Mission Statement

The Human Rights Commission shall work to eliminate discrimination and promote the quality of life for every resident in the city of Dubuque.
Honorable Mayor and City Council:

I am pleased to present you with this year’s annual report, which reflects our work during a year of transition. The transition we experienced was a direct result of citizen input that began with your decision to initiate dialogue on crime and safety in Dubuque at a public forum in 2009. This forum was attended by more than 130 residents and resulted in the appointment of a group of 25 volunteers to a “Safe Community Task Force.” This diverse group of volunteers was asked to holistically look at both the causes of, and solutions to, crime in Dubuque and provide recommend goals and objectives to the leadership of Dubuque. On August 16, 2010, the City Council approved reorganization of the Human Rights Department based on one of those recommendations: That the City make human relations efforts a priority throughout the community. The Task Force recommended city-wide efforts to: 1) increase tolerance and mutual understanding among the diverse segments of the population, and 2) adopt educational initiatives that foster community solidarity and global citizenship. Other recommendations related to building relationships amongst residents, engaging residents as volunteers, and connecting with new residents. In addition, the SCTF commissioned a 2010 Study on Crime and Poverty from the Northern Illinois University Center for Governmental Studies (NIU), seeking recommendations on research-based methods for crime prevention and community safety. Portions of the study and associated literature, along with the presentation provided by the study authors, emphasized the need for stronger social capital and social networks amongst residents, less social distancing across groups, and a stronger sense of community for all members of our population. Finally, the study itself evidenced a disconnect between resident perception and factual reality in terms of crime statistics, emphasizing a need for continued communication between City staff and residents. In order to meet these goals, staff duties were restructured so that discrimination complaint investigations are now handled by the City Legal Department.

The work of the Human Rights Department constitutes one small piece of making the Safe Community Task Force recommendations a reality. The reorganization permits staff to focus on conflict management, intercultural competence, and cultural change towards the goal of creating an inclusive community where people of all backgrounds can live productively and contribute. In a sense, we are the “people” part of sustainability, and our efforts are integral to creating a truly Sustainable Dubuque.

Respectfully submitted

Kelly Larson
Human Rights Director
Agency Overview

The Dubuque Human Rights Department is located on the second floor of the City Hall Annex at 1300 Main, and is staffed by a Human Rights Director, Human Relations Specialist, Intake Specialist and Training and Workforce Development Coordinator. Staff members work in conjunction with the Dubuque Human Rights Commission, which consists of nine volunteer members serving 3-year terms at City Council appointment. In addition to making policy recommendations to the City Council, the Commission evaluates community needs and takes appropriate action to satisfy those needs. In addition to the Dubuque Human Rights Commission, our major partners include faces & voices, the Multicultural Family Center, the Safe Community Advisory Committee, the Black Men’s Coalition, the Hispanic Community Group, the LGBTQ Youth Group, the Dubuque Dispute Resolution Center, the League of Iowa Human Rights Agencies, the Iowa Civil Rights Commission, and the Regional Executive Council on Civil Rights.
Mission: Why does the Human Rights Department exist?

The Human Rights Department exists to enforce the local human rights law and to foster a safe, just, and inclusive community in which differences are recognized as valuable resources, the economic benefits of a diverse workforce are realized, and people are able to reach their full potential as contributing members of the community. The Department also assists in carrying out this mission with employees in the City organization itself.

Guiding Principles: What values influence our operation?

In deciding how best to fulfill our mission and statutory mandate, we are guided by our commitment to gathering input, creating partnerships, solving problems, and exercising compassion as we carry out our work.

- We believe that the best decisions are made by engaging and soliciting input from residents and employees representing a broad range of backgrounds, including groups whose needs are often overlooked and groups who are often in a position of power.
- We believe in empowering others, removing barriers to participation, and communicating in a way that fosters understanding across differences.
- We believe that flexibility, risk-taking, and the willingness to view problems and differences of opinion as an opportunity for improvement can lead to creative problem solving.
- We know the value of understanding various cultural approaches to communication and conflict, and strive to learn the skills necessary to adapt our approach so that we can more effectively solve problems.
- We recognize that good governance requires community effort, and we are committed to developing partnerships that reflect the variety of backgrounds and interests in the community that we serve.
- We understand that while the people we serve often have competing interests, they also have some common expectations of our Department: due process, fairness and equity, accurate information, timeliness, courtesy and accessibility of staff, effective communication, and thorough knowledge and performance of our duties.
- We strive to carry out our work with compassion and respect for the basic human dignity of all with whom we interact.

