

Iowa Civil Rights Commission

48 Years of Working For a State Free of Discrimination
Through Enforcement of Civil Rights Laws

Annual Report
Fiscal Year 2013



STATE OF IOWA

TERRY BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

IOWA CIVIL RIGHTS COMMISSION
BETH TOWNSEND
EXECUTIVE DIRECTOR

November 11, 2013

Governor Terry Branstad
Governor of the State of Iowa
The State Capitol
Des Moines, IA 50319

Dear Governor Branstad:

In accordance with the Code of Iowa, I hereby transmit to you and the General Assembly, the Annual Report of the Iowa Civil Rights Commission for Fiscal Year 2013.

The ICRC has continued its efforts to improve the timeliness and competency by which complaints of discrimination are processed. Our results this year include elimination of the non-housing investigative backlog and a reduction in the average age of cases being investigated from 356 days to 243 days. Cases are now being investigated after the mediation process concludes as the backlog has been eliminated. The Commission conducted 186 mediations this year, a 36% increase in the number of mediations from FY12. More importantly, 122 of the mediations were successful, three more than the total number of mediations held in FY12 and a 56% increase from FY11. The ICRC has continued to improve on the historically low "Probable Cause" rate. In FY13, the ICRC had 57 cases that resulted in a probable cause finding, up from 40 in FY12. The ICRC conducted 20 successful conciliations in the non-housing area in FY13. The ICRC conducted 3 public hearings and issued 3 public notices for hearings. Our housing unit continues to be recognized as one of the best partners HUD has given the quality and number of cases processed by the ICRC each year. Housing cases are primarily resolved through settlement that includes training of the landlords and an end to the discriminatory policy. Thus, the ICRC provides a cost-effective method of resolving issues of discrimination in housing with savings for the landlord as well as the agency. As a result of the changes and efficiencies that the ICRC has created and adopted, the agency finished the fiscal year with a budget surplus of \$99,352 which was returned to the State.

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

Beth Townsend
Executive Director

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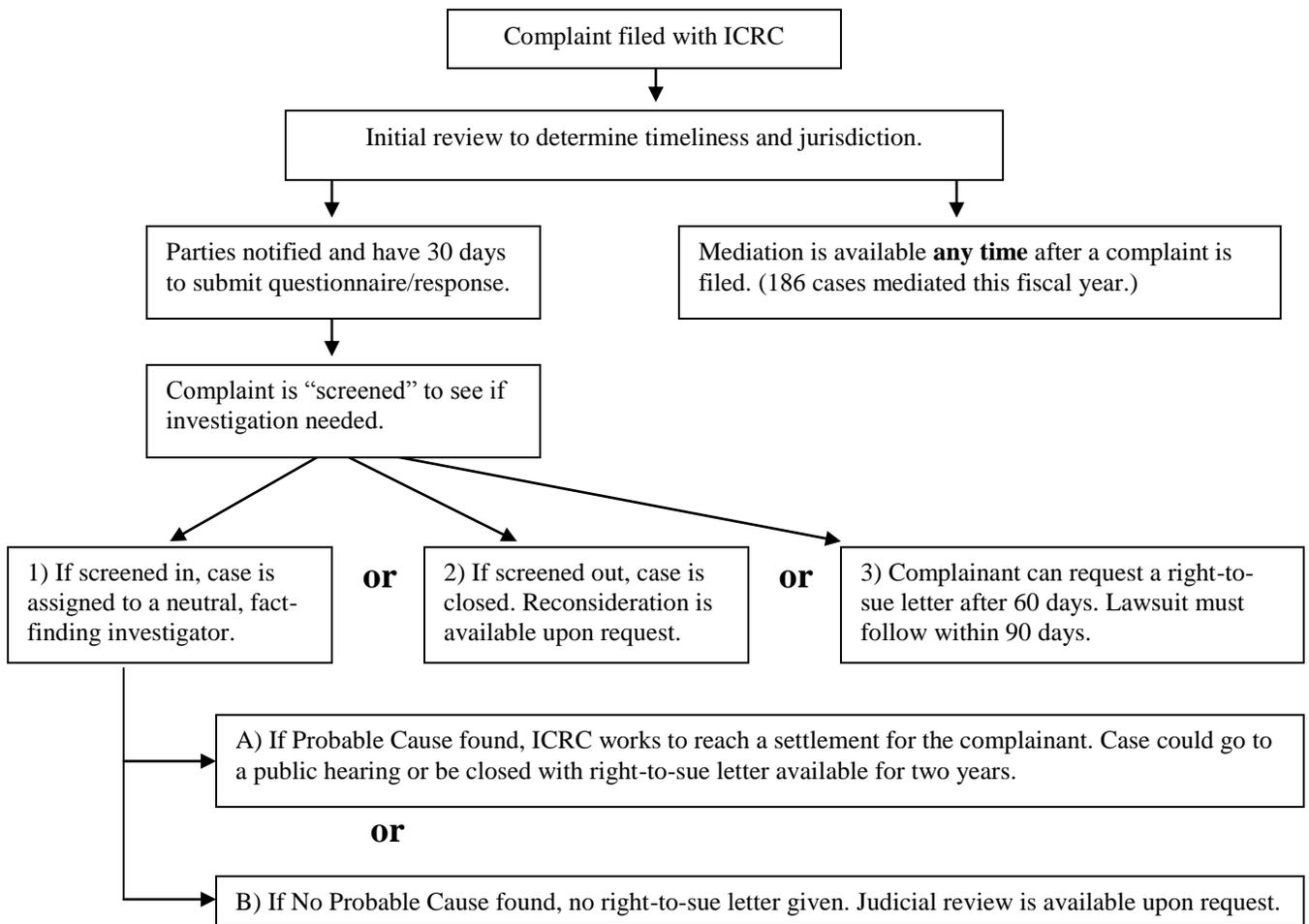
About the Iowa Civil Rights Commission

The Iowa Civil Rights Commission is a neutral, law enforcement agency that enforces the “Iowa Civil Rights Act of 1965.” The Commission addresses discrimination in the following ways:

- Case resolution through intake, screening, mediation, investigation, conciliation, and public hearings
- Conducting state-wide public education and training programs to prevent and respond to discrimination
- Testing to determine the existence or extent of discrimination in Iowa

