



IOWA CIVIL RIGHTS COMMISSION

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

Annual Report
Fiscal Year 2020



STATE OF IOWA

KIM REYNOLDS, GOVERNOR
ADAM GREGG, LT. GOVERNOR

IOWA CIVIL RIGHTS COMMISSION
ELIZABETH A. JOHNSON, EXECUTIVE DIRECTOR

October 30, 2020

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 2020.

The past fiscal year has been filled with new challenges and struggles as we in the civil rights field have worked to end discrimination during a global pandemic, a period of civil unrest, and a re-invigorated nationwide movement for long-fought-for racial equity. We faced and overcame hurdles we could not have imagined one year ago, implementing new technologies and innovative strategies to mobilize a remote workforce while continuing to serve the citizens of Iowa. Simultaneously, we came to terms with the racial injustice still plaguing our nation and its institutions and we are still grappling with how to best play our role in this fight.

In Iowa, the fight against racial injustice saw a victory on June 12, 2020, with the passage and signing of House File 2647, the Criminal Justice Reform Bill. Of particular relevance to this agency, this new legislation requires the ICRC to advise the Iowa Law Enforcement Academy as it develops new training guidelines on de-escalation techniques and the prevention of bias. The ICRC already invests resources in training its staff on these issues, and I am looking forward to our agency taking a more active role in bias prevention statewide.

The ICRC has continued its efforts to process complainants alleging discrimination in a timely, efficient, and competent manner. Significantly, for the fifth year in a row, the ICRC's complaint processing time substantially decreased. The average number of days it took to process complaints in FY20 was 178, fourteen days less than the average number of days it took the year prior. This is the fewest number of days the process has taken in decades, and the entire ICRC staff contributed to reducing this number and improving the administrative civil rights experience for Iowans.

This decreased processing time has occurred while the number of complaints processed increased. In this fiscal year, the ICRC received 1,778 complaints of discrimination, over one hundred-fifty more than in FY19. The ICRC closed 1,307 complaints in FY20, an improvement over the year prior and a step toward much-needed progress in that area.

I recognize that receipt of a civil rights complaint is a novel and stressful experience for many respondents, particularly small businesses who are trying to stay afloat in a year filled with adversity. The Commission's decreased processing time benefits both respondents and complainants by prioritizing those cases which could serve to further the Commission's mission of eliminating discrimination in the state of Iowa, while more quickly closing those cases that do not meet the standards for further processing. To that end, the Commission closed 605 cases after preliminary review based on written records submitted by the parties.

The Commission conducted 260 mediations this year; 69 of those resulted in voluntary settlement. Through early voluntary resolutions of complaints, the ICRC is able to remedy discrimination, harassment, and retaliation early in the complaint process and to provide significant cost savings to parties and the taxpayers of Iowa. We are currently working with implementing new technologies in our mediation program to allow for remote participation in hopes of increasing parties' buy-in and overall success rates while decreasing costs and prioritizing parties' safety.

Funding for the ICRC 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 ICRC received credit for 908 complaints with its work-sharing agreement with the EEOC, and 137 complaints were compensated through the work-sharing agreement with HUD, resulting in credit of \$1,245,832 from the federal government for the next fiscal year for processing cases which also fall under the jurisdiction of federal law.

During FY20, the ICRC also received notification of a financial award from The U.S. Department of Housing and Urban Development of CARES Act funding, specifically to be used for outreach and education and for PPE and equipment. In total, the ICRC will receive \$48,682.68 to be used for these purposes. This work will be carried out entirely in FY21 and will be described in full in the FY21 Annual Report.

The ICRC processed 19 complaints, both housing and non-housing, that resulted in a probable cause finding, successfully conciliating four of those cases. Multiple complaints that were not conciliated were closed by the ICRC after receiving a request for a right-to-sue letter so the complainant could pursue the case in district court. The ICRC pursued public hearing on six complaints in FY19; additional complaints were settled prior to hearing or are still pending.

Through public hearings and the district court system, the ICRC 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 ICRC filed two separate district court actions related to barriers put in place to stop Iowans from using assistance animals in their housing. Through the ICRC'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 ICRC obtained \$15,000 in damages on her behalf. In the second case, the ICRC continued to work with the defendant and reached an agreement to allow the complainant to keep his assistance animals in his housing. Additionally, the ICRC obtained public interest relief including training

requirements and public posting of policies to further its mission to eliminate discrimination in Iowa.

While in an ordinary year, the ICRC engages in substantial training and outreach to educate Iowans about state and federal laws prohibiting discrimination, the COVID-19 pandemic changed the way our agency interacted with the public. We were forced to cancel our 2020 Symposium, and many of the spring and summer events at which we would perform outreach were cancelled or indefinitely postponed. Nevertheless, we persisted in our efforts to reach Iowans, revamping our social media accounts and engaging Iowans in new and interesting ways. 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 ICRC 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.