Service and Performance Measures: What products and services do we deliver, and how can we measure their success?

We exist to serve all residents of the City of Dubuque, including parties to complaints and stakeholder groups. The services that we provide fall within these four categories, as defined by City ordinance:

1. We mediate and determine the legal merits of discrimination complaints received by our office.
2. We engage in education and conflict management to promote civil and respectful behavior that will tend to prevent discrimination and reduce tensions between groups.
3. We cooperate with other groups in the community in programs and activities designed to prevent tensions between groups.
4. We study the existence and causes of conflict and inequality of opportunity and attempt to find resolutions.
These services are necessary to the City Council’s vision of an inclusive community with global connections, engaged residents, and livable neighborhoods.

The measures of our success in the following pages include a combination of output measures (case statistics, numbers of people trained, reports issued, numbers of meetings or educational sessions held), outcome measures (customer satisfaction surveys, training evaluations, case outcomes, increased equality of opportunity and cooperative work across groups) and progress reports on current department initiatives. These measures revolve around the goals and objectives discussed below, which are designed to meet our core service requirements.

Goals and Objectives: Where is the Human Rights Department going and what must we do to get there?

The Human Rights Department is working toward prevention of discrimination and conflict that arises between groups, while at the same time addressing discrimination and conflict that currently exists. The Department’s efforts include a combination of work within the community and work internally with the City organization.

In general, we work to prevent conflict by:

- Providing training on legal rights and responsibilities
- Building bridges through effective communication across cultures
- Building intercultural competence within the City organization as a way to lead by example
- Effectively using technology and the media to educate the public and raise awareness
- Developing partnerships in the community to identify and respond to unmet needs of traditionally marginalized groups

In general, we work to resolve and contain conflict by:

- Providing parties the choice to mediate and encouraging that option
- Equalizing power imbalances and healing injured relationships
- Maintaining a timely and effective enforcement process
- Maintaining an up-to-date understanding of the changing state of the law
- Identifying areas where additional efforts to further equality through enforcement are necessary

On August 16, 2010, the City Council approved reorganization of the Human Rights Department to permit increased focus on human relations activities in the community. With reorganization, complaints are now forwarded to the Legal Department for investigation. This permits staff to focus on mediation, conflict management, intercultural competence, and cultural change towards the goal of creating an inclusive community where people of all backgrounds can live productively and contribute. The Department’s work supports the social/cultural vibrancy goals of Sustainable Dubuque.

The following pages provide the details of our action plan and our performance during FY11.
FY11 Performance Results

CASELOAD ACTIVITY/ENFORCEMENT

During fiscal year 2011, 546 individuals contacted the office requesting assistance or information. Twenty-one of those inquiries resulted in a formal case filing. Thirty cases were processed and closed. Case investigations are now being handled by the city’s Legal Department.

2011 Intake Summary

- 2011: 525 (Resolved/Referred: 21)
- 2010: 469 (Resolved/Referred: 40)
- 2009: 542 (Resolved/Referred: 35)
- 2008: 585 (Resolved/Referred: 38)
- 2007: 518 (Resolved/Referred: 30)

2011 Cases Filed & Cases Closed

- Cases Filed
- Cases Closed
FY11 Performance Results

CASELOAD SUMMARY

The majority of the cases filed were in the area of employment. In fact, 67% of the 21 cases filed in FY11 were in the area of employment. The area of housing accounted for 14% of the total cases filed, and public accommodation 19%. This breakdown reveals that employment continues to comprise the largest share of the breakdown as in past years, though we have seen some increase in public accommodation cases.

Disability and sex claims encompassed the greatest shares of the 21 cases filed in fiscal year 2011, followed by age, race, retaliation, gender identity, national origin, sexual orientation and religion.