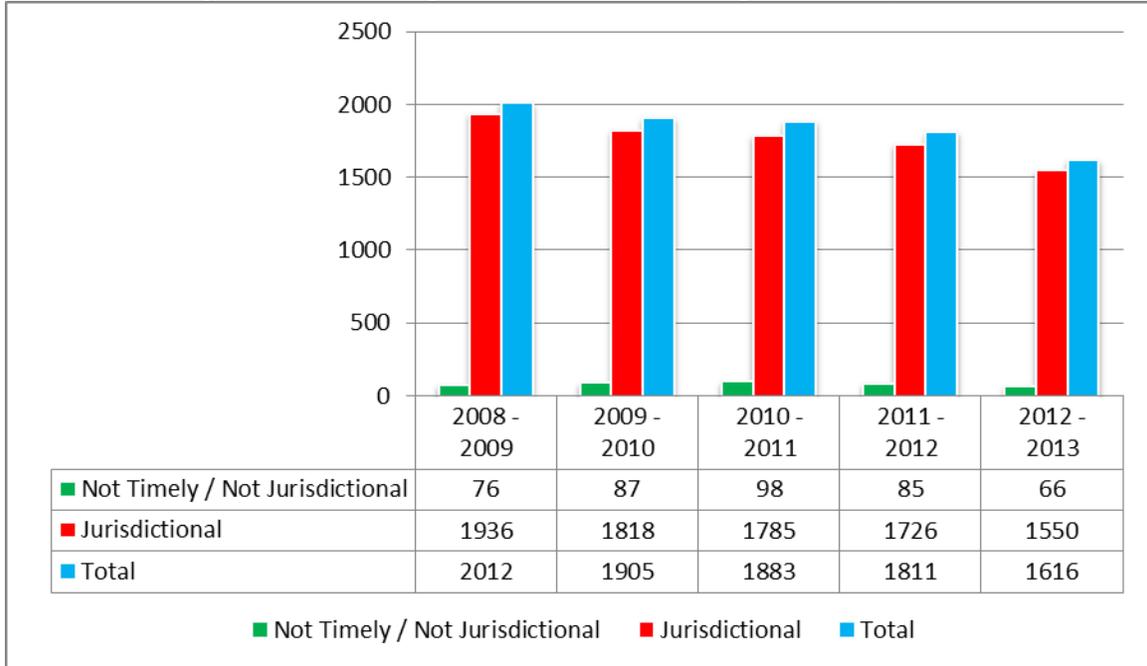
The Iowa Civil Rights Act of 1965 prohibits discrimination in the areas of employment, housing, credit, public accommodations (public services and buildings), and education. Discrimination and harassment are illegal if based on actual or perceived race, skin color, national origin, religion, creed, sex, pregnancy, sexual orientation, gender identity, physical disability, mental disability, age (in employment and credit), familial status (in housing and credit), or marital status (in credit).