Elizabeth A. Johnson
Executive Director

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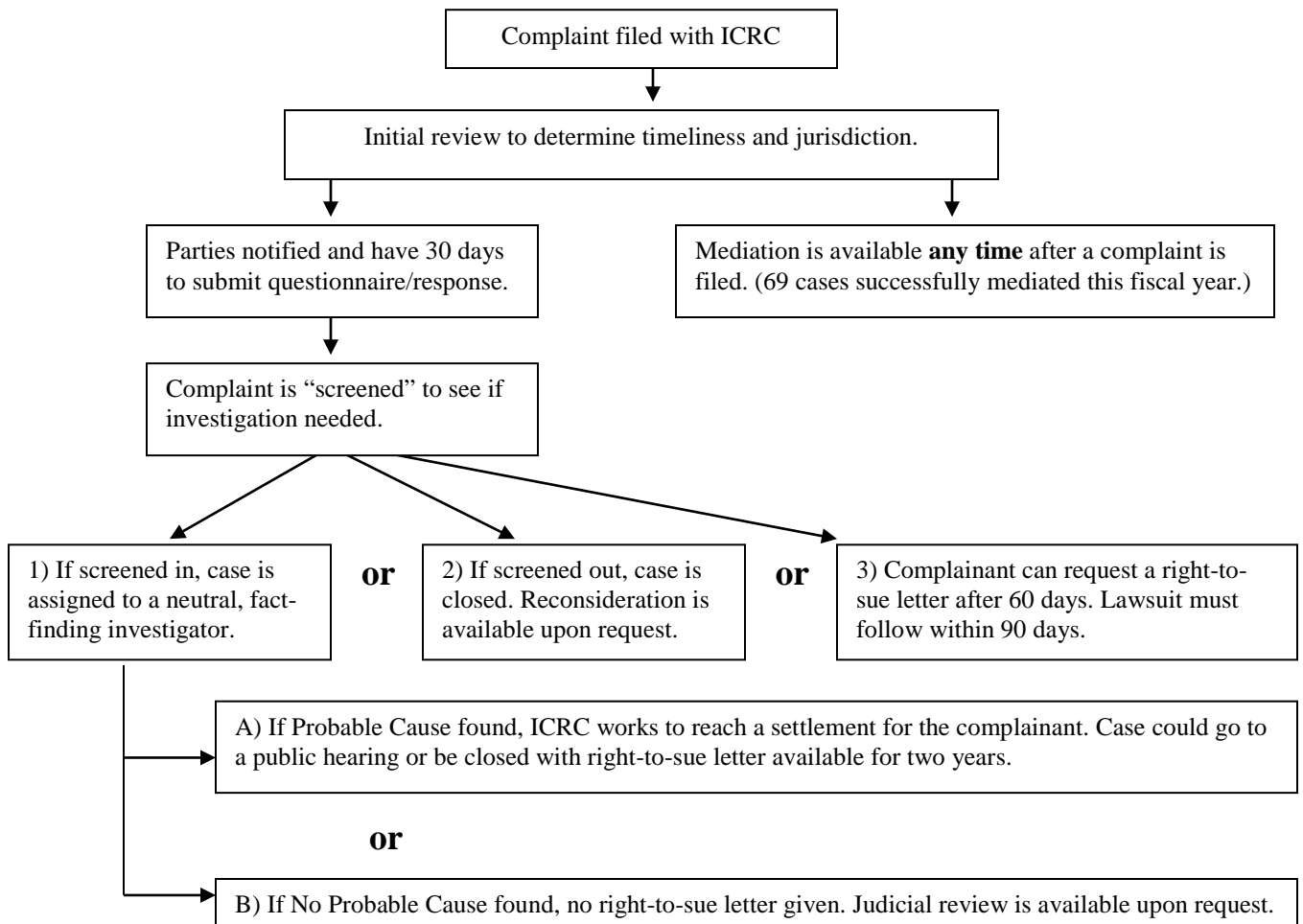
About the Iowa Civil Rights Commission

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

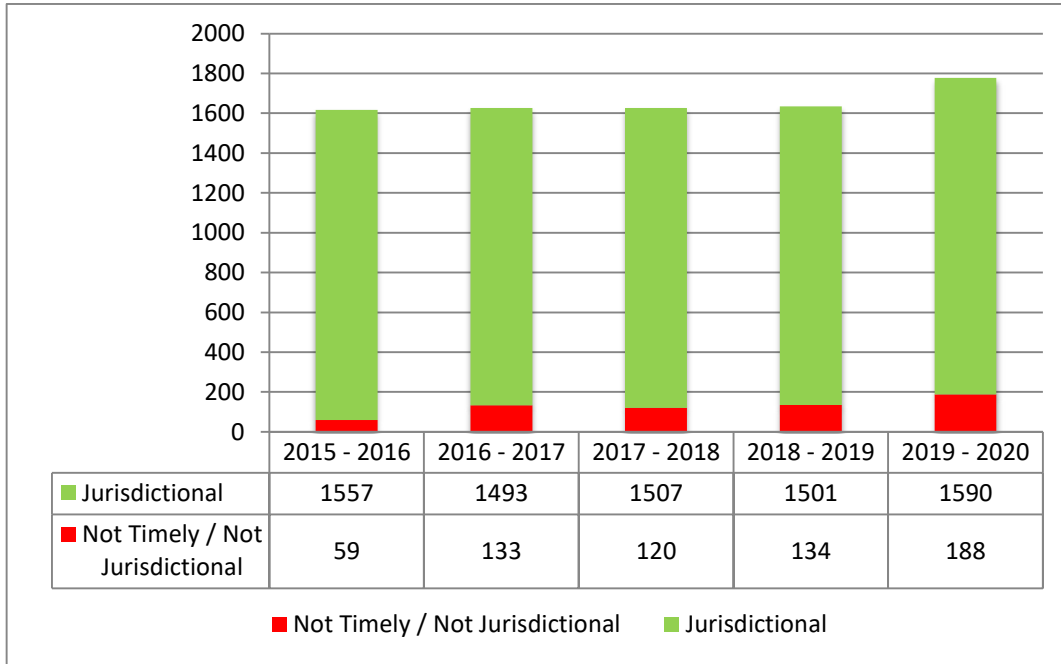
The Iowa Civil Rights Act of 1965 prohibits discrimination in the areas of employment, housing, credit, public accommodations (public services and buildings), and education. Discrimination and harassment are illegal if based on actual or perceived race, skin color, national origin, religion, creed, sex,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

