

IOWA CIVIL RIGHTS COMMISSION

57 Years of Working for a State Free of Discrimination
Through Enforcement of the Iowa Civil Rights Act

Annual Report Fiscal Year 2022



STATE OF IOWA

KIM REYNOLDS, GOVERNOR
ADAM GREGG, LT. GOVERNOR

IOWA CIVIL RIGHTS COMMISSION
STAN THOMPSON, EXECUTIVE DIRECTOR

November 3, 2022

Governor Kim Reynolds
Governor of the State of Iowa
The State Capitol
Des Moines, IA 50319

Dear Governor Reynolds:

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 2021.

The Commission was very productive in Fiscal Year 2022. 1863 complaints were filed--the highest number of filings in five years. The average time to process a complaint decreased to 150 days which is a decreased of 41 days compared with average processing time in FY21. Stated differently, case filings *increased* by 16% and processing time *decreased* by 21%--a significant achievement.

The Commission conducted 306 mediations this year—an increase of 92 from FY21. 78 cases were closed by voluntary settlement—an increase of six more than in FY21. To continue to increase the number of successful mediations, a staff member has been assigned the role as lead mediator and a volunteer mediation program was established. The expectation with these changes is that more cases can be resolved through mediation in FY23. Mediation of complaints allows the Commission to remedy discrimination, harassment, and retaliation earlier in the complaint process and provide improved outcomes and significant cost savings to parties and the taxpayers of Iowa. Successfully mediated complaints enables staff resources to be allocated to other complaints.

Funding for the Commission comes from a combination of state general funds and work-sharing agreements with federal agencies that have concurrent jurisdiction of discrimination and harassment complaints through equivalent federal laws. The Commission submitted 801 complaints for funding as part of its work-sharing agreement with the Equal Employment Opportunity Commission (EEOC). At this time, 641 complaints have been approved for payment and another 160 complaints are pending approval. Through the work-sharing agreement with the U.S. Department of Housing and Urban Development (HUD), 135 complaints (ten more than last year) were compensated. The resulting credits total \$1,079,272 (HUD \$547,242 and EEOC \$532,030) with another \$132,800 pending with EEOC.

The Commission processed 22 complaints that resulted in a probable cause finding and successfully conciliating one of those complaints. Multiple complaints that were not conciliated were closed by the Commission after receiving a request for a right-to-sue letter so the complainant could pursue

the case in district court. The Commission pursued public hearing on four administrative complaints and two district court cases in FY22; additional complaints were settled prior to hearing or are still pending.

Through public hearings and the district court system, the Commission was able to help Iowans who have suffered discrimination. In some of these cases, Iowans with disabilities experienced discrimination due to their need to have assistance animals in their housing. Through the Commission's continued efforts, the agency was able to reach mutually agreed-upon settlements in both cases. Through conciliations and mediations, the Commission secured \$817,150 for victims of discrimination. Additionally, the Commission obtained public interest relief including training requirements and updated policies to further its mission to eliminate discrimination in Iowa.

As COVID-19 restrictions were lifted, ICRC have vastly increased its outreach in FY22 and engaged Iowans through participation in cultural events and educational presentations to increase awareness for Iowans of their civil rights. Additionally, ICRC continued to engage Iowans through social media accounts and the website. ICRC believes it was to reach and have contacts with over 105,000 individuals.

The U.S. Commission on Civil Rights appointed the Iowa Advisory Committee in 2021 which focused on the administrative closure rate for employment complaints processed by ICRC at the screening stage. Hearings were conducted on April 1, May 13th and June 6, 2022. Presentations were made by the Executive Director, the NAACP and Society for Human Resource Management along with testimony former and existing commissioners. The draft recommendations, among others, include: requiring parties to verify responses in submissions to the ICRC, allow complainant access to respondent's responses and documents with an opportunity to reply during the screening process and expand mediations opportunities. A final report from the U.S. Commission on Civil Rights is expected to be issued at the end of 2022.

The mission of the Commission is to eliminate discrimination within the State of Iowa. A credible and effective Civil Rights Commission that enforces all provisions the Iowa Civil Rights Act ensures that Iowa has both a diverse and inclusive workforce and a productive and welcoming business environment. As demonstrated in the Annual Report, the ICRC is making real and sustained progress in its efforts toward eliminating discrimination through effective and efficient enforcement of the Iowa Civil Rights Act.

