



Annual Report

July 1, 2007—June 30, 2008

City of Dubuque Human Rights Commission

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.

Human Rights Department
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November 14, 2008

Honorable Mayor and City Council:

As I draft this letter today, the American people have just elected their first African-American President. Certainly this historic election speaks to the distance we have come as a nation, and it has vast symbolic relevance for an office such as ours. Yet what I find most striking is the way in which the recent events speak to our exceptional ability to forge unity out of difference. I think perhaps the history books will find the most significant factor of our time to be the demographic breadth of the constituency that helped to send a black man to the White House. And the significance of that reality is relevant to our work.

Our report reflects the variety of people we serve in our outreach efforts and our case investigations. While concerns of race discrimination continue to occupy about one-third of our caseload, our largest constituency in recent years has been people with disabilities – of all races. As our population ages, we serve more white men, particularly laborers, who are losing their employment to younger applicants. And we continue to see cases of sexual harassment, most often from women, and family status discrimination. In one way or another, virtually anyone in our community could find themselves in need of our services.

We also know it's important to balance protecting through enforcement with empowering people to resolve problems without government intervention. We work to educate the general public about their fair housing and employment rights, so they know where to turn if they are not treated fairly, yet we also educate them about their responsibilities and the reasonable expectations that an employer or landlord can impose. We similarly educate employers and landlords about the kinds of things that could be discriminatory, as well as the kinds of policies they are allowed to have for the protection of their business and the rights of their other employees and residents. This year, we reached over 550 people with training on the legal aspects of employment discrimination, and 400 with fair housing presentations. Thousands more received information through City Expo and the media, including the release of our new fair housing educational video on City Channel 8.

It is because of the range of people we serve that we have placed an emphasis in recent years on developing intercultural competence in addition to legal protections. This past year we completed our multi-year contract with One Ummah Consulting. The contract resulted in our Intercultural Competence Team completing 90 hours of train-the-trainer training, and nearly 700 City staff members completing 7.5 hours each of intercultural competence training. The training team reached over 550 community members with the training as well, and our Channel 8 program allowed some of this material to connect with even more. Our goal is to help develop a healthy respect and understanding for differences of opinion and belief, while continuing to keep protections in place for times when those differences lead to abuse or oppression.

Finally, I would like to specifically highlight our work with others over the past year to improve compliance with the Americans with Disabilities Act in our community. We partnered to bring into existence Proudly Accessible Dubuque, a non-profit organization dedicated to raising awareness amongst businesses about barriers that prevent people with disabilities from accessing their goods and services. We offered two training sessions for small businesses and produced a video for Channel 8. We also assisted in creating a process within the Building Services Department that allows an inspector to visit with businesses and reach an agreement to remove accessibility barriers when it is economically feasible. Since the 1990s, federal law has required that businesses take steps they can afford to remove barriers to their buildings that prevent people with disabilities from accessing their goods and services.

While our effort to enforce these requirements locally has not been without conflict, we continue to believe that businesses can profit by increasing their customer base and we also think the vast majority of business owners share a desire to make the world a bit better for others. As our inspector visits businesses, he is often told "but we *do* have customers with disabilities and we just help them get what they need." We appreciate that the average person we interact with truly wants to help. At the same time, we all share a basic human desire to be included and to be self-sufficient. Thus, we know that the best way to help others is to remove the barriers that get in the way of people helping themselves.

I hope it is readily apparent in this report that we aim to strike a balance between protection and empowerment and to temper enforcement with understanding. Any evolving community can expect some degree of struggle and tension. As Justice Sandra Day O'Connor reminds us, "A nation's success or failure in achieving democracy is judged in part by how well it responds to those at the bottom and the margins of the social order... The very problems that democratic change brings -- social tension, heightened expectations, political unrest -- are also strengths. Discord is a sign of progress afoot; unease is an indication that a society has let go of what it knows and is working out something better and new." Thank you for your continued support as we work with our employees and residents to manage change.