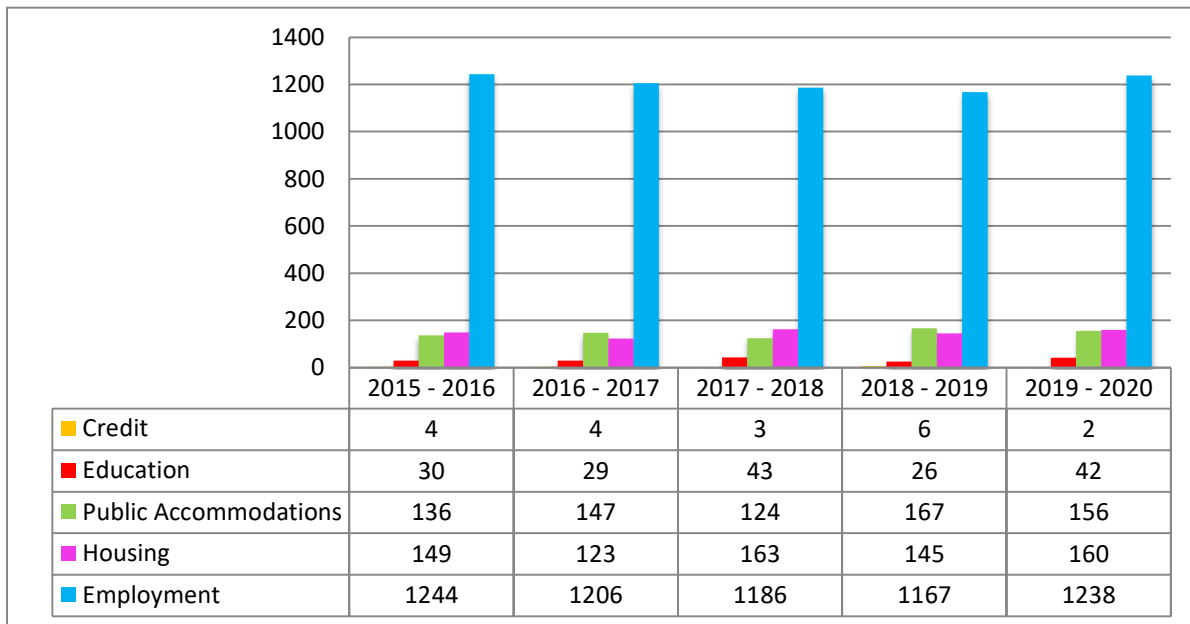


Processing of Discrimination Complaints

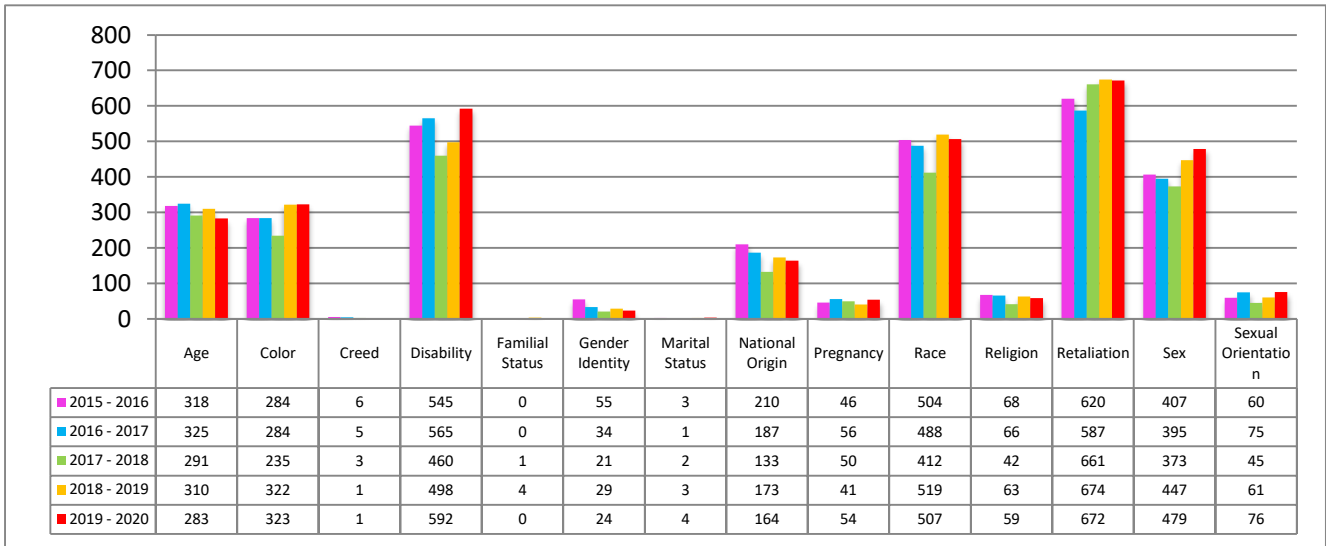
During FY20, the Commission received 1,778 discrimination cases. Of those complaints, 188 complaints either did not meet the jurisdictional requirements or the 300-day time limit since the last alleged incident took place.