Stan Thompson
Executive Director

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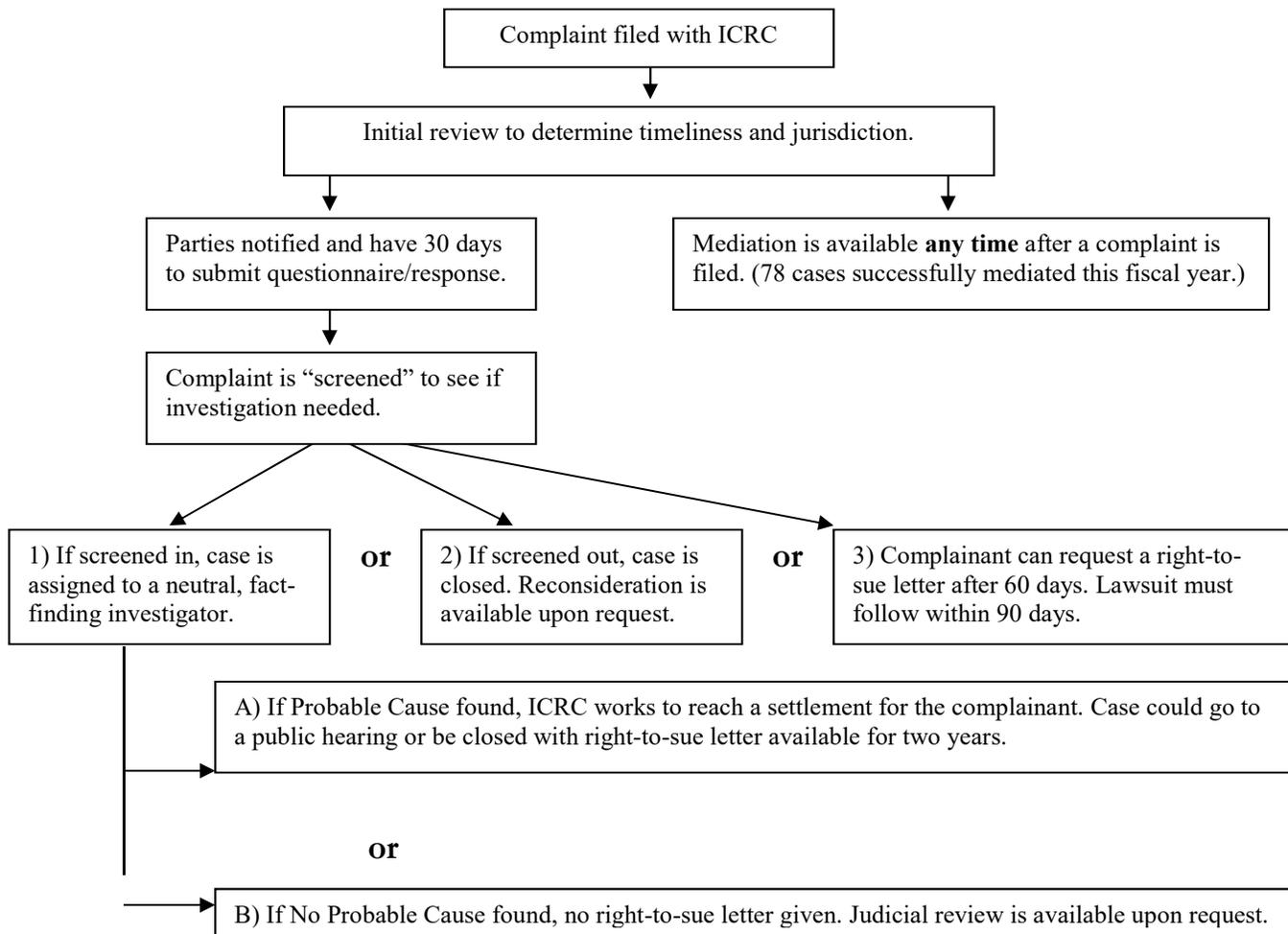
About the Iowa Civil Rights Commission

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

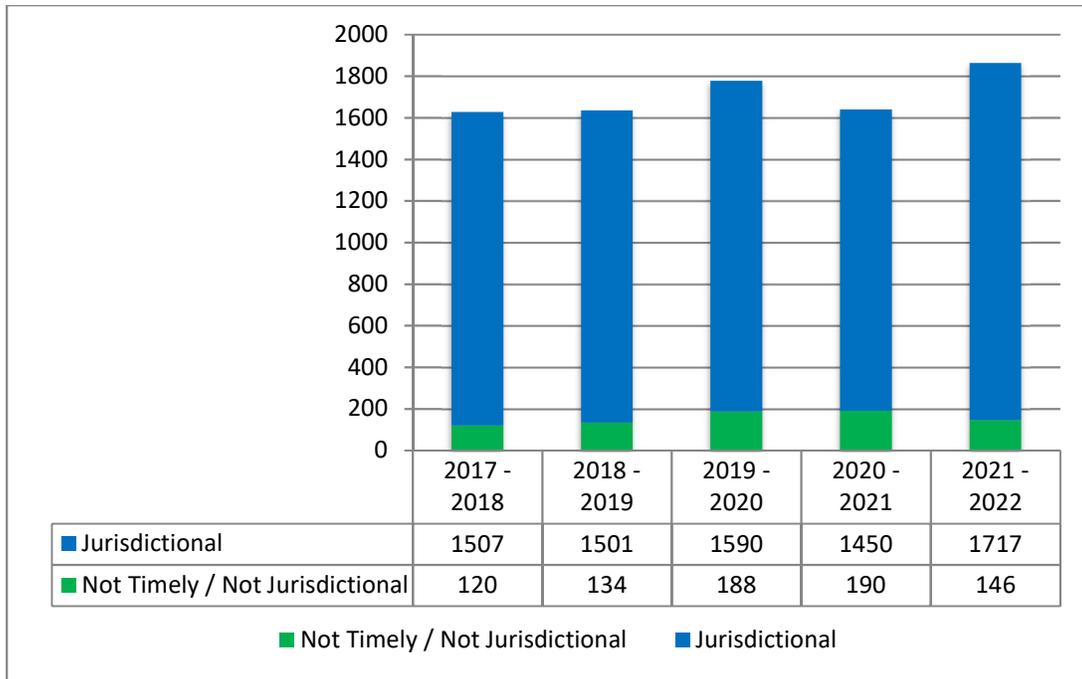
The Iowa Civil Rights Act of 1965 prohibits discrimination in the areas of employment, housing, credit, public accommodations (public services and buildings), and education. Discrimination and harassment are illegal if based on actual or perceived race, skin color, national origin, religion, creed, sex, 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

