

## HUMAN RIGHTS COMMISSION

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The Iowa City Human Rights Commission is represented by nine residents of Iowa City, each of whom are appointed by the Council for three-year terms. The Commissioners, all committed to civil rights, reflect a broad cross-section of the community, thus ensuring diversity of ideas and interests. In the appointment process, consideration is given to racial, religious, cultural, social and economic groups within the City.

The Commission has the following powers:

- Make recommendations to the Council for such further legislation concerning discrimination as it may deem necessary and desirable.
- Educate the public on human rights and illegal discrimination, such as organizing and facilitating educational public forums that address one or more of the broad range of topics included within the rubric of human rights.
- Cooperate, within the limits of any appropriations made for its operation, with other agencies or organizations, both public and private, whose purposes are not inconsistent with those of the Human Rights Ordinance.
- Coordinate programs designed to eliminate racial, religious, cultural and other intergroup tensions.

The Commission annually elects a Chairperson and a Vice-Chairperson and holds monthly meetings in the Helling Conference Room at City Hall on the third Tuesday of each month at 5:30 p.m.

### **FY 18 Human Rights Commission Members**

Eliza Jane Willis, Chair  
Tahuanty Peña, Vice Chair  
Adil Adams  
Joe Coulter  
Jeff Falk  
Barbara Kutzko  
Bijou Maliabo  
Cathy McGinnis  
Jonathon Muñoz

The Human Rights Office consists of two full-time staff of the Commission, a Human Rights Coordinator and a Human Rights Investigator.

### **Summary of FY17 Commission Initiatives**

The Commission and staff accomplished FY17 goals. These included, among others,

- supporting initiatives to advance social justice and racial equity including working with the City Council on a grant providing funding to support such causes.
- sponsoring events and programs to the public on *Knowing Your Rights*.

### **FY 18 Recommendations by the Commission to Council**

December 2017: Recommendation to amend the Human Rights Ordinance definition of “employer” to match State of Iowa Code.

January 2018: Recommendation to amend the Human rights Ordinance to remove reference to “masculine” and “feminine” in the definition of “gender identity” to make the same inclusive of non-binary gender expression.

January 2018: Recommendation concerning allocation of Social Justice Racial Equity grant monies.

### **FY 18 Mayor’s Proclamations Submitted by the Commission**

National Hispanic Heritage Month (September 2017)

Indigenous People’s Day (October 2017)

National Native American Heritage Month (November 2017)

Dr. Martin Luther King, Jr. Day (January 2018)

Black History Month (February 2018)

Fair Housing Month (April 2018)

Juneteenth (May 2018)

### **FY 18 Programs & Activities of the Commission**

1. July 13 and 20, 2017, Attendee Iowa City Party in the Park.
2. July 22, 2017, Sponsor and Vendor 27th Anniversary of the Americans with Disabilities Act program.
3. August 4 & 5, 2017, Attendee Iowa Soul Festival.
4. August 10, 2017, Attendee Iowa City Party in the Park.
5. August 24, 2017, Attendee National Fair Housing Alliance webinar “Using Data to Assess Fair Housing.”
6. September 2017, Panelist University of Iowa School of Social Work discussion on end of life matters.
7. September 13, 2017, Attendee “Racism Within Muslim Communities” UI Cup O’ Justice Series.

