/Gender Identity: Callers often had questions or concerns about sexual orientation and/or gender identity discrimination. These callers included students wanting the definition of "sexual orientation" or "gender identity" and gays, lesbians, transgender individuals and employers wanting to know their rights and responsibilities under our ordinance. Again this year, we had several calls from communities from around the country considering implementing their own sexual orientation and/or gender identity ordinance, and were glad to provide assistance in this area.

Americans with Disabilities Act: We receive many calls about the Americans with Disabilities Act. Most of the calls are from employers or employees wanting to know their rights and responsibilities under this federal law or from contractors wanting information on ADA regulations. The BHRC director, as the ADA compliance officer for the City, is quite familiar with the ADA and is able to give informed general advice and to make referrals when necessary. The City's Accessible Bloomington web page helps answer questions as well.

Housing Code Violations/Landlord Tenant Disputes: Many callers mistakenly believe we have jurisdiction over housing code problems or landlord/tenant disputes that don't involve discrimination. We refer such calls to the City's housing code enforcement office and/or to a private attorney.

Wage Disputes: Employees who cannot obtain their last paycheck or pension benefits often call us. These cases do not usually have a discrimination element and are referred to the State Labor Board.

FMLA: People often call us to learn about their rights under the federal Family and Medical Leave Act. We answer general questions when we are able and refer callers to the Federal Wage and Hour Division of the Department of Labor for additional information.

Workers' Compensation: We received many calls about workers' compensation in 2013. Our staff lacks expertise in this area and refers all such calls to private attorneys and the State Labor Board.

Unemployment benefits: People fighting for unemployment benefits often call us, wanting us to represent them in an upcoming unemployment hearing. This is not a BHRC issue and so we make referrals.

Other: Many of our calls do not fall under any of the categories. Some of those calls are described below.

OTHER INQUIRIES

Caller said that she worked for an employer not subject to BHRC's jurisdiction. A male co-worker inappropriately touched her; she reported that and the employer took appropriate action. Later, she learned that the man had been questioned about a felony offense decades ago and thus she felt he might not be safe. Then she thought someone might have tampered with her food at work. She did not think her employer or law enforcement had handled the situation appropriately. Not a discrimination matter – employer handled the initial complaint appropriately. Referred to ACLU of Indiana and to employer's HR department.

Caller said her son works in Southern Indiana as an electrician. He is not getting the same hours as his co-workers and is getting paid less because of his criminal history, because they know they have him over a barrel. Criminal history not a legally protected category. He is the oldest employee; suggested he talk to the EEOC to see if the employer's actions might constitute age discrimination. Also referred to SBA to see if he could get a loan to start his own company, to Indiana Department of Labor to see if the pay violates their standards and to private attorney.

Caller said he had filed a discrimination complaint with his union, not in Monroe County, and wanted to know if he had to wait until the union made a decision before he filed a complaint with the EEOC. Not necessarily, but usually good to give the internal process a chance before filing formal complaints with an outside agency unless you are up against the deadline to file a complaint.

Caller wanted names of certified contractors to improve accessibility in her home. Told her we don't know of any certification process, but suggested she call agencies that provide services to people with disabilities for their recommendations.

Caller said she had been a live-in housekeeper and caregiver for an elderly man for years. His son recently reported her to adult protective services and she's been ordered out of the home. She wanted to know her rights. She had no contract and was employed by the elderly man, not by an agency. Not covered by the Bloomington Human Rights Ordinance; referred to Indiana Legal Services.

Caller, a biracial man with a disability, said he felt disrespected when he went to a social service agency for help. He believed the person he met with was rude and unhelpful, but had no evidence that the treatment was based on his race and/or disability. Agency primarily works with people with disabilities. Decided to try to pursue issue internally before doing anything else.

Caller said that her brother had been diagnosed with a mental illness. He had trouble getting the help he needed and getting the appropriate medications. One facility gave him a shot of a medication that had not been prescribed and that made him worse. He ended up committing a criminal act while under delusions that may have been made worse by the wrong medication. He has a public defender. Not an issue that the BHRC can help with; referred to Indiana Medical Licensing Board and agencies that support people with mental illness.

Letter writer, who had requested and received information about the BHRC to share with his fellow activists, thanked the BHRC for the information and said he had been told repeatedly he was going to hell for his work on civil rights for gays and lesbians in his Indiana town. He said he told them that since he was living in this Indiana town, he was already in hell.

E-mail writer asked how the human rights ordinance could be amended to protect people who are homeless from discrimination. Offered to meet with her and her colleagues to discuss pros and cons of the proposal.

E-mail writer, director of a nonprofit agency, said she knew she could not refuse to hire someone because he smokes, but asked if she has to allow the smoker to smoke on the employer's premises. No, state law does not require employers to allow employees to smoke on the premises, but does prohibit refusing to hire someone because he smokes on his own time.

E-mail writer said he was being treated unfairly by a company that rebuilds engines in Bloomington. He said his rebuilt engine was supposed to have a six-year warranty but after three years, the company is saying they have a new owner and thus the warranty is no longer valid. Explained that this was not an issue covered by the Bloomington Human Rights Ordinance and even if it were, he is in Bloomington, CA, not Bloomington, IN. Referred to private attorney and/or consumer division of state's attorney general office.

Caller said that her son worked at a restaurant for about two weeks. They did not set him up to clock in, so he recorded his hours on a piece of paper. They are refusing to pay him for all of the hours that he recorded and thus are underpaying him by about \$100. No evidence of race, sex, etc., discrimination. Referred to Wage and Hour Division of State Labor Board.

Caller said that President Obama's support of gay rights violated his constitutional rights. Tried to refer him to ACLU of Indiana, the agency that can do more to vindicate constitutional violations than the BHRC, but he hung up.

Caller, who works for a county office outside Monroe County, said she had received a packet of documents with McKinney's return address on the envelope. We determined that the sender was a Bloomington man who repeatedly sends out packets of documents using someone else's return address.

Caller said she had been charged with DWI after she failed to be able to walk a straight line, but blamed this on her disability. She has a public defender; explained he has to make her case to the judge.

Caller said he needed to know the status of his EEOC complaint. Told him he needed to call the EEOC, as his complaint was not filed with the BHRC. He said they never returned his calls, so that's why he called the BHRC. Referred him back to EEOC.

Caller, owner of a locksmith company in Ft. Wayne, said one of his bigger customers wanted to know what his non-discrimination policy was. His company is small and he had no such policy. Sent him a copy of BHRC's model affirmative action plan to adapt for his company.

Caller said he had filed a discrimination complaint with the EEOC. They found no cause, but issued him the standard right to sue letter. He can't find an attorney. Tried to make referrals. He said a director of another HRC had told him we would represent him and tried to insist that we do so.

E-mail writer said she lives in New Zealand and has a friend in Bloomington who is currently living on the streets because of abuse at home. She said her friend can't stay at a shelter for abused women because it's full, but said her friend does take showers there. (Shelter said it doesn't allow people who are not

residents to take showers there, and gives referrals to people if they are full.) Referred her to township trustee and Shalom.

Letter writer sent copies of bank information and deposit slips from a Hawaii bank and a handwritten note saying that he had been mistreated by judges in Lawrence County. Did not provide his name, address or specifics, so BHRC took no action.

Visitor to office said that his friend had been harassed by law enforcement for being a woman. Complaint was vague and hard to follow. BHRC has no jurisdiction over law enforcement. Referred to chief of police, board of public safety and/or ACLU of Indiana.

Visitor to office had concerns about people who have been evicted twice essentially becoming "non-persons," as no one will rent to them. If they share space with someone without the landlord knowing, the legal tenant can raise the rent without notice. Discussed in general.

E-mail writer asked for information about minority groups in Senate District 50 for her DFL (Democratic Farmer Labor) Party group. Asked her if she was looking for the Bloomington, MN, HRC, as DFL is a Minnesota political party. Yes.

E-mail writer asked if ADA requires that outdoor benches have backs and/or arm rests. No ADA standards for outdoor benches except for height, but recommended that facility have some benches with backs and/or sides as they benefit some people with disabilities.

Caller asked if it is illegal for outdoor benches to have arm rests in the middle because that discourages sleeping on the benches. Not to our knowledge.

Caller said that she owns a small store. A woman brought in a dog that she said was a service dog, but the dog was not under the woman's control and caused some problems. She asked what her rights and responsibilities were under the ADA in dealing with service dogs. Sent her the DOJ handout on the topic.

Caller said she has a disability and has been told her landlord won't renew her lease because of neighbors' complaints about the smell of her pets. She has five cats and a dog. The dog is a service dog; she said the cats are all "emotional support" animals. Explained that courts would probably not find that someone needs five emotional support animals, and might say that the service dog could be both a service animal and an emotional support animal. She is going to try to work out the issues with the landlord and get back to us if she can't, as the lease doesn't expire for about seven months.

Visitor to office said that she had been laid off from her job of 13 years, without an explanation. She said the company has since hired others. She asked if that

was legal. Her form from the employer said both that she had been laid off and terminated. She said the employer used to like her but doesn't anymore, and that is why she was laid off. Not illegal to do what employer did, and no evidence of violation of human rights ordinance. Referred to unemployment office.

E-mail writer, a woman for whom we had prepared a complaint in 2012 but who had never signed or filed it, sent a long draft letter to the editor that she wanted McKinney to review and to provide back up evidence for her claims. Told her HT's rules for letter to the editor and guest columns; made referrals.

Visitor to office said he had been hired by a contractor to do work in a restaurant in Bloomington and also in Illinois. He did the work as instructed, but the contractor is refusing to pay him, claiming it was not done properly. No evidence of race, sex, religion, etc., discrimination. Referred to Indiana Legal Services. Wage and Hour Division of Indiana Department of Labor, owner of building that houses the restaurant and small claims court.