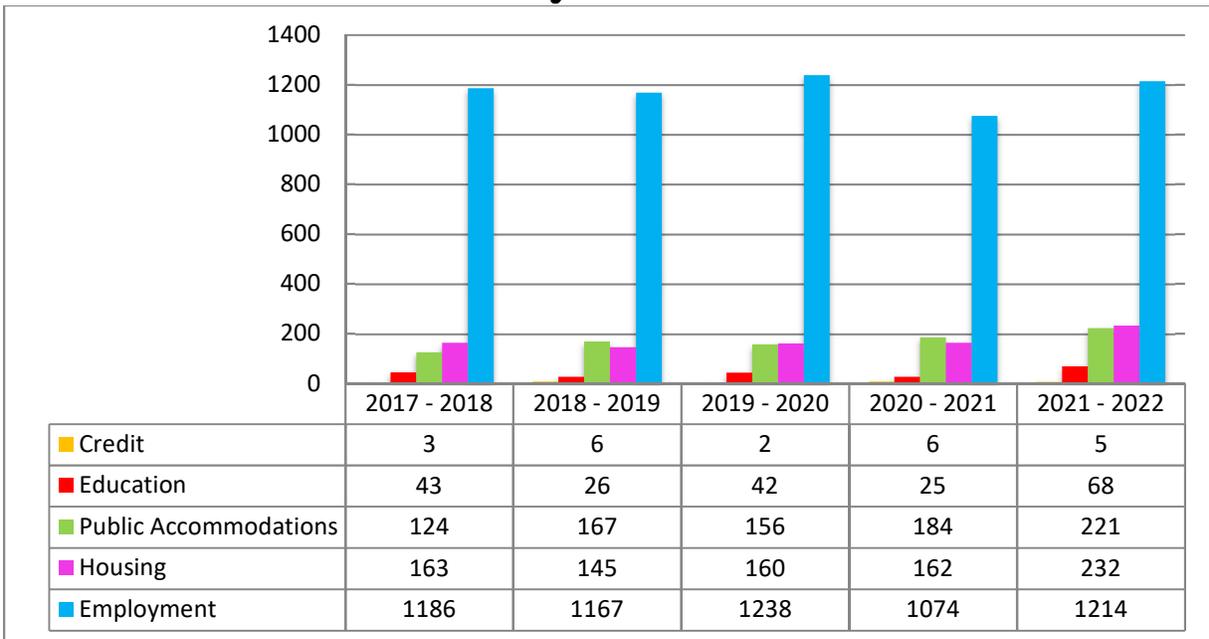


Processing of Discrimination Complaints

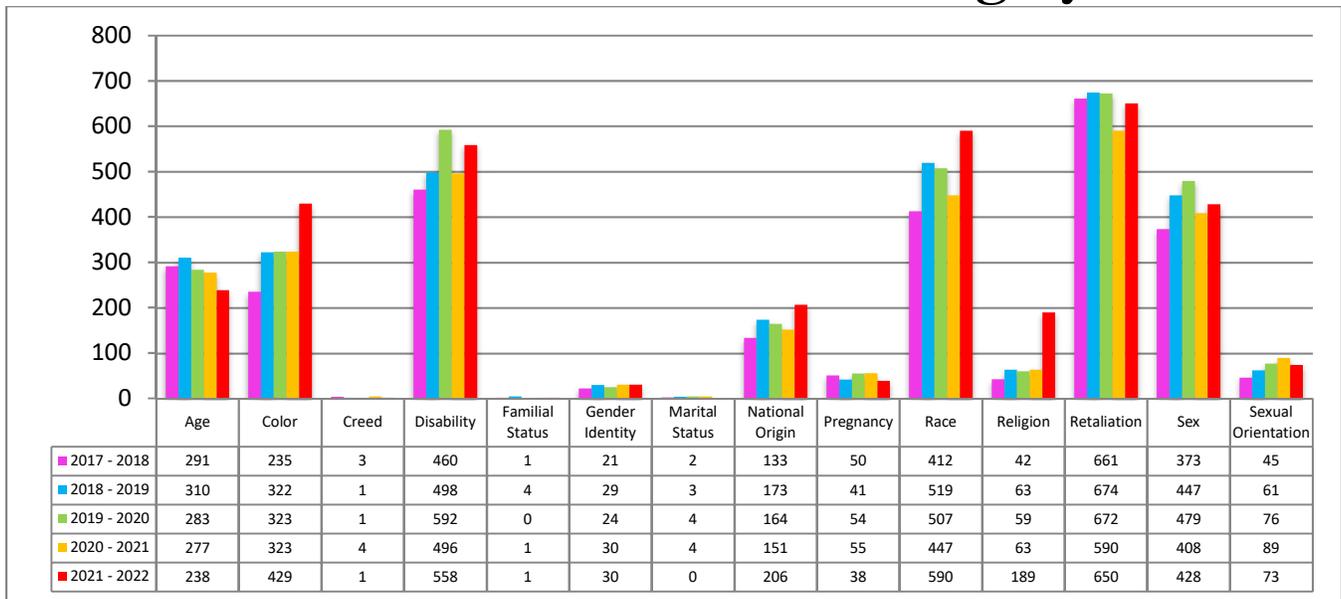
During FY22, the Commission received 1,863 discrimination cases. Of those complaints, 146 complaints either did not meet the jurisdictional requirements or the 300-day time limit since the last alleged incident took place.



