



IOWA CIVIL RIGHTS COMMISSION

51 Years of Working for a State Free of Discrimination
Through Enforcement of Civil Rights Laws

Annual Report Fiscal Year 2016

TERRY BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

IOWA CIVIL RIGHTS COMMISSION
KRISTIN H. JOHNSON, EXECUTIVE DIRECTOR

December 15, 2016

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 2016.

The ICRC continues its efforts to improve the timeliness and competency by which complaints of discrimination are processed. In FY16, the average number of days it took to process all complaints was 222, compared with 259 days in FY15. The Commission continues to strive for efficient, thorough investigation of discrimination complaints, working toward meeting its performance goal of accomplishing 80% of its complete investigations within 300 days and conducting a preliminary screening of each non-housing complaint within 120 days, and although the Commission fell short of its goal in FY16, it is making progress, which with adequate funding and staffing levels, it will be able to achieve. The Commission conducted approximately 393 mediations this year, an increase from the 285 completed in FY15, and approximately 30% of those were successful. The ICRC processed 1,168 complaints for the EEOC and 134 complaints for the Department of Housing and Urban Development resulting in over \$1 million in federal funds paid to the ICRC. The ICRC had 32 cases that resulted in a probable cause finding. The ICRC successfully conciliated 12 of those 32 cases, including, for example, disability accommodation claims in employment, obtaining monetary relief for disabled Iowans while also providing valuable education and training to employers concerning their responsibilities under the law. Through the public hearing process, rights of Iowans continue to be redressed, including the successful prosecution of a pregnancy discrimination claim against a restaurant in eastern Iowa that discharged an employee when she informed her manager she was pregnant. Our housing unit continues to be recognized as one of HUD's best partners based on 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.

In FY16, the ICRC received 1,616 complaints of discrimination. Of those, 59 were determined not to be jurisdictional. The Commission processed 1,557 cases. There was a decrease in number of employment, housing, and public accommodation complaints but a slight increase in education and credit complaints filed in FY16. The ICRC was able to close 1,636 complaints in FY16, up from 1,399 in FY15.

Also in FY16, the ICRC expanded its education and outreach efforts. Commission staff developed the "Iowa Civil Rights History Toolkit," which, in cooperation with the Iowa Department of Education, it distributed to all school districts in Iowa for inclusion in history and social studies

curricula. In addition, the ICRC's State Fair booth was expanded to include social media interactions, dramatically increasing its social media presence by over 4,000%.

The ICRC continues to be an effective and credible law enforcement agency, consistent with the fulfillment of its mission to eliminate discrimination within the State of Iowa, a goal which benefits all Iowans. The ICRC helps ensure that Iowans are able to obtain and retain employment, housing, education, credit and services without regard to their protected characteristics. Making sure Iowans are employed, housed, educated, and have equal access to credit and services is good for the Iowa economy.

Kristin H. Johnson
Executive Director

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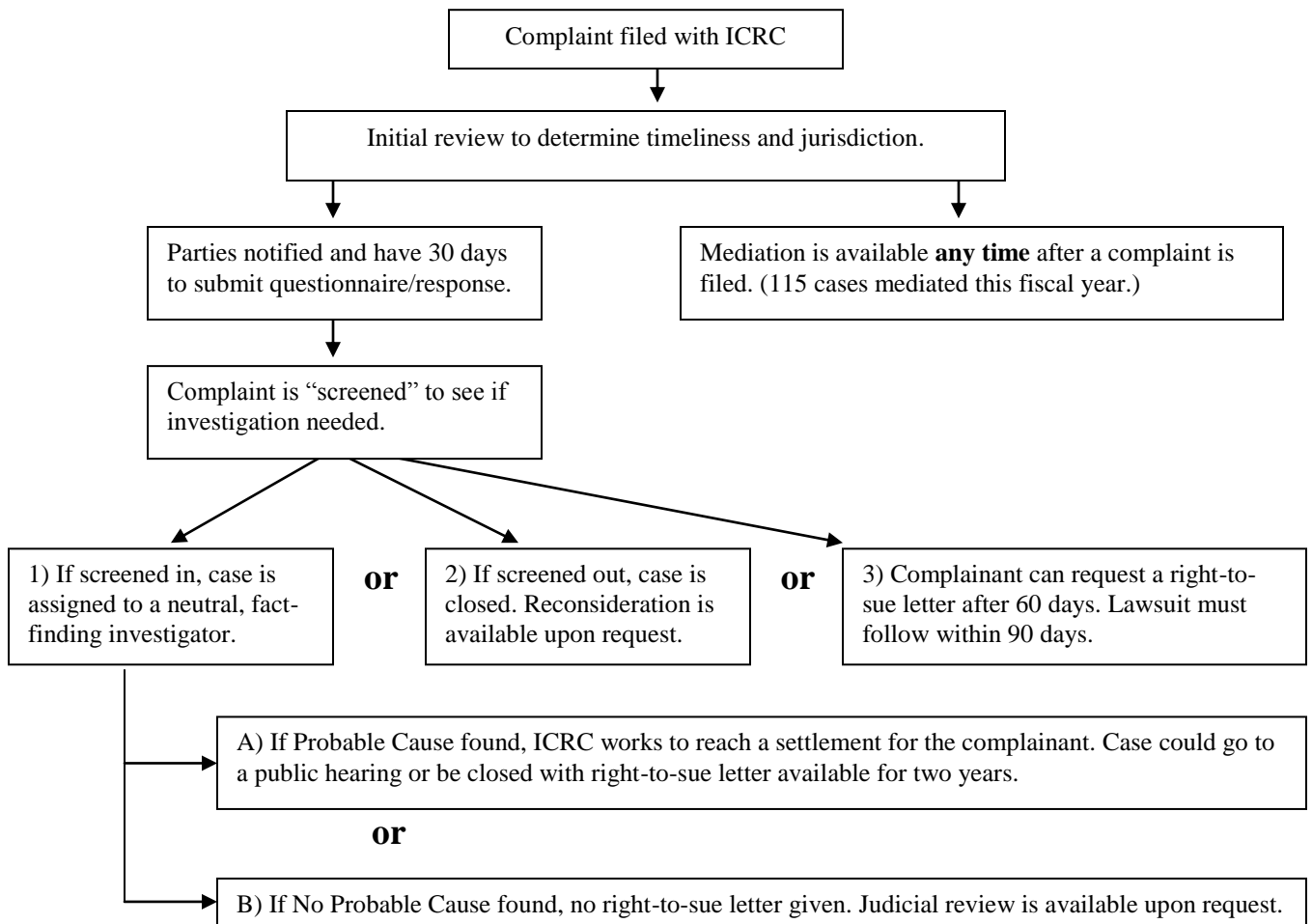
About the Iowa Civil Rights Commission