Respectfully submitted,



Kelly Larson
Human Rights Director

DUBUQUE HUMAN RIGHTS DEPARTMENT FY08 ANNUAL REPORT

Dubuque City Council

Roy Buol, Mayor

David Resnick	Ric Jones
Kevin Lynch	Karla Braig
Joyce Connors	Dirk Voetberg

Human Rights Commissioners

Shane Oswald, Chairperson

Anthony Allen	Katrina Wilberding
Dan Chatfield	Marcos Rubinstein
Char Eddy	Gretel Winterwood
Colin Scott	Vince Vanden Heuvel

Administrative Staff



Kelly Larson
Director



Molly Menster
Human Relations Specialist



Carol Spinoso
Intake Specialist

Agency Overview

The Dubuque Human Rights Department is located on the second floor of the City Hall Annex at 1300 Main Street, Dubuque, Iowa, and is staffed by a Human Rights Director, Human Relations Specialist, and Intake Specialist. 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 League of Iowa Human Rights Agencies, the Iowa Civil Rights Commission, the Regional Executive Council on Civil Rights, and the U.S. Department of Housing and Urban Development.

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 to 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.

Services: What products and services do we deliver?

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:

- We mediate and determine the legal merits of discrimination complaints received by our office.
- We engage in education and conflict management to promote civil and respectful behavior that will tend to prevent tensions between groups.
- We cooperate with other groups in the community in programs and activities designed to prevent tensions between groups.
- We study the existence and causes of conflict and inequality of opportunity and attempt to find resolutions.

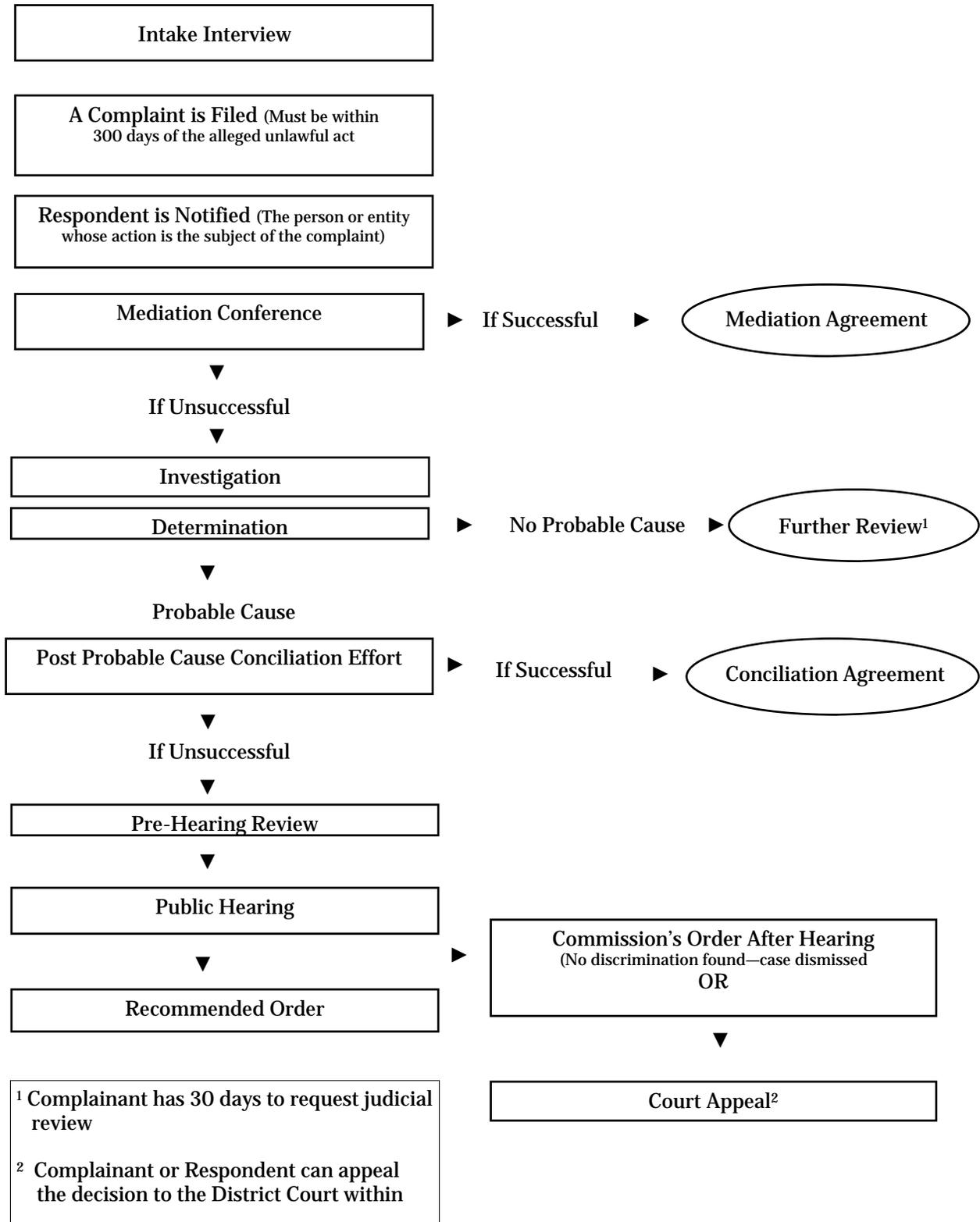
In general, we work to prevent conflict by:

- Providing training on legal rights and responsibilities;
- Providing training on how to manage conflict across differences in culture;
- Effectively using technology and the media to educate the public and raise awareness;
- Working to identify and respond to unmet needs by reaching out to employees and community members as community and workforce demographics change.