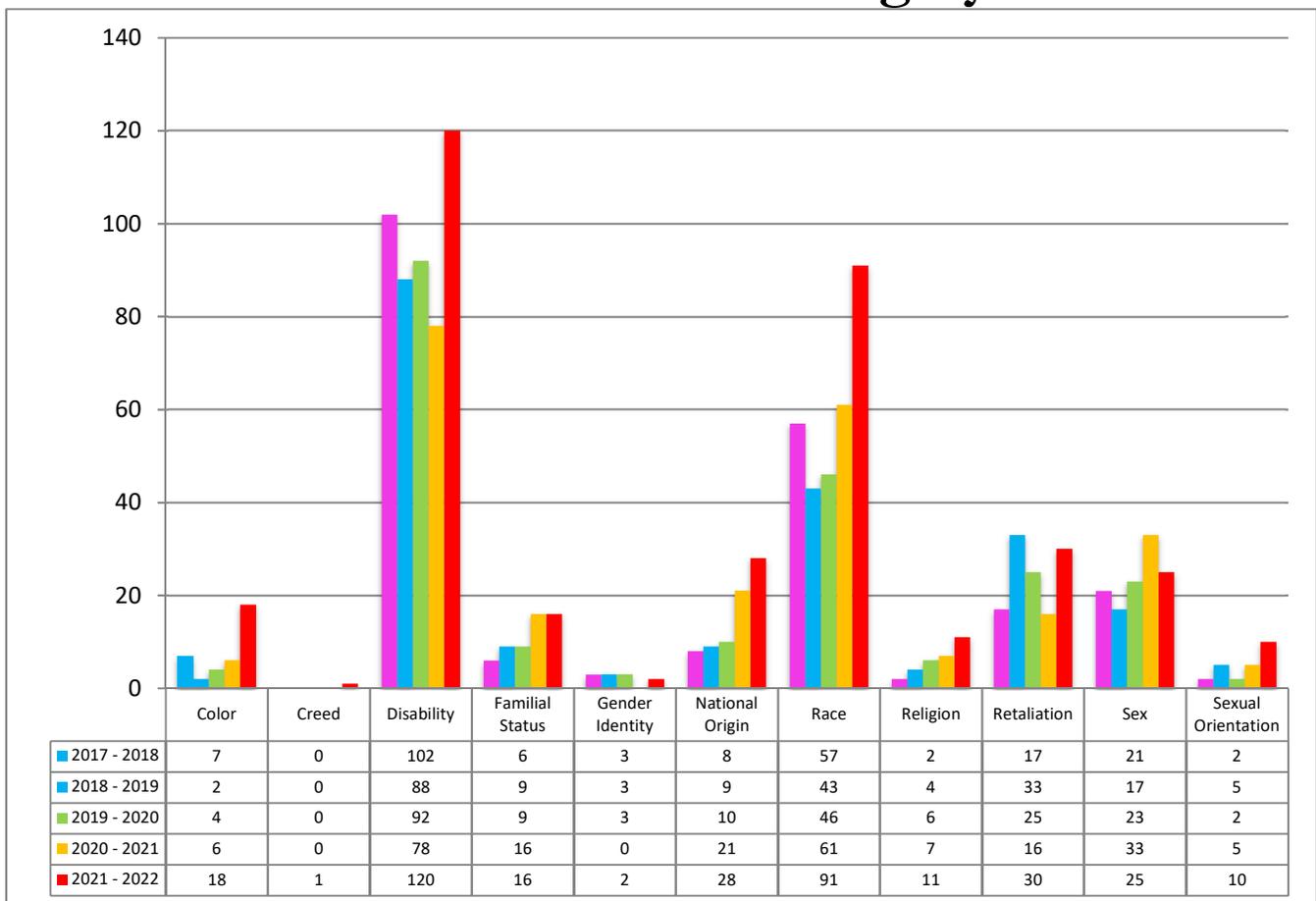
Cases Docketed by Area and Fiscal Year



Cases Docketed in Non-Housing by Basis



Cases Docketed in Housing by Basis



Filings by County

The Iowa Civil Rights Commission received complaints from 94 of the 99 counties.

County	Filings
Adair	3
Adams	2
Allamakee	1
Appanoose	5
Audubon	3
Benton	5
Black Hawk	134
Boone	11
Bremer	8
Buchanan	6
Buena Vista	8
Butler	3
Calhoun	0
Carroll	3
Cass	2
Cedar	6
Cerro Gordo	15
Cherokee	2
Chickasaw	2
Clarke	4
Clay	6
Clayton	5
Clinton	18
Crawford	13
Dallas	45
Davis	2
Decatur	2
Delaware	6
Des Moines	17
Dickinson	13
Dubuque	43
Emmet	2
Fayette	3

County	Filings
Floyd	2
Franklin	5
Fremont	1
Greene	1
Grundy	2
Guthrie	1
Hamilton	4
Hancock	5
Hardin	4
Harrison	2
Henry	9
Howard	4
Humboldt	4
Ida	3
Iowa	7
Jackson	1
Jasper	12
Jefferson	5
Johnson	108
Jones	4
Keokuk	2
Kossuth	2
Lee	12
Linn	136
Louisa	1
Lucas	1
Lyon	0
Madison	2
Mahaska	3
Marion	14
Marshall	14
Mills	3
Mitchell	3

County	Filings
Monona	0
Monroe	0
Montgomery	4
Muscatine	10
O'Brien	3
Osceola	2
Page	4
Palo Alto	1
Plymouth	7
Pocahontas	2
Polk	479
Pottawattamie	46
Poweshiek	7
Ringgold	4
Sac	4
Scott	120
Shelby	5
Sioux	6
Story	37
Tama	1
Taylor	1
Union	4
Van Buren	1
Wapello	15
Warren	13
Washington	2
Wayne	0
Webster	23
Winnebago	1
Winneshiek	6
Woodbury	47
Worth	2
Wright	6

Mediation

The Commission continues to run a robust mediation program designed to assist parties in the voluntary resolution of discrimination complaints at the earliest stage possible. 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.

Mediation services are available any time after a complaint is filed. Mediations can be conducted throughout the state of Iowa. 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 **306** cases—an increase of 92 mediations from FY21, **78** of which were successful—an increase of six from FY21. A notable percentage of the remaining cases were voluntarily resolved by the parties after the in-person mediation, as the parties continued discussions after the initial sessions facilitated by Commission mediators. Settlements in non-housing cases totaled \$512,750.

A dramatic shift has taken place throughout the Iowa bar association and at the Commission in well in the manner in which mediations are conducted. Before COVID-19 most mediation were conducted in person which oftentimes involved travel expense for parties, counsel and the Commission. Now, most mediations by the Commission are conducted by telephone or virtually. The response from parties and counsel has been positive and this approach also saves taxpayer funds and nearly eliminates travel time for mediations conducted by staff.