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

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

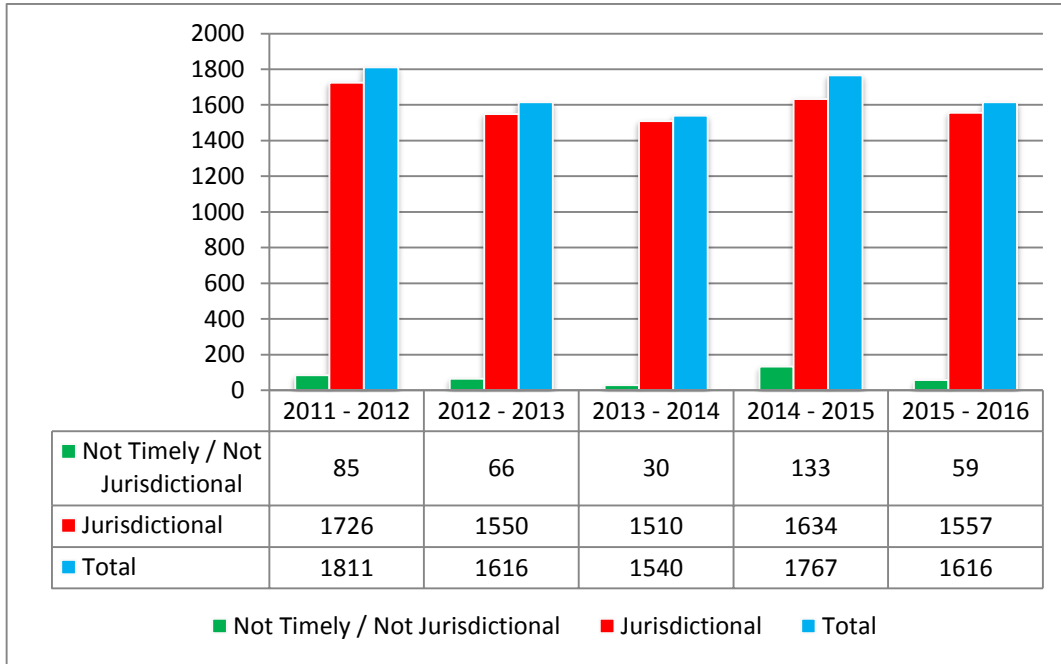
The Iowa Civil Rights Act of 1965 prohibits discrimination in the areas of employment, housing, credit, public accommodations (public services and buildings), and education. Discrimination and harassment are illegal if based on actual or perceived race, skin color, national origin, religion, creed, sex,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

