

Iowa Civil Rights Commission

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

Annual Report
Fiscal Year 2012



STATE OF IOWA

TERRY BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

IOWA CIVIL RIGHTS COMMISSION
BETH TOWNSEND
EXECUTIVE DIRECTOR

November 26, 2012

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 2012.

The ICRC has continued its efforts to improve the timeliness and competency by which complaints of discrimination are processed. Our results this year include a reduction of the non-housing investigative backlog from 260 to 118 cases and a reduction in the average age of cases from over 535 days to 356 days. The oldest cases in the backlog went from complaints filed in 2001 to those filed in December, 2010. The average processing time did increase in FY12 due to the long overdue closure of dozens of cases that were more than 5 years old. We remain on track for elimination of the backlog in FY13. The ICRC has also focused on increasing the historically low "Probable Cause" rate. In FY12, the ICRC had approximately 8x more probable cause findings than the previous fiscal year, or in more than a decade. The ICRC has also started to conduct public hearings, for the first time in a decade. We continue to receive positive feedback for the changes to the mediation program. In addition to over 20 Iowa lawyers who have volunteered to help the ICRC resolve complaints through alternative dispute resolution, the Commission has trained 8 in house mediators to assist with cases where volunteers are not available. Our housing unit has been recognized by one of the best partners HUD has given the quality and number of cases processed by the ICRC each year. The agency now has a full time tester which helps to ensure that Iowa landlords are aware of the law and how to handle prospective tenants who are disabled or have young children. 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.

The mission of the ICRC is to eliminate 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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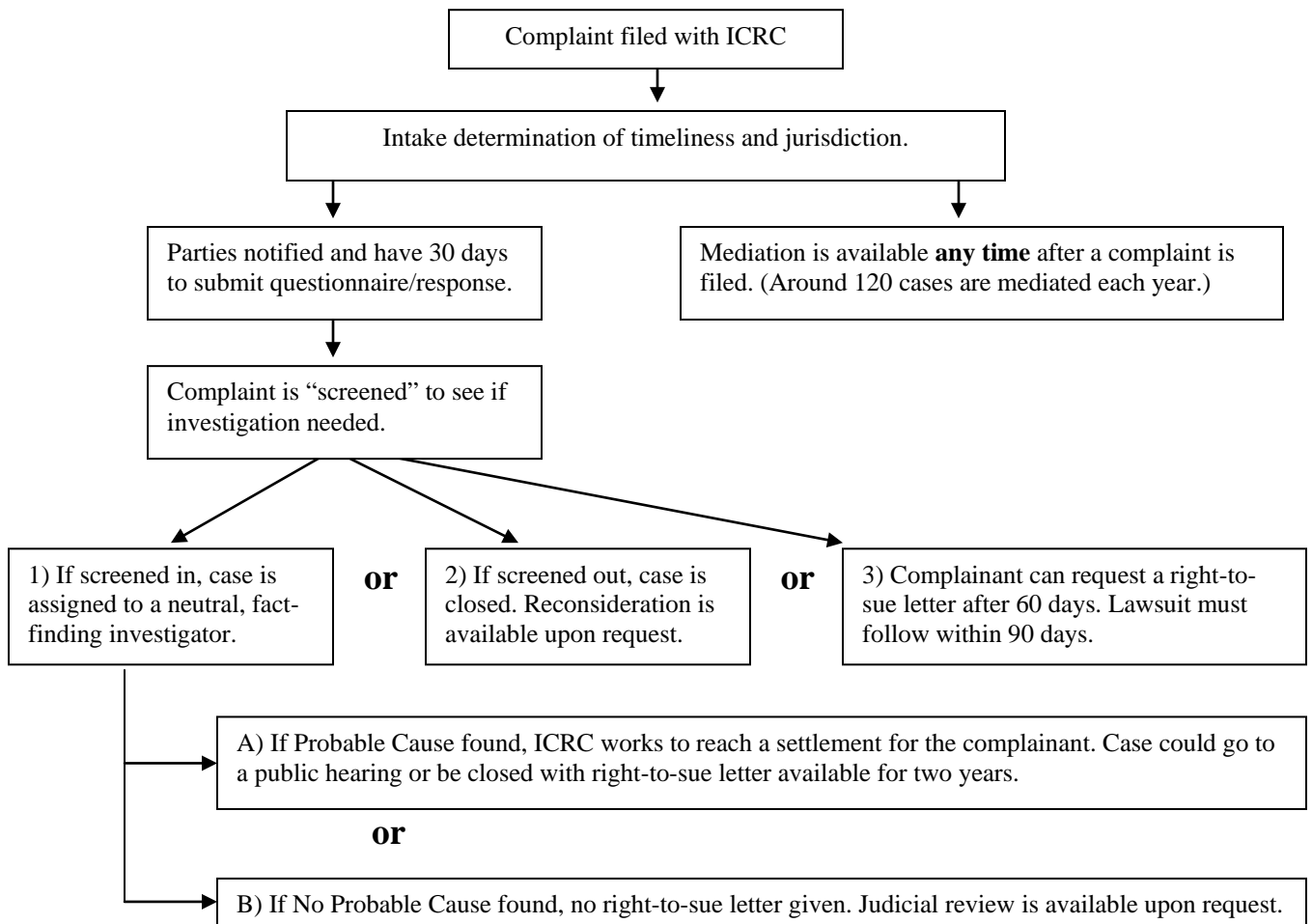
About the Iowa Civil Rights Commission

The Iowa Civil Rights Commission is a neutral, fact-finding, administrative 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