Caller left a message saying that her three-year old is now potty-trained and so she needed to be moved up on the waiting list for child care. She said that it was urgent that she work out child care as soon as possible. Returned call and told her she had a wrong number; she became very upset when we could not give her the right number.

Caller said she had worked for a governmental office outside of Monroe County. She did not believe her office complied with its own personnel policies, and she believed that her office discriminated against her on the basis of her sex. She said she called the EEOC to find out how she should handle the situation, and the EEOC told her to write a formal grievance to her supervisor. When she did so, the HR department said she needed to undergo a psych evaluation before she would be allowed to return to work. She said she did nothing to make them doubt her sanity. She said she asked why she needed an evaluation and was told because the boss said so. Told her that typically, employers cannot require a medical exam without good reason, and referred her back to the EEOC and/or a private attorney for further guidance.

Caller said that he worked for a business that has offices in Bloomington and throughout the state. He said he believed the business was discriminating against him on the basis of his race and/or national origin. He worked for the business in Evansville and Terre Haute and had no connection to Bloomington; told him he needs to file a complaint with the human rights commission in one of those cities.

E-mail writer said that he does training for the U.S. Department of Homeland Security. He said he wants to put together a webinar on how to create a special needs dispatch registry and asked if McKinney would talk to him for an hour to

explain what is necessary to create, manage and use a special needs registry. Answered his questions and participated in webinar.

E-mail writer said he was a musician from South America who has been accepted into the IU School of Music, but he cannot afford to attend. Asked for BHRC grant or scholarship. Explained that we have no such program and wished him well.

Caller wanted to know what she needed to do to get a Ten Commandments monument erected on the courthouse lawn. Referred to Monroe County officials.

Caller, an African American man, said he had a new job in a fast food restaurant. He was scheduled for 22 hours the first week, but they kept sending him home early because they were not busy. He overheard a dispute between a manager and an assistant manager about their work duties that he did not think he should have heard. He wanted to file a complaint of race discrimination in employment. Explained that unless he had some reason to believe that they were not giving him hours because of his race, he likely did not have a case. Explained that his overhearing something he didn't think he should have is likely not evidence of race discrimination.

Caller said that he had worked for employer not subject to BHRC's jurisdiction for more than 20 years. He is now being told to either resign or lose his job subject to a reduction in force (RIF). No evidence of race, sex, etc., discrimination. Explained hire-at-will laws and made referrals.

Caller said her employer was requesting a lot of personal medical information from her. Explained the law; she will call back if need be.

Law student wanted to apply for internship for the fall; when told we didn't have any openings, asked where else he should apply. Suggested he talk to placement office at law school.

Caller said she applied for a job. She noted on her application that she had a misdemeanor conviction. They started a criminal background check on her but before they got the results, hired her. She quit her previous job and went through two days of paid training with the new employer. Then the employer received the results of her criminal background check and fired her. Not a violation of the human rights ordinance. Referred to private attorney to see if she had a breach of contract case since she relied on their promise of employment and quit her previous job.

Visitor to office believed that pending criminal charges against her were unfounded, that her public defender was not qualified and that she, as a person with a disability, should not have to fulfill restitution requirements. Explained that none of this was within the BHRC's jurisdiction and made referrals.

Caller left a message at 3 a.m. on a Sunday morning saying that stop signs were a violation of his human rights. Did not return the call.

E-mail writer asked BHRC to join the Beyond Belief Walk for Peace, scheduled for November at the Mall of America. Responded by asking if writer was looking for the Bloomington, MN HRC, as the Mall of America is located in Bloomington, MN. Confirmed.

Caller said that she keeps calling the Equal Employment Opportunity Commission about her case, but no one answers the phone. So she wanted us to let her know the status of her complaint. Explained we don't have access to EEOC files and discussed the impact of budget shutdown; gave her the phone number of her member of Congress to complain.

Caller said that he had been hurt on the job. Employer is refusing to pay for cosmetic surgery needed after the injury and fired him. Referred to private attorney who handles workers' comp issues and to state workers' comp board, as well as to workforce development to apply for unemployment benefits. Caller was irate that "City does not care about injured workers." Tried to explain BHRC has no role in this kind of case.

Caller said that he thought it was wrong that a local newspaper included the race of individuals involved in a hiring controversy at a public institution. Explained this was not within our jurisdiction and that newspaper has first amendment rights; referred to editor of paper, with whom he had already spoken.

E-mail writer asked if he had to provide sign language interpreter at public even as requested; yes, if it's not an undue burden to do so.

E-mail writer asked if apartment complex could tell her children they could not play on the complex property, even if they didn't have a no trespassing sign. Not a human rights issue, but told her our understanding is that they can put up a sign or tell you verbally that they don't want you on their property.

Caller said that his girlfriend had years of experience working for a restaurant chain in the south. Since moving to Bloomington, she has applied for several jobs with the same chain, but so far has not received a job offer. He believes she is being denied a job because of her race. Asked to speak to her about the situation; he said she didn't know he was calling BHRC and probably wouldn't want to talk to us. Suggested she call BHRC if she changes her mind.

Caller, from Northern Indiana, said her long-time employer had fired her and replaced her with his mother. Asked if that was legal; likely yes. Referred to private attorney and to unemployment office. She said she already had filed for unemployment benefits, which referred her to the BHRC for reasons unknown.

E-mail writer said she was being threatened with eviction because her apartment was dirty and had bed bugs. She called this "elder abuse." She denied that it was dirty and said bed bugs are harmless and God's creatures. Explained that age discrimination is not a protected class under fair housing laws; referred to Indiana Legal Services; explained that landlord would have to take her to court and prove his case to evict her. She responded weeks later that she was actually complaining about discrimination on the basis of ethnicity, that McKinney quoted federal law for no reason and that she would take her complaint elsewhere so that McKinney could spend her taxpayer-funded time continuing to socialize instead of working. Gave her contact information for ICRC and HUD.

Caller said that landlord is taking months to process her application, apparently because landlord does not like caller. Discussed situation in general; not a BHRC issue.

E-mail writer had questions about why she had to make parking lot and entrance at her place of public accommodations accessible if most of interior cannot be made accessible; explained ADA requirements and tax credits.

**BLOOMINGTON HUMAN RIGHTS COMMISSION
HATE INCIDENTS REPORT
July, 2012 – June, 2013**

In August 1990, the Bloomington Common Council unanimously approved an amendment to the Bloomington Human Rights Ordinance which gave the Bloomington Human Rights Commission the explicit authority to collect data and issue reports on hate incidents in our community. We accept reports from police departments, individuals, groups and the media. We also accept anonymous reports. Our goal is not to investigate these incidents, as we do not have the training, authority or resources to conduct these types of investigations. Rather, our goals are to serve as a referral resource and sounding board for victims, to work with community groups to coordinate responses to hate incidents when appropriate and to make our community more aware of the prevalence of hate incidents through issuing these annual reports. Some of the language in these reports may be offensive. We feel it's necessary to include the actual language in order to convey the true ugliness of these incidents.

In July, 2012, we received a report from BPD about a battery and attempted robbery. Two men and a woman reported that they had been home watching a movie on television when two men came into the apartment and yelled, "Give me your money, faggot." The men hit one of the male residents in the head, causing him to bleed. Then the two invaders fled the apartment. The male resident told police he did not know who the two men were. He reported that three weeks earlier, he had come home to find the words "Fuck you fag" written at the top of his door. BPD investigated.

In August, 2012, we received a report from BPD about vandalism. A man reported that someone had keyed the words "I rape kids" and "fag," as well as the letter "X" on his car. BPD investigated.

In August, 2012, we received a report from BPD about a battery. Several juvenile females got into a fight. One girl called another girl "a bitch and a nigger." One girl had a scratch on her cheek but did not want to press charges. BPD told all of the girls to stay away from each other.

In September, 2012, we received a report from BPD about a battery. A white woman reported that she had told a visitor at her apartment that she was engaged to a white man, who was in her apartment, and that she was also having a relationship with a black man. The white male visitor became very irate at the news. He said he was a white supremacist and said several racial slurs. He also yelled at her about being unfaithful to her fiancé. She shouted in his face about his intolerance and he shoved her and spat on her. He told her that white supremacists were coming to town and they would harm her and her African American friend. BPD sought an arrest warrant for the white male visitor and explained protection and no contact orders to the victim.

In September, 2012, we received a report from BPD about a battery involving juveniles at a school. One student called another "gay" and said he was going to beat the student up.

The student who was called gay said he would not fight back. The first student hit him several times until the second student did fight back, at which point the first student slammed the second student's head against the wall. The first student was arrested.

In September, 2012, we received a report from BPD about a battery. A child with autism called older neighborhood kids "white trash" and "black trash." One of the older kids responded by hitting the child with autism with a belt, causing a welt. He said he didn't mean to hit the younger kid. Rather, he was just swinging his belt, trying to scare him. BPD investigated.

In October, 2012, we received a report from BPD about vandalism. A woman reported that someone had keyed the word "fag" on the trunk of her car. BPD investigated.

In October, 2012, we received a report from BPD about a battery. A woman reported she had an argument with a white male friend after he called her boyfriend a "nigger." When he said that, she yelled at him, and he hit her in the mouth. She tried to hit him back, but he ducked and locked himself in his bedroom. The man claimed she had hit him as well, but he did not recall on which side of his face he had been hit and had no injury. Both of the participants had been drinking. Neither wanted to press charges against the other.

In November, 2012, we received a report from BPD about vandalism. A man reported someone had painted "I gay" on the side of his house. BPD investigated.