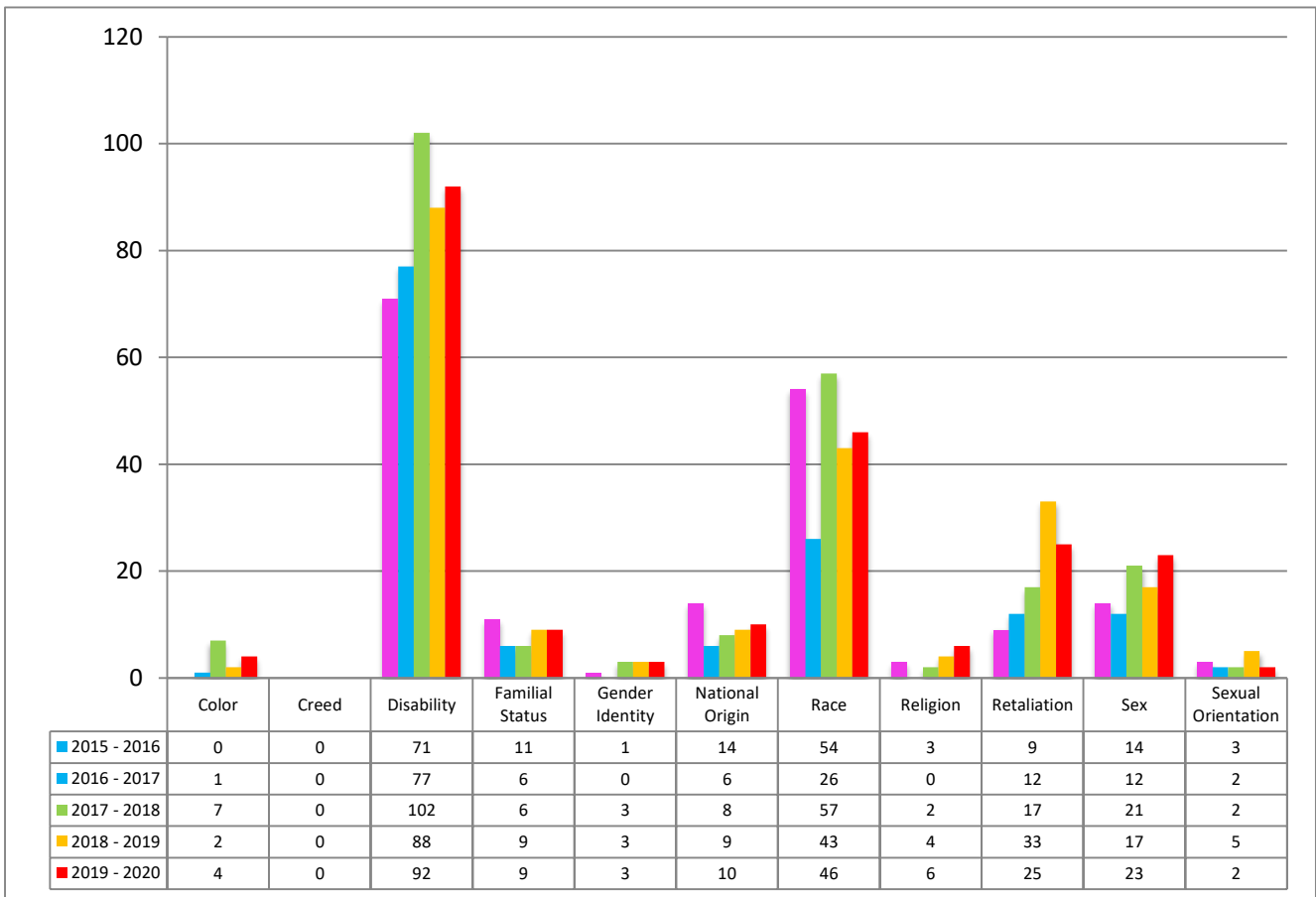
Cases Docketed by Area and Fiscal Year



Cases Docketed in Non-Housing by Basis



Cases Docketed in Housing by Basis



Filings by County

The Iowa Civil Rights Commission received complaints from 92 of the 99 counties.

County	Filings
Adair	1
Adams	0
Allamakee	5
Appanoose	2
Audubon	1
Benton	1
Black Hawk	98
Boone	9
Bremer	6
Buchanan	2
Buena Vista	12
Butler	1
Calhoun	2
Carroll	5
Cass	6
Cedar	3
Cerro Gordo	21
Cherokee	3
Chickasaw	2
Clarke	4
Clay	5
Clayton	1
Clinton	24
Crawford	6
Dallas	35
Davis	5
Decatur	2
Delaware	6
Des Moines	20
Dickinson	5
Dubuque	57
Emmet	2
Fayette	4

County	Filings
Floyd	3
Franklin	2
Fremont	1
Greene	1
Grundy	4
Guthrie	4
Hamilton	7
Hancock	1
Hardin	4
Harrison	1
Henry	6
Howard	1
Humboldt	1
Ida	2
Iowa	10
Jackson	4
Jasper	11
Jefferson	7
Johnson	89
Jones	3
Keokuk	1
Kossuth	3
Lee	10
Linn	125
Louisa	2
Lucas	1
Lyon	0
Madison	4
Mahaska	6
Marion	14
Marshall	11
Mills	4
Mitchell	1

County	Filings
Monona	3
Monroe	1
Montgomery	0
Muscatine	21
O'Brien	2
Osceola	0
Page	2
Palo Alto	2
Plymouth	8
Pocahontas	1
Polk	474
Pottawattamie	45
Poweshiek	9
Ringgold	0
Sac	3
Scott	135
Shelby	3
Sioux	4
Story	33
Tama	5
Taylor	0
Union	4
Van Buren	0
Wapello	12
Warren	12
Washington	8
Wayne	2
Webster	14
Winnebago	11
Winneshiek	3
Woodbury	43
Worth	3
Wright	7

Mediation

The ICRC 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 260 cases, 69 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 ICRC mediators.