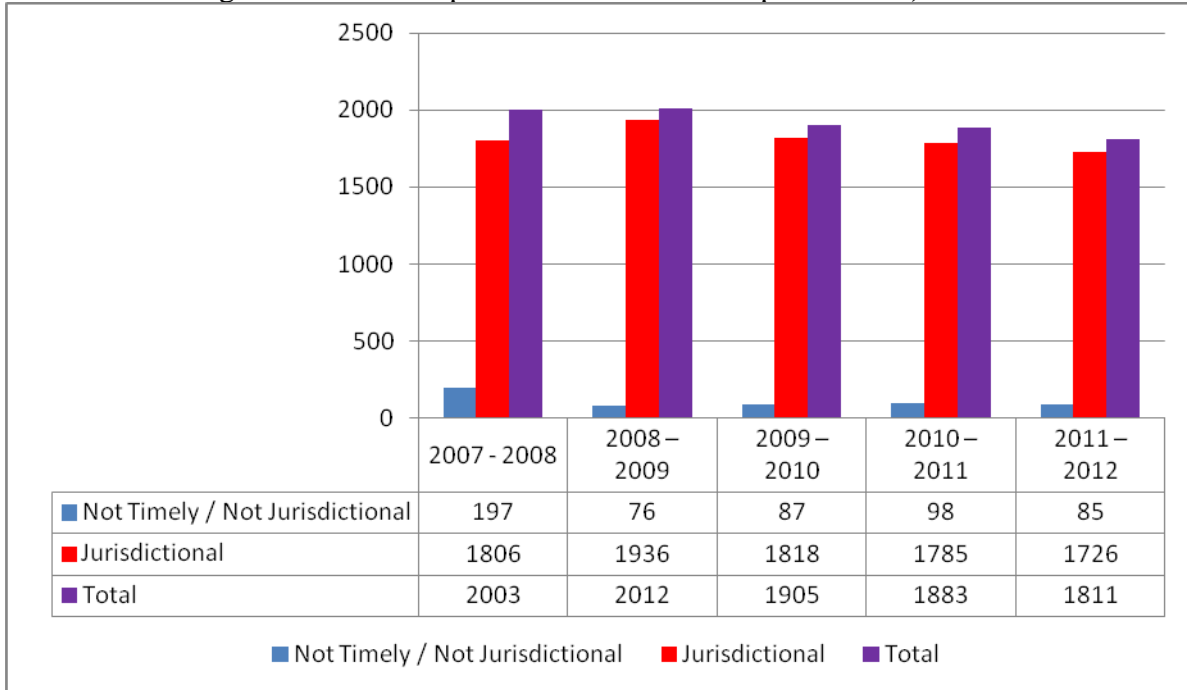
The Iowa Civil Rights Act of 1965 prohibits discrimination in the areas of employment, housing, credit, public accommodations (public services and buildings), and education. Discrimination and harassment are illegal if based on actual or perceived race, skin color, national origin, religion, creed, sex,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