Cases filed in one area (i.e. employment) may have alleged discrimination on one or more bases (i.e. disability and age); therefore the total by bases may be greater than the number of cases by area.
FY11 Performance Results

CASELOAD STATISTICAL DATA
Breakdown of Cases into Area and Basis of Discrimination

<table>
<thead>
<tr>
<th>Area</th>
<th>Y2009</th>
<th>FY2010</th>
<th>FY2011</th>
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<tbody>
<tr>
<td>Employment</td>
<td>22</td>
<td>31</td>
<td>14</td>
</tr>
<tr>
<td>Disability</td>
<td>6</td>
<td>7</td>
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<tr>
<td>Sex</td>
<td>6</td>
<td>9</td>
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<tr>
<td>Race</td>
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<td>4</td>
<td>5</td>
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<tr>
<td>Age</td>
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</tr>
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</tr>
<tr>
<td>Retaliation</td>
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<td>1</td>
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<tr>
<td>Gender Identity</td>
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<tr>
<td>Sexual Orientation</td>
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</tr>
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<tr>
<td>Retaliation</td>
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<td>0</td>
</tr>
<tr>
<td>TOTAL CASES Filed</td>
<td>35</td>
<td>40</td>
<td>21</td>
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</tbody>
</table>

Cases filed in one area (i.e. employment) may have alleged discrimination on one or more bases (i.e. disability and age); therefore the total by bases may be greater than the number of cases by area.
CASES CLOSED/RESOLVED

July 1, 2010 - June 30, 2011

Employment ................................................................................................. 23
Disability ........................................................................................................... 7
Sex ......................................................................................................................... 4
Race ......................................................................................................................... 10
Age ......................................................................................................................... 2
Retaliation .............................................................................................................. 3
National Origin ..................................................................................................... 1
Gender Identity .................................................................................................... 0
Sexual Orientation ............................................................................................... 1
Religion ................................................................................................................. 1

Housing ............................................................................................................. 3
Disability ............................................................................................................... 1
Race ....................................................................................................................... 1
Sex ......................................................................................................................... 1
Familial Status ..................................................................................................... 0

Public Accommodation .................................................................................. 4
Gender Identity ................................................................................................... 2
Disability .............................................................................................................. 1
Sexual Orientation ............................................................................................... 1

Total Cases Closed .......................................................................................... 30

Disposition of Closed Complaints in 2011

- Administrative Closure: 33%
- Probable Cause with Settlement: 50%
- No Probable Cause: 10%
- Settlement/Mediation: 7%

Total monetary settlement awards: $37,400.00.
SAMPLE CASE DISPOSITIONS

- An administrative law judge issued a probable cause finding in a housing claim involving sex discrimination. The Complainant, a single female, rented an apartment from Respondent for six years. She alleged that Respondent subjected her to sexual harassment when he hugged her, forced her into a sustained kiss, touched her inappropriately and forced her into performing manual and oral sex. She further alleged that when the Respondent made needed repairs to her apartment, he would ask her for sexual favors as an expression of gratitude. She alleged that there were two incidents of intercourse early in the rental relationship. The Complainant stated that she was fearful of being evicted if she didn't comply with his requests. The evidence gathered revealed clearly that Complainant was uncomfortable with Respondent’s conduct, and that other female tenants expressed concerns about the Respondent’s behavior towards them and discomfort with his sexual advances. The Respondent admitted to hugging, kissing, and rubbing the shoulders of all of his tenants. The investigator concluded that the balance of evidence supported a finding of probable cause to believe that the Complainant was subjected to unwelcome sexual conduct. After a finding of probable cause, the parties conciliated the claim for $30,000 along with restrictions on Respondent’s ability to continue managing rental property.

- The Complainant, a 20-year-old female, alleged that she was discriminated against in the area of employment on the basis of sexual orientation. She alleged that once her manager and co-workers learned of her sexual orientation she was harassed, her hours were cut, and they no longer accommodated her college schedule. She alleged that co-workers circulated nasty rumors around the workplace and that after she reported this harassment to management, her hours were cut from 30 to approximately 15 hours per week while her co-workers’ hours remained the same. The Complainant stated that the harassment increased, which necessitated a meeting with management. The Complainant alleged that during that meeting she was repeatedly asked about her personal life and questioned as to whether the rumors circulating were true. The Complainant further alleged that she presented a request to accommodate her school schedule to her supervisor, and that her request was denied without explanation, while school schedule accommodations were granted for seven other students who had made a similar request. The parties entered into mediation and the complaint was settled for $6,500.