In November, 2012, we received a report from BPD about vandalism. Someone spray painted the words "gay" on the side of a woman's house. BPD investigated, noting the similarity between this and the previous incident.

In April, 2013, we received a report from BPD about harassment. A restaurant employee said that a semi-regular customer had been in the restaurant earlier and had used foul language. Previously, the customer had called an employee a "fag." On this date, the customer was using foul language in general and had become upset. The employee asked the customer to leave, which led to the customer yelling, telling the employee to "go fuck" himself and threatening to "shoot the place up." The employee said that on previous visits, the customer had made racist comments to customers and other homophobic comments to employees. By the time the police arrived, the customer had left and the police could not find him. BPD told the employee to let the police know if the customer returns, so that BPD may advise the customer about trespass and felony intimidation.

In May, 2013, we received a report from BPD about a battery. An African American woman was trying to help a white male friend who had been in a fight. She was cleaning his wounds when his girlfriend came. The girlfriend told her to stop cleaning his wounds because she wanted to walk the man home. The African American woman said she wanted to finish what she was doing. The white woman said, depending on which witness you believe, "Let's not get ghetto here," "ghetto nigger," "ghetto nigger bitch" or "dirty nigger." She also, by one account, spat in the African American woman's face. The

African American woman chased the white woman out of the apartment and repeatedly hit and kicked her, in view of a police officer. The police arrested the African American woman.

In May, 2013, we received a report from BPD about a possibly pre-arranged fight between some juveniles, apparently provoked by one boy calling another a “nigger” and being called a “pussy” in return. BPD investigated.

In May, 2013, we received a report from BPD about an incident. A man said that he met someone who gave him a ride home. They were talking outside of his home when they were approached by another man. Both the man who approached them and the visitor then hit him and stole some pills and cash from him. He reported the incident to the police. When he later followed up by sending a text message to the man who had given him a ride home, that man replied, “IDK (I don’t know) what zip XQ means, but if you try to get at the police nigga they won’t like that. You were trying to sell me ur (your) pills U (you) stupid nigger.” The victim admitted to the police at that time that he had sold some pills to the man who gave him a ride home and that they stole back some of the cash he had received for the pills. BPD investigated.

In June, 2013, we received a report from BPD about a battery. Witnesses reported that two African American men kept hitting on some women in a bar. A male friend of the women told the African American men to leave the women alone, and one of the African American men hit the male friend, knocking out two teeth. The police arrested the African American man after a chase by vehicle and foot. The African American man initially claimed his friend had thrown the punch, but later admitted it was him. He said the male friend had called him “nigger.” He said he ran from the police because he was on probation.

BLOOMINGTON HUMAN RIGHTS COMMISSION

STEPS IN PROCESSING A FORMAL COMPLAINT

1. **Complainant who believes he/she has been discriminated against makes an appointment with the staff.**
2. **The director or assistant interviews the complainant to determine if the BHRC has jurisdiction. If we do, the complaint is written, signed and notarized. If not, the complainant is referred to the appropriate agency.**
3. **The respondent is notified of the complaint by certified mail and has 20 days to respond.**
4. **The case is assigned to a commissioner, who will investigate the complaint along with the director.**
5. **The director and investigating commissioner collect and summarize the facts. They interview both parties and witnesses, do legal research and collect documentation to obtain the best evidence available for each side.**
6. **If the respondent wishes to settle the complaint before an investigation is completed, the director and investigating commissioner strive to mediate a settlement between the complainant and respondent. This agreement must then be approved by the full BHRC.**
7. **If the case is not settled, the director and investigating commissioner, after a complete investigation, make a determination that probable cause or no probable cause exists to believe discrimination has occurred.**
8. **Both parties are notified of the finding.**
9. **If the finding was no probable cause, the complainant has 10 days in which to file a written appeal with the chair of the BHRC. A hearing is then held and the chair has 20 days to either uphold the finding or overturn the finding. If the finding is overturned, then the case proceeds to negotiations as if probable cause had been found originally.**
10. **If the finding is probable cause, the director and investigating commissioner attempt to negotiate a settlement that is agreeable to both parties. If the attempt is unsuccessful, the BHRC will hold a formal public hearing. The BHRC's decision after the hearing can be appealed to court by either party.**



OUT OF THE MOUTHS OF BABES

Each year the BHRC sponsors an essay/art contest for local school-age children. This year the theme was “What I’ve Learned From People Different From Me.” The following are excerpts from some of this year’s winning essays.

- ◆ “It is important not to just pay attention to the way someone looks, but the way they are in the inside.”
- ◆ “I believe everybody of every race should have equal rights, and worship in any religion they choose.”
- ◆ “I have learned in my twelve years of life that I live a charmed life compared to some people, but to others I may appear to have nothing. Everyone should be thankful since there is always someone who has less.”
- ◆ “I’ve learned a lot about diversity in my life from my family, friends and even some quotes. My favorite quote was: ‘I don’t like that man. I’ve got to get to know him better.’ – Abraham Lincoln. Whenever I get mad at somebody for something they can’t help, I think about that quote. It has helped me be a better and more peaceful person.”

2013 Essay Winners

Ada Lynch
Anabelle Thomassen
Andrew Swank

Mari Walter-Bailey
Sydnie Lynn Cunningham
Allison VanLeeuwen

2013 Art Winners

Quinn Wilson
Salem Akhras
Simon Moore

Diego Smith
Noah Moore
Caitlyn Betar
Tyler Shay

2014 BLOOMINGTON HUMAN RIGHTS COMMISSION

MEETING DATES

January 27, 2014	5:30 p.m.	McCloskey Room
February 24, 2014	5:30 p.m.	McCloskey Room
March 24, 2014	5:30 p.m.	McCloskey Room
April 28, 2014	5:30 p.m.	McCloskey Room
*May 19, 2014	5:30 p.m.	McCloskey Room
June 23, 2014	5:30 p.m.	McCloskey Room
July 28, 2014	5:30 p.m.	McCloskey Room
August 25, 2014	5:30 p.m.	McCloskey Room
September 22, 2014	5:30 p.m.	McCloskey Room
October 27, 2014	5:30 p.m.	McCloskey Room
November 24, 2014	5:30 p.m.	McCloskey Room
December 22, 2014	5:30 p.m.	McCloskey Room

The Human Rights Commission usually meets every fourth Monday of the month, with the exception of the May meeting.

Meetings will be held in the Showers Building, 401 N. Morton St., McCloskey Conference Room #135, on the first floor. The public is welcome to attend.

FORMER COMMISSIONERS

1960s

Rev. E. Daniel Butler
Mrs. David Dansker
Jack N. Ray
Dr. Harry Yamaguchi
William H. Andrews
Rev. Robert Kirk, Sr.
Rev. A. Hardy Nall, Jr.

David S. McCrea
Dustin McDonald
Betty Rowan
Robert F. Terry
Regina Friedman
Irving Fell
Mrs. Russell DeMotte

Bill Hayes
Dr. Harry Day
Samuel M. Loescher
E.E. Bridgewaters
Rev. Joe Emerson
Brad Bayliss
Craig Tregilgas

1970s

Frank Thomas
Clarence Gilliam
Dr. Joseph Russell
Dr. Jerry Ruff
La Verta Terry
Father Robert Borchertmeyer
Joan Simkowitz
William Jairrels
Wilanna Smith
John Irvine
Tobiatha Eagleson
Viola Taliaferro

Howard Canada
Christine Iannucilli
Daniel Gad
Valerie Tarzian
Robert Tucker
Frederick LaCava
Christine Mitchell
William Gephart
Mary Mitchell
Ronald Foley
Fran Koski
Robert Epps

Jorge Oclander
Mary Foster
Tula Kavadias
Mark Schenk
Charles Webster
Quincy Erickson
Mary Hayes
Rev. Joseph Walker
Richard Randall
Rev. William Webster
David Jimenez
Robert Cole

1980s

Robert Cole
John Pickel
Quincy Erickson
Tobiatha Eagleson
Ron Foley
George Foster
Tula Kavadias
Christine Mitchell
Jorge Oclander
Doris Sims

Bob Tucker
Ben Waxler
Frona Powell
Nora Peoples
Lorraine Rodts
Lorelei Meeker
Bridget McKinney
Chris Gardner
Jerry Vuke
Wilanna Smith

Roscoe Ellis
Bob Dunn
Edwin McClean
Rev. Charles Rogers
Mary Ellis
Wanda Reisz
Lauren Robel
Cassandra McConn
John Pickell

1990s

Harry Yamaguchi
Mary Ellis
George Foster
Henry Hofstetter
Steve Sanders
Dr. Michael Wenzler
Alan Yip

Marie Phillips
Charlie Laganza
Barbara Fawcett
Bob Dunn
Lauren Robel
Rev. Greg Wilson
Barbara Wolf
Doug Bauder

Patty Muller
Doug Bauder
Dr. Fritz Lieber
Gwen Jones
Rev. Michael Anderson
Jack Hopkins
David Reidy
Steve Sanders

2000s

Dr. Fritz Lieber
Steve Sanders
Vicki Pappas
Pam Huggins
Jeff Harlig
Luis Fuentes-Rohwer

David Reidy
Josh Cazares
Doug Bauder
Nancy Metz
Maria del Pilar File-Muriel
Dorothy Granger

Rev. Michael Anderson
Melanie Castillo-Cullather
Suzette Sims
Shaunica Pridgen
Emily Bowman
Beth Kreitl

2010s

Luis Fuentes-Rohwer
Amy Jackson
Teri Guhl

Beth Kreitl
Dorothy Granger
Alice Tischler

Emily Bowman
Alexa Lopez

PREVENTION THROUGH EDUCATION

The Bloomington Human Rights Commission is dedicated to eliminating discriminatory practices before they happen. The people we wish to reach include landlords and tenants, employers and employees, owners and patrons of public accommodations, real estate agents, bankers and home buyers, teachers and students. The Commission sponsors educational forums and publishes pamphlets. Commissioners and staff members are available to speak at meetings or to individuals at no charge.