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. 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 ICRC'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 ICRC 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 four successful conciliations.

Cases Handled by the Attorney General's Office

FY20 (July 1, 2019 – June 30, 2020)

State Courts

Iowa Civil Rights Commission v. Dubuque Aerie #568 of the Fraternal Order of Eagles a/k/a Dubuque Fraternal Order of Eagles No. 568 a/k/a Dubuque Association No. 568 of the Fraternal Order of Eagles, Dubuque County, CVCV109534

Following a successful public hearing and multiple appeals, the Commission prevailed on an age and sex discrimination case against the respondents. The Commission then successfully initiated an action in district court to enforce its damages award in favor the complainants.

Iowa Civil Rights Commission ex rel A.W. v. Barkalow et al, Johnson County, CVCV080396

The Commission successfully settled a housing discrimination case alleging the respondent discriminated against A.W. by unduly delaying in responding to her request for her assistance animal to reside with her in her rental unit. In advance of a scheduled trial, the Commission obtained a settlement agreement in which the complainant received \$15,000 and the Commission obtained public interest relief including training requirements and changes to the respondent's website.

Iowa Civil Rights Commission ex rel D.S. v. City of Earling et al, Shelby County, CVCV020211

The Commission successfully settled a housing discrimination case involving a complainant's pit bull assistance animals and the respondent's city ordinance banning pit bills within city limits. In advance of a scheduled trial, the Commission obtained a settlement agreement in which the city granted the complainant a variance to its animal control ordinance as a reasonable accommodation to allow D.S.'s assistance animals to stay in the city limits.

Sioux City Human Rights Commission and Rixner v. James W. Boyd Revocable Trust et al, Supreme Court No. 18-0811

The Commission filed an Amicus Curie brief in support of the Sioux City Human Rights Commission, arguing that testers who are subjected to discriminatory housing practices have standing to file suit under the Iowa Civil Rights Act. The Iowa Court of Appeals held the Sioux City Human Rights Commission could establish it was an "aggrieved person" through its testing evidence under the Iowa Civil Rights Act.

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 in FY21.

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 case is scheduled for hearing in October 2020.

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 Respondents discriminated against the complainant in the area of housing by refusing to make a reasonable accommodation for her assistance animal. The case is scheduled for trial in August 2021.

Walker v. Iowa Civil Rights Commission, Polk County, CVCV058834

Petitioner filed for judicial review of the Commission's determination that her complaint was not jurisdictional. The district court found in favor of the Commission.

Administrative Actions

Iowa Civil Rights Commission ex rel Holle v. Rainey and Wedemeyer-Rainey, DIA No. 19ICRC005

The Commission filed an administrative action charging the respondent with housing discrimination on the basis of disability. The Commission successfully settled the case before a scheduled hearing. The complainants received \$2,000 and the Commission obtained public interest relief including training requirements and policy changes.

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. The Commissioners upheld the ALJ's decision on appeal. Respondent filed for judicial review of the decision in district court, and that action remains pending.

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

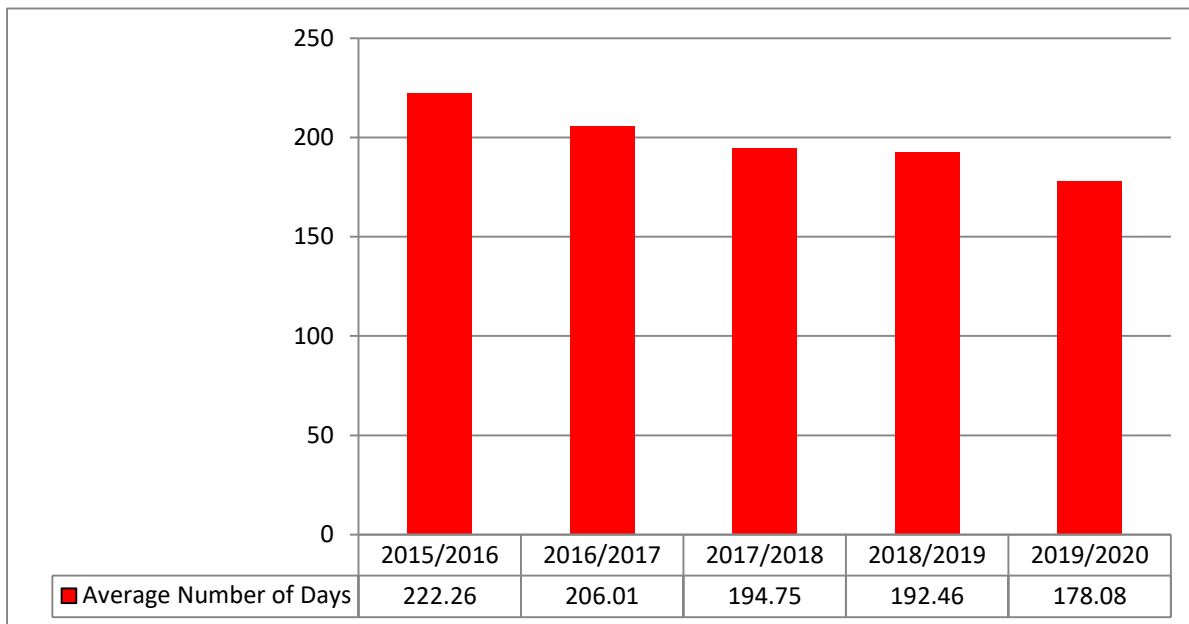
The Commission filed an administrative action charging the respondents with sexual harassment and retaliation in the area of housing. A hearing was held in September 2020 and the action remains pending.