- A case alleging racial discrimination and retaliation in employment proceeded to public hearing following a finding of probable cause. The Human Rights Commission issued a finding of retaliation and awarded damages. The case is currently on appeal to the Iowa District Court for Dubuque County.
This year, the Human Rights Department, with the help of dedicated Commissioners and volunteers, exceeded our goals for outreach and education. Our major accomplishments this year are listed below.

- We reached 3,093 individuals through over 126 training and outreach sessions totaling 185 hours, with a specific emphasis on prevention and providing tools individuals can use if they choose to improve their ability to work effectively across cultures.
• Residents found our training sessions to be effective and useful, giving us an average rating of 6.2 on a 7 point scale.

![Customer Evaluations Graph](image)

- Staff and commission members coordinated or assisted with various community events: ADA Roundtable – 20th Anniversary of the ADA Taste of the World, Summer Street Jam, MLK Celebration activities, Community Days of Caring, Juneteenth, and City Expo. Information was distributed at events sponsored by the North End Neighborhood Association, Church Women United, and Jefferson Middle School.

![Media Coverage Graph](image)

- We worked towards prevention through “leading by example,” with the city’s inter-cultural competence initiative.
- We made conscious efforts to personally discuss the value of mediation with complainants and respondents, as often as feasible;

- We worked with community volunteers and independent partner organizations opening the doors for dialogue through 41 Speakers’ Bureau presentations highlighting individual experiences of race, sexual orientation, disability, or national origin in our community. The national origin engagements were referred to our partners at the Presentation Lantern Center, the International Speakers Bureau.

![Bar Chart]

- The three national origin speakers bureau engagements included in the chart above were referred to an independent partner group called The International Speakers Bureau, which operates out of the Presentation Lantern Center and draws on a panel of 16 immigrant speakers. In addition to responding to these three requests, the ISB hosted a total of 22 speaking engagements over the past year, reaching residents with group presentations and an educational video.

### PROFESSIONAL DEVELOPMENT

- Staff attended 129 hours of legal training this year, with attendance at the Upper Midwest Employment Law Conference, the U.S., Department of Housing & Urban Development Policy Conference and the National Fair Housing Training Academy. Staff remained abreast of case law developments by reviewing the BNA Fair Employment Reports, the Iowa Employment Law Letter, the ADA Compliance Guide, Fair Housing Coach Newsletters, and the Fair Housing/Fair Lending Reporter.

- The Director, Human Relations Specialist, and Training and Workforce Development Coordinator attended the Summer Institute on Intercultural Communication.

- The Director attended an introductory webinar and a practicum on group facilitation and community building using Peter Block’s “Six Conversations that Matter.”

- The Human Relations Specialist and Training and Workforce Development Coordinator attended training to become certified administrators of the Intercultural Development Inventory.
Initiative: Intercultural Competence Initiative
Brief description of partnership: This project is coordinated by the City of Dubuque’s Steering and Training teams. The Human Rights Department staff members occupy leadership roles on both teams and guide the efforts.
Update on current status: The Training team offered 10.5 hours of Foundations of Intercultural Competence and Intercultural Conflict Styles training to City staff hired in the past year, and met regularly to further develop training skills and future sessions. Staff also offered 5 hours of foundational intercultural competence training to City Board and Commission members in September and again in April. Staff collected data for a five year progress report, including administering the Intercultural Development Inventory to leadership and reporting out the results, facilitating community and employee focus groups, and gathering feedback from management team. IDI administrators provided one-on-one feedback of IDI profiles to employees. The Steering Team and subcommittees also instituted an Intercultural Competence Administrative Policy, offered four culture-specific mini-trainings for City staff, implemented an on-line application system called NEOGOV, assisted with the addition of signage in Spanish in City Hall, raised awareness of the availability of Language Line Services for staff members, and continued to provide regular intercultural tips at management team and in the employee newsletter.