RESPONSIBILITIES OF THE BLOOMINGTON HUMAN RIGHTS COMMISSION

The Bloomington Human Rights Commission enforces the Bloomington Human Rights Ordinance. The Commission consists of seven citizen-representatives of our community. Four of the members are appointed by the mayor and three by the common council. Commission members hold public meetings once a month. The Human Rights Commission has three primary responsibilities:

- preventing discrimination through education;
- investigating complaints; and
- devising solutions.

Bloomington

Human Rights Commission

The Bloomington Human Rights Ordinance promotes equal opportunity in employment, education, housing and access to public accommodations, regardless of race, sex, religion, color, sexual orientation, national origin, ancestry or disability. The ordinance also prohibits familial status discrimination in housing. Every person who lives or works in Bloomington is entitled to certain rights, and has certain responsibilities, pursuant to the Human Rights Ordinance.

*The Bloomington
Human Rights Ordinance*

Bloomington Human Rights Commission

401 N. Morton Street
Post Office Box 100
Bloomington, Indiana 47402-0100

PROCESSING COMPLAINTS

Filing a Complaint and Investigation: If you believe that you have been discriminated against, you may file a complaint with the Bloomington Human Rights Commission. The complaint is a sworn, written statement that explains the basis of your belief in understandable language. It should be taken seriously, for it charts the scope of the investigation. The BHRC will collect and summarize the facts and law related to your complaint. The BHRC must collect the best evidence available for each side. You may be asked to supply documents or other information that supports your complaint. Most investigations are completed within four months.

Your lawyer is welcome to participate in the investigation, but you do not have to hire an attorney. Few complainants do. Often, complaints are settled on terms agreeable to both parties during the investigation period.

Probable Cause Determination: If there has been no settlement after all the facts are gathered, the BHRC decides whether to proceed further with your complaint. If we believe that there are grounds to believe discrimination has occurred, we will issue a finding of "probable cause." If we do not believe there are grounds to believe discrimination occurred, we will issue a finding of "no probable cause." If we find no probable cause, your complaint will be dismissed, unless you appeal.

Formal Conciliation: Upon finding probable cause, the BHRC sends a proposed consent agreement to the parties and invites them to settle. This proposal can be negotiated.

Public Hearing: If we find probable cause, and if the parties cannot agree on a settlement through conciliation, the BHRC will hold a public hearing to decide your case. This is relatively rare. After hearing all the evidence, the BHRC will issue an order in your case that is binding on the parties. Final orders of the BHRC can be reviewed by a court. If such a review is requested, however, the court will not hold a trial. It simply will review the record of the public hearing before the BHRC and consider legal arguments.

DEVISING SOLUTIONS

If the BHRC finds for the complainant, it may issue an order requiring changes to be made that will help eliminate discrimination in the future and that will help make the complainant whole. These changes could include reinstatement to a job, reimbursement for lost wages, making a house or apartment available, changes in policies or practices or any other appropriate relief that will help meet the goals of the ordinance. The BHRC may award money damages where evidence showed that the discrimination resulted in a monetary loss.

Complainants are protected in their right to file a complaint. It is unlawful for any person to retaliate or discriminate in any manner against a person because he or she has filed a complaint, acted as a witness or assisted the BHRC in the investigation of a complaint.

Respondents are protected against unfounded charges. The BHRC realizes that some charges are in fact not based on unlawful discrimination, and it provides investigations, written determinations, conciliations and public hearings to weed out such charges. Please realize, however, that the BHRC must investigate each charge before deciding whether it is well-founded.

JURISDICTION

The Bloomington Human Rights Commission has jurisdiction only within the city limits of Bloomington and thus complaints may be filed with the BHRC only if the alleged discrimination occurred within the city limits. For complaints outside the city limits, the BHRC will make an appropriate referral.

HATE INCIDENTS

The BHRC also collects data and issues reports on hate incidents. Hate incidents include verbal or physical abuse directed at individuals or groups because of their race, sex, color, disability, age, sexual orientation, ancestry, religion or national origin.

MEETINGS

Commission meetings are usually held on the fourth Monday of the month in the Showers Building, 401 N. Morton Street. The public is encouraged to attend. Notices of meetings are regularly published in the *Bloomington Herald-Times*.

For more information, or to file a complaint, contact

Bloomington Human Rights Commission

401 N. Morton St.
Post Office Box 100
Bloomington, IN 47402-0100

Telephone: (812) 349-3429
Fax: (812) 349-3441
human.rights@bloomington.in.gov

CITY OF COLUMBIA

HUMAN RIGHTS COMMISSION

2013 ANNUAL REPORT

Members

Scott Dean
Dalton Calcote
Elizabeth Miller
Amanda Andrade
Gina Long
Meghanne Thompson
(vacant)

Chair
Vice-Chair

Term Expiration

March 2016
March 2017
March 2017
March 2016
March 2015
March 2017
March 2015

Staff Liaison

Adam Kruse

Assistant City Counselor, Law Department

City Ordinances – Human Rights Violations

The city ordinances prohibiting human rights violations are in Chapter 12, Art. III of the City Code of Ordinances. These prohibit discrimination in **Employment, Housing, and Public Accommodation** based on an individual's status in a protected category (*race, color, religion, sex, national origin, ancestry, marital status, disability, sexual orientation, gender identity, age* (as it relates to employment) or *familial status* (as it relates to housing)).

About the Human Rights Commission

The Human Rights Commission (HRC) is dedicated to minimizing or eliminating discriminatory practices made unlawful by Chapter 12. It is comprised of seven (7) volunteer members, each appointed by Council to three (3) year terms. The HRC receives discrimination complaints from the public for investigation, mediation or referral to a state or federal agency. It also participates in outreach activities to raise awareness and improve human relations in the community.

History of the Formation of the Columbia Human Rights Commission

The City of Columbia first established the Human Rights Commission in 1974. The HRC was originally given powers to conduct administrative hearings and redress violations by ordering appropriate relief (including cease and desist orders, reinstating employment or granting back pay). In 1990, the Missouri Supreme Court issued an opinion which made it clear the City's HRC was operating beyond its constitutional limits. The City Council established a task force to make recommendations on the future of the HRC. In 1991, City Council restructured the HRC based on the recommendations of the task force. The new HRC no longer had the sole authority to redress violations; instead, it would seek to eliminate discriminatory practices by educational programs and by conciliating and mediating individual complaints.

Complaints Received by Columbia Human Rights Commission - 2013

- E-01/13 A person filed a complaint on January 24, 2013. The complaint alleged employment discrimination based on sex. After its review, the HRC administratively closed the complaint because the complainant voluntarily withdrew the complaint.
- E-02/13 A person filed a complaint on February 25, 2013. The complaint alleged employment discrimination based on sex. Both parties agreed to participate in mediation at the University of Missouri Law School Center for Dispute Resolution. After its review, the HRC administratively closed the complaint because the case was successfully mediated.
- E-03/13 A person filed a complaint on May 31, 2013. The complaint alleged employment discrimination based on race. The complaint was referred to MCHR, their investigation found no probable cause. After its review, the HRC made a finding of no probable cause consistent with MCHR's investigation.
- PA-04/13 A person filed a complaint on August 24, 2013. The complaint alleged public accommodation discrimination based on a disability. The business constructed a ramp to improve accessibility and the complainant withdrew the complaint. After its review, the HRC administratively closed the complaint because the case had been resolved and the complainant withdrew the complaint.
- H-05/13 A person filed a complaint on September 5, 2013. The complaint alleged housing discrimination based on retaliation. After its review, the HRC administratively closed the complaint because it did not allege a violation of Chapter 12 of the City Ordinances.

Inquiries Received by the Columbia Human Rights Commission - 2013

An inquiry is when a member of the public has an allegation or a question about discrimination but that person never filed a formal written complaint. Each inquiry is handled by the staff liaison with an in-person meeting or a telephone conversation (depending on what the inquirer is most comfortable with). Inquirers are provided with personal responses specific to their questions, informed of their options for filing a complaint, and provided contact information for any future questions.

In 2013, the Human Rights Commission received seventeen (17) inquiries: six (6) involved Employment, four (4) involved Housing, two (2) involved Public Accommodations, and five (5) involved Other. The discrimination alleged in these inquiries included national origin, disability, sex, sexual orientation, familial status and/or race.

Human Rights Enhancement Program - 2013

The HRC's aim is to minimize or eliminate discriminatory practices, to carry out educational programs and to cooperate with other organizations to further this purpose. To that end, the HRC recommends Human Rights Enhancement activities in our community to be sponsored by the City and assists in coordinating these events. The following are the Human Rights Enhancement activities that were sponsored in 2013.

1. *MLK Presentation, "Share the Dream, Live the Reality"*
 - **MU MLK Celebration Committee**, January 30, 2013
 - A presentation by television Judge Glenda Hachett regarding the lessons she has learned on the bench. The presentation took place at the Missouri Theater and was free and open to the public.

2. *Family Assisted Bathroom Signage Program*
 - **MU Wellness Center**, April 1 – September 30
 - An educational program intended to promote the availability of family assisted bathrooms in the District. Programming will include safe spaces training and the provision of family assisted bathroom signage. The program is intended to increase safety and inclusivity for families, persons with disabilities, and persons identifying as transgender. The HRC worked with the City's Building Construction Codes Commission to institute more inclusive restroom ordinances.