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

- Having timely and effective enforcement process;
 - Providing parties the choice to mediate and encouraging that option;
 - 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.
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COMPLAINT PROCESS AT A GLANCE



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 conciliation conference is encouraged at this time because it offers all parties the possibility of a speedy and satisfactory resolution. If conciliation 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.

The pre-hearing review is intended to determine whether or not the case needs to proceed to public hearing.

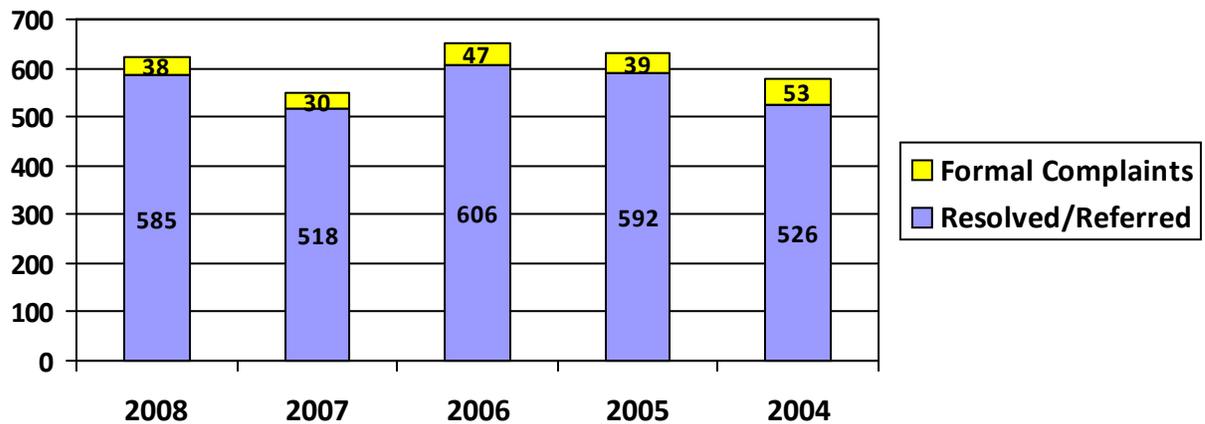
The public hearing is presided over by an administrative law judge. At the hearing, the complainant is often represented by private counsel. The respondent is often represented by private counsel. The attorneys present the facts of the case to the administrative law judge. The City Solicitor represents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