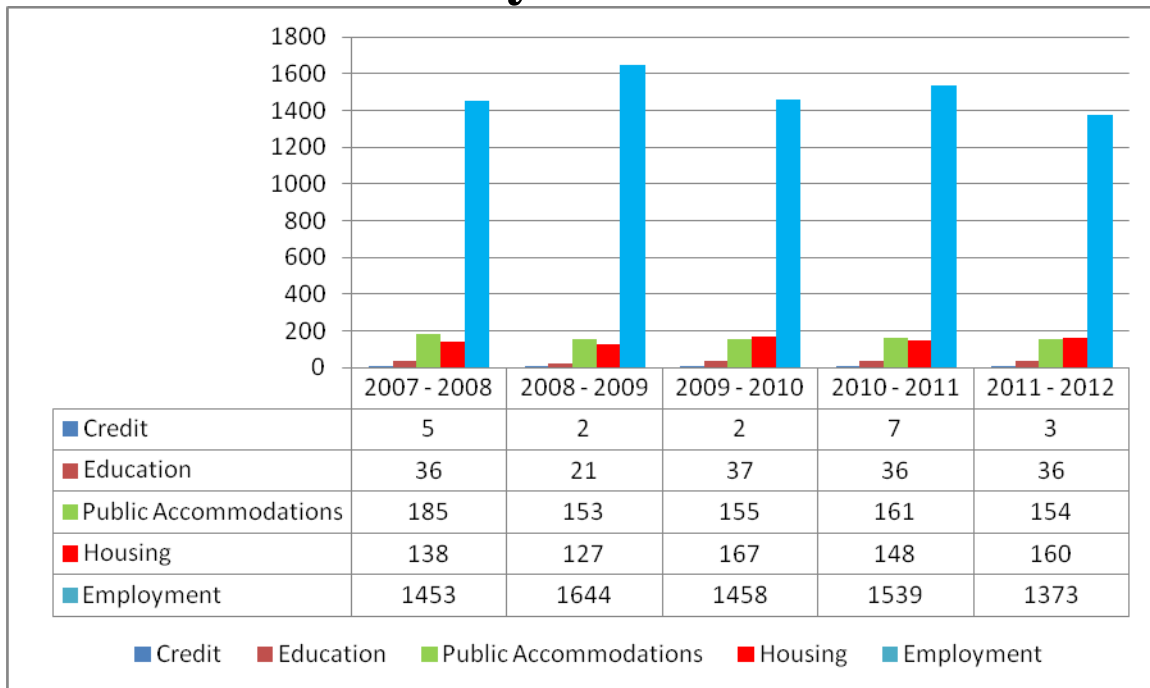


Processing of Discrimination Complaints

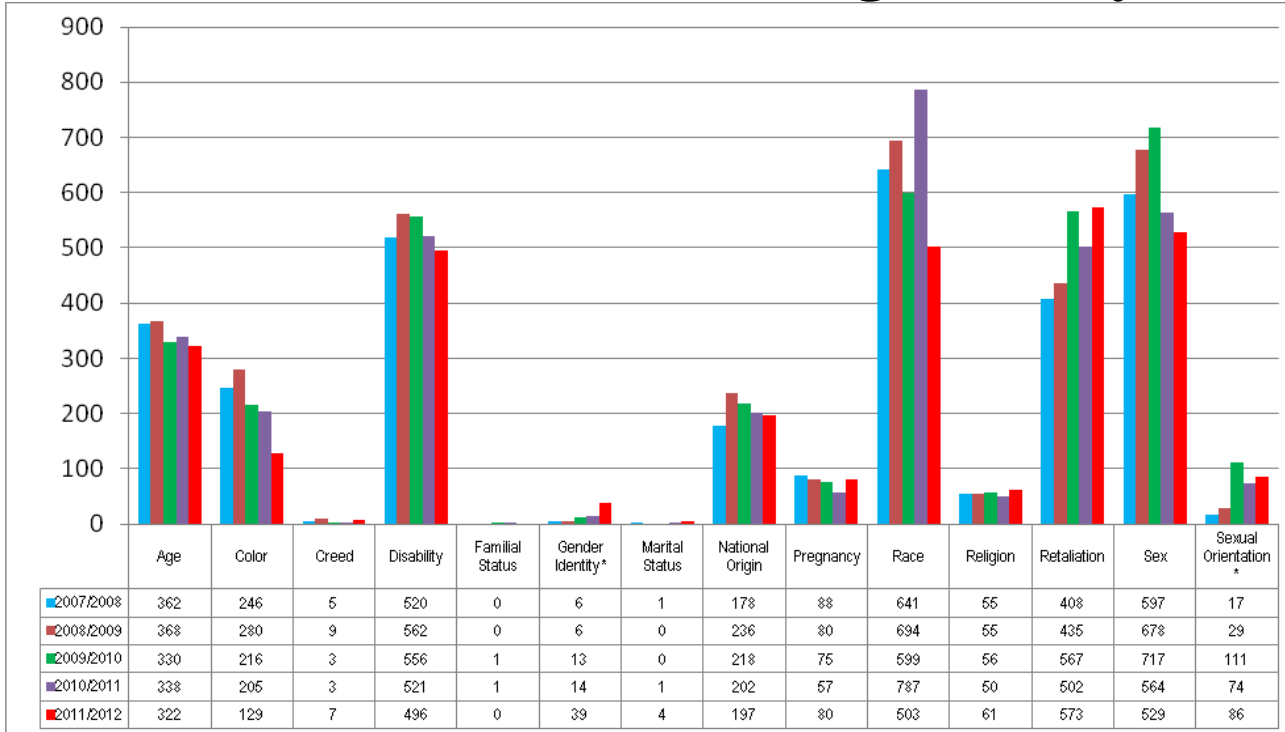
During FY2012, the Commission received **1,811** discrimination cases. Of those complaints, **85** complaints either did not meet the jurisdictional requirements or the 300-day time limit since the last alleged incident took place. The Commission processed **1,726** cases.



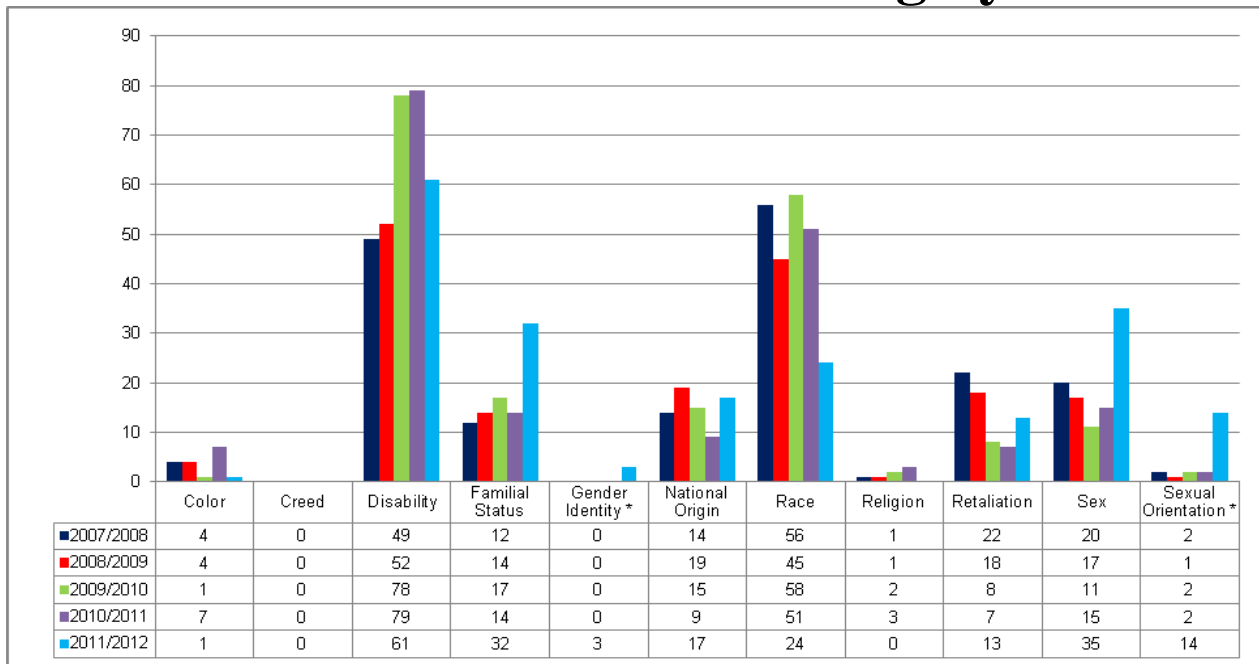
Cases Docketed by Area and Fiscal Year



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 **89** of the 99 counties.