The Discrimination Complaint Process

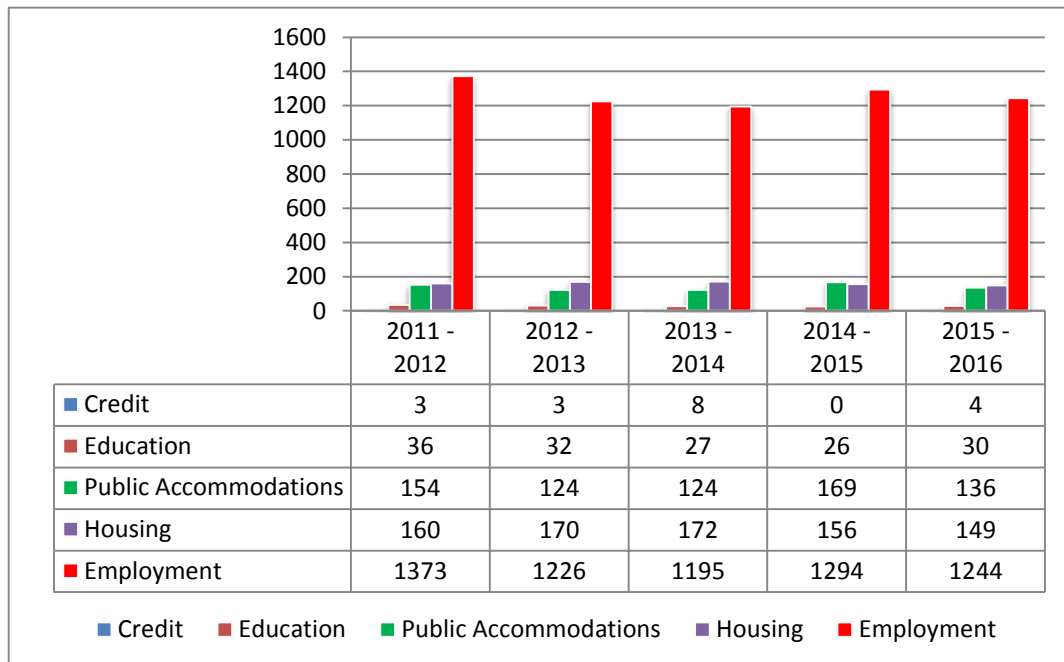


Processing of Discrimination Complaints

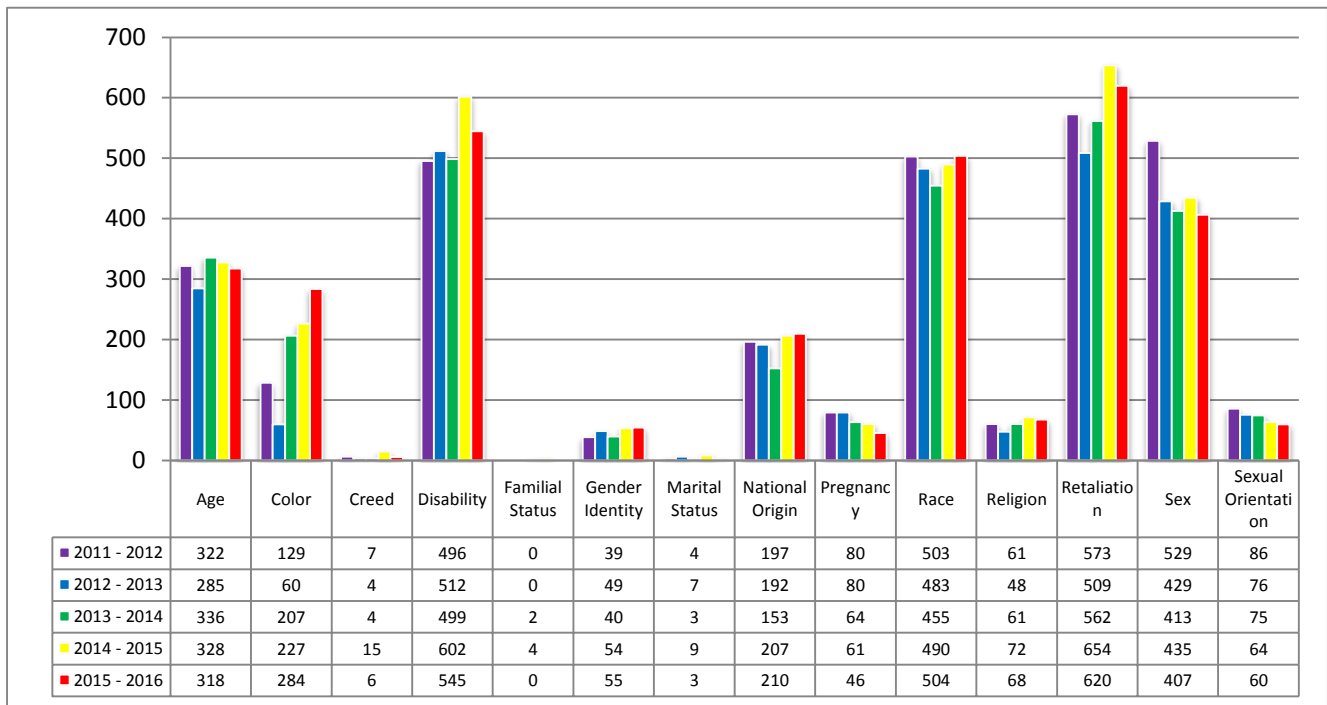
During FY16, the Commission received **1,616** discrimination cases. Of those complaints, **59** complaints either did not meet the jurisdictional requirements or the 300-day time limit since the last alleged incident took place. The Commission processed **1,557** cases.