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. The Commission's submission of strong probable cause recommendations to administrative law judges renders the conciliation process a useful and attractive dispute resolution alternative.

Conciliation is accomplished with the Commission staff members' efforts in determining and implementing the appropriate remedies to address the situation and make Complainant whole, as well as provide public relief and ensure discrimination is not repeated. During this fiscal year, there were 14 cases assigned to conciliation, with one successful conciliation. Conciliations totaled \$304,400.

Cases Handled by the Attorney General's Office

FY21 (July 1, 2021 – June 30, 2022)

State Courts

Iowa Civil Rights Commission ex rel Spencer v. Kobliska, DIA No. 19ICRC001; Iowa Court of Appeals No. 21-0036

After hearing, an administrative law judge found in favor of the Commission on this housing discrimination case and awarded the complainant \$5,000 in damages, as well as requiring the respondent to obtain fair housing training and adopt policies and forms for tenants to make requests for reasonable accommodation. Respondent has filed a series of appeals, and the Iowa Court of Appeals affirmed the decision in the Commission's favor.

Iowa Civil Rights Commission ex rel D.H. v. Lakeview Homes, LLC et al, Polk County, EQCV122401

The Commission filed a district court action alleging Defendants discriminated against the complainant in the area of housing by refusing to make a reasonable accommodation for her assistance animal of waiving its pet deposit for the animal. The case is expected to go to trial in FY24.

Iowa Civil Rights Commission ex rel M.V. v. Feng et al, Polk County, CVCV062568

The Commission filed a district court action alleging Defendants discriminated against the complainant in the area of housing by creating a hostile housing environment and engaging in quid pro quo sexual harassment. The Commission settled with the owner-defendants before a scheduled trial, and the case is expected to go to trial against the remaining defendants in FY24.

Paulson v. Iowa Civil Rights Commission, Dallas County, CVCV04321

Petitioner filed a judicial review action against the Commission challenging its release of its case file related to the complaint filed by Petitioner. The action remains pending.

Administrative Actions

Iowa Civil Rights Commission ex rel Matouk v. Croghan et al, DIA No. 22ICRC005

The Commission filed a housing discrimination case charging the respondents with race and national origin discrimination. Following this filing, Complainant chose to pursue his claim privately and the Commission dismissed its administrative action.

Iowa Civil Rights Commission ex rel Bergmann v. Shoe Show, Inc. et al, DIA No. 22ICRC004

The Commission successfully settled a public accommodation discrimination case charging the respondent with race discrimination. The parties reached a settlement before hearing requiring Respondent to provide anti-discrimination training to its staff in the event it reopens its Cedar Falls, Iowa location in the next two years.

Iowa Civil Rights Commission ex rel Maraqa v. U-Haul Co. of Iowa, DIA No. 22ICRC003

The Commission successfully settled a public accommodation discrimination case charging the respondent with race and national origin discrimination. The parties reached a settlement before hearing resulting in the payment of \$10,000 to the original complainant and training requirements for Respondent.

Iowa Civil Rights Commission ex rel Evans v. Waterloo Affordable Housing, LLC, Central States Property Management, LLC, and Heather Osgood, DIA No. 22ICRC002

The Commission filed a motion to compel due to a discovery dispute with the respondents. Following the filing, the parties resolved the dispute and the Commission dismissed the motion.

Iowa Civil Rights Commission ex rel McFatridge v. Tree House Café, LLC, DIA No. 22ICRC001

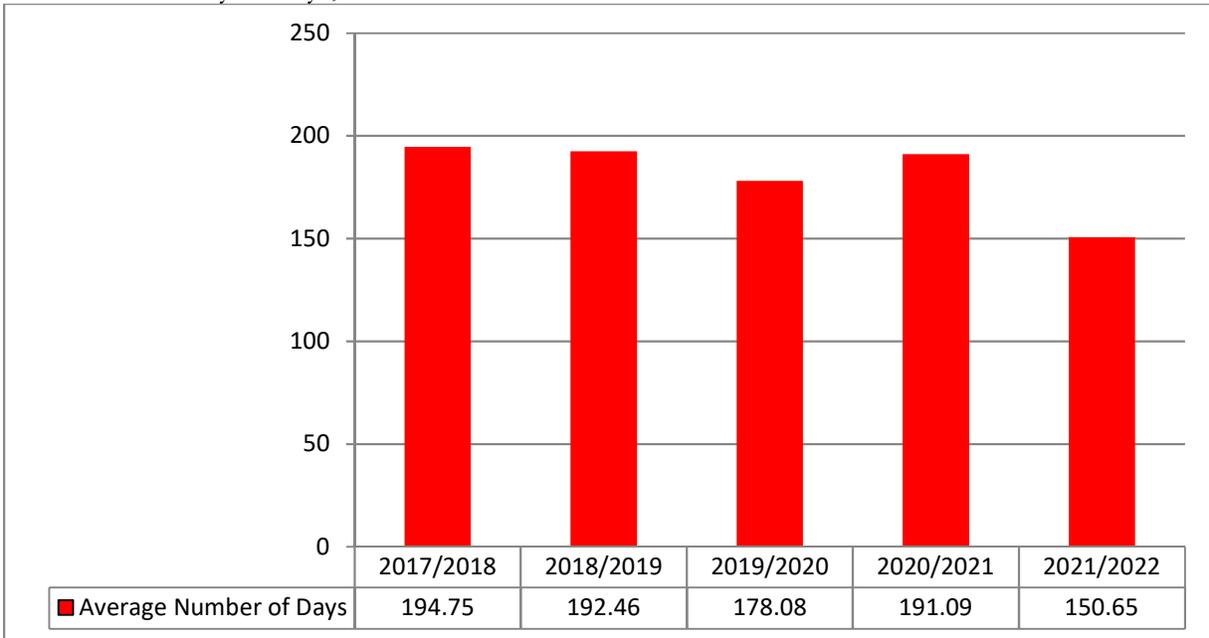
The Commission filed an administrative action charging Respondent with sex, sexual orientation, and gender identity discrimination in the area of employment. Following a hearing, but prior to the issuance of a decision, the parties reached a settlement. The settlement agreement resulted in the payment of \$12,000 to the original complainant and required Respondent to review and update its sexual harassment policy and complaint procedure. The agreement also required Respondent to regularly train and educate its employees on these policies.

