

IOWA CIVIL RIGHTS COMMISSION

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

Annual Report
Fiscal Year 2021



STATE OF IOWA

KIM REYNOLDS, GOVERNOR
ADAM GREGG, LT. GOVERNOR

IOWA CIVIL RIGHTS COMMISSION
CHARLES A. D. HILL INTERIM DIRECTOR

December 3, 2021

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 past fiscal year has been filled with continued challenges and struggles as we in the civil rights field have worked to end discrimination during a global pandemic. While our agency has been pushed by these challenges, they have also served to resolve our commitment to the great work the Commission performs.

Towards the end of the fiscal year, we began to see an increase in the number of religious and health accommodations related to the varied policies schools, public places, and employers have regarding masks and vaccine requirements. Iowans are working to figure out how to navigate their health needs and religious beliefs in balance with those that may have very different needs or beliefs. The Iowa Civil Rights Commission anticipates this being the emerging issue that will require our attention in fiscal year 2022. The Commission will continue to navigate these difficult questions with the goal of protecting all Iowans' Civil Rights.

The Commission has continued its efforts to process complaints alleging discrimination in a timely, efficient, and competent manner. The average number of days it took to process complaints in FY21 was 191. While this is a slight increase from last year, 191 is still fewer days than four out of the past five years, which in 2016 was 206 days. Outside of last year, 191 is the fewest number of days the process has taken in decades, and the entire Commission staff contributed to reducing this number and improving the administrative civil rights experience for Iowans. The Commission will place a new emphasis on continuing to maintain historically low processing times.

This decreased processing time has occurred while the number of complaints processed has remained high. In this fiscal year, the Commission received 1,640 complaints of discrimination, less than FY20, but still more than FY17, FY18, and FY19. The Commission closed 1,280 complaints in FY21, which is only 27 less than FY20 despite having 138 less cases being filed with the Commission.

The Commission conducted 214 mediations this year. This is down from 260 mediations conducted the previous year. Much of this can be attributed to the COVID-19 pandemic. Parties were not able to mediate in person for most of the year. As noted in last year's report, we recognized that the pandemic would cause difficulties and this year we took the opportunity to improve our mediation skills by sending eight Civil Rights Specialists to specialized mediation training. This training prepared them to mediate in a remote setting. As a result, 72 cases were closed by voluntary settlement, three more than the previous year. This increased the rate of success in our mediation program from 26% in FY20 to 34% in FY21. This increase in early voluntary resolutions of complaints allows the Commission to remedy discrimination, harassment, and retaliation earlier in the complaint process and provide significant cost savings to parties and the taxpayers of Iowa.

Funding for the 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 received credit for 860 complaints with its work-sharing agreement with the Equal Employment Opportunity Commission (EEOC), and 125 complaints were compensated through the work-sharing agreement with the U.S. Department of Housing and Urban Development (HUD), resulting in credit of \$1,194,226 from the federal government for the next fiscal year for processing cases which also fall under the jurisdiction of federal law.

In addition to the federal funding for processing cases mentioned above, the Commission also received an award of \$48,682.68 from HUD. This award was from the CARES Act and was used for specific outreach and education and for PPE and equipment. The majority of these funds were used to create ten videos on housing discrimination. The Commission partnered with community groups EMBARC and Genesis Youth Foundation on this project. This close collaboration ensured that the videos would have the necessary authenticity to reach the target audience of recent immigrants and refugees. These videos were recorded in ten different languages and told the story of recent immigrants to the United States that personally experienced housing discrimination. Their stories were powerful and connected with people with shared experiences and informed them that it is not lawful to be treated unfairly based on race, color, religion, and national origin. These videos were viewed almost 800 times and are available on the Commission's website.

The Commission processed 20 complaints, both housing and non-housing, that resulted in a probable cause finding, successfully conciliating three of those cases. 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 complaints in FY21; 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. The Commission filed two separate district court actions related to barriers put in place to stop Iowans from using assistance animals in their housing. Through the Commission's continued efforts on these cases, the agency was able to reach mutually agreed-upon settlements in both cases. In one case, the complainant had moved out of the property and

the Commission obtained \$15,000 in damages on her behalf. In the second case, the Commission continued to work with the respondent and reached an agreement to allow the complainant to keep his assistance animals in his housing. Additionally, the Commission obtained public interest relief including training requirements and public posting of policies to further its mission to eliminate discrimination in Iowa.

In our second year of the COVID-19 pandemic we were able to increase our educational opportunities. While we were still not able to have our large Civil Rights Symposium, we held a day long Continuing Legal Education event on Civil Rights and invited other attorneys and administrative law judges at the state of Iowa to join us free of costs. As restrictions have been lifted, we have vastly increased our outreach in FY22 and we are excited to report on that in the next year. Additionally, we continued to engage Iowans through our social media accounts and website. Through our training and outreach efforts and our social media and website information, we were able to reach and have contact with over 40,000 Iowans.

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 you can see 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.



Charles A. D. Hill
Interim Director

Table of Contents

Cover	1
Letter of Transmittal to the Governor	2
Table of Contents	5
About the Commission and the Complaint Process	6
Processing of Discrimination Complaints	7
Cases Docketed by Area	7
Cases Docketed in Non-Housing Cases by Basis	8
Cases Docketed in Housing Cases by Basis	8
Filings by County	9
Mediation	10
Conciliation	10
Cases Handled by the Assistant Attorney General	11
Average Number of Days to Process Cases	13
Case Closures	13
Case Closures by Type	14
Case Closures by Area	14
Case Closures by Basis	15
Education, Outreach, and Training	15
Agency Funding	16
Staff	17
Commissioners	17