Iowa Civil Rights Commission ex rel Turner v. Tolle Rentals, LLC and Tolle, DIA No. 20ICRC001

The Commission filed an administrative action charging respondents with disability discrimination in the area of housing by refusing to make a reasonable accommodation to allow a prospective tenant with a disability to keep her assistance animal in her unit. The case was successfully settled before a scheduled hearing.

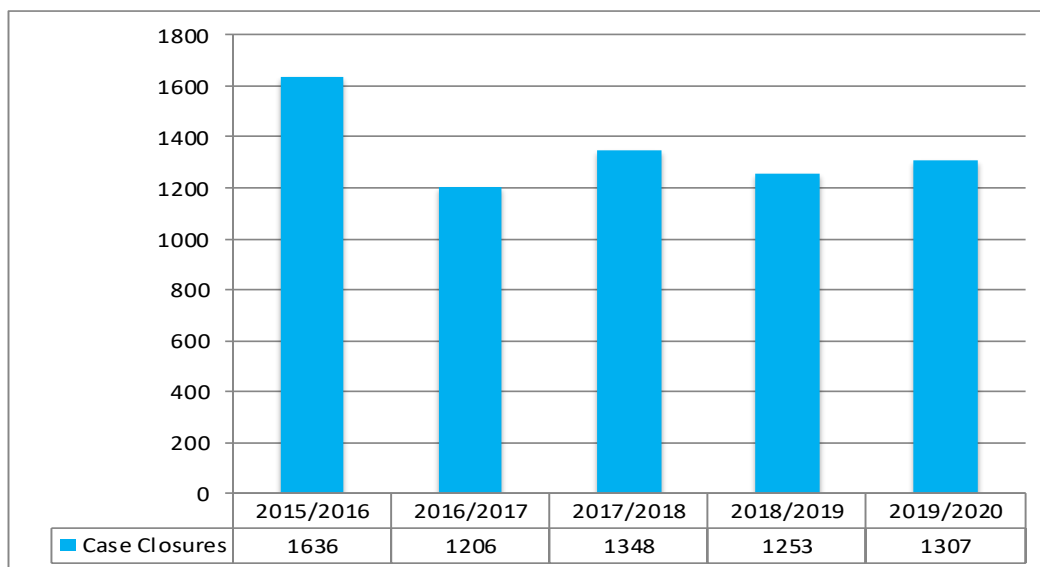
Average Number of Days to Process a Case

In FY 2020, the average number of days to process a case from open to close was 178 days. This is the sixth consecutive year that the number of days to process a case has substantially decreased. It is the lowest number of average days it has taken the ICRC to process a case in decades. Notably, the ICRC closed more cases than in FY 2019.