Iowa Civil Rights Commission ex rel Hawkins v. RBC Holdings, LLC, DIA No. 21ICRC004

The Commission filed an administrative action charging the respondent with sexual harassment, sexual orientation harassment, and failure to promote on the basis of sexual orientation in the area of employment. An administrative law judge held a hearing in FY21 and found in favor of the Commission, awarding \$12,900 and attorney's fees to the complainant. Additionally, Respondent was required to participate in anti-discrimination training.

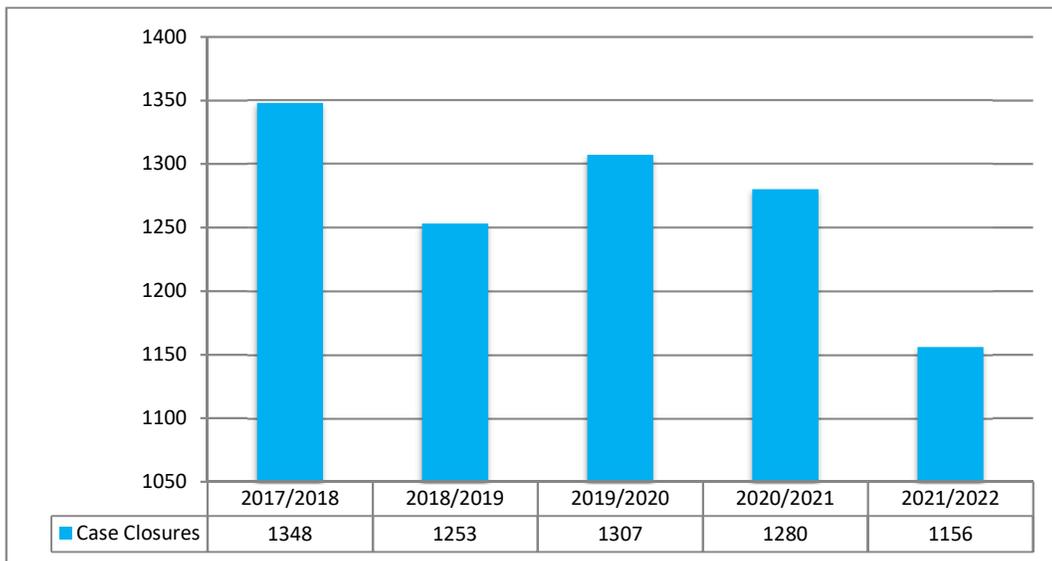
Average Number of Days to Process a Case

In FY22, the average number of days to process a case from open to close was 150 days. The average number of days to close went down by 41 days, and it is lower than recent historical numbers.