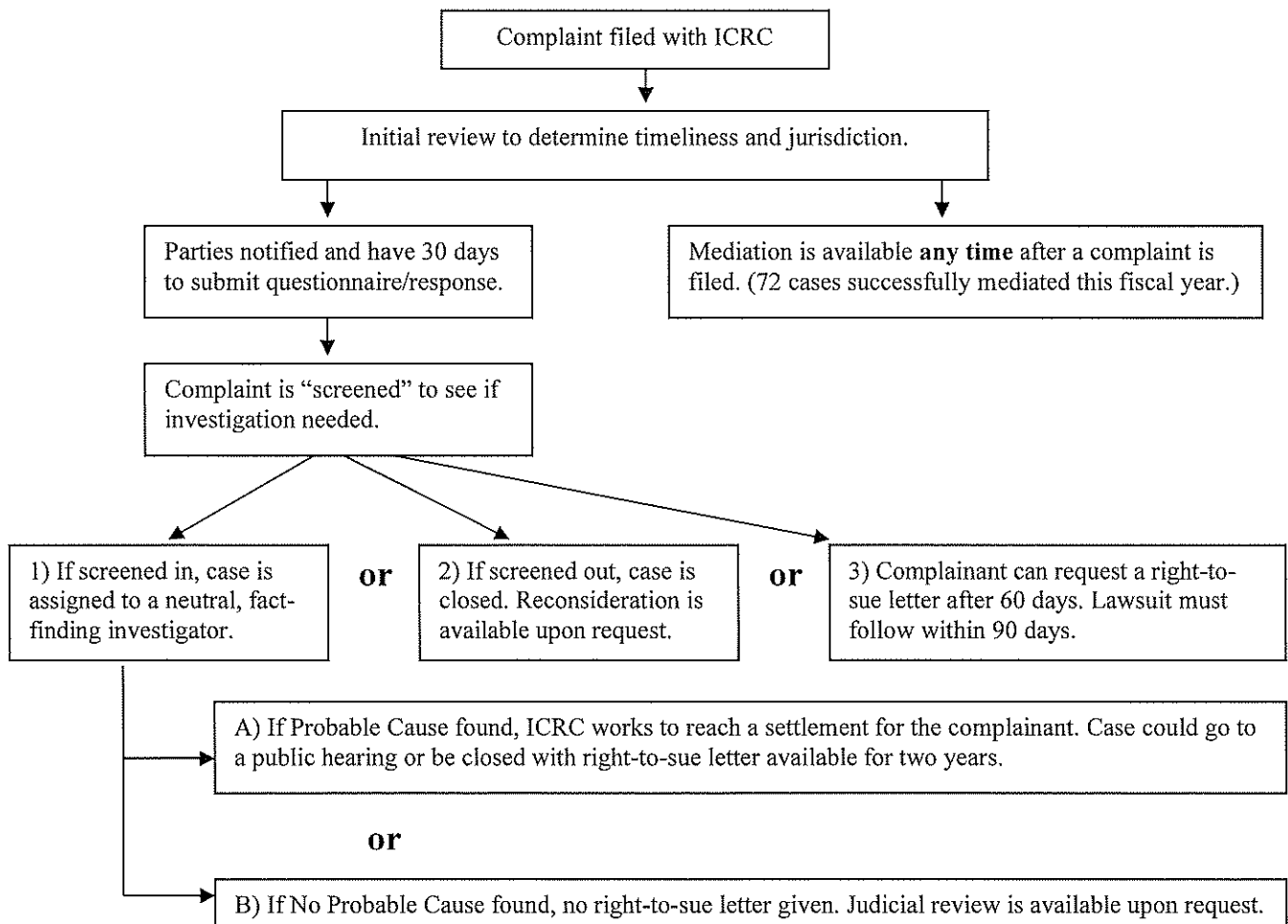
About the Iowa Civil Rights Commission

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

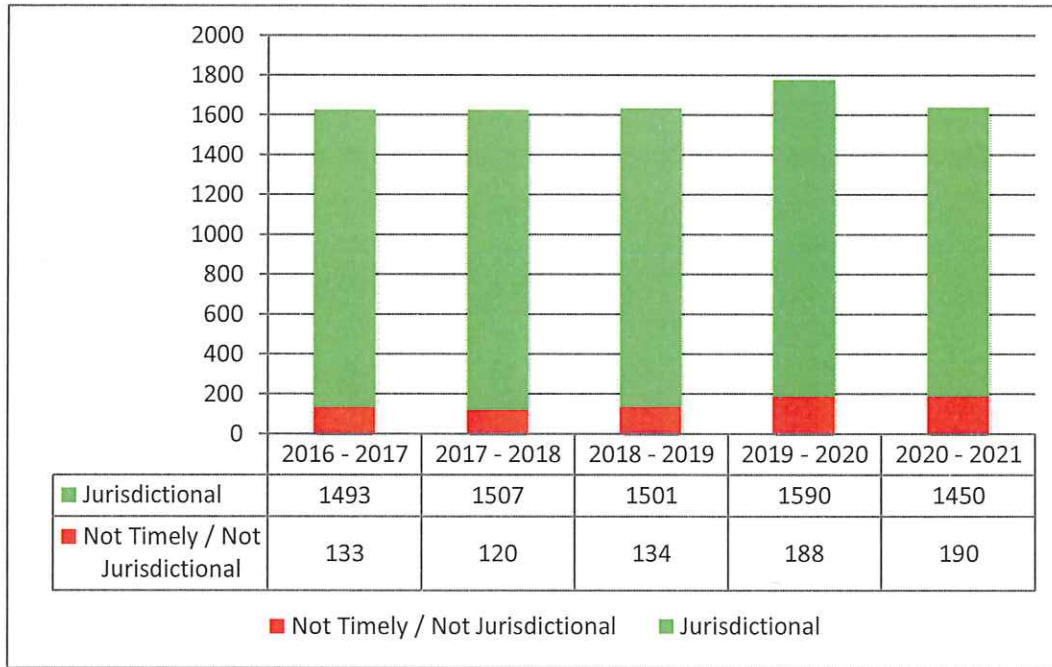
The Iowa Civil Rights Act of 1965 prohibits discrimination in the areas of employment, housing, credit, public accommodations (public services and buildings), and education. Discrimination and harassment are illegal if based on actual or perceived race, skin color, national origin, religion, creed, sex,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