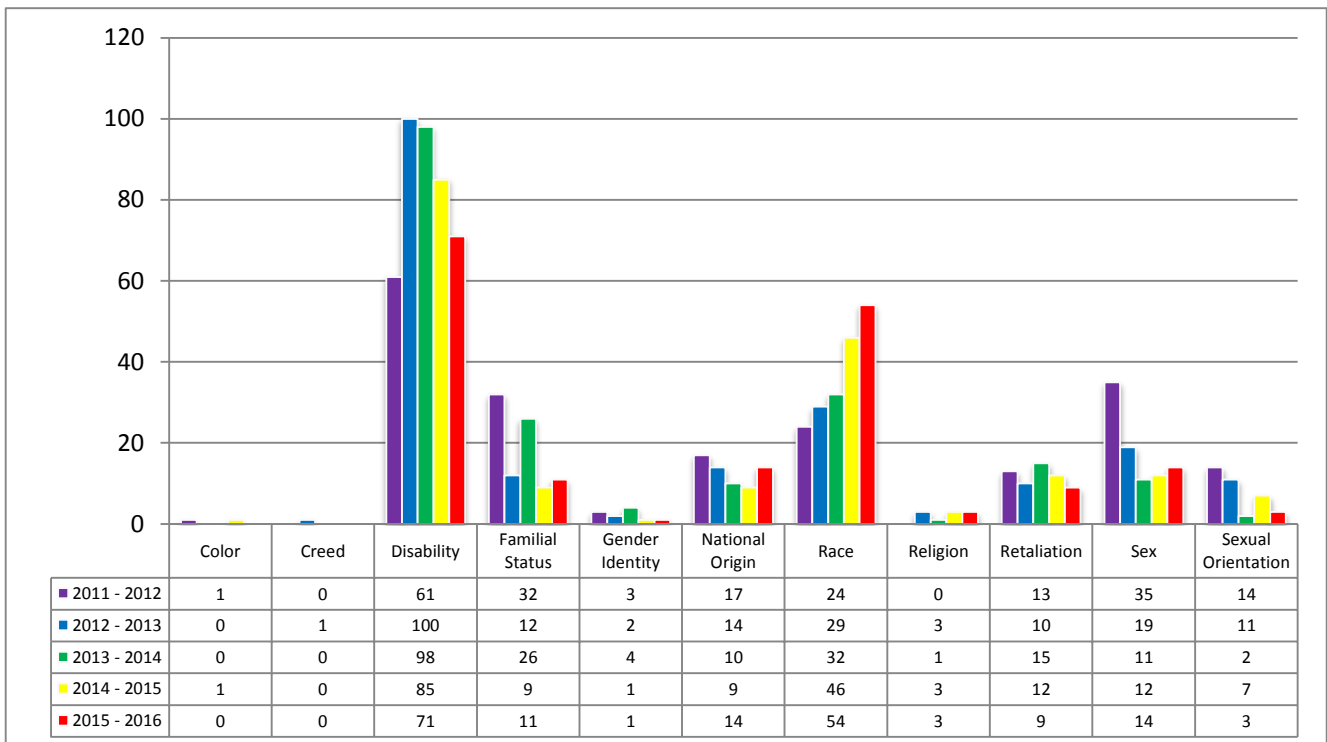
Cases Docketed by Area and Fiscal Year



Cases Docketed in Non-Housing by Basis



Cases Docketed in Housing by Basis



Filings by County

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

County	Filings
Adair	0.00%
Adams	0.12%
Allamakee	0.06%
Appanoose	0.25%
Audubon	0.06%
Benton	0.12%
Black Hawk	6.74%
Boone	0.89%
Bremer	0.44%
Buchanan	0.38%
Buena Vista	0.32%
Butler	0.00%
Calhoun	0.12%
Carroll	0.12%
Cass	0.12%
Cedar	0.19%
Cerro Gordo	1.73%
Cherokee	0.25%
Chickasaw	0.19%
Clarke	0.38%
Clay	0.25%
Clayton	0.19%
Clinton	1.47%
Crawford	0.32%
Dallas	2.05%
Davis	0.19%
Decatur	0.00%
Delaware	0.19%
Des Moines	1.54%
Dickinson	0.19%
Dubuque	3.33%
Emmet	0.38%
Fayette	0.25%

County	Filings
Floyd	0.00%
Franklin	0.12%
Fremont	0.12%
Greene	0.32%
Grundy	0.12%
Guthrie	0.06%
Hamilton	0.32%
Hancock	0.25%
Hardin	0.25%
Harrison	0.06%
Henry	0.51%
Howard	0.06%
Humboldt	0.19%
Ida	0.19%
Iowa	0.70%
Jackson	0.38%
Jasper	0.70%
Jefferson	0.25%
Johnson	5.33%
Jones	0.44%
Keokuk	0.12%
Kossuth	0.25%
Lee	1.22%
Linn	6.61%
Louisa	0.19%
Lucas	0.12%
Lyon	0.06%
Madison	0.19%
Mahaska	0.57%
Marion	0.57%
Marshall	0.96%
Mills	0.19%
Mitchell	0.00%

County	Filings
Monona	0.00%
Monroe	0.12%
Montgomery	0.44%
Muscatine	1.28%
O'Brien	0.12%
Osceola	0.00%
Page	0.19%
Palo Alto	0.06%
Plymouth	0.38%
Pocahontas	0.19%
Polk	24.47%
Pottawattamie	2.56%
Poweshiek	0.38%
Ringgold	0.00%
Sac	0.12%
Scott	10.08%
Shelby	0.25%
Sioux	0.44%
Story	2.50%
Tama	0.25%
Taylor	0.12%
Union	0.25%
Van Buren	0.12%
Wapello	1.09%
Warren	0.70%
Washington	0.44%
Wayne	0.00%
Webster	1.54%
Winnebago	0.89%
Winneshiek	0.32%
Woodbury	3.66%
Worth	0.12%
Wright	0.32%

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 approximately 393 cases, 115 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.

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 32 cases assigned to conciliation; with 12 successful conciliations.

Cases Handled by the Attorney General's Office

FY16 (July 1, 2015 – June 30, 2016)

Federal Court

Dickton Masch Plastics, LLC v. Angela Williams et al, Southern District of Iowa, No. 4:16-cv-00104-JEG-HCA

Dickton Masch Plastics, LLC filed a federal Complaint for Declaratory Judgment and Preliminary and Permanent Injunctive Relief against the Commissioners and an alleged complainant, asserting the alleged underlying complaint filed with the Commission was preempted by ERISA, which is federal law. The case was resolved in FY17.

State Courts

City of Davenport and Wal-Mart Stores Inc. Inc. v. Iowa Civil Rights Commission, Scott County, CVCV294730; Iowa Court of Appeals No. 15-1691

The City of Davenport filed a Petition for Writ of Certiorari challenging the Commission's agency action in reversing a summary judgment ruling by an administrative law judge. The district court ruled in favor of the Commission. The City of Davenport and Wal-Mart, the other respondent in the underlying matter, then appealed the district court's decision. The appeal was transferred to the Court of Appeals and remains pending.

Iowa Civil Rights Commission and Mark and Brad Dinning v. R. Clark Properties, Inc. and Ricky Clark, Story County, CVCV049619

The Commission filed a district court action on behalf of Mark and Brad Dinning alleging Respondents discriminated against them in the area of housing on the basis of their disabilities by denying their request for a reasonable accommodation to allow their assistance animals in a rental unit. The case is scheduled for jury trial in FY17.

Durant Community School District v. Iowa Civil Rights Commission, Cedar County, CVCV035507

Durant Community School District filed a Petition for Judicial Review against the Commission challenging the Commission's issuance of a right to sue letter to a particular complainant. The case was combined with a civil case between the school district and the complainant. The school district and complainant reached a settlement, and the school district dismissed its judicial review petition.

State ex rel Erna DeBruyn v. Noelcrest Condominium Owners Association and Ethel Pierangeli, Polk County, CVCV0049978

The Commission filed a district court action on behalf of Erna DeBruyn alleging Respondents discriminated against her in the area of housing on the basis of her disability by denying her request for

a reasonable accommodation to allow her assistance animal in her condominium. The case settled in advance of a scheduled jury trial.

Administrative Actions

Iowa Civil Rights Commission and Michael Fishnick and Patricia Kelly v. Fraternal Order of Eagles #568 and Steve Kuhle, DIA No. 14ICRC009-010

The Commission's staff successfully represented the Commission at public hearing on this age discrimination case. The respondents then appealed the administrative law judge's ruling, and the Attorney General's Office represented the Commission on appeal. The Iowa Civil Rights Commission remanded the matter for the taking of additional evidence, which occurred in FY17.