County	Filings
Adair	2
Adams	2
Allamakee	6
Appanoose	6
Audubon	1
Benton	4
Black Hawk	154
Boone	13
Bremer	3
Buchanan	11
Buena Vista	9
Butler	0
Calhoun	1
Carroll	4
Cass	5
Cedar	3
Cerro Gordo	11
Cherokee	5
Chickasaw	3
Clarke	6
Clay	3
Clayton	4
Clinton	30
Crawford	18
Dallas	32
Davis	5
Decatur	1
Delaware	8
Des Moines	21
Dickinson	3
Dubuque	53
Emmet	4
Fayette	5

County	Filings
Floyd	11
Franklin	6
Fremont	0
Greene	0
Grundy	3
Guthrie	0
Hamilton	3
Hancock	4
Hardin	6
Harrison	4
Henry	8
Howard	1
Humboldt	0
Ida	2
Iowa	11
Jackson	3
Jasper	21
Jefferson	6
Johnson	84
Jones	1
Keokuk	1
Kossuth	3
Lee	26
Linn	121
Louisa	2
Lucas	1
Lyon	0
Madison	3
Mahaska	7
Marion	7
Marshall	15
Mills	5
Mitchell	3

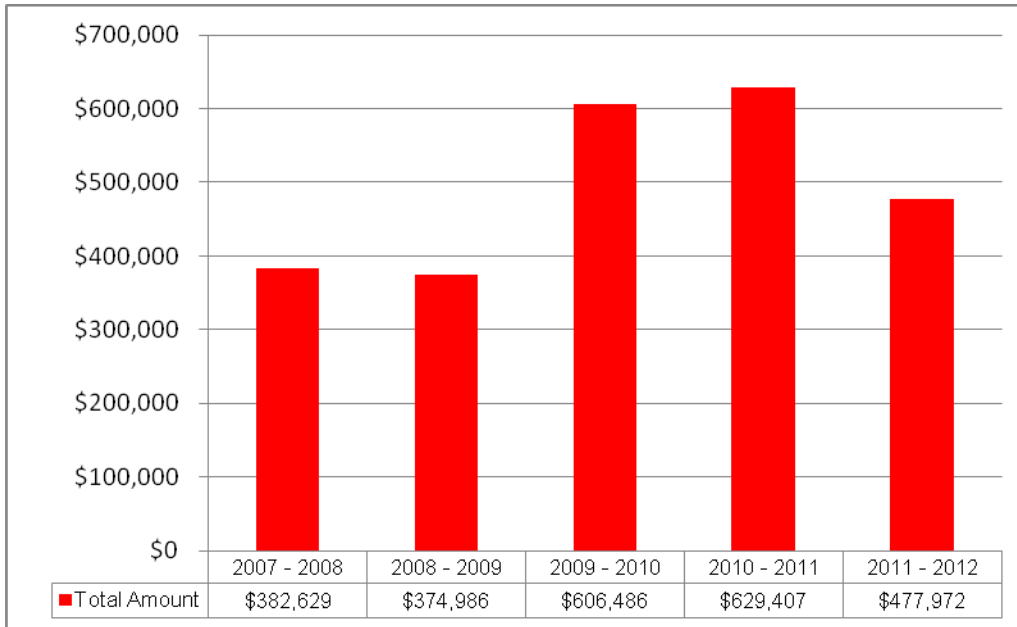
County	Filings
Monona	1
Monroe	0
Montgomery	3
Muscatine	29
O'Brien	4
Osceola	1
Page	3
Palo Alto	7
Plymouth	7
Pocahontas	1
Polk	474
Pottawattamie	43
Poweshiek	5
Ringgold	1
Sac	1
Scott	77
Shelby	1
Sioux	7
Story	42
Tama	1
Taylor	0
Union	6
Van Buren	0
Wapello	31
Warren	12
Washington	8
Wayne	0
Webster	30
Winnebago	5
Winneshiek	1
Woodbury	67
Worth	1
Wright	6

Mediation

In order to achieve earlier and cost-effective resolutions of cases, the mediation program was revamped to provide greater opportunities for parties to utilize mediation services. 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 **119** cases.

A partnership with local human and civil rights commissions throughout the state allows the Iowa Civil Rights Commission to utilize space at the local commissions' offices to conduct mediations. This partnership helps reduce any travel hardship for Complainants and Respondents. When local commission offices are not available, the Commission uses public libraries so that the mediations can take place on neutral ground. The 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 **10** cases assigned to conciliation; with **7** cases successful conciliations.

Cases Handled by Assistant Attorney General

State ex rel Claypool v. A.B. Property Management, Johnson County, No. EQCV072236

The Civil Rights Commission commenced this action for injunctive relief and remedial measures after a representative of a property management company advised an individual to not look for apartments in the southeast section of Iowa City because of the racial make-up of the area. The representative agreed to obtain fair housing training in settlement of the case. The owner of the firm also agreed to fair housing training, as well as to pay a civil penalty of \$750.00.

This case arose from the Iowa Civil Rights Commission's testing program.

Rent-A-Center v. Iowa Civil Rights Commission, Polk County, No. CVCV008843

Following an adverse ruling by the Iowa Civil Rights Commission, Rent-A-Center filed a petition for judicial review in the Iowa District Court, challenging on a range of grounds, the Commission's decision that it had jurisdiction to pursue its own claim of sex discrimination (pregnancy), regardless that Nichole Henry and Rent-A-Center had a mandatory arbitration agreement for various disputes arising out of the employment relationships. At the close of Fiscal 2012, that review petition is still pending.

At approximately the same time as Rent-A-Center filed its petition for judicial review in the Iowa District Court, it also filed a Motion to Compel Arbitration and for Declaratory Judgment and Injunctive Relief in the United States District Court (*Rent-A-Center v. Henry, ICRC, S.D. Iowa No 1:11-CV-00035-CRW-TJS*) In an order issued on Nov. 17, 2011, the District Court ruled that the decision of the Iowa Civil Rights Commission was entitled to preclusive effect, unless overturned in the ongoing Iowa court proceedings, and that until those proceedings are completed, the federal court would exercise its discretion to abstain under the *Younger* doctrine.

State ex rel Stapes v. Jordan, Polk County No. CE 70405

This action was for prompt judicial relief, pursuant to Iowa Code §216.15A (3), seeking to restore Mr. Stapes' companion dog to him pending final disposition of his civil rights complaint alleging housing discrimination on the basis of disability.