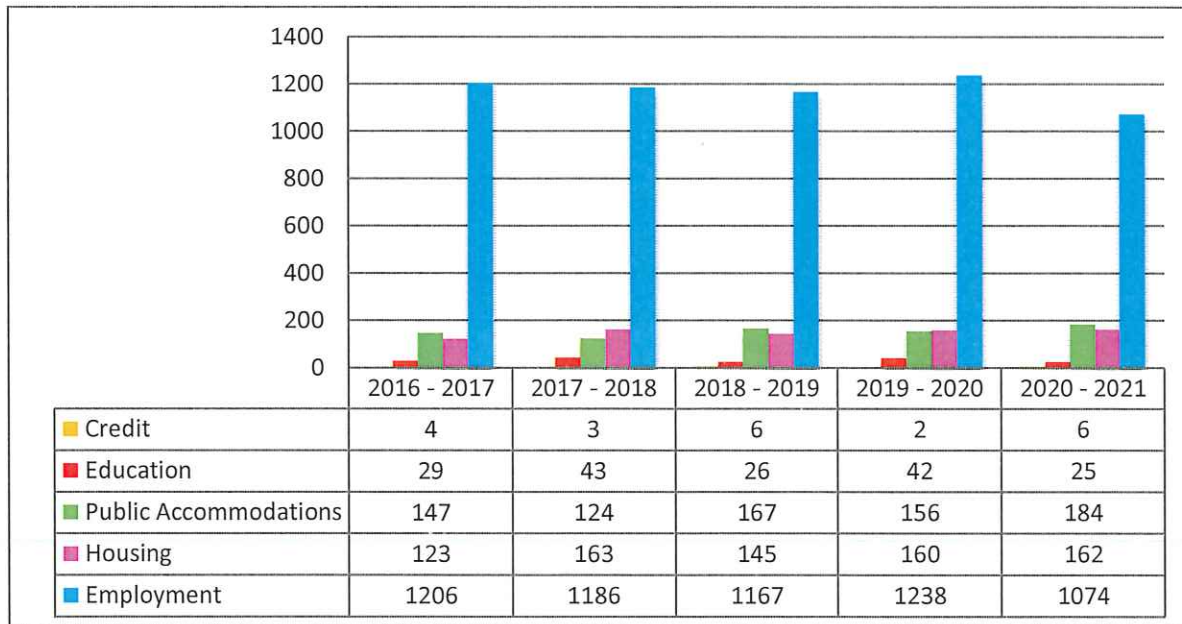


Processing of Discrimination Complaints

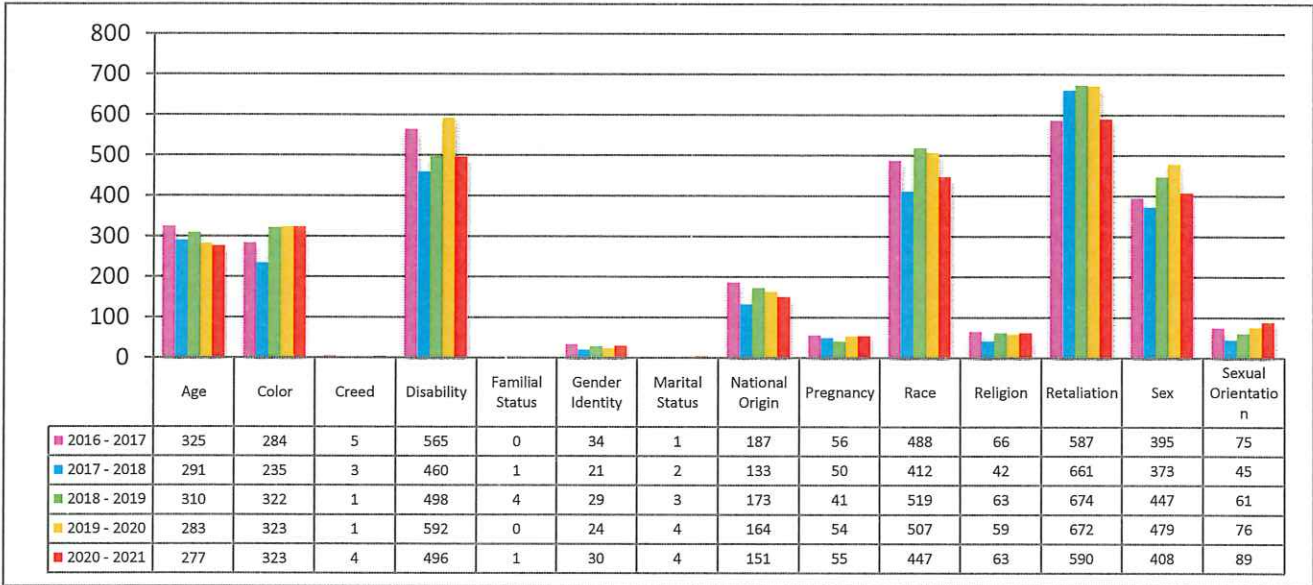
During FY20, the Commission received 1,640 discrimination cases. Of those complaints, 190 complaints either did not meet the jurisdictional requirements or the 300-day time limit since the last alleged incident took place.