The Discrimination Complaint Process

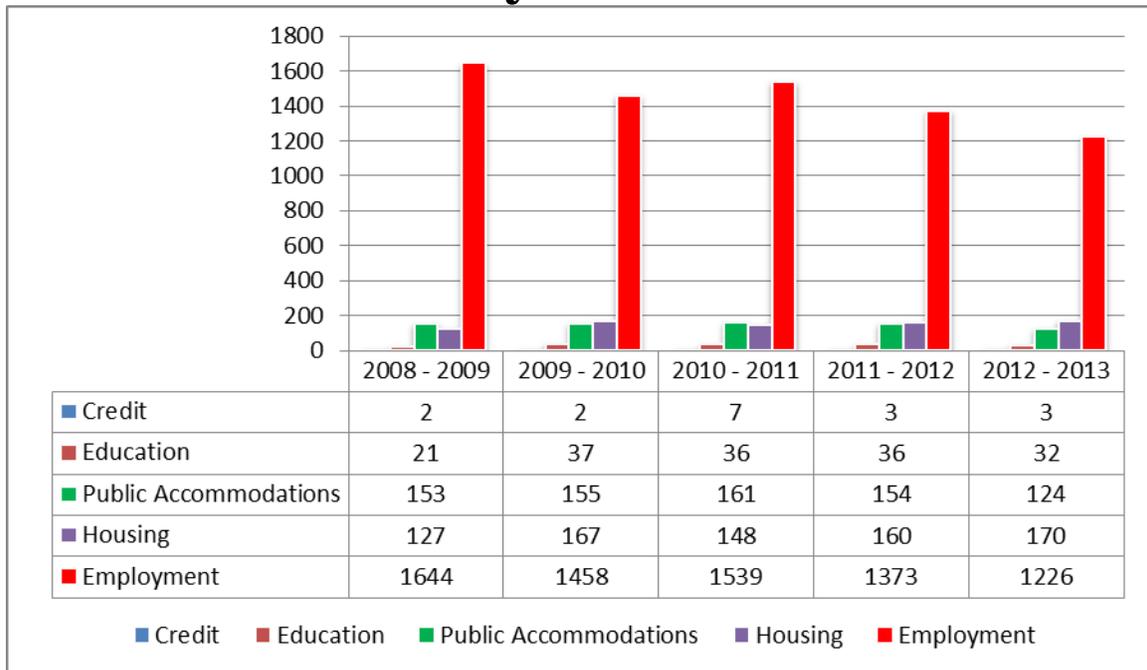


Processing of Discrimination Complaints

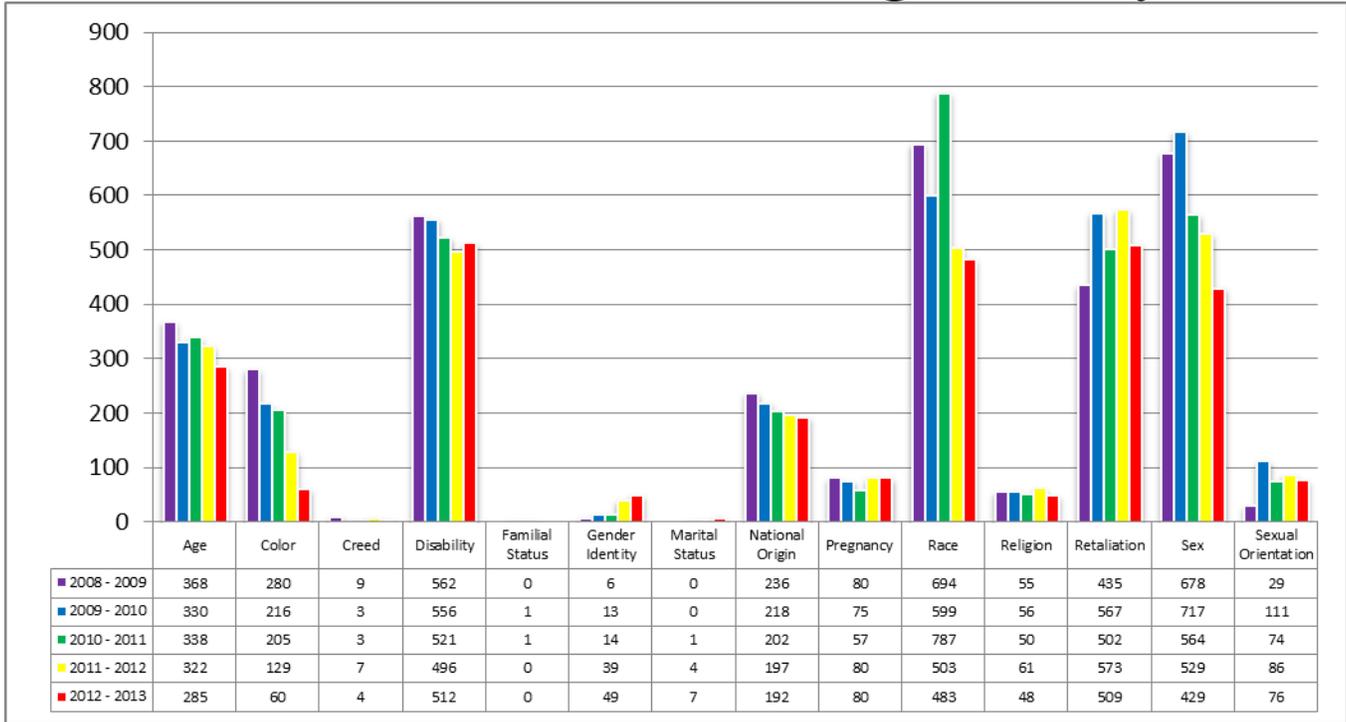
During FY2013, the Commission received **1,616** discrimination cases. Of those complaints, **66** complaints either did not meet the jurisdictional requirements or the 300-day time limit since the last alleged incident took place. The Commission processed **1,550** cases.



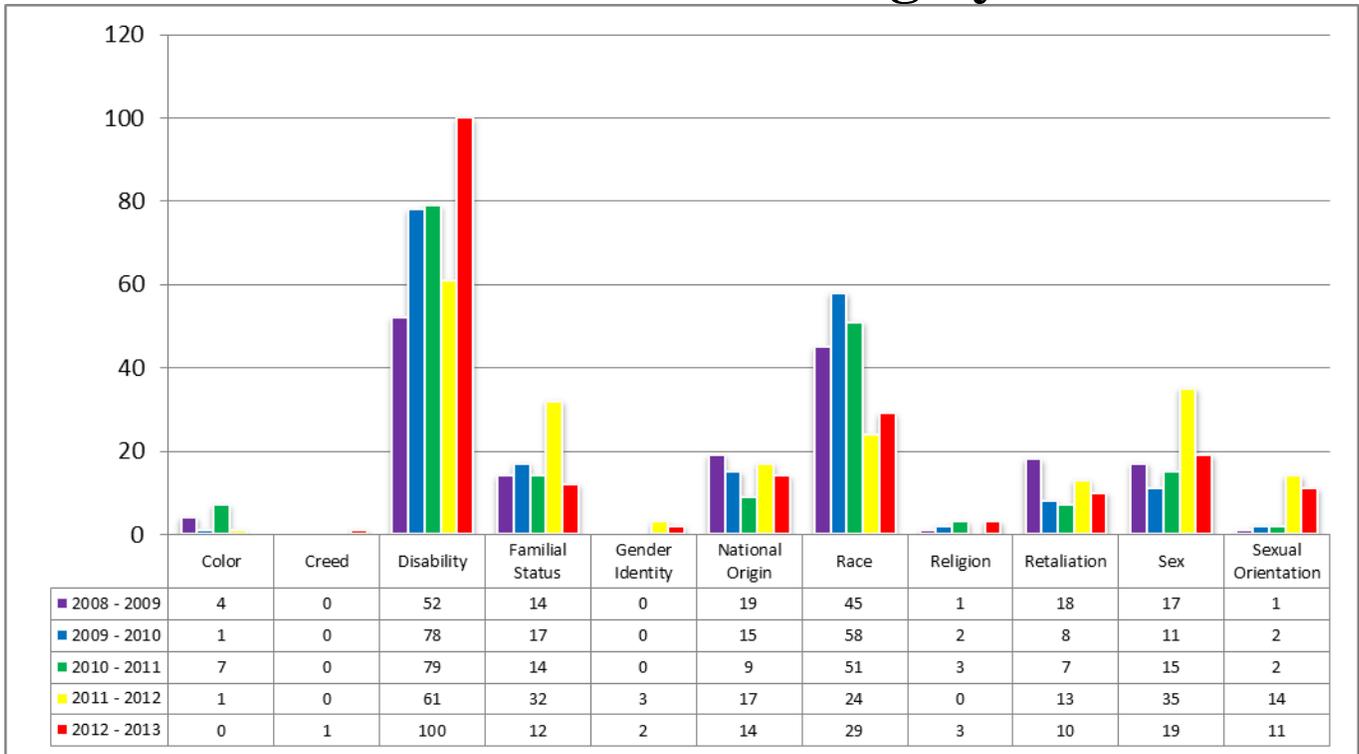
Cases Docketed by Area and Fiscal Year



Cases Docketed in Non-Housing Cases by Basis



Cases Docketed in Housing by Basis



* Gender Identity and Sexual Orientation were added to the Iowa Code as protected bases on July 1, 2007.

Filings by County

The Iowa Civil Rights Commission received complaints from **85** of the 99 counties.

County	Filings
Adair	1
Adams	1
Allamakee	4
Appanoose	2
Audubon	3
Benton	7
Black Hawk	137
Boone	4
Bremer	11
Buchanan	3
Buena Vista	4
Butler	1
Calhoun	2
Carroll	2
Cass	3
Cedar	2
Cerro Gordo	13
Cherokee	3
Chickasaw	4
Clarke	4
Clay	6
Clayton	0
Clinton	20
Crawford	3
Dallas	20
Davis	0
Decatur	1
Delaware	7
Des Moines	17
Dickinson	5
Dubuque	51
Emmet	2
Fayette	2

County	Filings
Floyd	4
Franklin	6
Fremont	1
Greene	2
Grundy	0
Guthrie	1
Hamilton	3
Hancock	4
Hardin	6
Harrison	3
Henry	4
Howard	5
Humboldt	3
Ida	0
Iowa	9
Jackson	4
Jasper	15
Jefferson	6
Johnson	68
Jones	9
Keokuk	1
Kossuth	9
Lee	17
Linn	86
Louisa	3
Lucas	2
Lyon	0
Madison	2
Mahaska	5
Marion	10
Marshall	24
Mills	0
Mitchell	3