8. September 23, 2017, Attendee Butterfly Mosque community book discussion.
9. September 26, 2017, Sponsor and Attendee “Everyone Deserves a Fair Chance” program on criminal history and its effects on employment and housing.
10. October 14, 2017, Sponsor, Attendee and Recognized Commissioner, Refugee and Immigrant Recognition Dinner.
11. October 17, 2017, Sponsor and Attendee “How to Make the Americans With Disabilities Act Work in Your Business.”
12. October 18, 2017, Sponsor and Attendee “Everyone Deserves a Fair Chance” program on court debt, housing instability, and expungement of criminal records.
13. October 23, 2017, Sponsor “I’m Not Racist, Am I?” documentary film.
14. October 25, 2017, Sponsor 34th Annual Human Rights Awards Breakfast
15. November 1, 2017, Speaker International Day presentation to students on the effect war and violence have on education.
16. January 12-15, 2018, Attendee Dr. Martin Luther King Jr. Day Celebration events.
17. February 1, 2018, Attendee Black Voices Project Community Discussion on bias-related incidents.
18. February 27, 2018, Panelist Roundtable discussion on the Johnson County Community ID program with Council for International Visitors to Iowa Cities.
19. March 7, 2018 Sponsor, Attendee of Night of 1000 Dinners.
20. March 21, 2018, Attendee “The Place We Call Home: Affordable Housing in Johnson County” UI Cup O’ Justice series.
21. March 28, 2018, Panelist Accessibility and Inclusiveness discussion with Council for International Visitors to Iowa Cities Disability Access group.
22. March 30-31, 2018, Attendee “Brighter Future Focused” a Summit Addressing the Needs and Potential of Women & Girls of Color.
23. April 2 & 4, 2018 Presenter “Know Your Rights” and Fair Housing presentations at Neighborhood Centers of Johnson County.
24. April 9, 2018, Attendee Community Forum on Hate Crimes.
25. April 16, 2018, Participant Roundtable discussion on how city and community work together on effective government-citizen collaboration to solve community problems with Council for International Visitors to Iowa City group.
26. April 17, 2018, Attendee Fair Housing Training.
27. April 19, 2018, Attendee “The Urgency of Equity: Ending Racism in Youth-Serving Institutions.”
28. May 9, 2018, Sponsor Human Rights Youth Awards.
29. May 16, 2018, Panelist Discussion on Inclusive Employment Opportunity with International Fellows from the Professional Fellows Program for Inclusive Disability Employment.
30. May 23, 2018, Attendee Tour of the Shelter House.
31. June 13, 2018, Advertisement placed in Hawkeye View edition of Daily Iowan.
32. June 13, 2018, Weekly advertisement placed in Daily Iowan for summer session.
33. June 16, 2018, Vendor Iowa City Pride Festival and Parade.

34. June 22, 2018, Attendee Juneteenth Trailblazers Awards Banquet.
35. June 23, 2018, Sponsor for Juneteenth Youth Art and Essay Competition.

### **Commission Financial Sponsorships for FY18**

Making All Children Matter (September 2017)  
 Celebrating the World's Children (September 2017)  
 Refugee and Immigrant Recognition Dinner (September 2017)  
 Night of 1000 Dinners (March 2018)  
 Iowa United Nations Association Universal Declaration of Human Rights poster display (April 2018)  
 World Refugee Celebration Day (June 2018)

### **Overview of the Complaint Process**

Title Two of the City Code (Human Rights Ordinance) prohibits unlawful discrimination in the areas of education, housing, employment, public accommodation and credit. The characteristics covered are: age, color, creed, disability, familial status\*, gender identity, marital status, national origin, presence/absence of dependents\*, public assistance source of income\*, race, religion, retaliation, sex, and sexual orientation. As of June 1, 2016, the definition of "public assistance source of income" was expanded to include Housing Choice Vouchers, commonly known as "Section 8," as well as other rental subsidies.  
 \*Housing only.

A person claiming to be aggrieved by an unlawful discriminatory practice or act must file a complaint within three-hundred days of the alleged discrimination. Staff of the Human Rights Commission investigate complaints alleging discrimination. Staff serve as neutral fact finders and do not represent either party in the complaint process.

1. Filing: The complainant (the person who alleges the discrimination) fills out, signs and dates a complaint form.
2. Jurisdictional Review: A dated and signed complaint is reviewed by staff to determine whether it meets the legal requirements. If the complaint does not meet jurisdictional requirements, the complainant is notified and the complaint is closed.
3. Notice: Within twenty days of the file date (seven days for housing complaints) a copy of the complaint is sent certified mail to the respondent (individual/business/organization accused of discrimination) along with a questionnaire and document request. A copy of the complaint is also sent to the complainant by certified mail.

4. Answer: The respondent is required to provide an answer to the allegation(s) of discrimination and submit any requested records or relevant documents within thirty days of receipt. (Fifteen days in the case of housing complaints.)
5. Screening: All information is reviewed to determine whether further investigation is warranted. If staff finds that there is a reasonable possibility of a probable cause determination or the legal issues present in the complaint need further development, staff continue the investigation of the complaint. A complaint determined by staff not to warrant further processing is administratively closed. The complainant and respondent are promptly notified of the administrative closure via certified mail. A complainant may object to the administrative closure within ten (10) days of service by filing a written request for review that states the basis for the objection. If after review, it is determined that the complaint does not warrant further processing, staff will close the file and notify the complainant and respondent via certified mail. No further action is taken on the complaint.
6. Further Investigation: If the complaint is found to warrant further investigation both the complainant and respondent may be interviewed and additional documents/records requested. Witnesses and other persons with knowledge concerning the allegations in the complaint may also be contacted and interviewed. When the investigation is complete, staff analyze all the collected information and write a Data Analysis & Complaint Determination with a recommendation regarding whether probable cause exists on the complaint.
7. Right to sue: After the complaint has been on file for sixty days, the complainant has the option of pursuing the matter in a state district court. If this option is taken, and all requirements have been fulfilled, staff close the complaint and issue a right to sue letter to the complainant. No further action is taken on the complaint by staff. The issuance of a right to sue has no bearing on the merits of the allegations contained in the complaint. It simply is an option the law grants to complainants.
8. The parties may agree to mediation at any point in the complaint process (if both parties agree to attempt mediation). If successful, the complaint is closed/withdrawn upon satisfaction of the agreement reached in the mediation. If not successful, the investigation continues.
9. Finding: The Human Rights Coordinator makes the final decision on whether probable cause exists on each complaint.
  - a. If probable cause is found, the complaint will move to conciliation.
  - b. If probable cause is not found, staff informs both the complainant and respondent of the decision by certified mail.