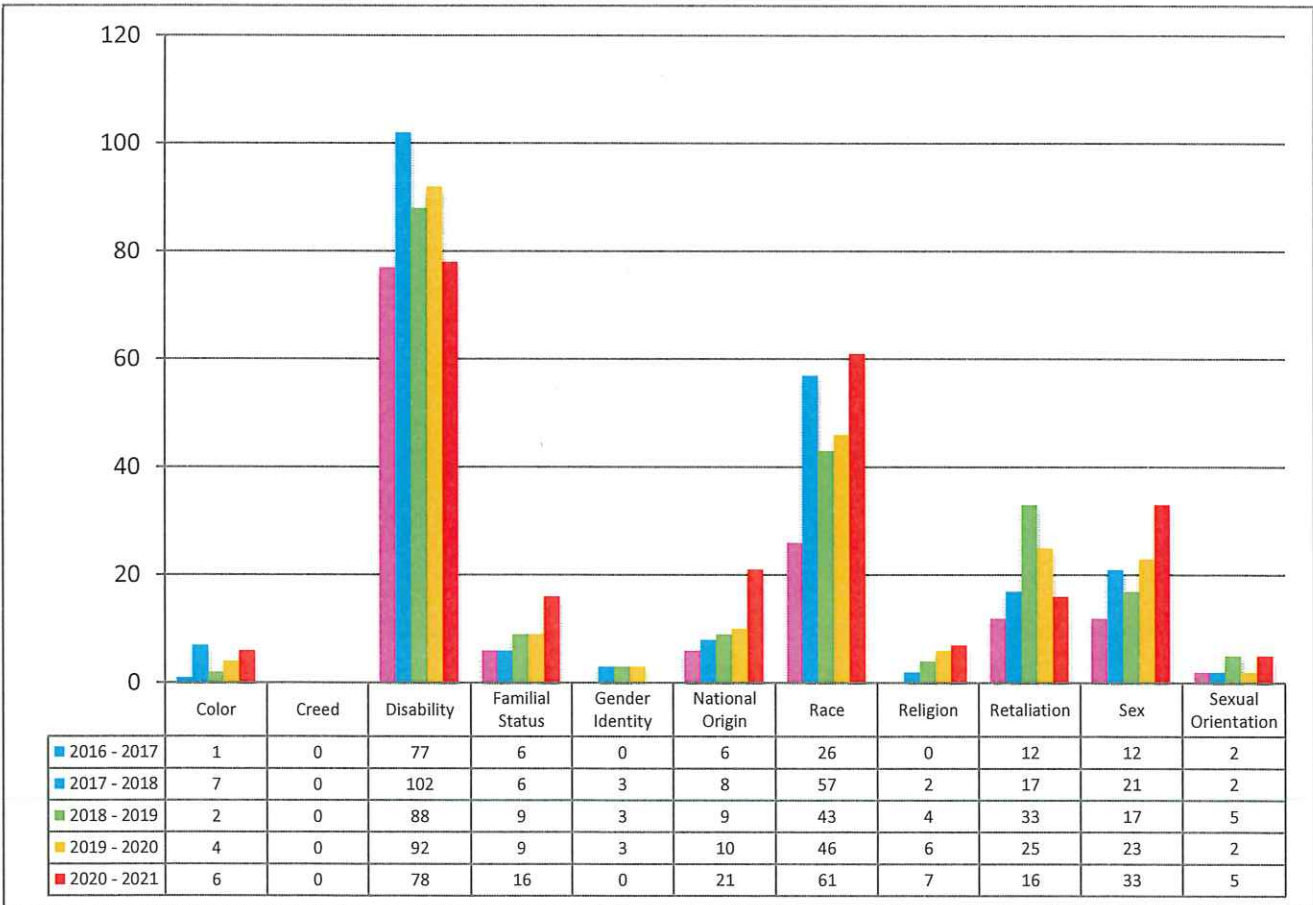
Cases Docketed by Area and Fiscal Year



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	1
Adams	3
Allamakee	3
Appanoose	0
Audubon	3
Benton	2
Black Hawk	89
Boone	7
Bremer	5
Buchanan	4
Buena Vista	4
Butler	1
Calhoun	4
Carroll	6
Cass	5
Cedar	5
Cerro Gordo	24
Cherokee	5
Chickasaw	2
Clarke	2
Clay	5
Clayton	1
Clinton	8
Crawford	4
Dallas	30
Davis	2
Decatur	1
Delaware	5
Des Moines	11
Dickinson	5
Dubuque	55
Emmet	1
Fayette	3

County	Filings
Floyd	3
Franklin	1
Fremont	2
Greene	1
Grundy	4
Guthrie	4
Hamilton	1
Hancock	8
Hardin	6
Harrison	3
Henry	5
Howard	2
Humboldt	3
Ida	0
Iowa	8
Jackson	5
Jasper	7
Jefferson	9
Johnson	82
Jones	4
Keokuk	4
Kossuth	3
Lee	11
Linn	108
Louisa	1
Lucas	0
Lyon	1
Madison	2
Mahaska	8
Marion	11
Marshall	10
Mills	3
Mitchell	0

County	Filings
Monona	1
Monroe	1
Montgomery	0
Muscatine	21
O'Brien	2
Osceola	1
Page	5
Palo Alto	1
Plymouth	4
Pocahontas	3
Polk	368
Pottawattamie	40
Poweshiek	7
Ringgold	1
Sac	1
Scott	92
Shelby	5
Sioux	33
Story	40
Tama	1
Taylor	1
Union	5
Van Buren	3
Wapello	25
Warren	6
Washington	4
Wayne	1
Webster	18
Winnebago	11
Winneshiek	2
Woodbury	44
Worth	1
Wright	5

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. 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 214 cases, 72 of which were successful. 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. While the overall number of cases mediated was down 46 from FY21, we actually saw an increase in the number of cases settled. As a result, the percentage of successfully mediated cases rose from 26% to 34%. Assisting in this achievement, seven civil rights specialists were sent to a weeklong mediation training. This training helped them become more proficient at their job and saved the state resources as a result.

The Commission 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. The ICRC is also working on implementing new technologies to conduct mediations with all parties appearing via Zoom, Google Meet, or other technology. 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. 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 13 cases assigned to conciliation, with three successful conciliations.