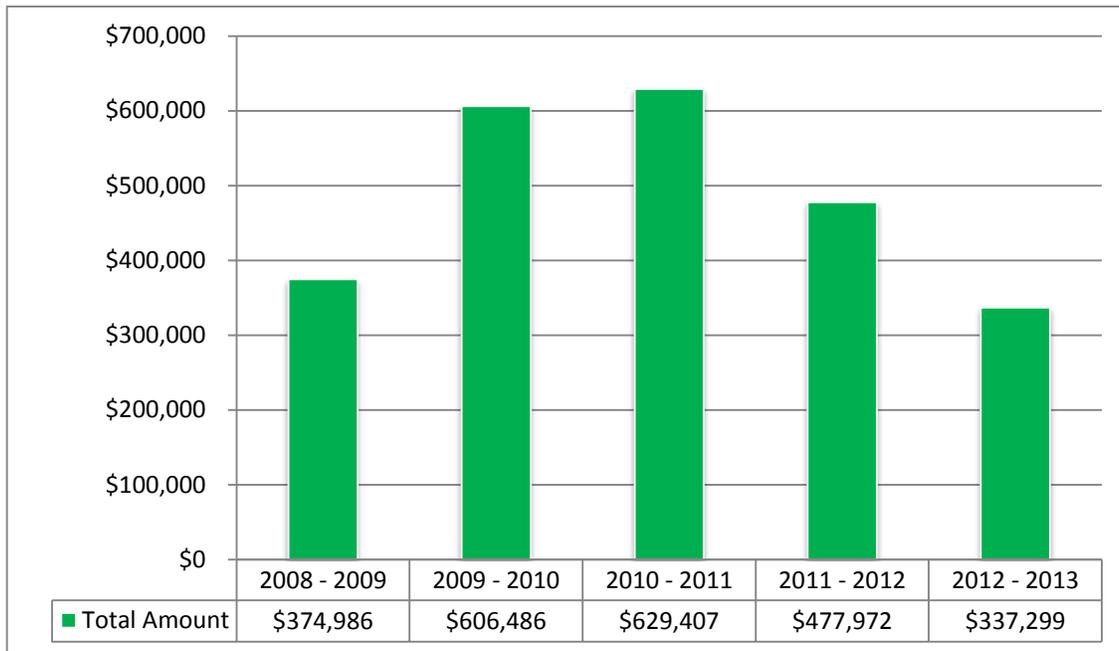
County	Filings
Monona	0
Monroe	0
Montgomery	2
Muscatine	16
O'Brien	0
Osceola	2
Page	4
Palo Alto	2
Plymouth	7
Pocahontas	3
Polk	381
Pottawattamie	30
Poweshiek	8
Ringgold	1
Sac	0
Scott	82
Shelby	0
Sioux	8
Story	32
Tama	5
Taylor	0
Union	5
Van Buren	0
Wapello	12
Warren	4
Washington	6
Wayne	0
Webster	21
Winnebago	3
Winneshiek	1
Woodbury	50
Worth	4
Wright	3

Mediation

In order to achieve earlier and cost-effective resolutions of cases, the mediation program was revamped in FY11 to provide greater opportunities for parties to utilize mediation services. As a result the ICRC has seen a significant increase in the number of complaints being mediated. Mediation services are available any time after a complaint is filed. Mediations can be conducted throughout the state of Iowa. Onsite mediations encourage Complainants and Respondents to resolve disputes within a limited time frame, which significantly decreases the length of time expended in case resolution and reduces the costs associated with litigation. Both parties must be willing to resolve the dispute. If mediation succeeds, the case is closed. If mediation fails, the case is moved on to investigation. During this fiscal year, the Commission mediated **186** cases, **122** of which were successful.

The ICRC utilizes offices of local commissions, if available or public libraries so that the mediations can take place on neutral ground and in the location of the parties. Mediations are commonly conducted outside the city of Des Moines, thereby decreasing the amount of travel for the parties. A mediator’s role is as a neutral third party who facilitates the discussions between the Complainant and Respondent. The purpose is to assist the parties to reach a compromise without having to go through a full investigation.

Total Value of All Mediation Settlements



Conciliation

Conciliation occurs after a finding of probable cause has been made. Until this point, the Iowa Civil Rights Commission is a neutral, fact finding agency. Conciliation is the first point in the process that the Commission becomes an advocate to resolve the discrimination that has been found through the investigation. This can be done by determining and implementing the appropriate remedies to address the situation and make Complainant whole. During this fiscal year, there were **57** cases assigned to conciliation; with **20** successful conciliations.

Cases Handled by the Attorney General's Office

FY13 (July 1, 2012 – June 30, 2013)

State ex rel Morehouse and Anderson v. Sherwood Forest Estates, LLC; Sherwood Forest George LLC; New Life Multi Family Management, LLC; Christine Clark; and Allen Emert, Pottawattamie County, CVCV107026

The Civil Rights Commission commenced this action for punitive and actual damages and injunctive relief after employees of a property management company engaged in harassment on the basis of sexual orientation. A Pottawattamie County jury awarded the plaintiffs \$22,000 in economic damages, \$50,000 in emotional distress damages, and \$75,000 in punitive damages.

Iowa Civil Rights Commission et al v. Wayne Barclay, Muscatine County, CVCV021572

The Civil Rights Commission filed suit against the defendant landlord alleging he sexually harassed numerous tenants. The Commission and the defendant entered into a consent judgment, which was approved by a Muscatine County judge. In the consent judgment, the defendant agreed to pay the affected tenants \$170,000 in damages and cease all contact with his tenants.

Berard v. Iowa Civil Rights Commission, Black Hawk County, LACV122023

The plaintiff filed a petition for judicial review of the Commission's no probable cause order. The plaintiff voluntarily dismissed the suit after a hearing on the Commission's motion to dismiss.

State ex rel Larry Plein v. Paul and Lorraine Martin, Webster County, CVCV31661

The Commission filed this case in Webster County District Court alleging Respondents failed to accommodate the complainant's disability. The Commission dismissed the case without prejudice on March 7, 2013.

Iowa Civil Rights Commission ex rel Niles and Couch v. Brian and Pam Charlet

The Civil Rights Commission filed this action in Dickinson County District Court alleging the defendants engaged in disability discrimination involving the rental of an apartment. The Commission dismissed the case without prejudice.

