

KIM REYNOLDS, GOVERNOR
ADAM GREGG, LT. GOVERNOR

**Approved Minutes – Meeting of the Iowa Civil Rights Commission,
September 24, 2021**

- I. Roll Call
Commissioners: Gina Battani, Justin Johnston, Sam Kooiker, Patricia Lipski, Dennis Mandsager, Marcelena Ordaz, Holly White.
- II. Recognition of Staff, Public, Press –
Staff: Charles Hill, Kaitlin Smith, Katie Fiala, Samantha Nordstrom, Sierra Walker, Anne Johnson, Jacob Bennington, Amy Quail, Roberto Rodriguez Peterson, Austin Moore, Marie Agey.

Public: Daniel Grandon, Melissa Grandon, Oliver Bardwell, Jenny Leonard, Liz Kenward, Michelle Henderson, Dawn (Last Name Unknown), Steven Holt, Bree Johnson, Elizabeth Smalley, Jason Burns, Cameron Pink, Kayla Allison.

Press: Katarina Sostaric, Iowa Public Radio
- III. Approval of Minutes –
Minutes from meetings on May 14, 2021, and July 9, 2021, were presented. A motion to approve the minutes from the May 14, 2021, and July 9, 2021, meetings, and to post all recordings of past meetings to the ICRC website in the next 60 days was made by Commissioner Kooiker, seconded by Commissioner Lipski. Approved by vote. Motion carried.
- IV. Interim Executive Director’s Report – Charles Hill
 - a. Office Updates - The formal work-from-home program based on production standards has been going well, with employees in the office anywhere from 40% to 100% of the time.
 - b. Status of Permanent Executive Director Search – Still ongoing.
 - c. Status of Federal Contracts - The EEOC contract year concludes at the end of September. The goal for the previous year was 829 cases, and the ICRC submitted 860 case closures. The goal this year was 949 cases, which is a 12% increase. The total submission number for FY21 won’t be known until sometime after September, per the EEOC. We are only two months into the HUD contract year, so far submitted 20 closures.
 - d. Employee Updates – Three recent Civil Rights Specialist departures, two of which relocated away from the Des Moines area.
- V. Budget Update - Marie Agey
- VI. Litigation Update – Assistant Attorney General Katie Fiala
 - a. Successful trial in Davis County for a sex-based discrimination case in Housing.
 - b. Successful administrative hearing for a sex and sexual orientation complaint.
 - c. Successful in a judicial review of a no probable cause determination in a Housing complaint.
 - d. One pending judicial review of a non-jurisdictional decision

- VII. Outreach Update – Anne Johnson
 - a. ICRC employees staffed a booth at the World Food and Music Festival – approximately 300 visitors to the booth.
 - b. Upcoming events: Latino Heritage Fest, Celebrasian, Iowa City Pride, roundtable discussion on Trans rights. Also speaking at more law schools and producing targeted radio ads.

- I. Discussion of Future State Fair Outreach
 - a. Discussed pros and cons of having a booth at the Iowa State Fair.
 - b. Discussed partnering with another group or agency.
 - c. Further information regarding costs of the State Fair group to be discussed at next meeting

- VIII. Continued Discussion on Retention and forming Commission Work Group
 - a. Interim Director Hill presented on his recent meeting with representatives from the Department of Administrative Services Human Resource Enterprise (DAS-HRE) regarding increasing compensation for Civil Rights Specialists.
 - b. Interim Director Hill said he would continue to finalize outline draft of possible work group on employee retention.
 - c. Motion to create a retention work group made by Commissioner White, seconded by Commissioner Mandsager. Approved by vote. Motion carried.

- IX. Discussion on other possible Workgroups – Commissioner Lipski moved to table the discussion to a future meeting, seconded by Commissioner by White. Approved by vote. Motion carried.