Initiative: Workforce Development
Brief description of partnership: The Training and Workforce Development Coordinator partners with several organizations on workforce development issues both internally for the City and in the community as a whole.
Update on current status: The Coordinator participated in the Women in Non-Traditional Career event and also assisted with arranging John Deere Dubuque works recruitment through the Multicultural Family Center. He solicited management input on next steps for employee engagement teams, and he instituted a coaching pilot project to assist managers through the hiring process. He also worked with the Police Department to develop changes to the recruitment process, including incorporating community member assistance and an essay to assess interpersonal and intercultural skills, offering interviews based on the full picture of candidates' qualifications (rather than test scores alone), and expanding recruitment visits to college campuses.

Initiative: Community Resource Groups
Brief description of partnership: These are affinity groups of traditionally marginalized community members who are seeking culture specific support and resources, and who are seeking to better connect with one another and the community as a whole. They include the LGBTQ Youth Network, the Black Men's Coalition, and the Hispanic Community Group.
Update on current status: Each group is responsible for defining its needs. Human Rights staff serve as liaisons between the groups and various organizations in the community with whom group members are seeking to build relationships or to whom they would like access. The Black Men’s coalition is currently working on reading with elementary age students and mentoring with high school students. The LGBTQ youth group is connecting youth with one another and positive mentors and role models in the LGBTQ community. The Hispanic Community Group is meeting with various community leaders to dialogue, build relationships, and seek resolutions to issues facing various Hispanic and Latino members of the community.
**Initiative:** Police-Community Dialogue on Race  
**Brief description of partnership:** This is a partnership between Human Rights staff, African American community members and police officers, designed to facilitate dialogue around police-community relations.  
**Update on current status:** African American community members and police officers are recruited to participate in five to seven, two hour orientation sessions relationship building activities, intercultural competency materials, identifying the most common areas of conflict and miscommunication between police officers and African-American community members, and having dialogue around each of these areas of conflict and miscommunication. We have facilitated two mixed groups of officers and community members through these sessions. Some of the individuals later participated in pilot panel presentations for the following groups: city employees, police officers (on two separate occasions), the NAACP, and the general public at the Multicultural Family Center. Panelists have since expressed an interest in designing an action plan rather than continuing with the panel, and we are investigating best practices for their consideration.

**Initiative:** Community Days of Caring  
**Brief description of partnership:** The Human Rights Department, Housing Department, Neighborhood Development Specialist, neighborhood residents, and Director of the Washington Neighborhood Development Corporation coordinated a team for the annual Community Days of Caring event.  
**Update on current status:** The group coordinated a group of 65 volunteers to assist with work on homes and businesses within the Washington Neighborhood, some of which had been identified as needing repairs as part of an inspection program. The group of volunteers was a mix of city staff and community members of various races and ethnicities, working collaboratively towards the common goal of assisting home and business owners in the Washington Neighborhood.

**Initiative:** Faces & Voices  
**Brief description of partnership:** Faces & Voices is a community group that plans the annual Dr. King Tribute Days and also coordinates with sponsors of other diversity events in the community. The Human Rights Director is a member of the group.  
**Update on current status:** The Dr. King Tribute Days this year featured Robyn Afrik, who speaks and writes on race relations, cross-cultural issues and intercultural families. In addition to hosting Ms. Afrik as a speaker at the annual breakfast, the group also: 1) hosted a luncheon with Ms. Afrik and community leaders; and 2) hosted an evening educational session with Ms. Afrik. The local NAACP event included a march, speaker, and awards ceremony for student winners of the Dr. King Multi-Media Tribute Contest.

**Initiative:** Dubuque Dispute Resolution Center  
**Brief description of partnership:** The Dubuque Dispute Resolution Center consists of trained community volunteer mediators, whose work to resolve neighborhood related disputes is coordinated through the Human Rights Department.  
**Update on current status:** This year, the DDRC handled 23 intakes and conducted two neighborhood related mediations.
**Initiative:** Safe Community Task Force and Safe Community Advisory Committee  
**Brief description of partnership:** The Human Rights Director served as the initial facilitator of the Safe Community Task force, a diverse group of residents who came together to discuss community safety concerns. The Director also serves as staff support to the Safe Community Advisory Committee, established to oversee implementation of the Task Force recommendations.  
**Update on current status:** During FY2011, the Human Rights Department implemented the following Task Force recommendations: 1) coordinating the 2010 Study on Crime and Poverty conducted by Northern Illinois University Center for Governmental Studies; 2) reorganizing the Human Rights Department in order to increase human relations and prevention efforts in the community; 3) periodic intercultural competence training to City staff, City Board and Commission member and the general public. The Human Rights Department also is working on two additional recommendations: 1) encouraging the Dubuque Community School District to develop a meaningful intercultural competency program for students at all levels, and 2) connecting new residents, particularly those who may not be referred by an employer, to the welcoming program through the Greater Dubuque Development Corporation.