Deere & Company, et al v. Beth Townsend and Iowa Civil Rights Commission, Polk County, CVCV045843

Plaintiffs filed a petition for declaratory judgment in district court involving constitutional challenges to the Iowa Civil Rights Act. The Commission filed a motion to dismiss, after which the plaintiffs dismissed their suit.

Rent-A-Center v. ICRC, Polk County, CVCV008843, Supreme Court 13-0412

In 2011, Plaintiff Rent-A-Center filed for judicial review of the Commission's decision that the Commission is not bound by a particular complainant's entry into an arbitration agreement. After a decision by the Polk County district court in favor of the plaintiffs, the Commission appealed that decision. The appeal is currently pending assignment to the Iowa Supreme Court or transfer to the Iowa Court of Appeals.

Trexel et al v. ICRC, Polk County, CVCV009327

The court ordered a revocation and withdrawal of a right-to-sue letter erroneously issued after the two year deadline had expired.

Iowa Civil Rights Commission ex rel Johnnie and Katherine Turner v. Frey's Mobile Home Park, Inc., Fayette County, CVCV053590

The Civil Rights Commission filed this case in district court alleging Respondent engaged in disability discrimination by refusing to permit a reasonable modification to Complainants' home. The parties reached a stipulated consent judgment in which Respondents agreed to pay Complainants \$7500 and the district court entered a permanent injunction in favor of the Commission.

Hanover v. City of Council Bluffs, et al, United States District Court for the Southern District of Iowa, Civil No. 1:11-CV-00019-CRW-TJS

An employee filed a discrimination suit against his former employer in federal district court. The employer subpoenaed the Commission's case file regarding the complaint. The Commission moved to quash the subpoena because no right to sue letter had been issued and asserted the case file was confidential under Iowa Code § 216.15(5). The district court quashed the subpoena and the Commission was not required to produce its file.

Iowa Civil Rights Commission and Tiffany Latham v. ABCM Corporation

In FY12, the Commission filed notice of public hearing alleging Respondent failed to accommodate a pregnant employee in violation of the Iowa Civil Rights Act. An administrative law judge initially granted Respondent's motion for summary judgment finding the Iowa Civil Rights Act does not impose a duty of reasonable accommodation for pregnant employees. After an appeal to the Commission, the Commission reversed the administrative law judge's ruling and found the Iowa Civil Rights Act does impose a duty of reasonable accommodation for pregnant employees. The case was remanded and a public hearing was held in FY14.

Iowa Civil Rights Commission and Joseph Lefebvre v. Lieber Construction

The Commission filed a notice of public hearing alleging Respondent had discriminated against the complainant on the basis of national origin and had engaged in retaliation. After a hearing, an administrative law judge found in favor of the respondent and the parties did not appeal.

Iowa Civil Rights Commission and Jessica Smalley v. YMCA/YWCA of Burlington

The Commission filed notice of public hearing alleging Respondent had engaged in gender identity discrimination. After a hearing, the administrative law judge found in favor of the respondent and the parties did not appeal.

Iowa Civil Rights Commission and Justin DeBord v. Clair and Lou Otto, Carroll County, CVCV0238951

The Commission filed an action in district court to enforce a \$1,000 damages award awarded to Complainants by the Commission. The underlying case was discussed in the annual report for FY12.

State ex rel Cynthia Rose Brace v. Ray and Donna Held, Franklin County, CVCV500952.

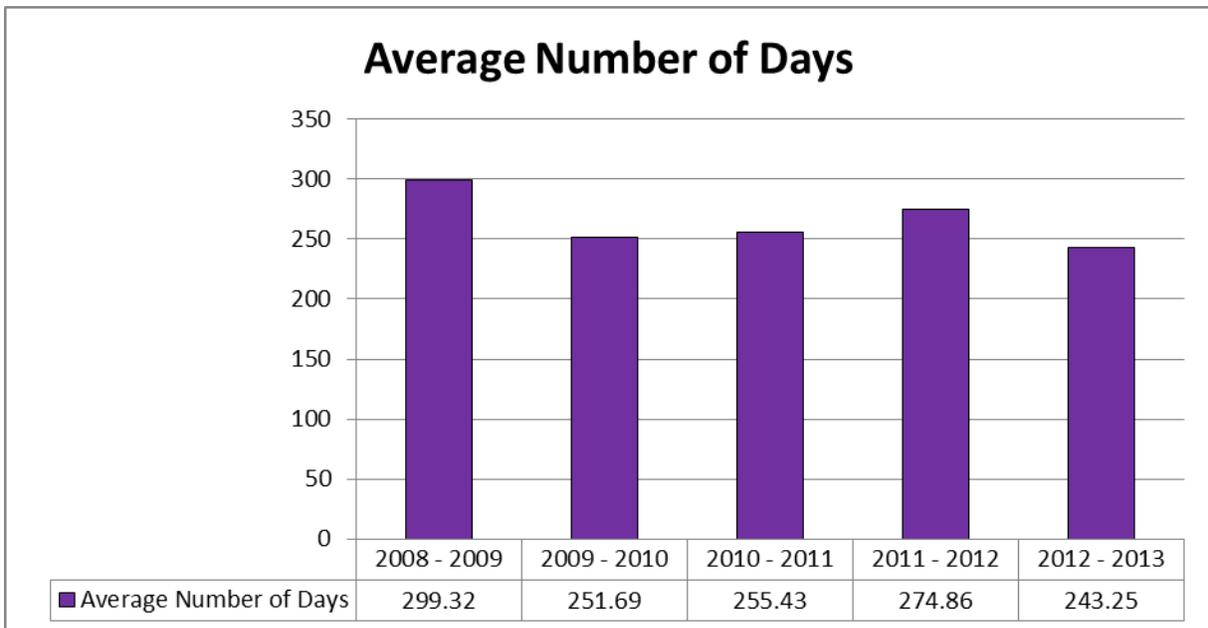
This housing discrimination case was filed in FY12, and discussed in that year’s annual report. A three-day jury trial is scheduled for April 22-24, 2013 in Franklin County.