On the basis of evidence that Mr. Stapes' health was deteriorating without the companionship of his dog, the court issued a temporary injunction, preventing the enforcement of pet rules to prevent Jon Stapes from keeping his dog until ultimate disposition of the matter raised in his civil rights complaint.

Prior to the contested case hearing in *Iowa Civil Rights Commission and Jon Stapes v. George Jordan, 12ICRC001*, the matter was resolved with an agreement to allow permanent residence of Stapes' dog at his home in Val Vista Estates and for the landlord to adopt a policy and procedure for making reasonable accommodations to policies at Val Vista for persons with disabilities.

Iowa Civil Rights Commission and Justin DeBord v. Clair Otto, 11ICRC001

The notice of hearing was issued in this case, involving denial of housing on the basis of sexual orientation, on December 11, 2011. The hearing was held on April 24, 2012 and, on August 2, 2012, the Commission affirmed the finding of discrimination by the administrative law judge, with a modification to include \$1000.00 for emotional distress.

Other cases filed during FY 2012:

State ex rel Jody Buchanan v. James Clawson, Marshall County, No. CVC1007149

The Civil Rights Commission forwarded this case for litigation. During discovery it was learned that all of Clawson's rental properties had been foreclosed upon, ending his residential property management career. As a result, the Commission dismissed its action.

State ex rel Charles Anderson and Brandon Morehouse v. Sherwood Forest Estates, L.L.C., et al, Pottawattamie County, No. 04781CVCV107026.

This is a housing discrimination case, alleging a hostile housing environment and eviction based upon the sexual orientation of the relators. The trial date in this action is June 4, 2013.

State ex rel Larry Plein v. Paul and Lorraine Martin, Webster County, CVCV316361

This is a housing discrimination case, alleging the refusal to make a reasonable accommodation in policy to permit Larry Plein, a person with a disability, to apply for rental of an apartment because he had a service dog. The trial date in this matter is April 10, 2013.

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

This housing discrimination case was filed in the Iowa District Court, following the election of that venue. The case arose out of the eviction of Brace and her family following an incident of domestic violence. Brace's family and church members took turns visiting her to ensure her safety. The landlord justified his decision to evict Brace: "Too much activity over there." As victims of domestic violence are overwhelmingly female, the landlord's action, on that basis, has an adverse impact on women. This case has not yet been set for trial.

Iowa Civil Rights Commission and Tiffany Latham v. ABCM Corporation, 12ICRC002

At the end of the fiscal year, the parties were awaiting a ruling on motions for summary judgment. The Commission alleged that the refusal to make accommodation for the lifting restrictions of pregnant employee constitutes a violation of the Iowa Civil Rights Act, pointing to the textual differences between the state law and the Pregnancy Discrimination Act.

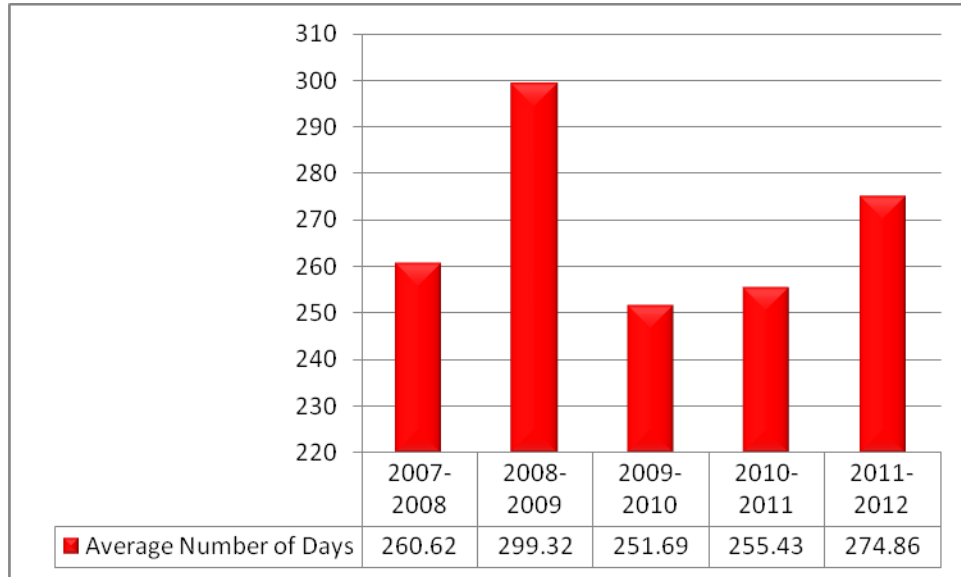
Iowa Civil Rights Commission and Joseph Lefebvre v. Lieber Construction, 12ICRC003.

A contested case hearing is scheduled for October 22-24, 2012 in this employment discrimination complaint.

Iowa Civil Rights Commission and Jessica Smalley v. Burlington Community YMCA/YWCA, 12 ICRC004