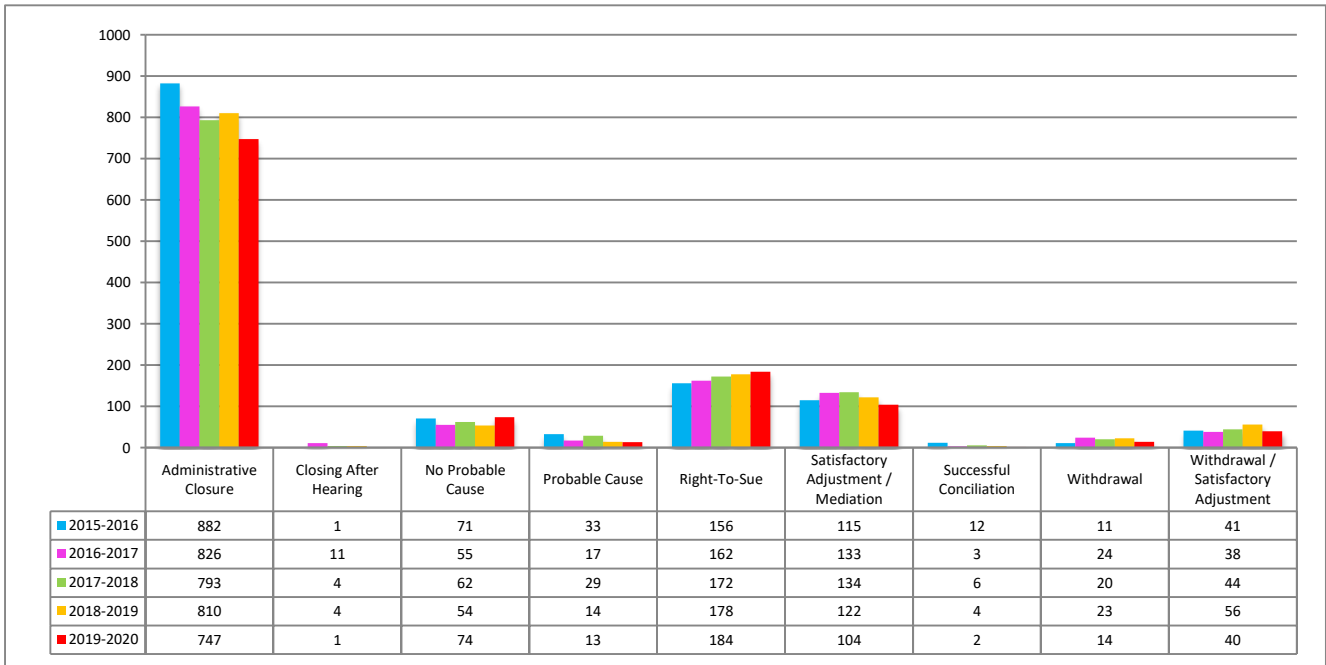


Case Closures

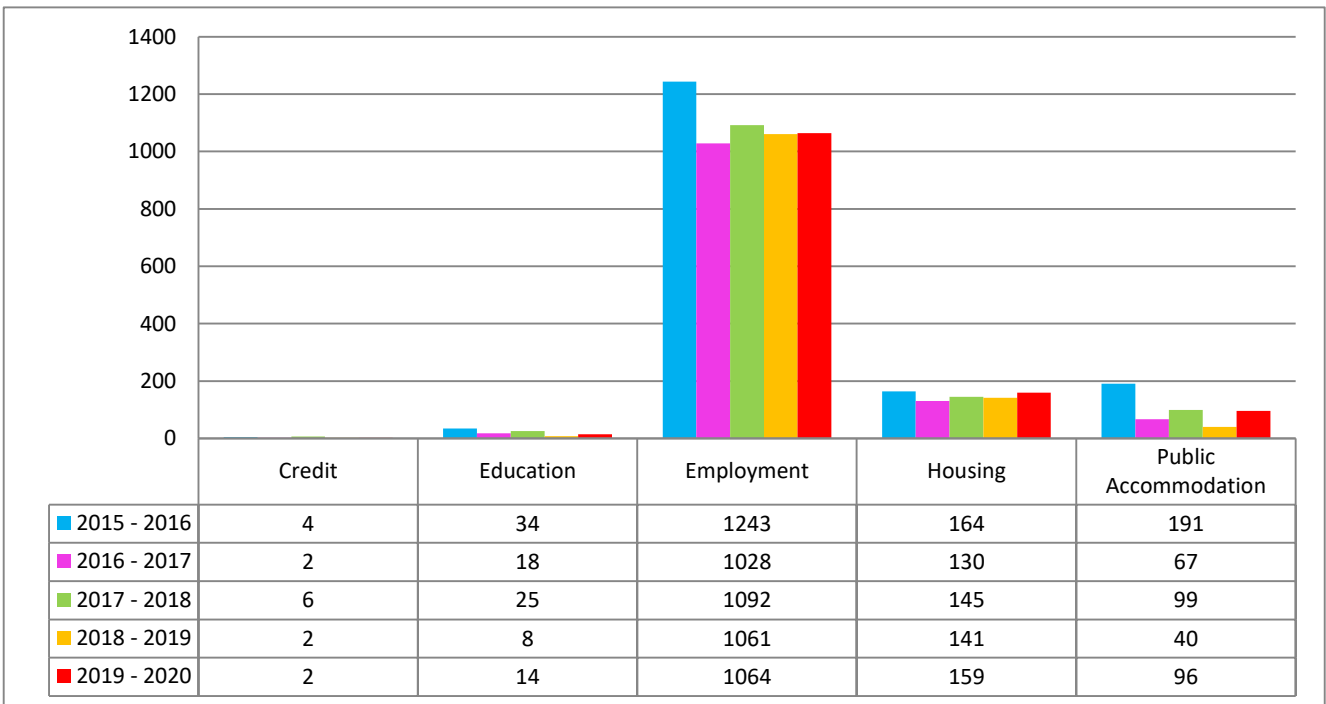
During the year, the Commission closed 1,307 cases. The largest category was “does not warrant further investigation/administrative closure.” Administrative closures may occur at the screening stage, investigation stage, following a probable cause finding. This was followed by right-to-sue, satisfactory adjustment / mediated settlement, no probable cause, and withdrawal/satisfactory adjustment.