10. Conciliation: The Human Rights Coordinator attempts to conciliate or resolve the complaint.
11. Public Hearing: When conciliation is unsuccessful, the complaint file will be reviewed by the City Attorney, who shall form an opinion as to whether the complaint is litigation worthy and make a recommendation to two Commissioners. If both members of the Commission wish to proceed contrary to the recommendation of the City Attorney, the Commissioners may authorize the Human Rights Coordinator to proceed to a public hearing. A complaint found not to be litigation worthy is closed.

### **FY 17 Complaint Statistics**

Please note some complaints filed in fiscal year 2016 were closed in fiscal year 2017. Some complaints which were filed in fiscal year 2017 had not been closed by the end of fiscal year 2017, creating the difference in numbers between those opened and closed. Most complaints filed cite more than one basis for discrimination, so totals will not be equal.

### **Complaint Activity**

#### **COMPLAINTS FILED BY PROTECTED CHARACTERISTIC**

	FY 2017	FY2018
Age	10	8
Color	11	11
Creed	2	0
Disability	16	11 <sup>1</sup>
Familial Status	3	2
Gender Identity	2	4
Marital Status	5	2
National Origin	10	2
P/A of Dependents <sup>2</sup>	2	0
PASI <sup>3</sup>	2	0
Race	17	19
Religion	5	4
Retaliation	11	13
Sex	9	9
Sexual Orientation	5	7

<sup>1</sup> 3 cited mental disability, 3 physical disability, and 5 cited disability only.

<sup>2</sup> Presence or Absence of Dependents.

<sup>3</sup> Public Assistance Source of Income.

## COMPLAINTS FILED BY AREA

Credit	1	0
Education	2	0
Employment	16	19
Housing	11	12
Public Accommodation	12	8
Complaints filed on ICRC form	3	1
<b>Total Number of Complaints</b>	<b>45</b>	<b>40<sup>4</sup></b>

## RESOLUTIONS

Mediated	5	3
No Probable Cause	0	3
Administrative Closure	8	6
Right to Sue	0	0
Lack of Jurisdiction	4	7
Outside of Jurisdiction	11	8
Jurisdiction Waived		7
Satisfactorily Adjusted	0	0
Withdrawn	3	1
Probable Cause	0	0
Closed, complainant non-compliant	0	0
<b>Total Number of Resolutions</b>	<b>31</b>	<b>35</b>

## Summary

In FY18, employment is the area in which the most complaints were filed, with 19 complaints. Housing was second with 12, followed by public accommodation with 8. There were no complaints in the areas of education or credit. The most common basis cited for alleged discriminatory conduct, with 19 Complainants alleging it, was race. This was followed by 13 complaints alleging retaliation, and 11 complaints each on the basis of disability and color. Sex, age, and sexual orientation follow with 9, 8, and 7 complaints respectively. The remaining bases were alleged 5 or fewer times each.

In FY17, employment was the area in which the most complaints were filed, with 16. Public accommodation was second with 12 complaints, followed by housing with 11. There were two complaints in education and one filed in the area of credit. Race and disability were the most common characteristics cited for alleged discriminatory conduct, with 17 for race and 16 for disability. These were followed by 11 complaints on the basis of color, 10 complaints each on the bases of age and national origin, and 9 complaints on the basis of sex. The remaining bases were alleged 5 or fewer times each. Retaliation was alleged in 11 complaints.

**FY 19 Activities, Trainings & Initiatives**

Contribute to and participate in activities, programs and events that advance human rights

Support local organizations through the administration of the Social Justice and Racial Equity Grant funding.

Approved 7/17/2018