3. *"The Human Rights Crisis in Tibet: The Venerable Champa Lhunpo" Presentation*
 - **Columbia Public Schools - Amnesty International**, November 14, 2013
 - An educational program by Tibetan Monk Champa Lhunpo at Hickman High School to discuss human rights issues in Tibet and the dangers of ignoring these issues. He presented to students at Hickman High School all day and had another presentation after school in the Theater at Hickman that was free and open to the public.

4. *"New Kid" Play*
 - **Missouri Immigrants and Refugees Advocates**, November 22 & 23, 2013
 - The play is about a child immigrant who goes to a new school and tries to make new friends but he does not understand the language or the customs. The play is aimed at youth and intended to raise awareness of issues facing immigrants, to increase mutual respect and understanding and create a more welcoming community. The play was held at the Little Theater on the University of Missouri campus; it was free and open to the public.

5. *"The Dream is Now" Screening & Panel Discussion*
 - **Ragtag Cinema**, December 5, 2013
 - This was a screening of a documentary film that addresses the challenges faced by children of undocumented immigrants and current immigration policies. After the filming, there was a panel discussion that included young immigrants, an immigration attorney and a health services worker. The event took place at Ragtag Cinema; it was free and open to the public.

2013 Members

Term Expiration

Scott Dean	Chair	March 2016
Dalton Calcote	Vice-Chair	March 2014
Virginia Law	Secretary	March 2014
Amanda Andrade		March 2016
Gina Long		March 2015
Jessica Macy		March 2015
Matt Mazick		March 2014

Year in Review - 2013

- The HRC was recognized by the Missouri Commission on Human Rights as **Missouri's Local Human Rights Commission of the Year**.
- The administrative responsibilities of the commission transferred from the Public Health & Human Services Department to the Law Department.
- The HRC organized and planned 2013 Columbia Values Diversity Celebration. This responsibility has now transitioned from the Public Health & Human Services Department to the Cultural Affairs Department who will plan it for 2014 and beyond.
- The HRC conducted the following outreach: had booth displays at PrideFest, MU Off-Campus Housing, BCCA Mature Living Festival, Graduate Student Fair; provided feedback for a local fair housing website, www.midmohousing.com; assisted in creating brochures for service animals; HRC members were involved in the CHAMP process.

Future Goals - 2014

- Host a Columbia Fair Housing Seminar
- Look into Welcoming Cities Project and determine whether the City of Columbia would benefit from joining that organization
- Raise the City's Score on the Human Rights Campaign's Municipal Index Score Test

City of Columbia
Human Rights Enhancement Program
FY2013 Funding Information

Organization	Program	Funding Requested	Funding Allocated	Program Dates	Service Description	Contact	Contact E-mail
University of Missouri-MLK Celebration Committee	Family Assisted Bathroom Signage	\$500	\$500	April 1 - September 30, 2013	An educational program intended to promote the availability of family assisted bathrooms in the District. Programming will include safe spaces training and the provision of family assisted bathroom signage. The program is intended to increase safety and inclusivity for families, persons with disabilities, and persons identifying as transgender.	Heather Eastman-Mueller	EastmanMuellerH@health.missouri.edu
University of Missouri-MLK Celebration Committee	MLK Presentation "Share the Dream, Live the Reality"	\$500.00	\$500.00	January 30, 2013	A presentation by Judge Hachett regarding the lessons she has learned on the bench. The presentation will take place at the Missouri Theatre and will be free and open to the public.	Nadege Uwase	UwaseNa@missouri.edu
Columbia Public Schools- Amnesty International Chapter of Hickman High School	The Human Rights Crisis in Tibet- Venerable Champe Lhumpo	\$500.00	\$500.00	November 13, 2012	An educational program about Tibetan history, culture, art, religion and human rights. The program will bring Champa Lhumpo, a Tibetan monk to talk at Hickman High School to students in Humanities, Classical Ideas and World Religion classes and the World Life and Literature classes and at a session open to all students and the general public. Students will gain an understanding of how human rights issues impact individuals as well a whole cultures and learn to apply this knowledge to human rights issues at the local community level.	George Frissell	GFRISSEL@columbia.k12.mo.us

Total Allocations to Date: \$1,500.00
Funding Available: \$3,000.00
Balance: \$1,500.00

What is the Ames Human Relations Commission?

Created in 1974, in accordance with Chapter 14 of the Ames Municipal Code, the Commission implements the provisions of the Iowa Civil Rights Act of 1965.

The Commission works to eliminate discriminatory practices in Ames by:

- Investigating and determining the merits of complaints alleging unfair or discriminatory activities.
- Establishing procedures for the conciliation of such complaints
- Ensuring that victims of discrimination are heard and concerns are addressed.
- Creating education and outreach to help the Ames community become more sensitive to the problems of discrimination.

The Commission is composed of five Ames residents, who are appointed by the Mayor for three-year terms. If you are interested in serving on the Commission, you can request an application from the City Clerk's office in Ames City Hall, 515 Clark Avenue.

According to Ames city law, discrimination is prohibited in the areas of housing, education, employment, public accommodations or services, and credit.

It is illegal for any person to intentionally aid, abet, compel or coerce another person to engage in any of the practices declared unfair or discriminatory by Chapter 14 of the Municipal Code of the City of Ames.

View the Municipal Code of the City of Ames online at: www.cityofames.org or at Ames City Hall: 515 Clark Avenue.



Have you been treated unfairly?



**DISCRIMINATION IS
AGAINST THE LAW.**

The Ames Human Relations Commission was established to address discriminatory issues in our community.

DISCRIMINATION

The Ames Human Relations Commission's jurisdiction covers discriminatory actions against a person because of:

- Race
- National origin
- Color
- Creed
- Religious affiliation
- Sexual orientation
- Gender
- Physical disability
- Developmental disability

These are not applicable to credit issues:

- Age with respect to employment and credit only
- Familial status (presence of children) housing only
- Marital status credit only

Please call 239.5101 and ask for the Ames Human Relations Commission staff liaison if:

- You believe you have been discriminated against in Ames.
- You know of someone who believes he/she has been discriminated against in Ames.
- You need advice or information about what may be discriminatory.
- You or your group would like a presentation on discrimination or the Human Relations Ordinance.



The Complaint Process

1. Register a complaint by calling 239.5101; ask for the Ames Human Relations Commission staff liaison. You can also download a complaint form from www.cityofames.org.
2. Staff will meet with you to discuss the complaint and initiate the process.

Investigation and Review

3. Volunteer investigators gather facts about the case.
4. If there is not sufficient evidence, a finding of “no probable cause” will be issued and the case will be closed.
5. If probable cause is found, conciliation follows.

Conciliation

6. Commission members attempt to settle the complaint. The Commission is authorized to ensure that claims of discrimination are addressed.

Commission Hearing

7. A hearing may be held before the Commission or its designee if conciliation fails.

AMES HUMAN RELATIONS COMMISSION COMPLAINT FORM

Rev. 10/31/07

Ames Human Relations Commission

c/o City Manager's Office

City of Ames

515 Clark Avenue

Ames, IA 50010

(Complaint of Discrimination under Ames Municipal Code Chapter 14)

(AGENCY USE ONLY)

Complaint Number: _____

Local Agency

State Agency

EEOC

NOTE: PLEASE TYPE OR PRINT (In Ink Only)

1. What is your legal name? _____

2. What is your street address? _____

City _____ State _____ Zip Code _____

3. Telephone: _____ - _____ Email: _____

4. What is your date of birth? _____ Sex _____

Race _____ National Origin (ancestry) _____

5. On what BASIS(ES) do you feel you have been discriminated against? (Please check)

- | | | |
|---|--|--|
| <input type="checkbox"/> Age | <input type="checkbox"/> Physical Disability | <input type="checkbox"/> Color |
| <input type="checkbox"/> Race | <input type="checkbox"/> Creed | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Marital Status | <input type="checkbox"/> Sex | <input type="checkbox"/> Mental Disability |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Pregnancy | <input type="checkbox"/> Retaliation * |
| <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Familial Status | |

* Because I filed a prior complaint or opposed a discriminatory practice

6. Please check the AREA in which the discrimination occurred:

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> Credit | <input type="checkbox"/> Education |
| <input type="checkbox"/> Employment | <input type="checkbox"/> Public Accommodations |
| <input type="checkbox"/> Housing | |

7. What is the FULL LEGAL NAME of the organization that allegedly discriminated against you?

Organization mailing address: _____

County: _____ State _____ Zip Code _____

Telephone Number: _____ - _____

8. Address where discrimination allegedly occurred?

9. What does that organization do? _____

10. Check the approximate number of full & part-time employees at ALL employer locations (VERY IMPORTANT):

0-24

25-49

50-99

100+

11. Have you filed this complaint with any other Federal, State, or Local Anti-Discrimination Agency? Yes _____ No _____

If yes, what agency? _____

On what date did you file? _____

12. Identify the person or persons who allegedly discriminated against you

Name _____ Position/Title _____

Name _____ Position/Title _____

13. What is the last date that something possibly discriminatory happened to you?

What happened on that date? _____

**Please fill in the particulars of your complaint below.
Be sure to state why you feel you were discriminated against.**

I certify under penalty of perjury and pursuant to the laws of the State of Iowa and the laws of the United States of America that the preceding charge is true and correct.