Iowa Civil Rights Commission v. George's Pizza & Steak House, George Papadopolous, Rosemary Papadopolous, and Agapi Lagioti, DIA No. 16ICRC001

The Commission filed an administrative action charging the respondents with pregnancy discrimination. A public hearing was held in FY17 and the Commission is awaiting a ruling.

Iowa Civil Rights Commission and Mikkah Daniels v. Fleur de Lis Motor Inns, Inc. and Hotel Management Corp. d/b/a Airport Holiday Inn and Conference Center, DIA No. 15ICRC003

The Commission filed an administrative action charging the respondent with race discrimination. The case was settled in advance of a scheduled public hearing. The Attorney General's Office worked with staff of the Iowa Civil Rights Commission to litigate this case.

Iowa Civil Rights Commission v. Aqua Care USA and Mike Pagano, DIA No. 14ICRC15

The Commission filed an administrative action charging the respondents with religious discrimination. The case was settled in advance of a scheduled public hearing. The Attorney General's Office worked with staff of the Iowa Civil Rights Commission to litigate this case.

Iowa Civil Rights Commission v. Medical Laboratories of Eastern Iowa, Inc. d/b/a MedLabs, DIA No. 14ICRC014

The Commission filed an administrative action charging the respondent with race discrimination. The Commission was unsuccessful at public hearing and did not appeal the administrative law judge's proposed decision. The Attorney General's Office worked with staff of the Iowa Civil Rights Commission to litigate this case.

Iowa Civil Rights Commission ex rel Kathi and Glenn Hill v. Stat Properties LLC and Scott Thomas, DIA No. 15ICRC002

The Commission filed an administrative action on behalf of Kathi and Glenn Hill alleging Respondents discriminated against them in the area of housing on the basis of disability by denying their request for a

reasonable accommodation to allow an assistance animal in their rental unit. The case settled in advance of a scheduled public hearing.

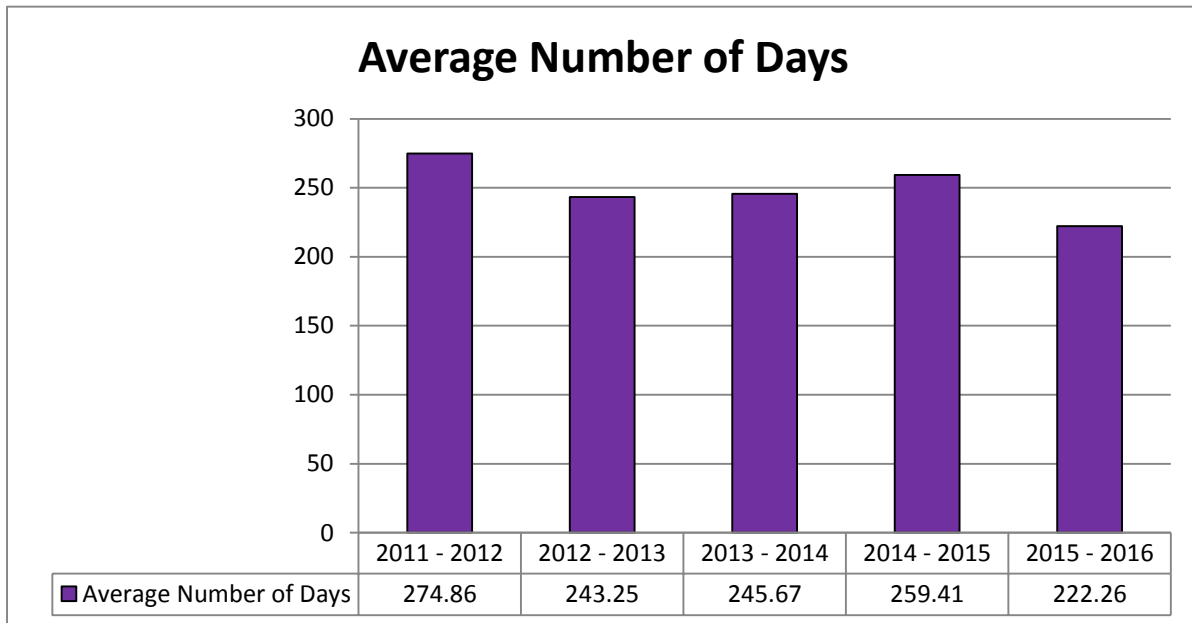
Iowa Civil Rights Commission v. Big Bear Insulation and Troy Peterson, DIA No. 15ICRC001

The Commission filed an administrative action charging the respondents with sex discrimination. The case was settled in advance of a scheduled public hearing. The Attorney General’s Office worked with staff of the Iowa Civil Rights Commission to litigate this case.

Iowa Civil Rights Commission v. Allamakee County Recycling Center and Allamakee County Board of Supervisors, DIA No. 14ICRC013