Cases Handled by the Attorney General's Office

FY21 (July 1, 2020 – June 30, 2021)

State Courts

Boyens v. Iowa Civil Rights Commission, Polk County, CVCV059890

Petitioner filed for judicial review of the Commission's "no jurisdiction" determination following an investigation into an employment discrimination claim. The Commission successfully defended its investigation and the district court issued a ruling in its favor.

Ngwangwa v. Iowa Civil Rights Commission, Polk County, LACL147883

Petitioner filed for judicial review of the Commission's determination that his complaint was not timely filed. The district court found under the unique facts of the case, the statutory filing deadline should be tolled by two days. The district court reversed the Commission's determination and remanded the complaint to the agency for processing.

Iowa Civil Rights Commission ex rel S.V. v. RD GN LLLP et al, Polk County, CVCV059942

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. The Commission settled this case in advance of a scheduled trial and obtained monetary relief of \$1,000 for the complainant, as well as training and policy changes in the public interest.

Iowa Civil Rights Commission ex rel Spencer v. Kobliska, DIA No. 19ICRC001

After hearing, an administrative law judge found in favor of the Commission 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 its appeal to the Iowa Court of Appeals remains pending.

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 FY22.

Iowa Civil Rights Commission ex rel T.M. v. Bohi et al, Davis County, CVEQ007382

The Commission filed a district court action alleging Defendants discriminated against the complainant in the area of housing by making discriminatory statements on the basis of sex in the area of housing. After a

bench trial in FY22, the district court found in favor of the Commission and awarded \$5,000 in emotional distress damages and \$3,000 in punitive damages to the complainant, T.M.

Iowa Civil Rights Commission ex rel A.J. v. SXCIA, L.P. et al, Woodbury County, CVCV195782

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 disability regarding signage for an accessible parking spot. The Commission settled this case in advance of a scheduled trial and obtained monetary relief of \$3,000 for the complainant, as well as training and policy changes in the public interest.

Castillo v. Iowa Civil Rights Commission, Polk County, CVCV061015

Petitioner filed for judicial review of the Commission's determination that her complaint was not timely filed. The district court found the complaint was timely filed and reversed and remanded the complaint to the agency for processing.

Iowa Civil Rights Commission ex rel B.I. v. G.B. Enterprises et al, Floyd County, CVCV031680

The Commission filed a district court action alleging Defendants discriminated against the complainant in the area of housing by creating a hostile housing environment on the basis of her sex. The Commission settled this case in advance of a scheduled trial and obtained monetary relief of \$10,000 for the complainant, as well as training for the defendant in the public interest.

Iowa Civil Rights Commission ex rel D.M. v. Bohi et al, Davis County, CVEQ007378

The Commission filed a district court action alleging Defendants discriminated against the complainant in the area of housing by creating a hostile housing environment on the basis of her sex and retaliating against her for complaining about the sexual harassment. The Commission settled this case in advance of a scheduled trial and obtained monetary relief of \$15,000 for the complainant, training for the defendants, and the assignment of property management duties to a third-party, all in the public interest.

Administrative Actions

Iowa Civil Rights Commission ex rel Maestas v. Prairie Equity Group LLC and Wells, DIA No. 20ICRC002

The Commission filed an administrative action charging the respondents with sexual harassment and retaliation in the area of housing. The administrative law judge found in favor of the Commission and award \$15,000 in emotional distress damages to the complainant and required Respondents with tenant contact to participate in anti-discrimination training.

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 the decision remains pending.

Iowa Civil Rights Commission ex rel Bloyd v. Historic Hotel Iowa, LLLP et al, DIA No. 20ICRC003

The Commission filed an administrative action charging the respondent with failure to make a reasonable accommodation for the complainant's assistance animal in the area of housing. The Commission settled this case in advance of a scheduled hearing and obtained monetary relief of \$5,000 for the complainant, as well as training requirements and policies changes by the respondent in the public interest.

Iowa Civil Rights Commission ex rel Campbell v. Dana Coleman, DIA No. 21ICRC0002

The Commission filed an administrative action charging the respondent with failure to make a reasonable accommodation for the complainant's assistance animal in the area of housing. The administrative law judge found in favor of the Commission and awarded \$2,530.12 in emotional distress damages and out of pocket expenses to the complainant and required Respondent to participate in anti-discrimination training.

Iowa Civil Rights Commission ex rel Gillette v. Schneider, DIA No. 21ICRC0003

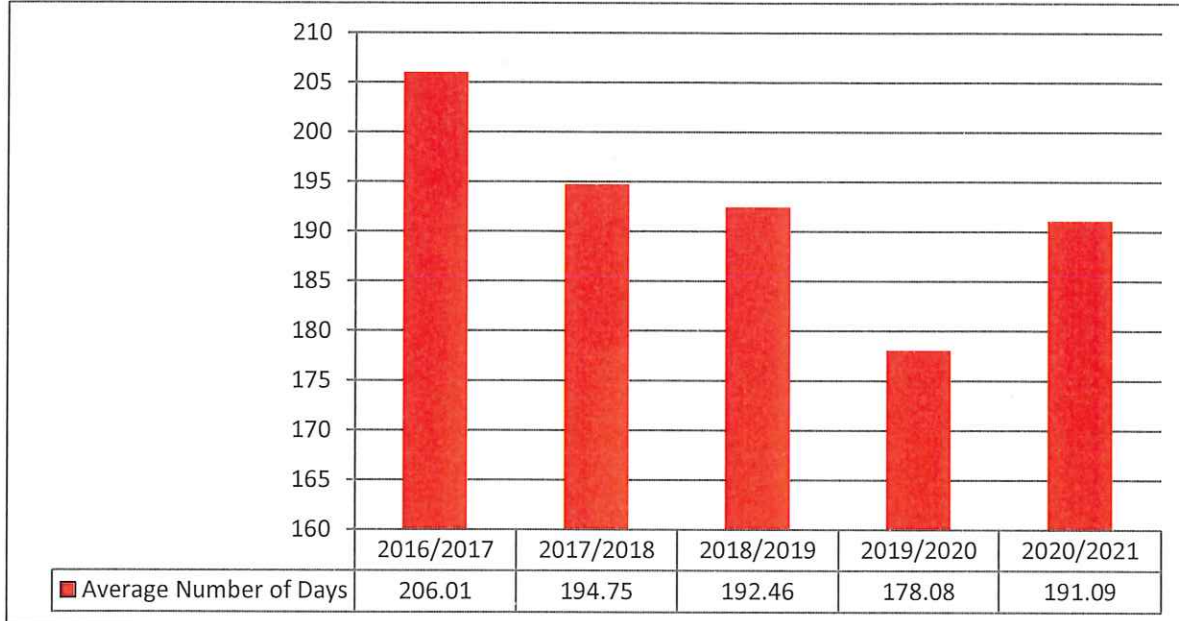
The Commission filed an administrative action charging the respondent with failure to make a reasonable accommodation for an assistance animal in the area of housing. The administrative law judge found in favor of the Commission and required Respondent to participate in anti-discrimination training.