X _____ Date _____
Signature of Complainant

Verification without notary authorized by Iowa Code § 622 1, 28 U S C § 1746

Intaker Name _____ Phone _____ (direct extension)

Disability Code _____

Authorization Release Form

Ames Human Relations Commission
City Hall
515 Clark Avenue
Ames, IA 50010
(515)239-5101

I hereby authorize anyone possessing medical, education, personnel, income, credit or any other information necessary for full and complete investigation, mediation, conciliation of my complaint to furnish such information to the Ames Human Relations Commission and any other anti-discrimination agency. I hereby release anyone so authorized, the Ames Human Relations Commission and any other anti-discrimination agency from all liability for any damages whatsoever in furnishing and obtaining said information.

Signature

Date

WHAT IF I WANT TO **SUE** THE PERSON/BUSINESS THAT DISCRIMINATED AGAINST ME?

If you prefer to pursue your case in court, you should speak with attorneys experienced in discrimination claims. You may ask for a notice of right to sue after Iowa City Human Rights has had your complaint for 60 days. However, once that notice is issued, you only have 90 days to file a lawsuit in district court, or you will lose your right to do so.

We strongly suggest that you locate and hire an attorney, and discuss the timing of the request with that attorney, before asking for the notice of right to sue in order to avoid running out of time to file your case in district court.

Please note that a notice of right to sue cannot be issued if (1) there has already been a finding of no probable cause, (2) a conciliation agreement has been executed, (3) the commission has served notice of hearing on the respondent, or (4) the complaint has been administratively closed AND two years have passed since the administrative closing date.



CITY OF IOWA CITY

**CITY OF IOWA CITY
HUMAN RIGHTS COMMISSION**
410 E. Washington St.
Iowa City, IA 52240
www.icgov.org/humanrights
356-5022 or 356-5015
humanrights@iowa-city.org

KNOW YOUR RIGHTS

*Have I Experienced Discrimination?
What Can I Do About It?*

**CITY OF IOWA CITY
HUMAN RIGHTS COMMISSION**
410 E. Washington St.
Iowa City, IA 52240
www.icgov.org/humanrights
356-5022 or 356-5015
humanrights@iowa-city.org

EQUAL OPPORTUNITY AND NON-DISCRIMINATION IS THE LAW AND YOUR RIGHT
If you believe you have been discriminated against, or you want more information on types of prohibited discrimination, please contact the Human Rights Coordinator at 356-5022 or the Human Rights Investigator at 356-5015.

WHAT DOES THE HUMAN RIGHTS OFFICE **DO**?

The staff of the City of Iowa City Human Rights Commission receives its authority from the City of Iowa City Human Rights Ordinance, contained in Title II of the City Code. Staff investigate complaints, coordinate mediation, conduct conciliation, enforce the provisions of the Iowa City Human Rights Ordinance (and, by extension, the provisions of state and federal-level anti-discrimination laws), and determine remedies. The Human Rights Office also engages in educational activities, policy recommendations, and other activities designed to promote equality in the Iowa City community.

WHAT IS DISCRIMINATION?

Unlawful discrimination involves treating a person less favorably than another person, because of a protected characteristic, in a protected context. Discrimination can happen when a person is individually treated less favorably than another because of one or more protected characteristics, or when a policy or practice puts a group of people at a disadvantage because of a protected characteristic.

WHAT IF I'M **PREGNANT**?

Discrimination because of pregnancy is unlawful. The Pregnancy Discrimination Act of 1978 specifies that discrimination based on pregnancy is included in the category of sex discrimination.

WHAT IF IT GETS **WORSE** AFTER I MAKE A COMPLAINT?

It is **unlawful** to retaliate against a person for:

- making a complaint of discriminatory treatment,
- lawfully opposing a discriminatory practice, or
- cooperating with or assisting in the investigation of someone else's complaint of discrimination.

If you feel you have been retaliated against for any of the above reasons, you may file a complaint based upon the retaliation alone. You may also include retaliation in an original discrimination complaint to this office.

WHO IS PROTECTED?	AREAS OF PROTECTION				
	Employment	Public Accommodation	Education	Credit	Housing
PROTECTED CLASSES	Age	•	•	•	•
	Color	•	•	•	•
	Creed	•	•	•	•
	Disability	•	•	•	•
	Familial Status				•
	Gender Identity	•	•	•	•
	Marital Status	•	•	•	•
	National Origin	•	•	•	•
	Presence or Absence of Dependents				•
	Public Assistance Source of Income				•
	Race	•	•	•	•
	Religion	•	•	•	•
	Sex	•	•	•	•
	Sexual Orientation	•	•	•	•

WHERE DO I GET A COMPLAINT FORM?

A complaint form may be obtained in several ways:

- Come to the Human Rights Office,
- Go to the complaint page on our website at <http://www.icgov.org/humanrights>
- Call 319-356-5022 or 319-356-5015 and request that a complaint form be mailed to you.

HOW DO I FILE A COMPLAINT?

Complaints may be filed in several ways.

- Bringing the complaint form to the Human Rights Office, located on the third floor of City Hall.
- Mailing the complaint form to the Human Rights Office, at 410 E. Washington St., Iowa City, IA 52240.
- Emailing a complete, signed, and dated complaint form to humanrights@iowa-city.org.

WHO CAN FILE A COMPLAINT?

If you are unsure whether you fit the requirements listed below, please call 319-356-5022 or 319-356-5015 and speak with a Human Rights staff person.

For complaints of employment discrimination, you may file with Iowa City Human Rights if:

- You work within the geographical boundaries of Iowa City, or
- Your work does not depend on a specific location (for example, you are a nurse who provides care in clients' homes, or you work for a temporary staffing service that might send you to different locations depending on the work available) AND the employer's office is located within the boundaries of Iowa City.

You can file a complaint of public accommodation, housing, or credit discrimination with Iowa City Human Rights if:

- The business, dwelling, or lender is located within the boundaries of Iowa City.

You can file a complaint of education discrimination with Iowa City Human Rights if:

- The complaint concerns a school within the Iowa City Community School District; or
- The school is physically located within the boundaries of Iowa City. (Example: If an educational institution has several locations, you may file a complaint if you attend at the Iowa City campus, but NOT if the main campus is in another city and you attend there.)
- The complaint is NOT against the University of Iowa.

WHERE CAN I GET HELP IF MY SITUATION DOESN'T FIT THE REQUIREMENTS ABOVE?

The Iowa Civil Rights Commission (ICRC) addresses complaints statewide. If the discrimination happened in Coralville, North Liberty, or any other town that does not have a local Human Rights Office, contact the ICRC at 1-800-457-4416. For complaints of discrimination occurring at the University of Iowa, contact the UI Equal Opportunity and Diversity Office at 319-335-0705.

HOW MUCH DOES IT COST?

There is no charge for services provided by Iowa City Human Rights Office.

WHEN CAN I FILE A COMPLAINT?

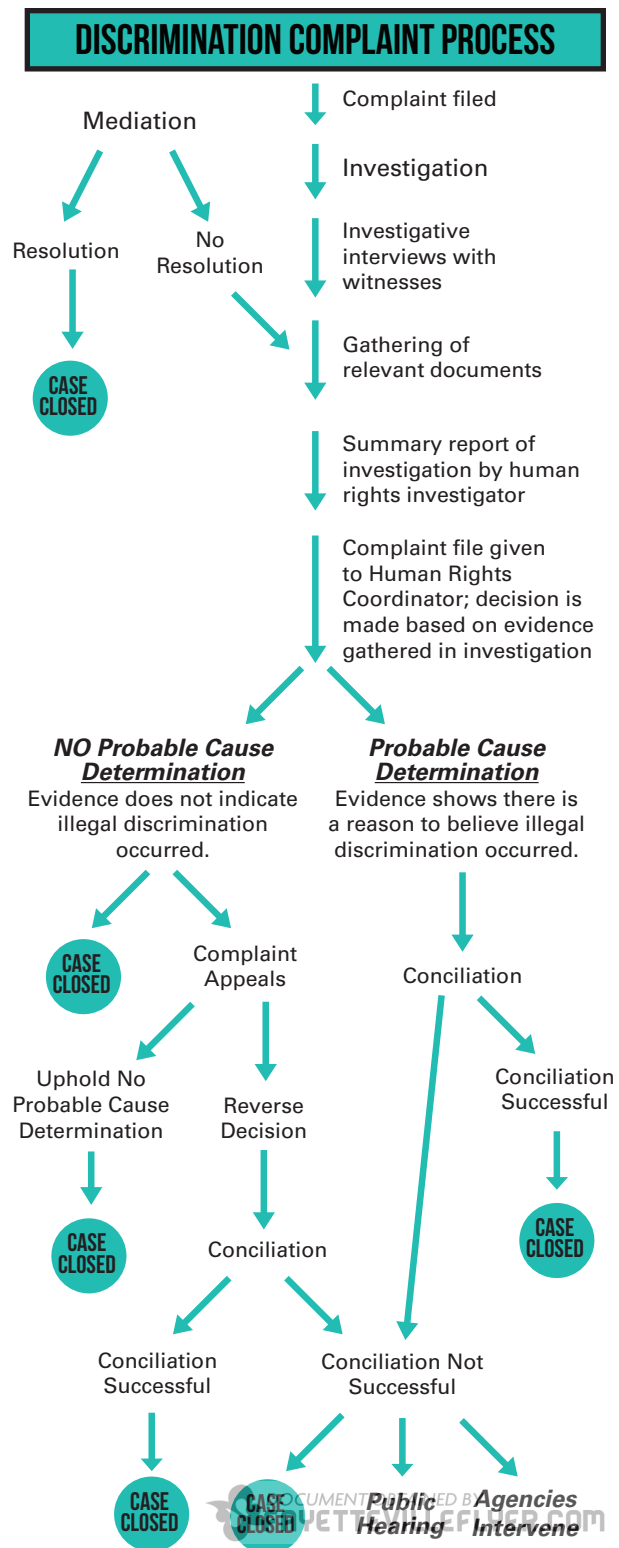
You must file the complaint within **300 days** after the most recent discriminatory event that you wish to complain about. It is best, however, to file as soon as possible. If you file soon after the discrimination occurs, there is a better chance of documents being available and witnesses remembering what happened.