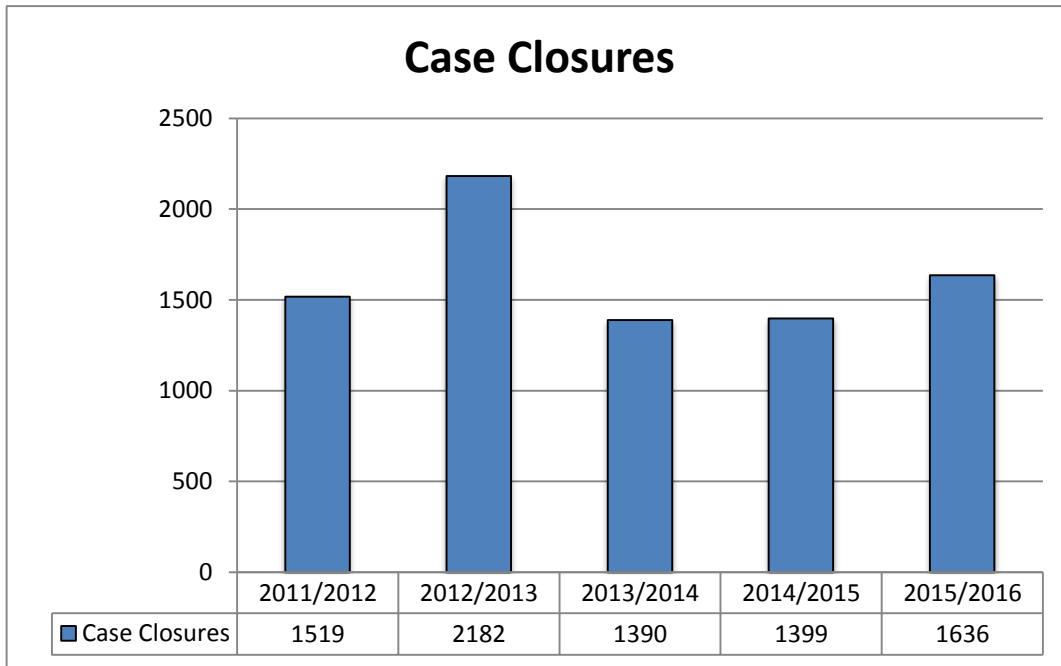
The Commission filed an administrative action charging the respondent with race discrimination. The case was settled in advance of a scheduled public hearing. The Attorney General’s Office worked with staff of the Iowa Civil Rights Commission to litigate this case. Following the settlement agreement, the Attorney General Office’s successfully defended on administrative appeal the administrative law judge’s denial of the complainant’s motion to intervene in the administrative action.