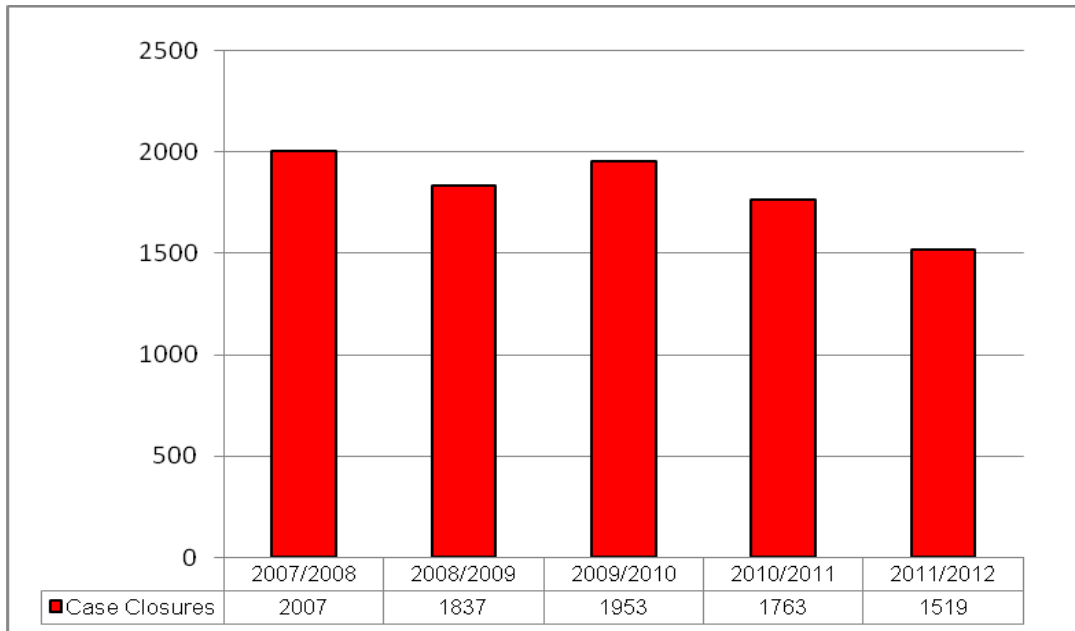
A contested case hearing is scheduled for this complaint, to be held on September 24, 2012. The case alleges discrimination on the basis of gender identity in the denial of the accommodations, facilities and services of the community YMCA/YWCA to Jessica Smalley.

Average Number of Days to Process a Case

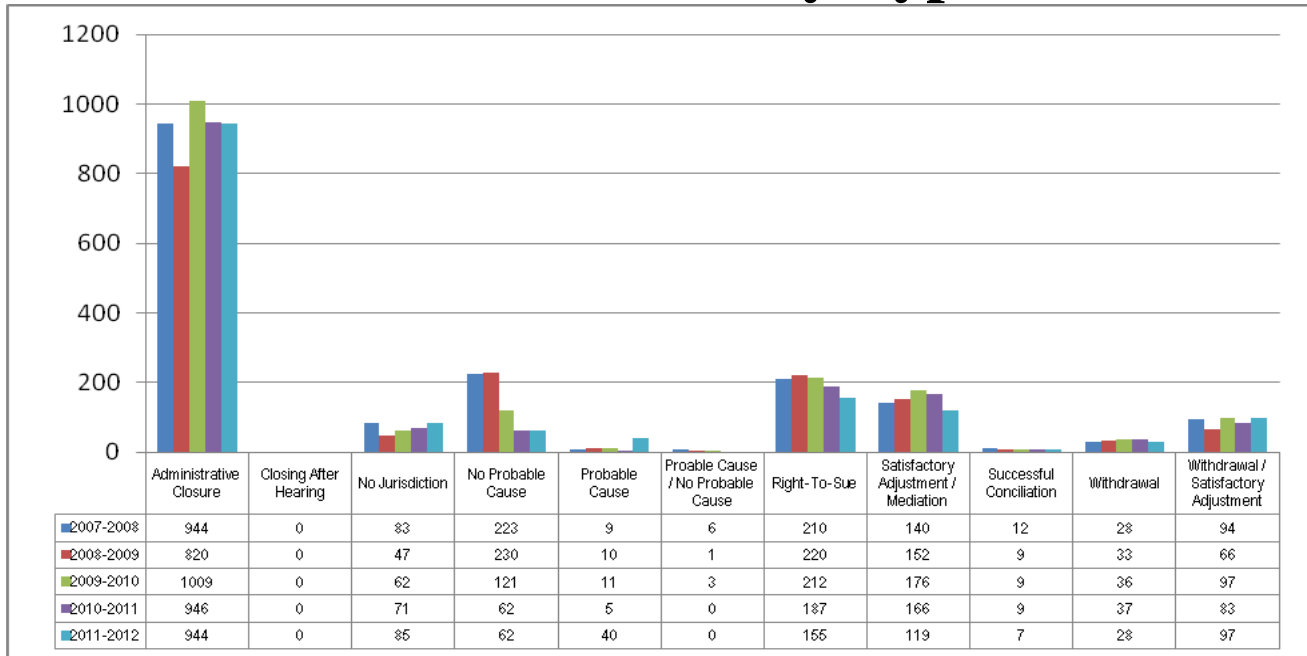


Case Closures

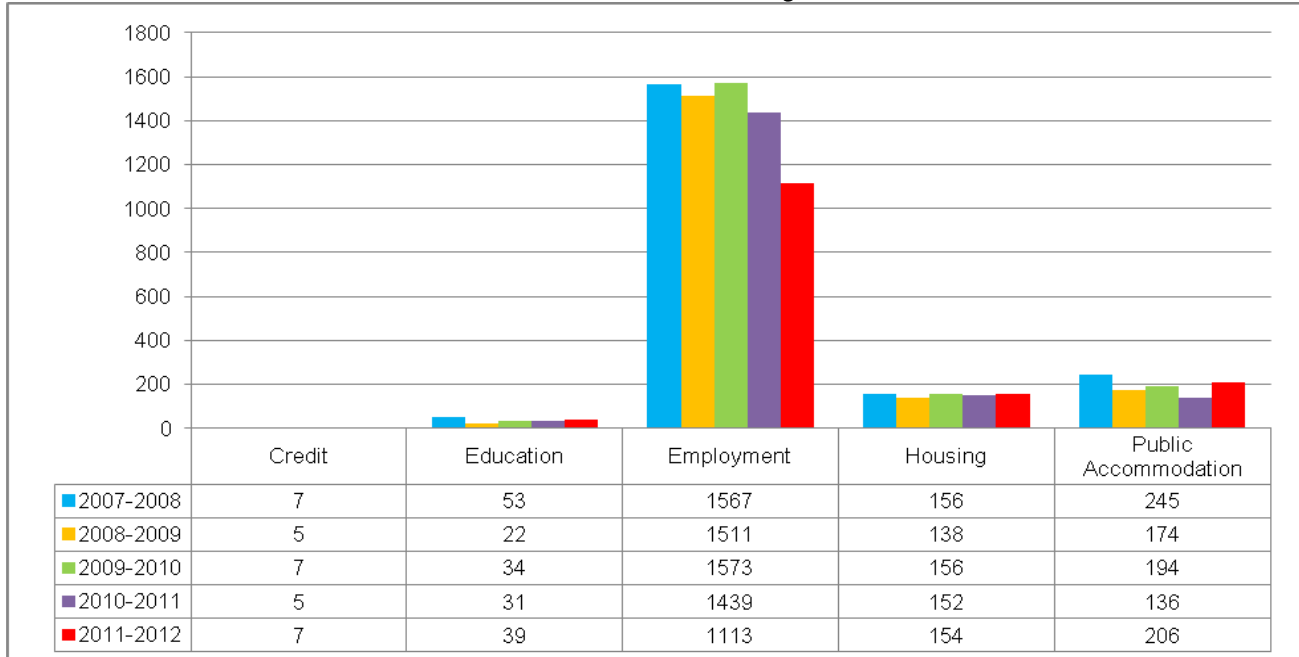
During the year, the Commission closed **1,519** cases. Of the 1,519 case closures during the fiscal year, the largest category was “does not warrant further investigation / administrative closure.” This was followed by right-to-sue, satisfactory adjustment / mediated settlement, withdrawn / satisfactory adjustment, and non-jurisdictional.