Other Cases Filed During FY13

Iowa Civil Rights Commission and Melissa O’Brien v. Kerry Inman, DIA. No. 13ICRC003

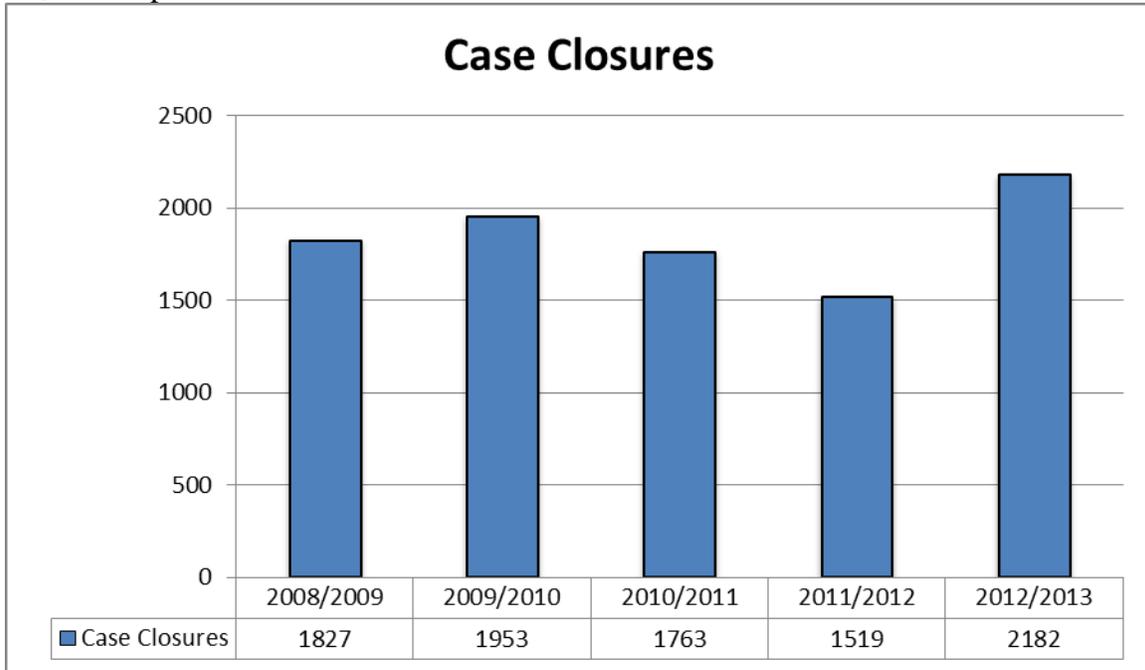
The Commission filed an administrative action claiming Respondent engaged in discriminatory advertising. A public hearing was held in FY14.