Average Number of Days to Process a Case

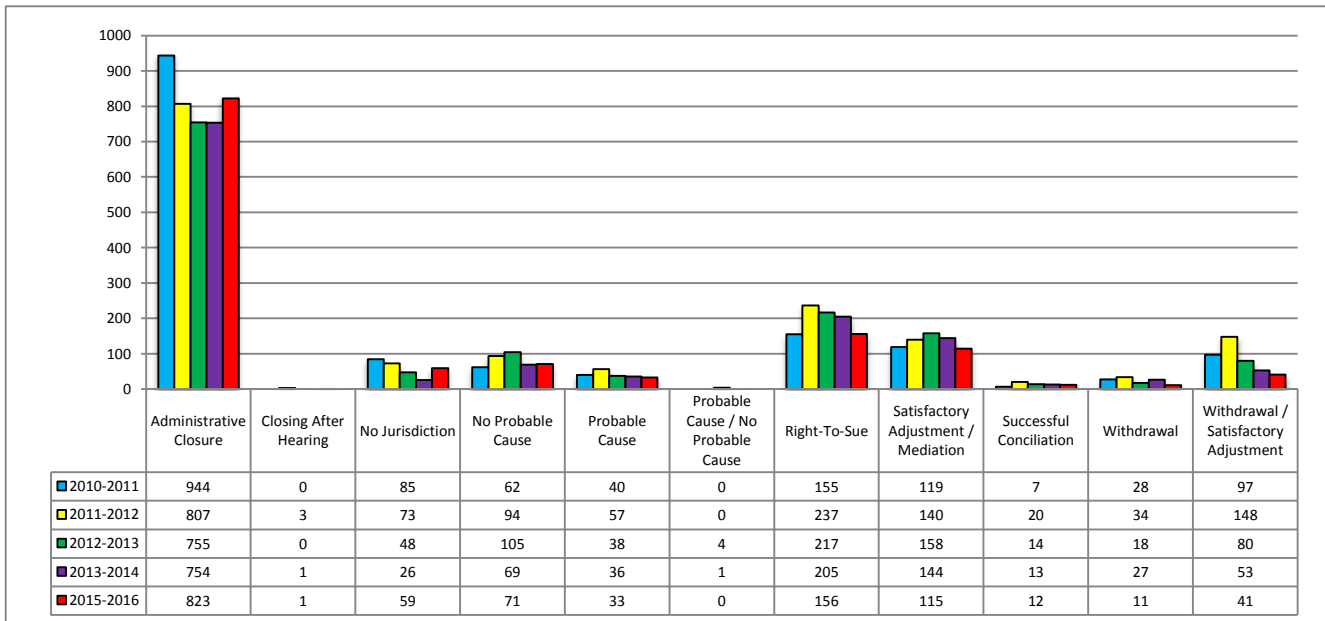


Case Closures

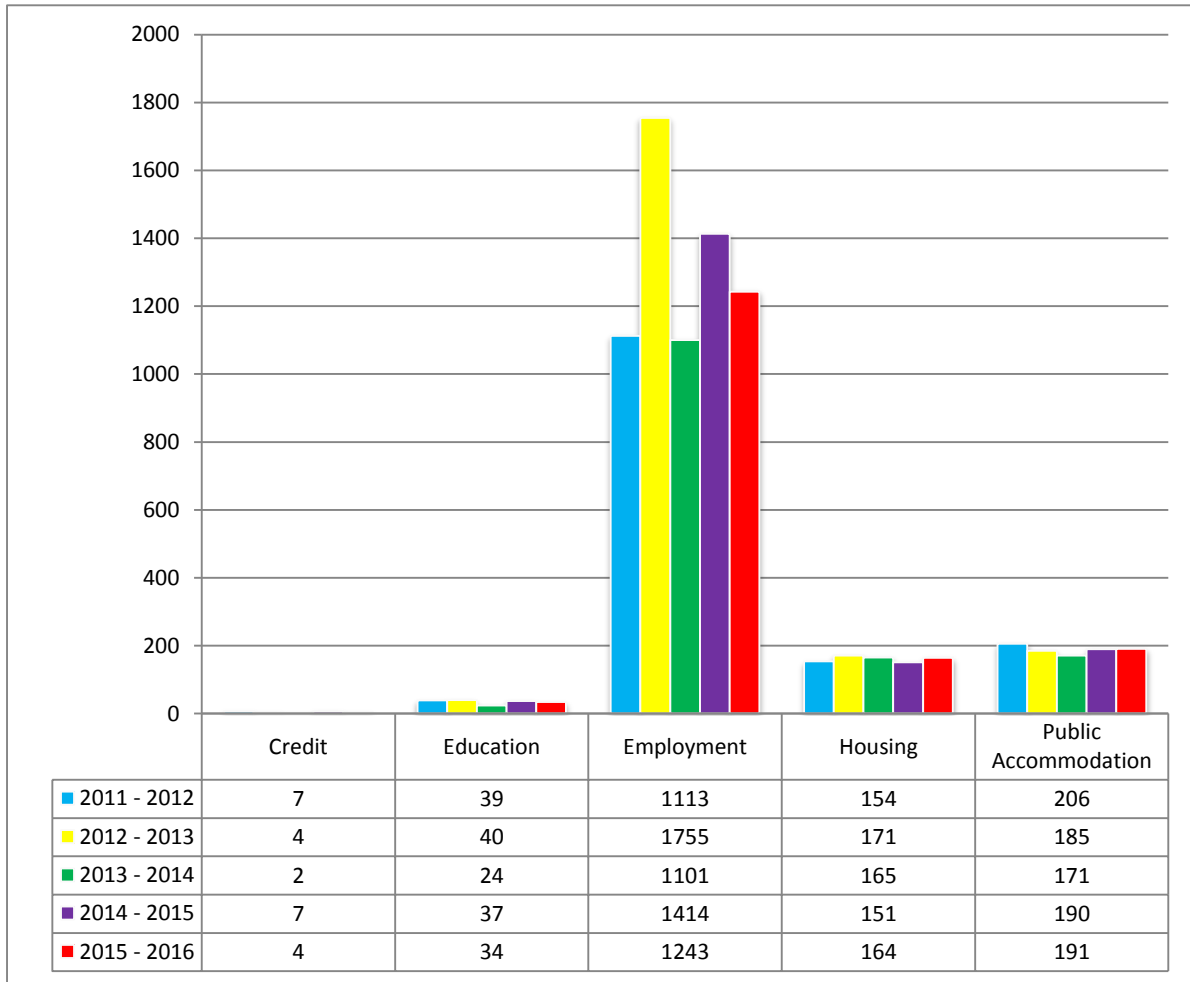
During the year, the Commission closed **1,636 cases**. Of the 1,636 case closures during the fiscal year, the largest category was “does not warrant further investigation / administrative closure.” This was followed by right-to-sue, satisfactory adjustment / mediated settlement, no probable cause, and withdrawn / satisfactory adjustment.



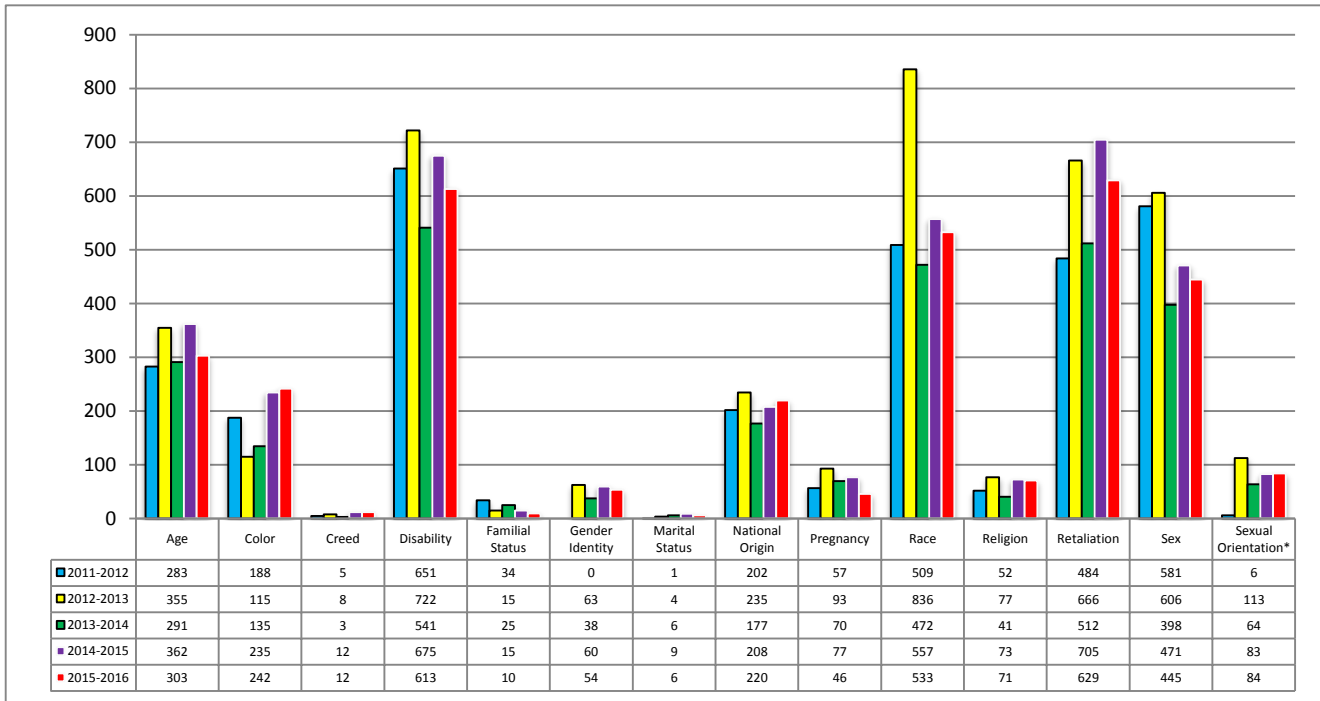
Case Closures by Type



Case Closures by Area



Case Closures by Basis



Education, Outreach, and Training

The Commission’s educational programs teach people about their rights under the law, how to prevent discrimination, and why diversity is important in Iowa. In FY16, ICRC staff participated in **presentations / outreach events**, reaching nearly **22,000 participants** and distributing approximately **15,000** items. The largest outreach event was its booth at the Iowa State Fair. The ICRC engaged in social media outreach in conjunction with its booth, giving out over 12,000 promotional items to all age groups who either responded to Iowa Civil Rights trivia questions or tagged the ICRC in social media posts. In addition, the ICRC purchased advertising on the State Fair DART shuttle buses, reaching an estimated ridership of about 231,210.