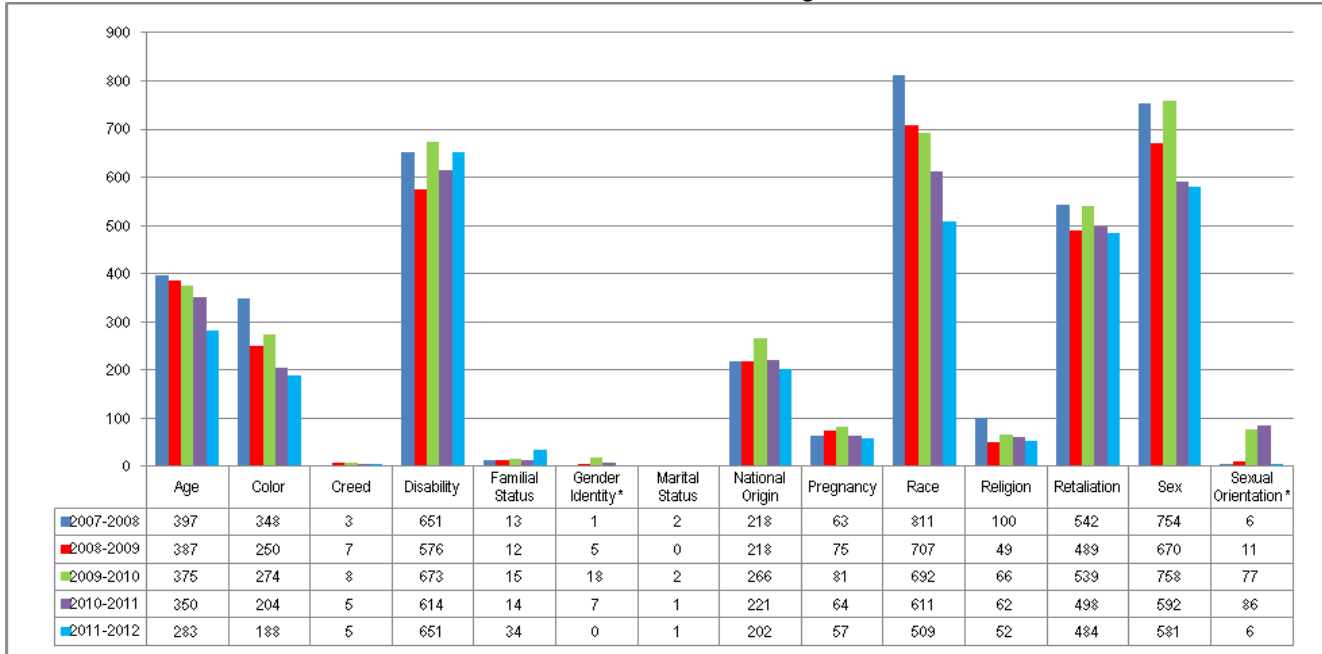
Case Closures by Type



Case Closures by Area



Case Closures by Basis



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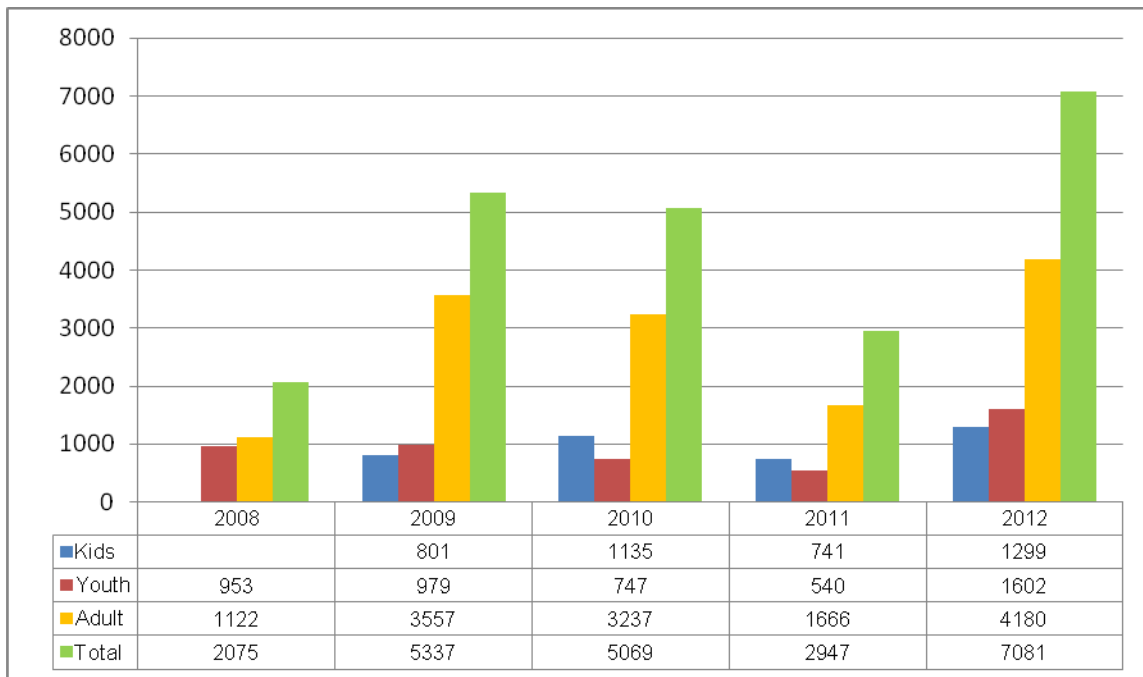
Education, Outreach, and Training