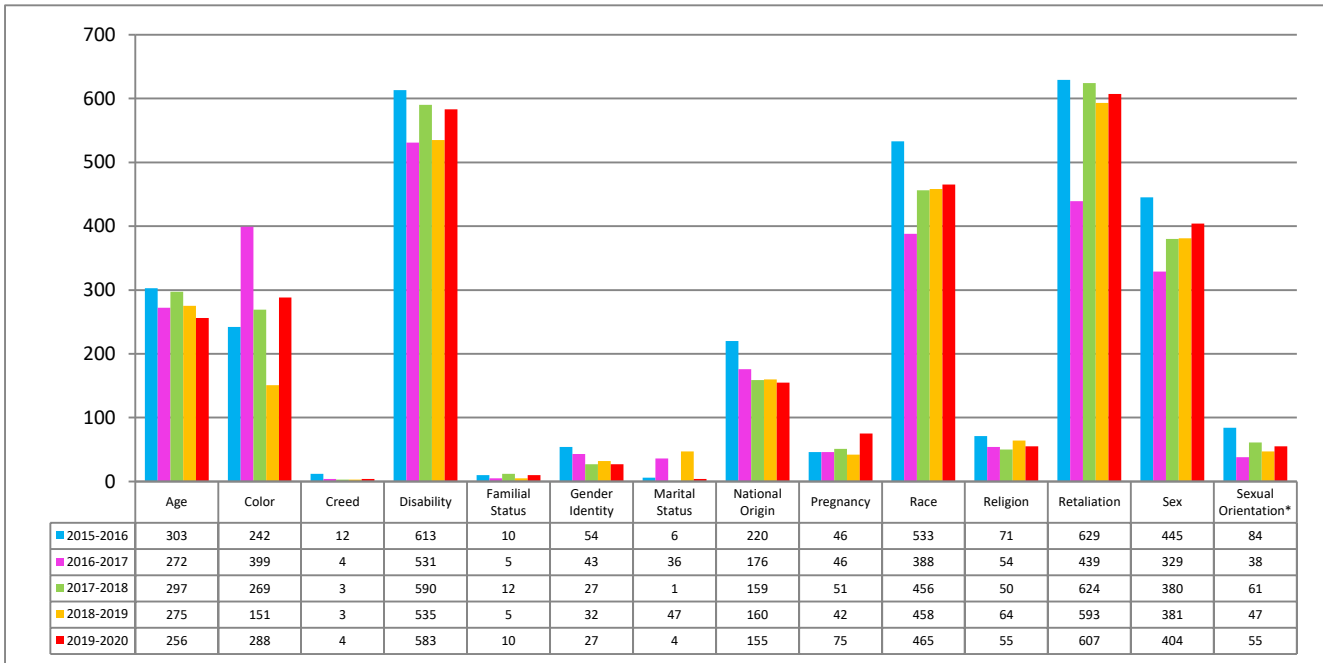
Case Closures by Type



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 FY20, ICRC attended several outreach events in place of our booth at the Iowa State Fair. ICRC had a presence at the following events: World Food and Music Festival, Latino Heritage Festival, Iowa Summit on Justice and Disparities, Hiring for Today’s Workforce Conference, Iowa Safe Schools Anti-Bullying Conference, the State Landlord Association Convention, the Iowa Manufactured Home Association annual meeting, Race in the Heartland, and I’ll Make Me a World in Iowa. The ICRC engaged in social media outreach in conjunction with its outreach events, giving out over 24,100 promotional items to all age groups who either responded to Iowa Civil Rights trivia questions or tagged the ICRC in social media posts.

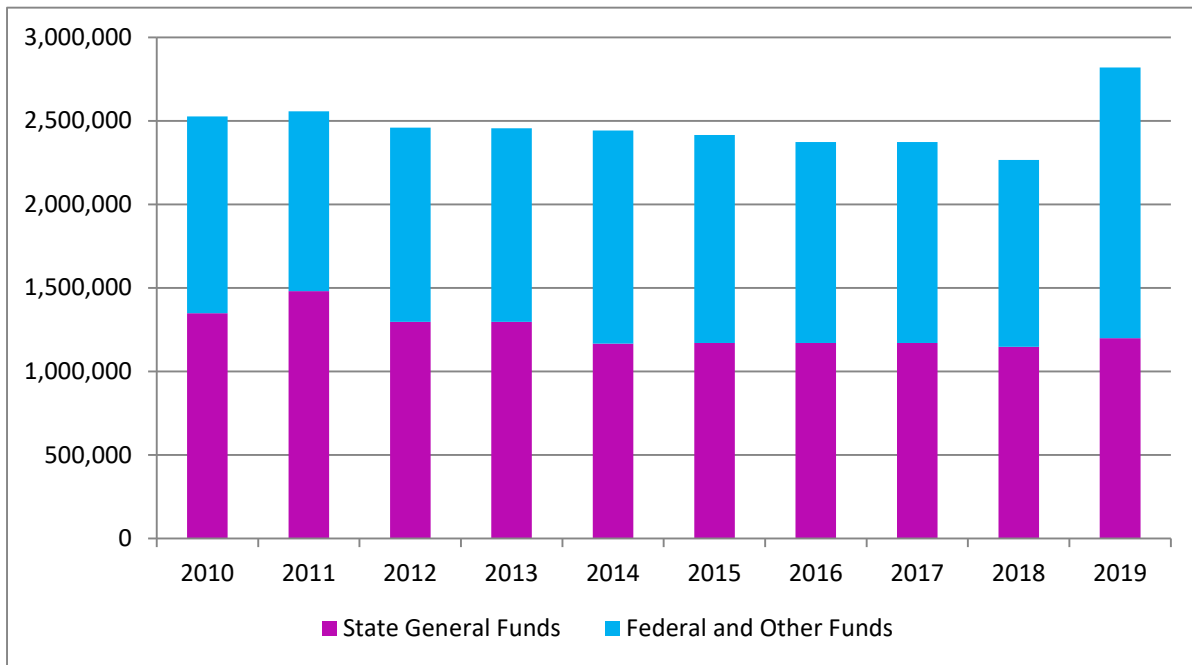
The Commission’s website, <https://icrc.iowa.gov>, received visits from approximately 27,600 individuals between July 1, 2019 and June 30, 2020. The Commission reached over 11,000 individuals through the Commission’s social media presence on Facebook, Twitter, and Instagram.

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 2019 Funding

- The total funding for the Iowa Civil Rights Commission for FY19 was \$2,580,739.
- \$1,252,899 was state general funding.
- \$1,224,832 was from federal contract funding (EEOC and HUD FY19 work sharing) and other contracts and grants.
 - \$728,200 was from EEOC contract funding.
 - \$496,632 was from HUD contract funding.
- \$32,119 was for reimbursement for presentations, copying and training (offset by costs of same).
 - \$27,894 spent/received for copying.
 - \$4,225 spent/received for training.
- \$60,130 was from the IEDA Grant
- \$10,759 was from WebSpec reimbursement

ICRC Funding Fiscal Years 2010-2019



Iowa Civil Rights Commission Staff

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Jaimee Bullock
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Thomas Collins
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Kerry Hainline
Charles Hill
Anne Johnson
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Rachel Large
Emigdio Lopez-Sanders
Samantha Nordstrom
Amy Quail
Trena Rogers
Alexis Rowe
Kaitlin Smith
Debra Stewart
Andrew Stutz
Ramona Ubaldo
Sierra Walker
Haley Wurdinger

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Sam Kooiker
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