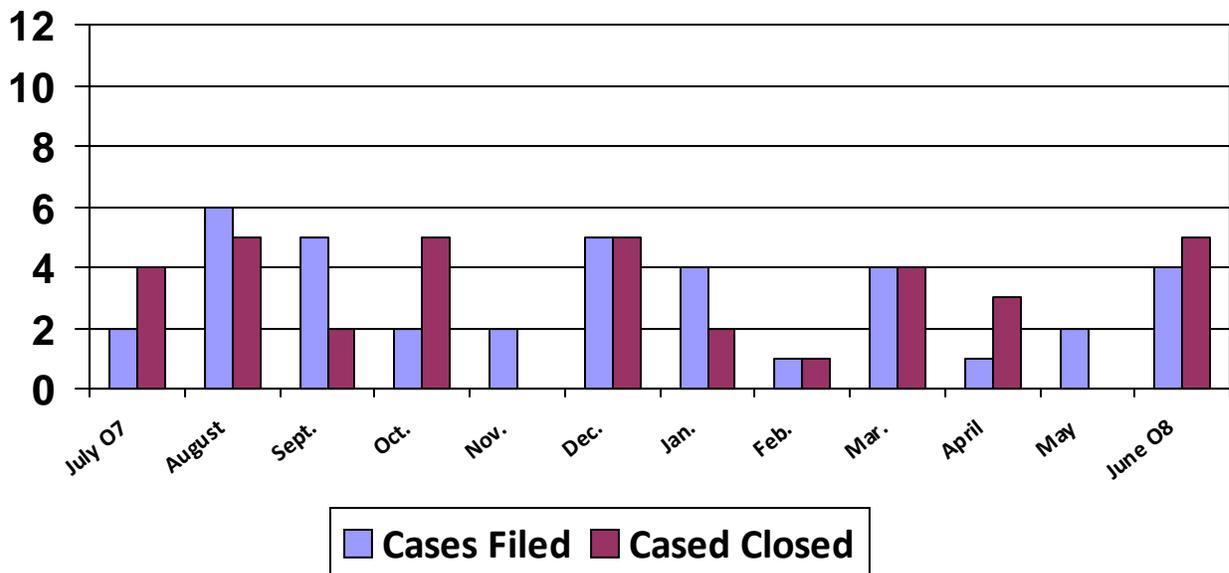
CASELOAD REPORT

During fiscal year 2008, 623 individuals contacted the office requesting assistance or information. Thirty-eight of those inquiries resulted in a formal case filing. Thirty-six cases were processed and closed.

2008 Intake Summary



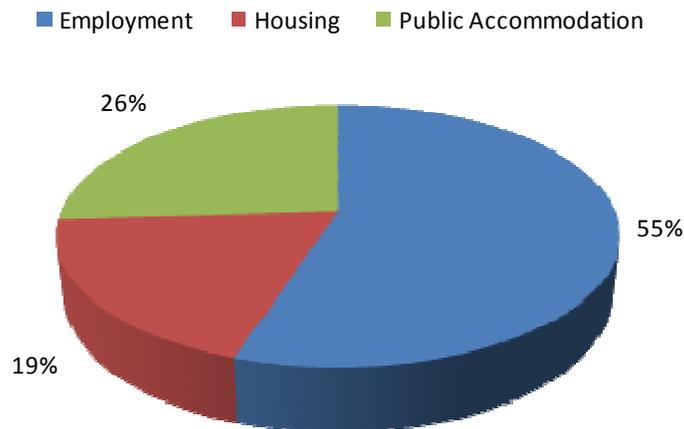
2008 Cases Filed & Cases Closed



CASELOAD SUMMARY

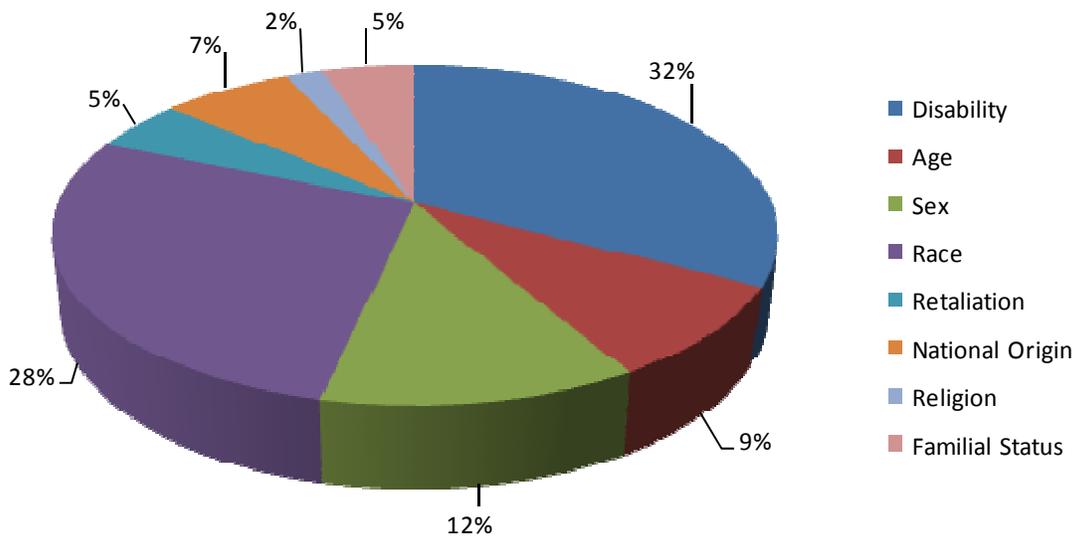
The majority of the cases filed were in the area of employment. In fact, 55% of the 38 cases filed in FY08 were in the area of employment. The area of public accommodation accounted for 26% of the total cases filed, and housing 19%. This breakdown reveals that employment continues to comprise the largest share of the breakdown in past years, though we have seen some increase in public accommodation cases.