Iowa Civil Rights Commission ex rel Sallis v. Johnson, DIA No. 21ICRC0001

The Commission filed an administrative action charging the respondent with disability discrimination in the area of housing. The administrative law judge found in favor of the Commission and awarded \$2,500 in emotional distress damages and required Respondent to participate in anti-discrimination training.

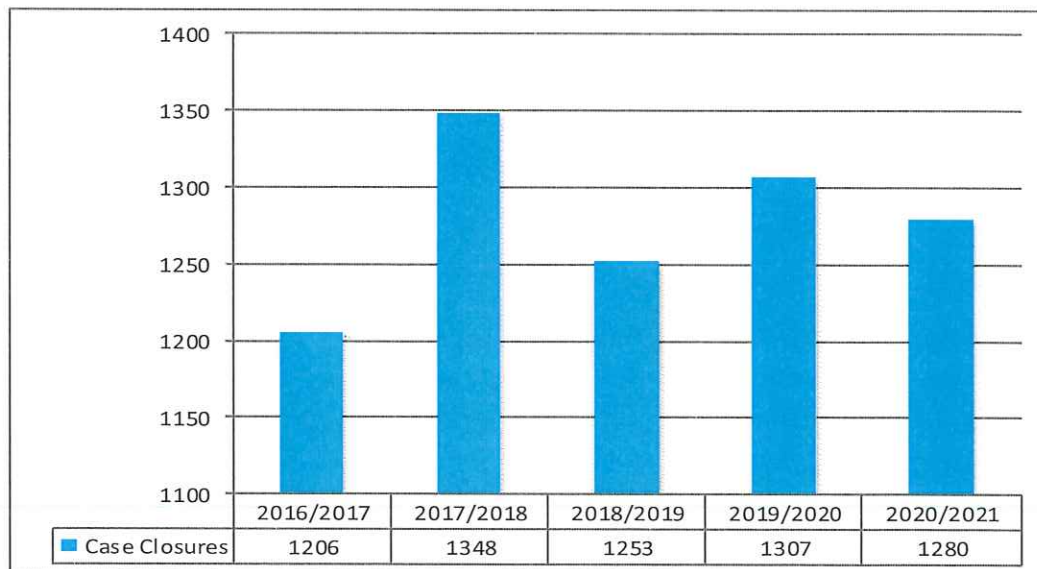
Average Number of Days to Process a Case

In FY21, the average number of days to process a case from open to close was 191 days. While the average number of days to close went up 13 days, it is still lower than historical number and historical trends, and a renewed effort will be implemented to further reduce this number.