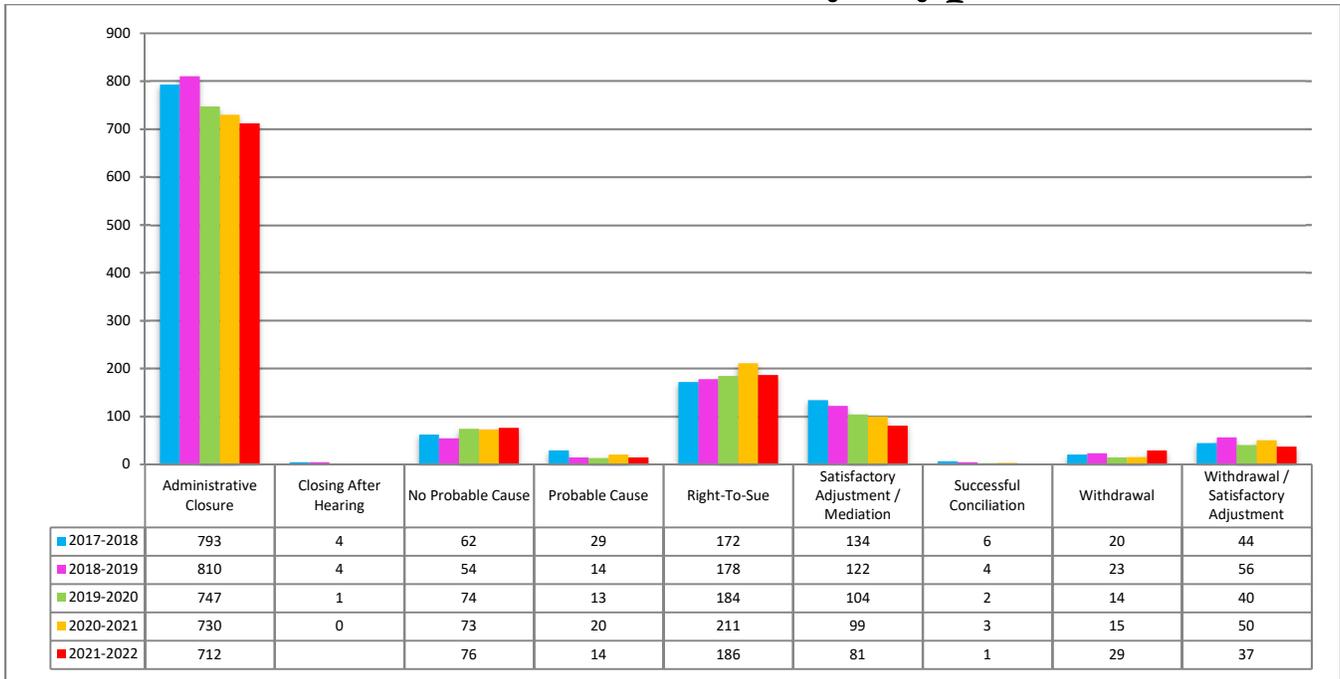


Case Closures

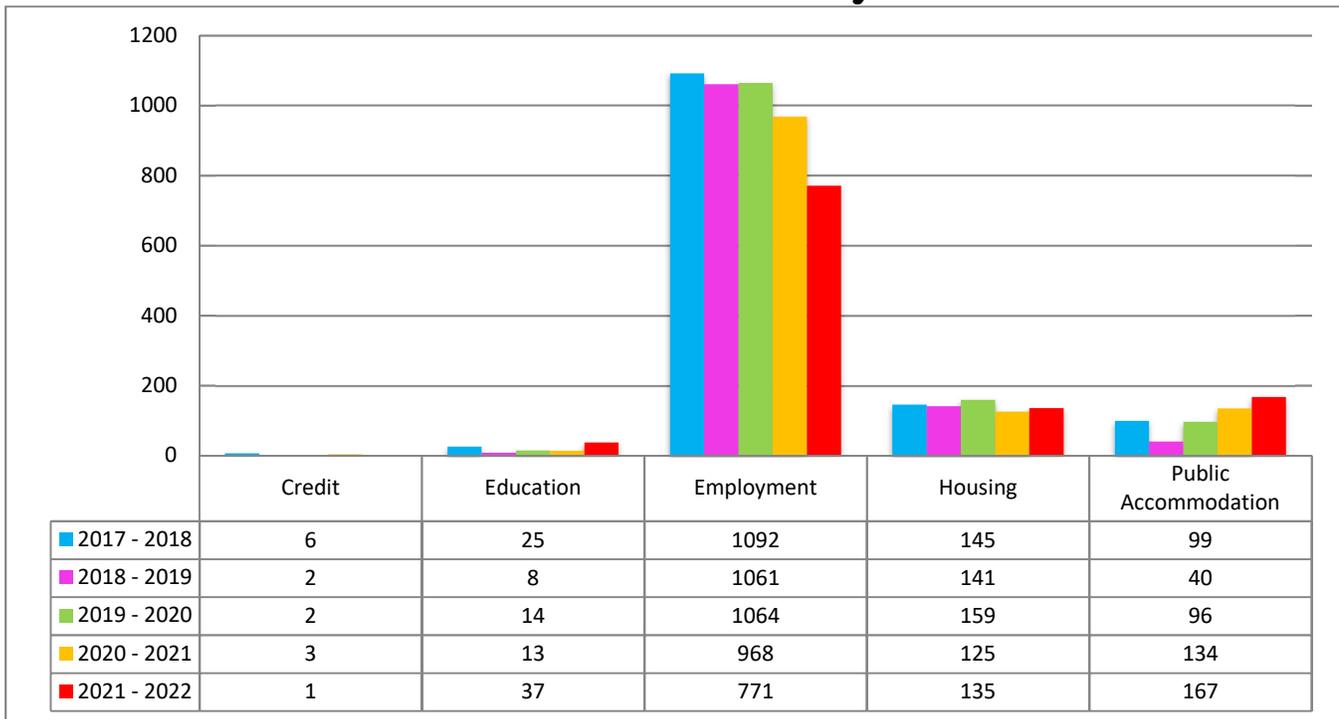
During the year, the Commission closed 1,156 cases. The largest category was “does not warrant further investigation/administrative closure.” Administrative closures may occur at the screening stage, investigation stage, following a probable cause finding. This was followed by right-to-sue, satisfactory adjustment / mediated settlement, no probable cause, and withdrawal/satisfactory adjustment.