2008 Case Breakdown by Area



Disability and race claims encompassed the greatest shares of the 38 cases filed in fiscal year 2008, followed by sex, age, national origin, retaliation, familial status and religion. There were no cases filed based on sexual orientation.

Breakdown by Bases



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.

CASELOAD STATISTICAL DATA

Breakdown of Cases Into Area and Basis of Discrimination

Area	FY2006	FY2007	FY2008
Employment	38	23	21
Disability	18.....	8.....	5
Sex.....	9.....	7.....	4
Race	6.....	6.....	8
Age.....	10.....	5.....	4
National Origin	3.....	1.....	3
Retaliation.....	5.....	4.....	2
Religion	0.....	0.....	0
Public Accommodation	3	6	10
Disability	2.....	3.....	8
Sex.....	1.....	0.....	0
Race	1.....	3.....	1
Religion	0.....	0.....	1
National Origin	0.....	0.....	0
Housing	6	1	7
Disability.....	3.....	0.....	1
Sex.....	0.....	0.....	0
Race	1.....	0.....	4
Age.....	0.....	1.....	0
National Origin	0.....	0.....	1
Familial Status	3.....	0.....	2
TOTAL CASES FILED	47	30	38

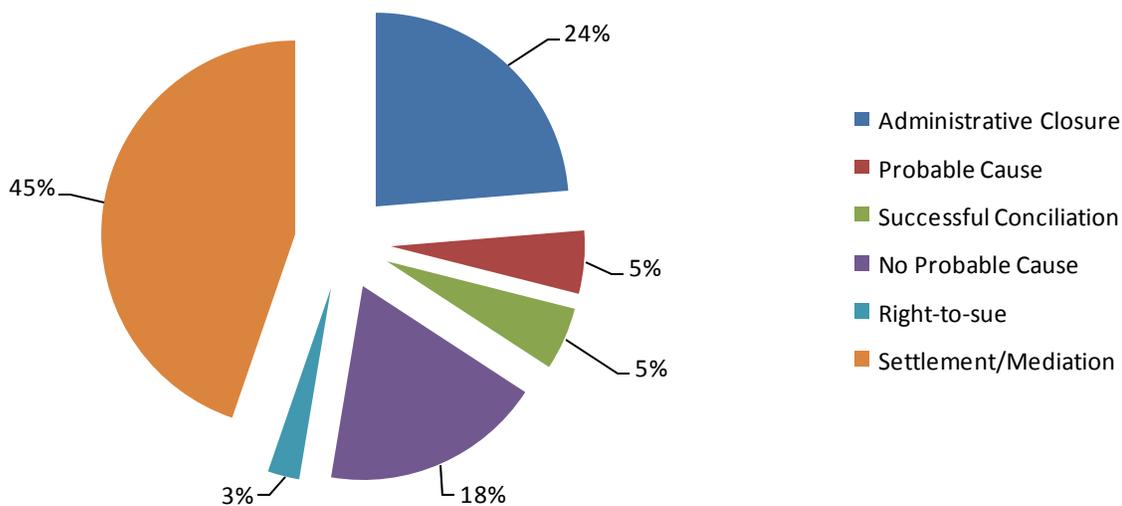
**Cases filed in one area (i.e. employment) may have alleged discrimination on one or more bases (i.e. sex and age); therefore the total number by bases may be greater than the number of cases by area.*

CASES CLOSED/RESOLVED

July 1, 2007—June 30, 2008

Employment	17
Disability	4
Sex.....	3
Race	5
Age	3
Retaliation.....	0
National Origin.....	3
Housing	8
Disability	1
Race	4
Age.....	1
National Origin.....	1
Familial Status	2
Public Accommodation	11
Disability	9
Race	2
 Total Cases Closed	 36

Disposition of Closed Complaints in 2008



Total monetary awards: \$104,900

SAMPLE CASE DISPOSITIONS

- ▶ An administrative law judge issued a probable cause finding in an employment claim involving national origin discrimination and retaliation. The Complainant, a Romanian male, was called names such as “Dracula” and vampire,” and subjected to statements like “I’m going to get your blood” by the Human Resources Manager. When the HR manager became aware that Complainant was upset with the name calling, the behavior stopped for a period of time and then resumed. In accord with the company’s internal anti-harassment policy, the Complainant reported the behavior to the store manager. In an attempt to prove that the statements were occurring, the Complainant tried to tape record the HR manager. The Complainant was terminated shortly after he complained to the store manager because he had violated a store policy prohibiting recording people at work. The HR Manager, who was involved in the termination, knew Complainant was upset by his statements and the reason for the recording, yet proceeded with the termination. The administrative law judge found insufficient evidence to prove that the harassment was severe and pervasive, but found probable cause with respect to retaliatory termination. Parties entered into conciliation and settled for \$16,500.