DO I NEED A LAWYER?

It is not necessary to hire a lawyer to file a complaint. The Human Rights Office does provide guidance and assistance during the complaint investigation process, but does NOT provide legal representation and does not have an advocacy role. You may always hire a lawyer if you wish to, but you will be responsible for the lawyer's fees.

DOES IOWA CITY HUMAN RIGHTS PROVIDE ANY OTHER SERVICES?

Yes. We provide mediation of complaints. This is a voluntary process offered only if both parties agree to mediate in good faith. We also provide educational programming, hold events such as the Human Rights Breakfast and the Human Rights Youth Awards, and engage in other activities that further the goal of eliminating discrimination in our community. If you would like a staff person to give a presentation at your organization or business, please call 356-5022 or 356-5015.



HUMAN RIGHTS COMMISSION

History

The Iowa City Human Rights Commission (HRC) was established in August 1963 as the Iowa City Human Relations Commission.

Commission

Nine residents of Iowa City are appointed by the City Council for three year staggered terms. The Commissioners, all committed to civil rights, reflect a broad cross section of the community, thus ensuring diversity of ideas and interests. In the appointment process consideration is given to men and women of various racial, religious, cultural, social and economic groups within the City.

Meetings

The Commission annually elects a Chairperson and a Vice-Chairperson and holds monthly meetings in the Helling Conference Room at City Hall on the third Tuesday of each month at 6:00 p.m. Special meetings are held as needed. The meetings are open to the public.

Staff

There are two full time staff, a Human Rights Coordinator and a Human Rights Investigator.

General Duties

- Disseminate information; educate the public on illegal discrimination and human rights.
- Provide the enforcement necessary to further the goals of the Human Rights Ordinance.

Powers

- Make recommendations to the city council for such further legislation concerning discrimination as it may deem necessary and desirable.
- Educate the public on human rights and illegal discrimination, such as organizing and facilitating educational public forums that address one or more of the broad range of topics included within the rubric of human rights.
- Provide the enforcement necessary to further the goals of the Human Rights Ordinance.
- Cooperate, within the limits of any appropriations made for its operation, with other agencies or organizations, both public and private, whose purposes are not inconsistent with those of the Human Rights Ordinance.
- Coordinate programs designed to eliminate racial, religious, cultural and other intergroup tensions.

Recommendations to Council

For the City to pursue a municipal issued identification card, implemented in a manner to protect the safety of undocumented persons. (December 2012)

For the City to adopt signage at City facilities in prominent languages other than English. (December 2012)

For the City to pursue other implementations that are consistent with making City services and facilities accessibility to persons who may not speak or read English or who speak or read English as a second language. (December 2012)

To revise the Human Rights Ordinance to include restrictions regarding the consumption of alcoholic beverages by those under the legal drinking age or the presence of persons under the legal drinking age in places of public accommodation where alcohol beverages are sold. (May 2013)

To Maintain the SEATS service ½ price fare. (February 2013) To maintain the SEATS service ½ price fare and Sunday services. (June 2013)

To revise the Human Rights Ordinance to include an exception in public accommodation for developmental differences based on age. (June 2013)

For the City Council to direct the City Manager to more fully implement the recommendation of the equity report section of the Ad Hoc Diversity Committee, which states that the report format and composition shall be developed by the City Manager in consultation with the City Council, the City of Iowa City Human Rights Commission, and any other committees determined by the City Council. The equity reports are not to assess implementation they are to assess outcomes, and that the Iowa City Human Rights Commission is very interested in the assessment of the outcomes from these efforts. (June 2013)

Mayor's Proclamations

Human Rights Day (December)
Martin Luther King, Jr. Day (January)
African-American History Month (February)
Women's History Month (March)
Days of Remembrance (April)
Sexual Assault Awareness Month (April)
Juneteenth National Freedom Day (June)

Accomplishments & Activities

1. Staff received fair housing training on accessibility requirements, service and emotional support animals and legal issues involving landlords and tenants on July 23, 2012. The training was held at the Coralville Public Library.
2. On July 11, 2012, staff attended *Push America/Journey of Hope* at The Arc of Southeast Iowa. *Push America/Journey of Hope* is a cross country bicycle trek from San Francisco to Washington DC, in which 35 members of Pi Kappa Phi spread a message of hope and acceptance for people with disabilities. Participants

- viewed the documentary *Certain Proof*. *Certain Proof* features three children living with significant disabilities and their families' individual challenges and triumphs.
3. Staff attended the 22nd Anniversary Americans with Disabilities Act Celebration held on July 28, 2012 at the Coral Ridge Mall.
 4. The Commission co-sponsored *One Community, One Book* along with several other organizations including the University of Iowa Center for Human Rights. The 2012 selected book was *The Latehomecomer: A Hmong Family Memoir* by Kao Kalia Yang.
 5. Staff hosted student legal interns from the University of Iowa College of Law for both the fall and spring semesters.
 6. Staff attended the *Shift* Speaker Series hosted by Diversity Focus on August 7, 2012. The featured speaker was Geoffrey Canada, President & CEO of Harlem Children's Zone.
 7. The Commission served as a presenter at the *411 on the 5-0* held at The Spot on August 30, 2012.
 8. The Commission co-sponsored the 19th Annual Iowa Women's Music Festival along with numerous other organizations. The festival was held on September 1, 2012 in Upper City Park.
 9. Staff assisted in some organizing for the *Breaking Barriers: A Diversity/Fair Housing Summit* sponsored by the Fair Housing Ambassadors of the Iowa City Area Association of Realtors. The training was held on September 19, 2012 in Coralville.
 10. The Commission wrote a letter to University of Iowa President Sally Mason in support of keeping the University of Iowa Center for Human Rights open on campus. Letter dated October 2, 2012.
 11. Staff participated in a Succession Planning Retreat sponsored by the City of Iowa City at the Ned Ashton House in Iowa City on September 19, 2012.
 12. Staff participated in a training on *Employment Practices* on October 3, 2012. The program was sponsored by the Iowa State Bar Association.
 13. The Commission co-sponsored with numerous other organizations the *Strengthening and Valuing Latino/a Communities in Iowa Professional Development Institute and Youth Summit* held October 11-12, 2012 at West High.
 14. The Commission held its *Annual Human Rights Breakfast* on October 30, 2013. Chad Simmons, Executive Director of Diversity Focus was the keynote speaker. Recipients were Tom Widmer (Isabel Turner Award), David Leshtz (Linda Severson Award), Robin Armstrong (Kenneth Cmiel Award), University of Iowa Center for Human Rights (Community Award), Joan Vanden Berg (Rick Graf Award).
 15. Staff assisted in organizing the 2013 University of Iowa's Dr. Martin Luther King, Jr., *Celebration of Human Rights in the fall of 2012*.
 16. Staff participated in training on language access compliance under the Civil Rights Act of 1964 Title 6 entitled *Keeping It Legal*. The program was held on December 5, 2012.

17. Staff updated contact information for the database United Way 2-1-1. To ensure better outreach to the community and social service agencies. The information was updated on November 14, 2012.
18. Staff served as a group facilitator in the *My Beautiful Self-Program* held on December 1, 2012. The *My Beautiful Self-Program* is an uplifting program for young women as they continue to discover who they are and who they want to be in the future.
19. The Commission participated in the *International Human Rights Day* held on the Pentacrest on December 10, 2012.
20. Staff coordinated with the University of Iowa Student Legal Services to have a link to the Human Rights website on its website for greater exposure to the student community at the University of Iowa. This was coordinated on January 2013.
21. Staff provided Commission training to newly appointed Commissioners Joe D. Coulter and Jessie Harper, on January 15, 2013.
22. The governmental channel continued to broadcast information sent by staff on discrimination and harassment along with the contact information for the office.
23. Staff conducted outreach training at the Shelter House on fair housing and illegal discrimination on January 10, 2013.
24. Staff participated in a training *A Boss's Guide to Performance Appraisals* to better assist when conducting training activities for local businesses. The training was held on January 17, 2013.
25. Staff presented to an introductory class on Human Rights at the University of Iowa at City Hall on January 29, 2013.
26. The Commission initiated future meetings with the Iowa City Community School District Board to discuss the Diversity Policy in February 2013.
27. The Commission co-sponsored along with several other organizations The Emma Goldman Clinic: *Choice Event 2013*. Heather Ault was the keynote speaker at the event held on February 1, 2013.
28. The Commission sponsored *Building Communities* on February 7, 2013 at the Iowa City Public Library Meeting Room A. From this meeting several community subcommittees were formed to address concerns in the areas of housing and education.
29. Staff attended a *Black History Read In* held at the Coralville Public Library on February 14, 2013.
30. Staff started courses on conversational Spanish at Kirkwood Community College to better interact with Spanish speakers who call or visit the office. The course started in March 2013.
31. Several Commission members participated in *Roll the Dice* a free training that educated participants on the causes and effects of racial disproportionality as it is found across many systems. The program was held on March 7, 2013.
32. The Commission participated and co-sponsored along with several other organizations The United Nations-Iowa *Night of 1000 Dinners* in celebration of International Women's Month. The event was held at the Old Brick on March 7, 2013.