The Commission’s website, <https://icrc.iowa.gov>, received visits from **39,638 individuals** between July 1, 2015 and June 30, 2016. The Commission enhanced its online presence on Facebook (<https://www.facebook.com/IowaCivilRights/>), reaching 21,775 people during the Iowa State Fair alone, an increase of 4,064%.

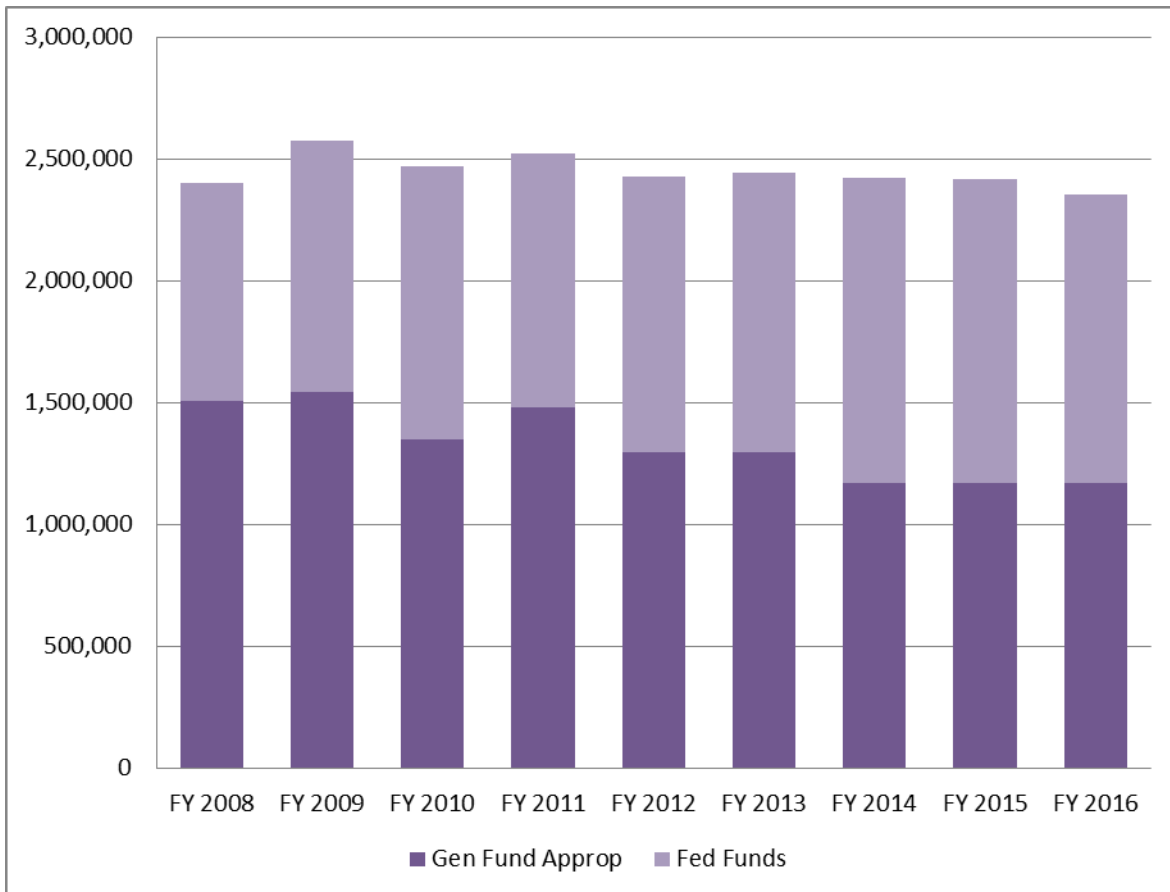
The Commission conducts workshops, seminars, and training sessions on a variety of civil rights topics, and publishes and distributes materials on civil rights. The Commission publishes fact sheets; posters and brochures; **Fair Housing Guides; Annual Reports;** and many other educational materials. 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. This year, the ICRC held its 3rd Annual “Be The Change” Symposium and experienced an increase in attendance of nearly 40% at its largest annual training event.

In FY16 the Commission also developed its “Iowa Civil Rights History Toolkit,” available on its website. In cooperation with the Iowa Department of Education, the Commission distributed the publication to the approximately 350 school districts in the state of Iowa.

Fiscal Year 2016 Income

- The total funding for the Iowa Civil Rights Commission for FY16 was **\$2,400,896**.
- **\$1,169,540** (status quo for 4th consecutive year) was state general funding.
- **\$1,203,228** was from federal contract funding (EEOC and HUD) and other contracts and grants.
- **\$28,128** was for reimbursement for presentations and copying.

Agency Funding Fiscal Year 2008 – Fiscal Year 2016



Iowa Civil Rights Commission Staff

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Sean Nelson
Sylvia Owens
Alexis Rowe
Kaitlin Smith
Debra Stewart
Ramona Ubaldo
Danny Wagener

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Urbandale

Patricia Lipski, Vice Chair
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Mathew Hosford
West Des Moines

Tom Conley
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Lily Hou
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Cedar Rapids