Average Number of Days to Process a Case

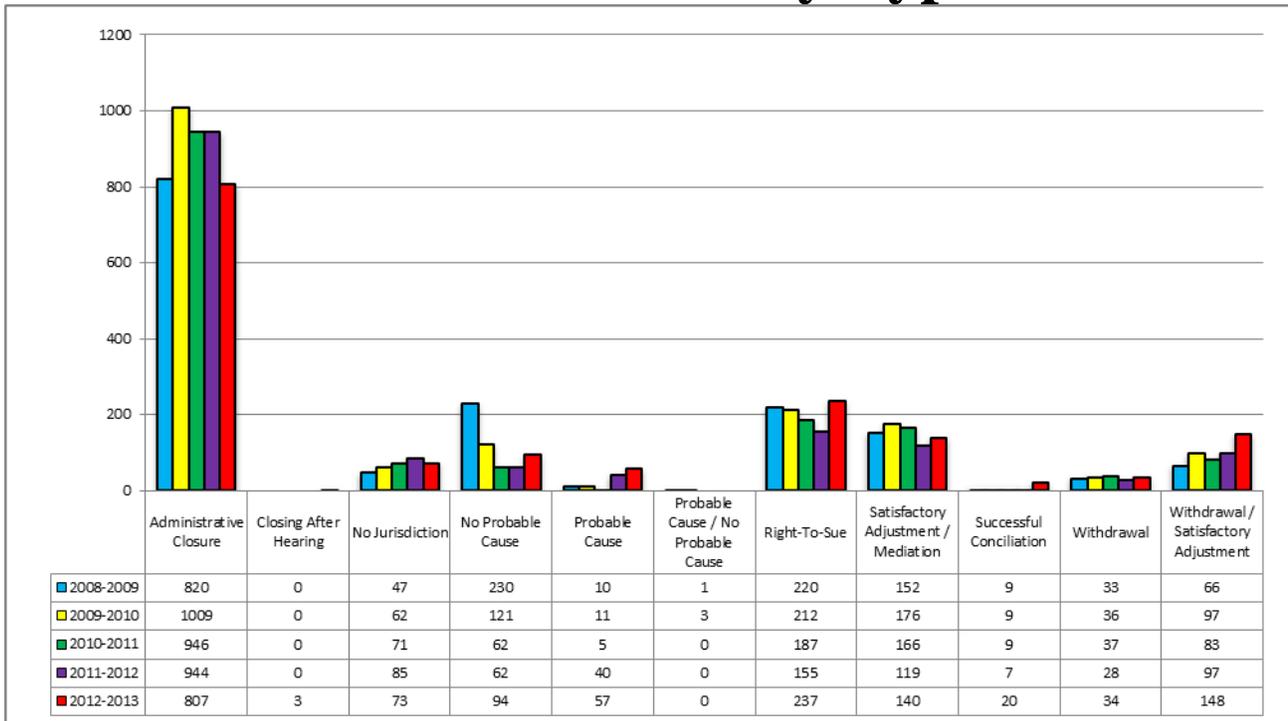


Case Closures

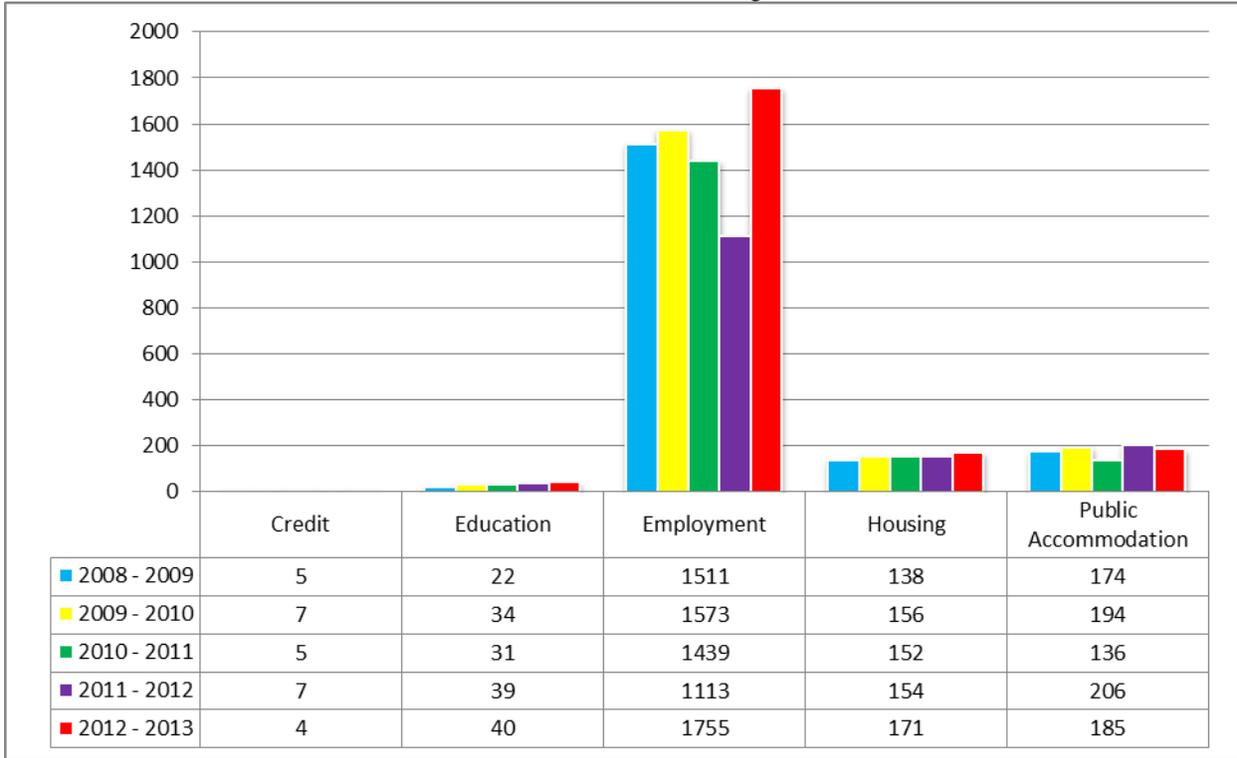
During the year, the Commission closed **2,182 cases**. Of the 2,182 case closures during the fiscal year, the largest category was “does not warrant further investigation / administrative closure.” This was followed by right-to-sue, withdrawn / satisfactory adjustment, satisfactory adjustment / mediated settlement, and no probable cause.



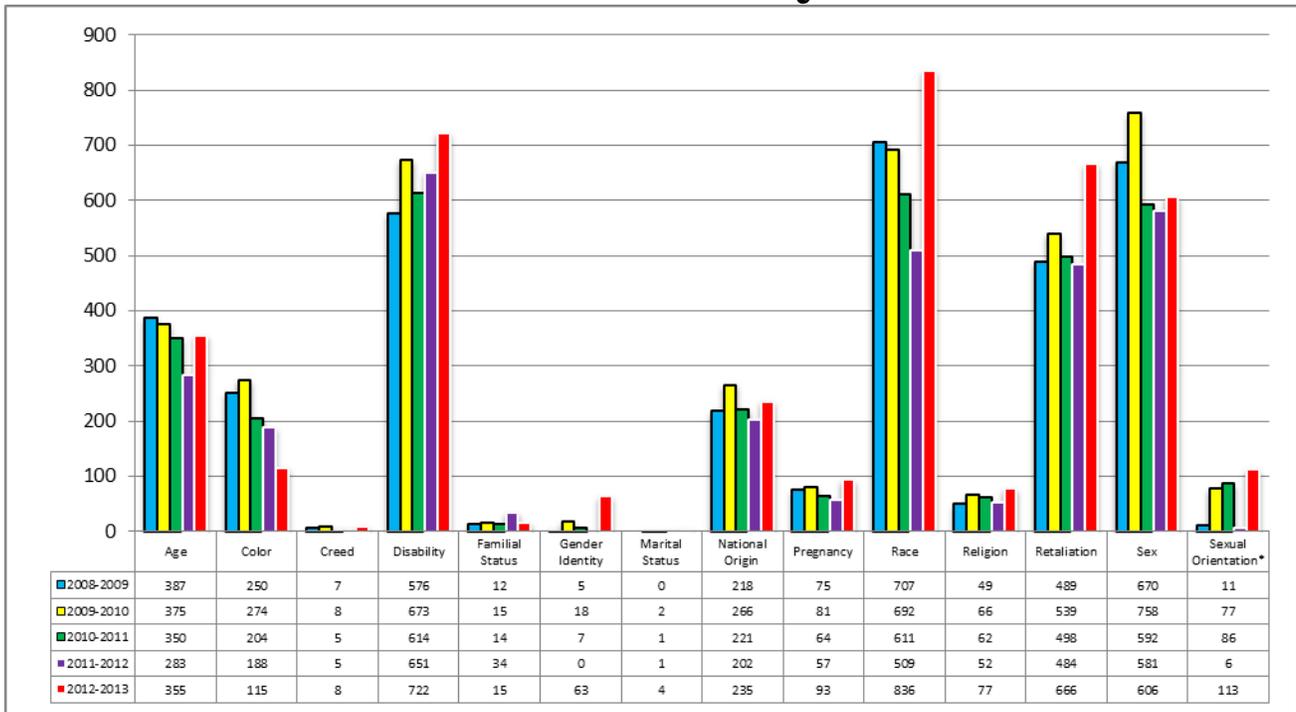
Case Closures by Type



Case Closures by Area



Case Closures by Basis



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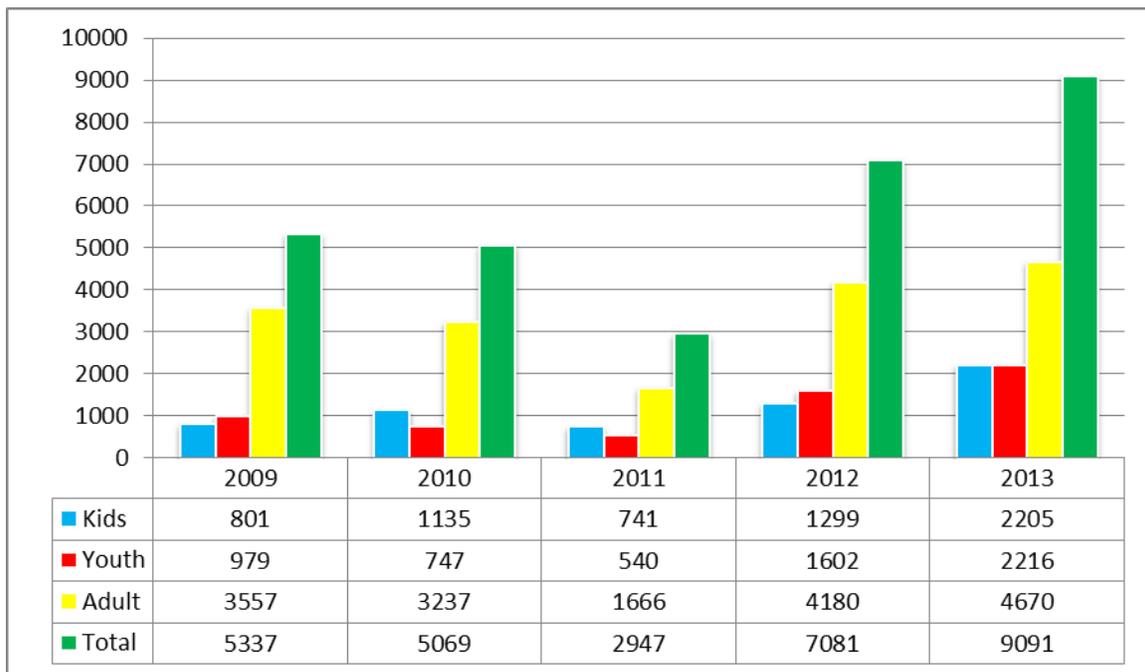
Education, Outreach, and Training