The Commission’s educational programs teach people about their rights under the law, how to prevent discrimination, and why diversity is important in Iowa. For fiscal year 2012, the Iowa Civil Rights Commission participated in **40 presentations/outreach events**, reaching **10,786 participants** and distributing over **30,000 items**. The largest outreach event was our annual booth at the Iowa State Fair, an eleven-day event that reached over 12,000 people.

The Commission’s website, www.state.ia.us/government/crc, received an average of more than **5,164 hits** monthly, from an average of **2,067 individuals** per month. The Commission enhanced its online presence on Facebook (<http://www.facebook.com/pages/Des-Moines-IA/Iowa-Civil-Rights-Commission/80313175514>) **994 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

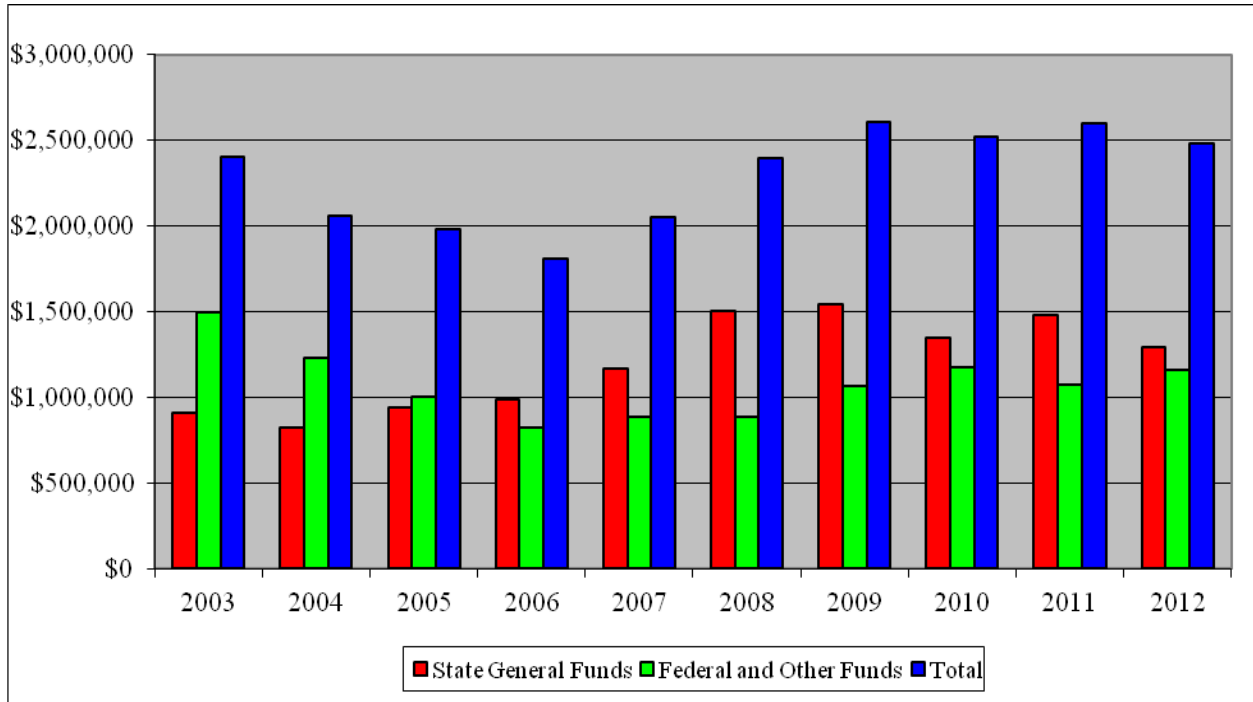


Fiscal Year 2012 Income

- The total funding for the Iowa Civil Rights Commission for FY 2012 was **\$2,482,409**
- **\$1,297,069** (including budget cuts) was state general funding
- **\$1,130, 050.** was from federal contract funding (EEOC and HUD) and other contracts and grants
- **\$31,830** was for reimbursement for presentations and copying

Agency Funding

Fiscal Year 2003 – Fiscal Year 2012



Iowa Civil Rights Commission Staff

Beth Townsend, Executive Director

Calvin Baccam
 Natalie Burnham
 Stephanie Callahan
 Michele Cashman
 Marcia Coverdale
 Katie Fiala
 Ben Flickinger
 Thomas Good
 Linda Grathwohl
 Don Grove
 Kerry Hainline
 Kristin Johnson
 Lisa Kenworthy
 Gregory Klein
 Emigdio Lopez-Sanders

Judith Lowe
 Sean Nelson
 Sylvia Owens
 Tim Reilly
 Lena Robison
 Linda Ross
 Cecelia Ryon-Walthall
 Diana Schanuel-Sisler
 Kaitlin Smith*
 Sommay Soulinthavong
 Sara Stibitz
 Ramona Ubaldo
 Danny Wagener
 Sherry Williams

* Part-time

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