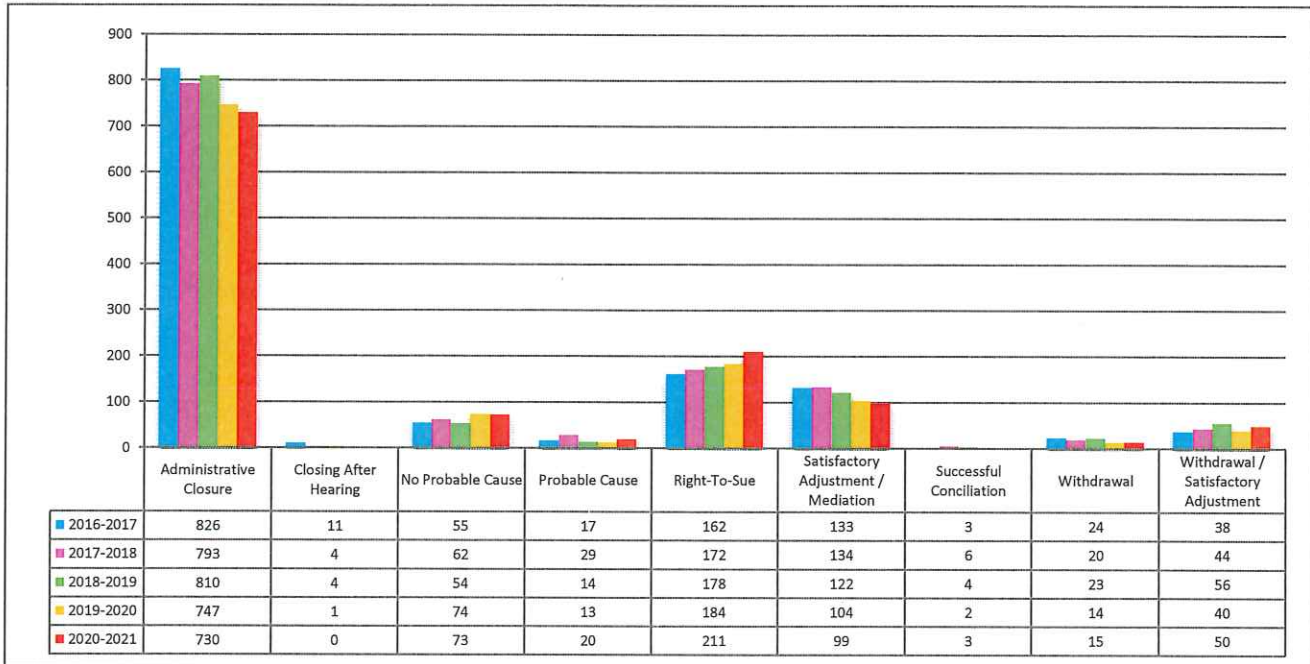


Case Closures

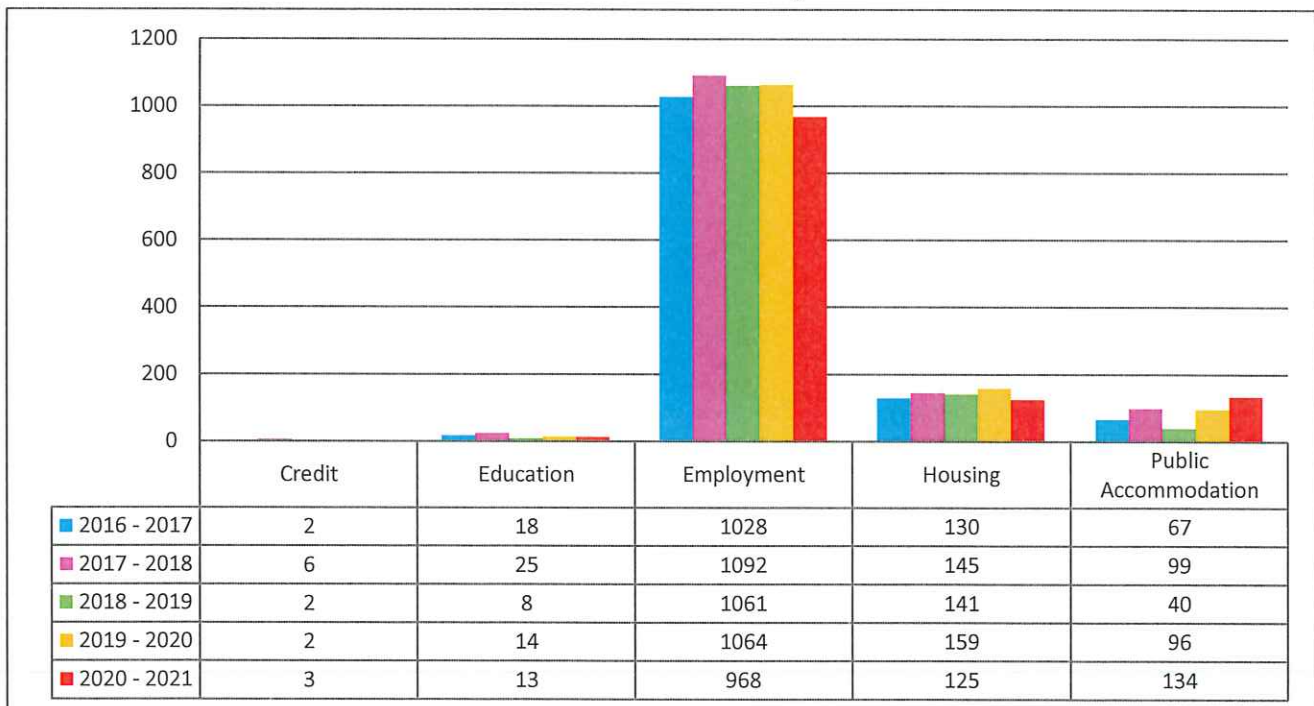
During the year, the Commission closed 1,280 cases. The largest category was “does not warrant further investigation/administrative closure.” Administrative closures may occur at the screening stage, investigation stage, following a probable cause finding. This was followed by right-to-sue, satisfactory adjustment / mediated settlement, no probable cause, and withdrawal/satisfactory adjustment.