33. The Commission sponsored a Lunch & Learn on the United States Department of State entitled *A Conversation About My Experience In It* on April 2, 2013 at the Iowa City Public Library Meeting Room A.
34. Staff participated in meetings with University of Iowa Law Professor Len Sandler to discuss initiatives to address housing discrimination in Iowa City in the spring 2013.
35. Staff, as part of a request from a Boy Scout (Troop 2000) participated in an interview on the Iowa City Community School District's Diversity Policy on April 5, 2013.
36. The Commission coordinated and co-sponsored the *Building Blocks to Employment Job Fair* held on April 18, 2013 at the Eastdale Plaza and *The ABC's of Researching & Applying for a Job in 2013* held at the Shelter House on April 16, 2013.
37. The Commission sponsored a Fair Housing Training. The free training discussed the types of discrimination that occur in housing. The training also discussed the Americans with Disabilities Act Amendments Act as it pertains to housing. The training was held at the Iowa City Public Library Meeting Room A and was well attended on April 23, 2013.
38. Staff attended the Police Citizen's Review Board Community Forum on April 23, 2013 at the Iowa City Public Library Meeting Room A.
39. In May 2013, staff updated the City's Contract Compliance Program which requires equal employment opportunity in all City contract work.
40. The Commission sponsored its 10th Annual Iowa City Human Rights Commission Youth Awards on May 15, 2013. The Mayor Matthew Hayek served as the keynote speaker. The event recognized over 102 area youth. The Youth Ally Award established in 2012 received no nominations this fiscal year.
41. Staff continued to place advertisements in the Press Citizen and Daily Iowan to alert that discrimination is against the law. The advertisement also promotes the Commission as a community resource.
42. Staff hosted a student legal intern from the University of Iowa College of Law over the summer of 2013.
43. The Commission participated and gave support to Iowa City Pride Day held on June 15, 2013 in downtown Iowa City.
44. The Commission partnered with the Iowa City Public Library to sponsor an event to kickstart the Iowa City Book Festival to be held in October 2013. The program will center on the Iowa City Book Festival selected book *The Immortal Life of Henrietta Lacks*. Henrietta Lacks was an African-American woman who was the unwitting source of cells which were cultured to create an immortal cell line for medical research known as the HeLa cell line.
45. Staff presented to the Phillip G. Hubbard Prep Program at the University of Iowa College of Law. The presentation entitled *Human Rights on the Local Level* was held on June 21, 2013.
46. The Commission participated and co-sponsored the *Iowa City Area Juneteenth Celebration* along with numerous community organizations. The event was held on June 29, 2013.

Overview of the Complaint Process

The City Code of Iowa City prohibits discrimination in education, housing, employment, public accommodation and credit. The characteristics covered are: age, color, creed, disability, familial status*, gender identity, marital status, national origin, presence/absence of dependents*, public assistance source of income*, race, religion, retaliation, sex, and sexual orientation.

*Housing only.

Staff of the Human Rights Commission investigate complaints alleging discrimination. Staff serve as a neutral fact finder and do not represent either party in the complaint process.

1. **Filing:** The complainant (the person who alleges the discrimination) fills out, signs and dates a complaint form.
2. **Jurisdictional Review:** A dated and signed complaint is reviewed by staff to determine whether it meets the legal requirements of the Iowa City Human Rights Ordinance. A complaint must be filed within three-hundred days of the last discriminatory act.
 - a. If the complaint does not meet jurisdictional requirements, the complainant is notified and the complaint is closed.
3. **Notice:** A copy of the complaint is mailed to both the complainant and the respondent within twenty days of the file date along with a questionnaire and document request.
4. **Answer:** The respondent is required to answer the allegation of discrimination and submit any requested records or relevant documents within thirty days of receipt.
5. **Right to sue:** After the complaint has been on file for sixty days, the complainant has the option of pursuing the matter in a state district court. If this option is taken, staff close the complaint and no further action is taken.
6. **Screening:** All information is reviewed to determine whether further investigation is warranted.
7. **After reviewing materials responsive to the questionnaire/document request,** the human rights office determines whether the complaint warrants further investigation. If the human rights office finds there is a reasonable possibility of a probable cause determination or the legal issues present in the complaint need further development, the human rights office promptly resumes the investigation of the complaint. A complaint determined by the human rights office not to warrant further processing by the human rights office is administratively closed. The complainant and respondent are promptly notified of the administrative

closure. A complainant may object to the administrative closure within ten (10) days of service by filing a written request for review that states the basis for the objection. If, after review by the human rights office, it is determined that the complaint does not warrant further processing, the human rights office will close the file and notify the complainant and respondent of the final decision of administrative closure.

8. Further Investigation: Both complainant and respondent may be interviewed and additional records requested. Witnesses and other persons with knowledge concerning the allegations in the complaint may also be contacted and interviewed. When the investigation is complete, the investigator will analyze all the collected information and write an investigative summary with a recommendation at the end as to whether probable cause exists.
9. Finding: The Human Rights Coordinator reviews the complaint file and the investigative summary and makes a final decision on whether probable cause exists.
 - a. If probable cause is found, the complaint will move to conciliation.
 - b. If probable cause is not found, staff informs both the complainant and respondent of the basis for the decision.
10. Conciliation: The Human Rights Coordinator attempts to conciliate or settle the complaint.
11. Public Hearing: When conciliation is unsuccessful, the complaint will be reviewed by the City Attorney who shall form an opinion as to whether the complaint is litigation worthy and make a recommendation to two Commissioners. If both members of the Commission wish to proceed contrary to the recommendation of the City Attorney, the Commissioners may authorize the Human Rights Coordinator to do so.

Complaint Statistics

Please note some complaints filed in fiscal year 2012 were closed in fiscal year 2013. Some complaints which were filed in fiscal year 2013 had not been closed by the end of fiscal year 2013, creating the difference in numbers between those opened and closed. Most complaints filed cite more than one basis for discrimination so totals will equal more than 43.

Complaint Activity

COMPLAINTS FILED BY PROTECTED CHARACTERISTIC

	FY 2013	FY2012
Age	12	15
Color	11	13
Creed	1	0

Disability	15	22
Familial Status	2	8
Gender Identity	2	2
Marital Status	6	5
National Origin	6	3
Presence/Absence of Dependents	5	7
Public Assistance Source of Income	5	1
Race	21	19
Religion	4	4
Retaliation	20	19
Sex	14	8
Sexual Orientation	5	3

COMPLAINTS FILED BY AREA

Credit	1	0
Education	0	3
Employment	27	30
Housing	4	14
Public Accommodation	20	12
Total Cases	52	59

RESOLUTIONS

Mediated	5	2
No Probable Cause	9	7
Administrative Closure	9	8
Right To Sue	0	0
Lack of Jurisdiction ¹	3	5
Satisfactorily Adjusted	0	0
Withdrawn	0	2
Total Number of Resolutions	29	24

Summary

¹ **‘Lack of Jurisdiction’ refers to complaints that allege discrimination on a basis or in an area not covered by local law. Lack of jurisdiction could also include complaints that allege conduct/activity that even if true would not violate local anti-discrimination laws. Complainants are referred to appropriate agencies for assistance whenever possible. Examples would include Wage & Hour, the Family Medical Leave Act, or Workers Compensation.**

Employment is the largest area in which complaints were filed (27), followed by public accommodation (20) and housing (4). Race (21) is the most common characteristic cited for the alleged discriminatory conduct. Disability and sex follow with (15) and (14) respectively. It took on average, 192 days to resolve complaints in fiscal year 2013.

In comparison, (30) complaints were filed in the area of employment, (14) in housing and (12) in public accommodation in fiscal year 2012. The characteristic cited the most for the reason for discrimination was disability (22), followed by race (19), and then age (15). It took on average, 222 days to resolve complaints in fiscal year 2012.

Complainant Demographics²

Age:	National Origin:	Race:	
Under 21	American	White	16
Over 21	Chilean	Black/African-American	13
Over 60	Honduras	American Indian	1
	Belgian	Hispanic	3
		Asian	2
Sexual Orientation:	Sex:		
Homosexual	Female		15
	Male		19
Marital Status:	Disability:		6
Single			2

Plans for Fiscal Year 2014

Contact neighborhood associations and area service providers to encourage more public outreach to those who believe they have been discriminated against.

Fair housing materials distributed to landlords and managers to bring attention to unfair housing practices and the ramifications for non-compliance.

Advertisements will continue to be placed at City facilities (including transit) and in local newspapers to alert the public to unlawful discrimination.

Develop or assist in forums to educate the public on human rights and discrimination.

Proclamations for Black History Month, Women’s History Month, Fair Housing and others as determined by the Commission.

Engage in public outreach to determine people’s perception of human rights in Iowa City.

² Requested information is optional therefore some complainants opt to not provide demographical information.

Speak with different groups in Iowa City to assess level of need and areas of concern.

Increased outreach on housing discrimination.

A free public training on the Americans with Disabilities Act Amendments Act with a focus on Title 1 (employment).

Participate in projects celebrating diversity and providing human rights education.

Work with Community Development to identify impediments to fair housing.

Training to the community on public accommodation discrimination.

Outreach to the community on how to file a civil rights complaint.

Commissioners

Orville Townsend, Sr. Chair
January 1, 2011 – January 1, 2013

Jewell Amos
June 19, 2013 – January 1, 2015

Andrea Cohen
July 23, 2013 – January 1, 2016

Joe D. Coulter
January 1, 2013 – January 1, 2016

Diane Finnerty
January 1, 2011 – January 1, 2013

Shams Ghoneim
January 1, 2012 – January 1, 2015

Kim Hanrahan
January 1, 2012 – January 1, 2012

Harry Olmstead, Vice Chair
January 1, 2013 – January 1, 2016

August 20, 2013³

³ Staff corrected error on page 8 on October 4, 2013. (Right to Sue is 0, it was previously reported as 3).