**Initiative:** Multicultural Family Center  
**Brief description of partnership:** The City recognizes the Multicultural Family Center, previously operating under the Iowa State University Extension office, as critical to empowering neighborhood residents and building unity through diversity, and various City departments have partnered to increase the capacity of the Center.  
**Update on current status:** The Director sits on the Board of Directors for the Center. Staff has assisted with fundraising, office support, and various events throughout the year, including Juneteenth, Taste of the World, the Summer Street Jam, Halloween, and providing occasional mini-trainings on intercultural competence.
THE COMPLAINT PROCESS

A complaint is filed when a person feels that he/she is the victim of unlawful discrimination. A complainant may file a complaint with the Human Rights Department within 300 days of the alleged discriminatory act. Any of the Department’s staff can perform the intake interview establishing that the Department has authority in the matter (jurisdiction and gathering the necessary information about the alleged act, such as time, place, the person involved, and the details of the act.) Note that the complainant has the right to withdraw the complaint at any time.

A respondent is notified once jurisdiction is established and intake is complete.

A mediation conference is encouraged at this time because it offers all parties the possibility of a speedy and satisfactory resolution. If mediation fails, the Director or Human Relations Specialist begins an investigation.

An investigation can include field investigations, site visits, interviews with witnesses, documentation examination, and face-to-face meetings with both the complainant and the respondent to discuss the complaint and gather facts.

Probable cause is determined at the end of the investigation by an administrative law judge (ALJ). If the facts/evidence support the charge, a determination of probable cause is issued. If the evidence does not support the charge, a determination of no probable cause (NPC) is issued and the case is then dismissed. The complainant can request to reopen the case if he/she feels the NPC is in error.

A post-probable cause conciliation is undertaken to try and bring the complainant and the respondent to a mutually agreeable arrangement saving all the parties time, and possibly, legal fees.

When conciliation is unsuccessful the complaint proceeds to a pre-hearing review.

When a case goes to public hearing, it is presided over by an administrative law judge. At the hearing, the complainant is often represented by private counsel. The respondent is often represented by private counsel. The attorneys present the facts of the case to the administrative law judge. The City Solicitor represents the public interest.

The full Commission reviews the recommended order and the record of the hearing. If the Commission finds that discrimination has not occurred, the case is dismissed, but if the finding is that discrimination has occurred, the respondent is ordered to take appropriate action to redress the effects of the discrimination. The Commission may order employment, promotion, raise, back pay, letter of reference, housing, credit, formal apology, a change in the respondent’s policies, and cash awards in compensation for humiliation, suffering, and mental anguish. Both the complainant and the respondent can appeal the Commission’s order within 30 days to district court.
COMPLAINT PROCESS AT A GLANCE

Intake Interview

A Complaint is Filed
(Must be within 300 days of the alleged unlawful act)

Respondent is Notified
(The person or entity whose action is the subject of the complaint)

Mediation Conference
(if agreed to by both parties)

If Successful
Mediation Agreement

If Unsuccessful
Investigation

Determination

Post Probable Cause Conciliation Effort
(Conducted by the Department)

If Successful
Conciliation Agreement

If Unsuccessful
Pre-Hearing Review

Public Hearing

Recommended Order

No Probable Cause
(Case dismissed)

Further Review ¹

Commission’s Order After Hearing
(No discrimination found—case dismissed
OR
Discrimination found—corrective action ordered)

Court Appeal ³

¹ Complainant has 30 days to request judicial review
² In a fair housing case the Complainant may elect to commence a civil action in court.
³ Complainant or Respondent can appeal the decision to the District Court within 30 days.
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viable • livable • equitable