The Commission’s educational programs teach people about their rights under the law, how to prevent discrimination, and why diversity is important in Iowa. In FY13, ICRC staff participated in **36 presentations / outreach events**, reaching **19,852 participants** and distributing approximately **13,000 items**. The largest outreach event was a booth at the Iowa State Fair. The ICRC had its biggest and best attended booth by a large margin in FY13, giving out over 9,000 quizzes to all age groups with an additional 3,000 people who came to the booth to see the large Iowa civil rights heroes display.

The Commission’s new website, <https://icrc.iowa.gov>, received visits from **2,315 individuals** between April 14, 2013 and June 30, 2013. The Commission enhanced its online presence on Facebook (<http://www.facebook.com/pages/Des-Moines-IA/Iowa-Civil-Rights-Commission/80313175514>) **1,075 individuals** like the Commission’s Facebook page.

The Commission conducts workshops, seminars, and training sessions on a variety of civil rights topics, and publishes and distributes materials on civil rights. The Commission publishes fact sheets; posters and brochures; **Fair Housing Guides; Annual Reports;** and many other educational materials. These are also available from our website. The Commission offers Fair Housing training to educate Landlords and tenants on their rights and responsibilities under Fair Housing laws.

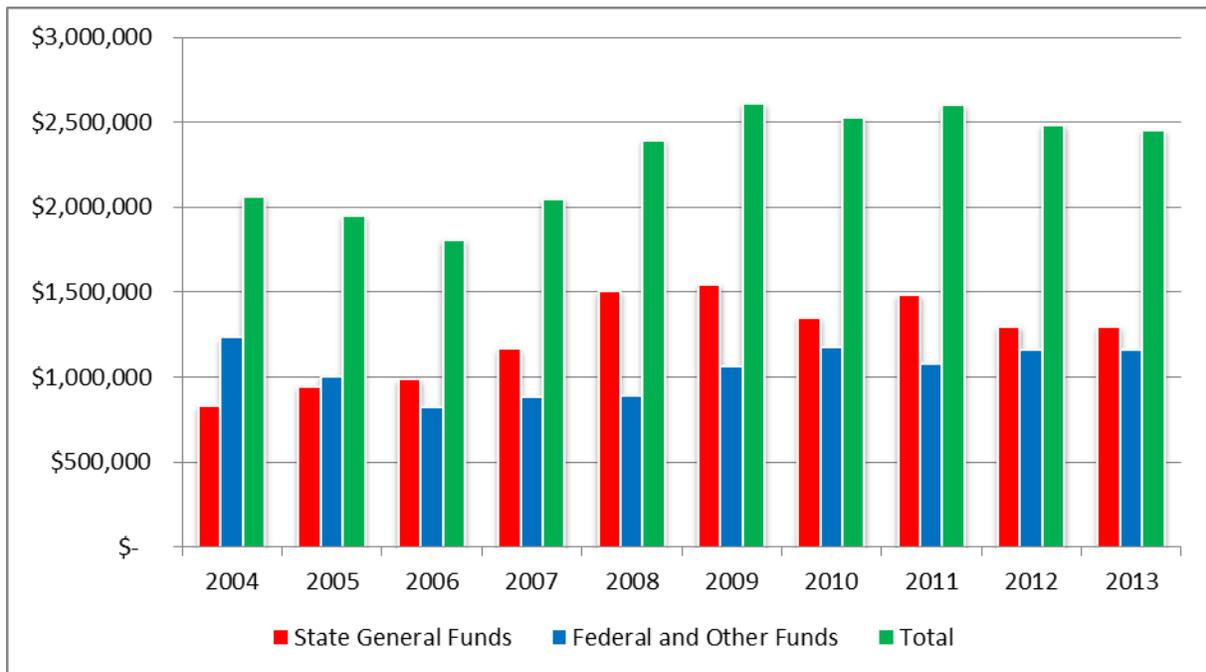
Iowa State Fair Civil Rights Quiz Participants



Fiscal Year 2013 Income

- The total funding for the Iowa Civil Rights Commission for FY 2012 was **\$2,455,303**.
- **\$1,297,069** (including budget cuts) was state general funding.
- **\$1,144,630** was from federal contract funding (EEOC and HUD) and other contracts and grants.
- **\$13,604** was for reimbursement for presentations and copying.

Agency Funding Fiscal Year 2004 – Fiscal Year 2013



Iowa Civil Rights Commission Staff

Beth Townsend, Executive Director

Brenda Almanzar
Natalie Burnham
Stephanie Callahan
Michele Cashman
Marcia Coverdale
Stephanie Cox
Katie Fiala
Annette Flaherty
Ben Flickinger
Linda Grathwohl
Don Grove
Kerry Hainline
Benjamin Humphrey
Elizabeth Johnson
Kristin Johnson
Gregory Klein

Emigdio Lopez-Sanders
Christine Louis
Nichole Merrill
Brooke Miller
Sean Nelson
Sylvia Owens
Tim Reilly
Linda Ross
Diana Schanuel-Sisler
Alex Smith
Kaitlin Smith
Debra Stewart
Sara Stibitz
Ramona Ubaldo
Danny Wagener
Sherry Williams

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Urbandale

Tom Conley
Urbandale

Patricia Lipski, Vice Chair
Washington

Lawrence Cunningham
Urbandale

Lily Hou
Urbandale

Mary Ann Spicer
Des Moines

Doug Oelschlaeger
Cedar Rapids