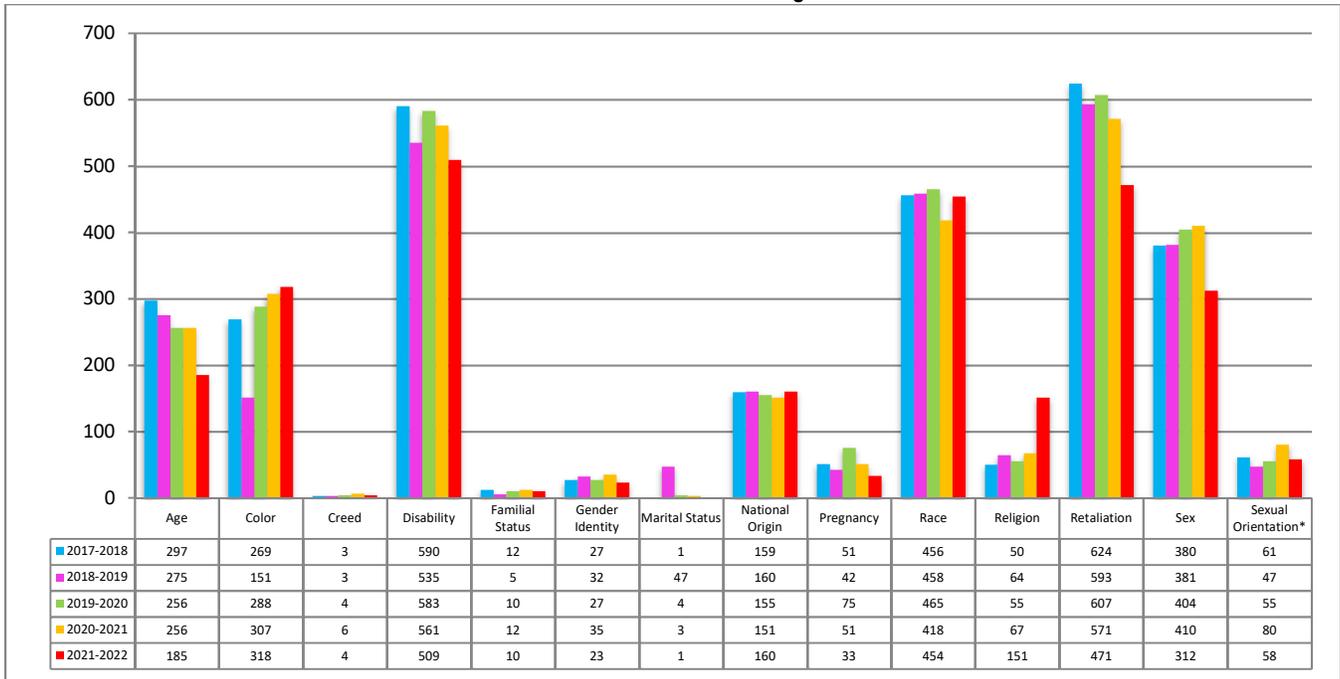
Case Closures by Type



Case Closures by Area



Case Closures by Basis



Education, Outreach, and Training

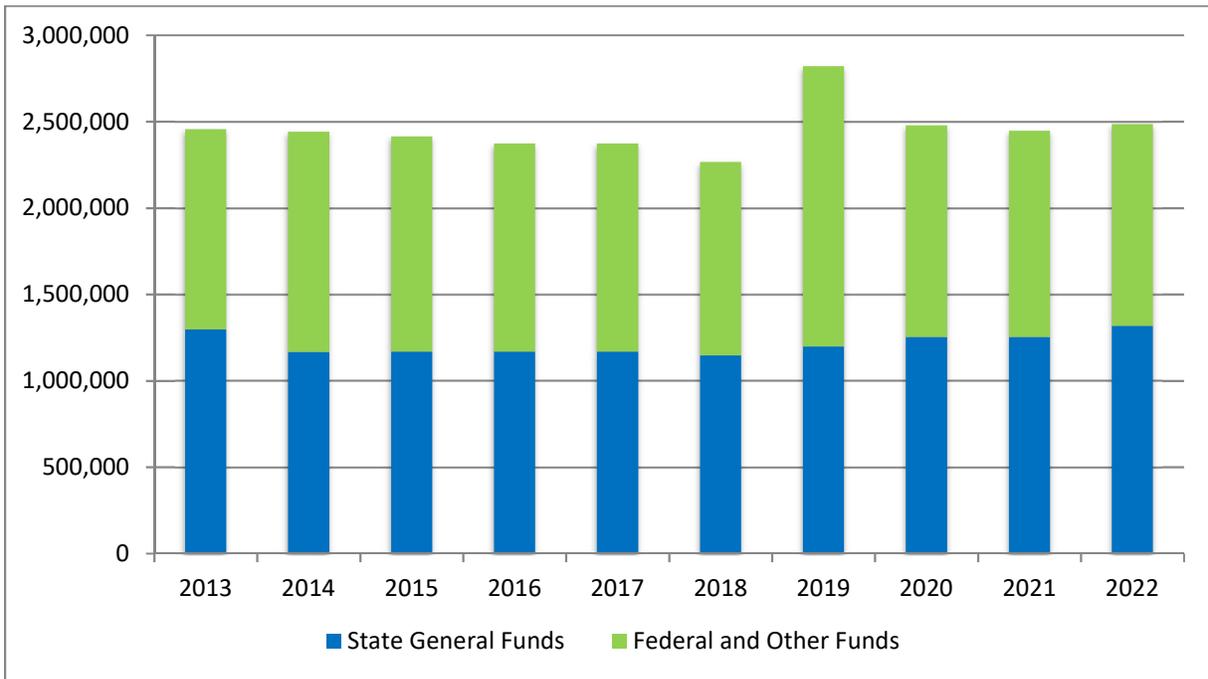
The Commission’s educational programs teach people about their rights under the law, how to prevent discrimination, and why diversity is important in Iowa. In FY22, the Commission attended several outreach events including: World Food and Music Festival, Latino Heritage Festival, Dallas Center/Grimes Diversity Fair, 80/35, Make Me A World in Iowa Celebration Day, The Iowa Summit of Justice & Disparities, Trans Education Summit, the Governor’s Conference on LGBTQ Youth, Sioux City Pridefest and CelebrAsian. Even though a number of events were virtual, the Commission interacted with an estimated 2,600 individuals through these events, handing out over 1,400 informational and promotional items. The Commission also engaged in social media outreach in conjunction with its outreach events, reaching over 61,000 people on Facebook, Twitter, and Instagram. The Commission’s website, <https://icrc.iowa.gov>, received visits from approximately 43,900 individuals between July 1, 2021 and June 30, 2022.

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. Speaking engagements included: Bankers Trust Story County Youth Program, Lincoln Inne of Court and the annual meeting of the Iowa State Bar Association.

Fiscal Year 2022 Funding

- The total funding for the Iowa Civil Rights Commission for FY22 was \$2,484,363.
- \$1,318,718 was state general funding.
- \$1,165,645 was from federal contract funding (EEOC and HUD FY21 work sharing) and other contracts and grants.
 - \$664,000 was from EEOC contract funding.
 - \$501,645 was from HUD contract funding.
- \$29,507 was for reimbursement for presentations, copying and training).

ICRC Funding Fiscal Years 2013-2022



Iowa Civil Rights Commission Staff

Stan Thompson, Executive Director

Joe Austen
Jacob Bennington
Brenna Bormann
Adam Brewster
Hilda Coelho
Katie Fiala
Abigail Frerichs
Mathew Gore
Kerry Hainline
Charles Hill
Anne Johnson

Gillian Madigan
Austin Moore
Anthony Pawnell
Roberto Peterson-Rodriguez
Amy Quail
Frederick Sinkevich
Kaitlin Smith
Ramona Ubaldo
Sarah Vanderploeg
Sierra Walker

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