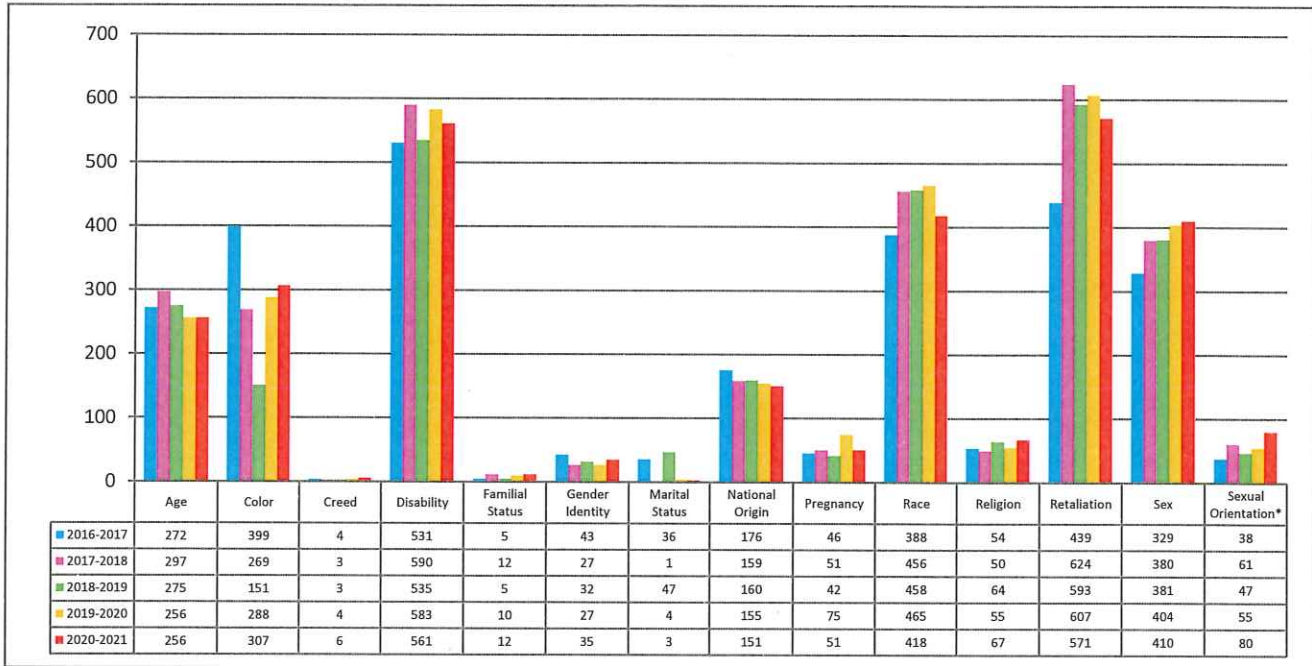
Case Closures by Type



Case Closures by Area



Case Closures by Basis



Education, Outreach, and Training

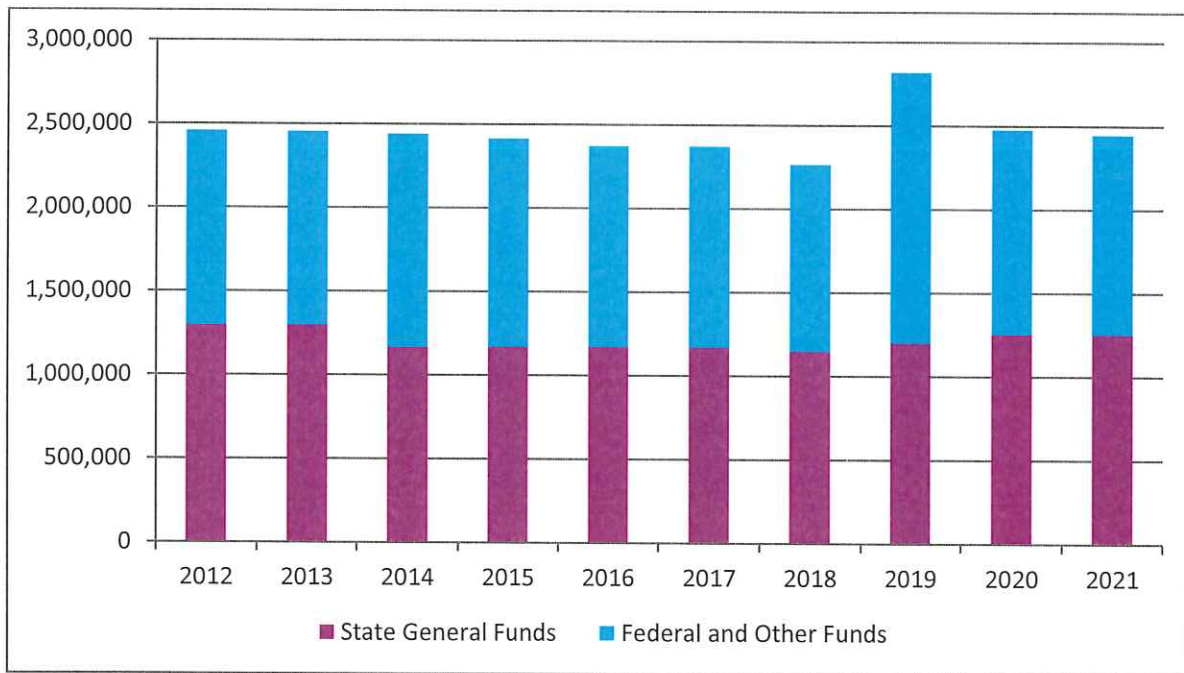
The Commission’s educational programs teach people about their rights under the law, how to prevent discrimination, and why diversity is important in Iowa. In FY21, the Commission attended several outreach events in place of our booth at the Iowa State Fair. The Commission had a presence at the following events: World Food and Music Festival, Latino Heritage Festival, Dallas Center/Grimes Diversity Fair, the Governor’s Conference on LGBTQ Youth, Cedar Valley Pridefest, CelebrAsian, and Iowa City Pride. The Commission interacted with an estimated 1,415 individuals through these events, handing out over 1,250 informational and promotional items. The Commission also engaged in social media outreach in conjunction with its outreach events, reaching over 44,000 people on Facebook and Instagram. The Commission’s website, <https://icrc.iowa.gov>, received visits from approximately 44,800 individuals between July 1, 2020 and June 30, 2021.

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.

Fiscal Year 2021 Funding

- The total funding for the Iowa Civil Rights Commission for FY21 was \$2,447,125.
- \$1,252,899 was state general funding.
- \$1,194,226 was from federal contract funding (EEOC and HUD FY21 work sharing) and other contracts and grants.
 - \$663,000 was from EEOC contract funding.
 - \$531,226 was from HUD contract funding.
- \$30,336.37 was for reimbursement for presentations, copying and training).
- \$44,616 was from the IEDA Grant
- \$7,800 was from WebSpec reimbursement

ICRC Funding Fiscal Years 2012-2021



Iowa Civil Rights Commission Staff

Charles A. D. Hill, Interim Executive Director

Joe Austen
Mikayla Bennett
Jacob Bennington
Brenna Bormann
Adam Brewer
Alexandra Cleverley
Hilda Coelho
Reece Elphic
Katie Fiala
Mathew Gore
Kerry Hainline
Charles Hill

Anne Johnson
Gillian Madigan
Austin Moore
Samantha Nordstrom
Roberto Peterson-Rodriguez
Amy Quail
Anna Rella
Kaitlin Smith
Andrew Stutz
Ramona Ubaldo
Sierra Walker
Haley Wurdinger

State Commissioners

Marcelena Ordaz, Chair
Eldridge

Dennis Mandsager
Clive

Justin Johnston, Vice Chair
Sioux City

Holly White
Polk City

Patricia Lipski
Washington

Sam Kooiker
Sheldon

Gina Battani
Grimes