- X. Discussion on Mandatory Vaccinations/Masking Requirements
 - a. Statement by Interim Director Hill regarding the ICRC’s neutrality and explaining that each filed complaint is evaluated on an individual basis. Also, the ICRC is working on presenting a Continuing Legal Education (CLE) presentation to attorneys and the public on this issue.
 - b. Commissioners discussed receiving emails from Iowans regarding these issues. Interim Director Hill recommended that in response, commissioners be neutral and supportive, and to refer them to the ICRC to file a complaint if appropriate.
 - c. Commissioner White would like the ICRC to start looking into the constitutional rights of individuals regarding bodily autonomy and why people have to profess their faith to receive a religious exemption. She is interested to discuss what the commission can do collectively as a group.
 - d. Commissioner Johnston discussed public schools in Sioux City in reference to mask mandates.
 - e. Commissioner Mandsager discussed the general public being confused as to the laws enforced by the ICRC and how it would apply to these issues.
 - f. Commissioner Lipski discussed that in similar situations in the past, the Commission have declined to take a specific action to avoid wading into something political.
 - g. Commissioner Kooiker recommended putting together a press release that discussed the ICRC’s role in dealing with these claims and a link to the complaint form. Also proposed discussing further at a future meeting before making recommendations to the legislature.

- XI. Commissioner Mandsager Response to July 21, 2021, Article

- XII. Commissioners’ Reports
 - a. Commissioner Johnston – Further discussed issues Sioux City school district.
 - b. Commissioner Kooiker – Discussed the policy of having a case review so the commissioners have further understanding of the work that the ICRC does. Also discussed the July 21, 2021, article and that he felt like there had been positive changes since then and moving forward together as a commission.

- c. Commissioner Lipski – Discussed bullying in schools and the workplace, related to a protected class.
- d. Commissioner Mandsager – Thanked Interim Director Hill for the Commissioner Orientation he recently received. Also stated that the CLE was a good idea, and thanked the ICRC employees for their work.
- e. Commissioner Marcelena Ordaz – Excited to move forward with the Commission and continuing to worked closely with Charles.
- f. Commissioner Holly White – Discussed the need to give Iowans some direction and education of where to go with these types of complaints.
- g. Commissioner Gina Battani – Introduced herself to the Commission.

- XIII. Public Comment – Motion made by Commissioner Kooiker to hear public comments before going into closed session, seconded by Commissioner Lipski. Approved by vote. Motion carried.
- a. Daniel – Discussed that he is unable to get a religious exemption from the school district he works related to wearing a mask, and that his job is in jeopardy.
 - b. Oliver Bardwell – Believes it is important for the public to hear that the ICRC is neutral. Discussed his college-age children having to be tested weekly for COVID as an accommodation for not getting the vaccine.
 - c. Unidentified Speaker – Had questions regarding reasonable accommodation – she is not being accommodated at work and will not get vaccine due to religious reason, and is about to lose her jobs.
 - d. Liz – Discussed that her child is unable to go to preschool because he can't wear a mask for medical reasons. Would like some guidance on what to do.
 - e. Michelle Henderson – She is concerned that children are not hitting their markers and are falling behind. Also has employment issues as she does not want to get the vaccine.
 - f. Anna – Discussed that she is unable to breath in masks and will not get the vaccine. She would like a clarification of weekly mandatory testing a reasonable accommodation for a religious waiver, and she does not believe she should have to be tested when she is not in bad health.
 - g. Unidentified Speaker – Works for a large cooperation that told employees that after November 1st, those with an accommodation related to the vaccine will be put on a leave of absence for a year with no pay and no benefits. He questioned whether such an accommodation would be legal.
- XIV. Closed Session pursuant to Iowa Code Section 21.5(1)a. To review or discuss records which are required or authorized by state or federal law to be kept confidential or to be kept confidential as a condition for that governmental body's possession or continued receipt of federal funds. Motion made by Commissioner Kooiker, seconded by Commissioner Johnston. Approved by vote. Motion carried.
- XV. Next Meeting(s) – Discussed setting meetings for the entire year, rather than on a meeting by meeting basis. Ultimately, only the next meeting was scheduled for November 19, 2021, at 2:00 PM. Next commission meeting scheduled for August 20, 2021, at 2:00 PM.
- XVI. Call to adjourn. Meeting adjourned by Commissioner Ordaz.



¹ Commissioner Battani arrived in the meeting after it had begun, so was not present for the initial roll call.