 - ▶ A Complainant alleged that a local business failed to comply with accessibility requirements in their place of business. The Complainant uses a wheelchair and specifically alleged that the business had no accessible tables. The tables were all barstool height or booths located up one step, had benches that interfered with transfer, and were not accessible to persons with disabilities. During mediation, the business owner agreed to install one wheelchair height table.

 - ▶ A seventy year old employee, who was employed seasonally (April-Nov), alleged that he was terminated based on age. Complainant stated that he was the oldest employee at Respondent’s place of business. Respondent’s practice was to call employees back to work beginning in March. When Complainant hadn’t heard from his employer about recall, he contacted the Manager. The Manager indicated that he didn’t think Complainant was returning to work and that they had hired someone to do warranty work. The Complainant stated that he never told his employer that he wouldn’t be returning to work, and that he believed he was being discriminated against on the basis of age when the company replaced him with a younger employee. Parties negotiated a settlement of \$4,950 prior to investigation.

 - ▶ The Complainants alleged that a landlord discriminated against them by increasing the rental deposit based on the number of children who would be living in the four-bedroom home. The Complainant alleged that Respondent inquired as to the number of children they had, and when they informed him that together they had seven children, he stated that with that many children he would need to double the amount of the deposit. Parties entered into mediation with Respondent agreeing to rent to the family, to reduce the amount of the deposit, and to allow them to pay it in monthly installments instead of a lump sum.
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SAMPLE CASE DISPOSITIONS

- ▶ A 22-year-old female alleged that her employer discriminated against her on the basis of sex and/or pregnancy. The Complainant was written up for alleged performance issues shortly after presenting a work restriction related to her pregnancy. Complainant contended that during her two years of employment her performance had never been a problem. She was later fired after she complained to management about a male co-worker who had inappropriately touched her and repeatedly made sexual comments to her. The parties settled the matter for \$8,950 prior to investigation.

 - ▶ An administrative law judge found probable cause to believe that an African-American truck driver was fired in retaliation for complaining about racial harassment by co-workers, including being assigned trucks in need of repair, being referred to as “black boy,” and being told “you blacks think you can do whatever you want.” When Complainant reported his concerns of racial harassment, management did not further those concerns to the Human Resources Department for investigation under company policy. Instead, within days of receiving his complaint, management fired the Complainant allegedly for failing to report damage to a truck. During the investigation, management denied being aware of any concerns of racial harassment prior to firing the Complainant, but a tape recording of a conversation between the Complainant and management and other witness testimony indicated management was in fact aware of his concerns. Management also stated that Complainant must have damaged the truck at issue because no one else had access to it. Computer records, however, indicated that someone else did drive the truck during the time period at issue. Personnel records also indicated that another employee who caused significantly more damage to a truck was not similarly disciplined. Following the ALJ’s finding of probable cause, the parties conciliated the case for \$25,000.

 - ▶ The Complainant, a fifty-five year old male, alleged that his employer discriminated against him by involuntarily placing him on a six week layoff and then firing him after he suffered a heart attack. The Complainant stated that when he presented a full release from his doctor following the expiration of the six week layoff, his manager informed him that they didn’t plan to recall him because of his health situation and that they did not want him “dying on the job.” The Complainant alleged that his employer perceived him as being disabled and unable to perform his job duties. The parties mediated the claim for \$35,000.
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EDUCATION AND OUTREACH ACTIVITIES

Community Outreach and Education

The Director and Human Relations Specialist continue to serve on the City's intercultural competence steering and training teams. Approximately 683 city employees have completed 7.5 hours of foundational training. The steering committee worked on strategic planning, which included developing future training programs, meeting with departments individually to assess needs, and successfully advocating for the position of Training and Workforce Development Coordinator. The Director and Human Relations Specialist coordinated translation of key city brochures into Spanish. In addition, the Director and Human Relations Specialist presented ICC training during the Early Childhood Conference, the Iowa League of Cities Conference, Clarke College, Dubuque Nursing and Rehab, Hillcrest Family Services, faces & voices Diversity Conference, Statewide Family Sufficiency Program, Community Circle of Care, and AmeriCorps, reaching approximately 555 individuals. The Director also created a program to air on City Channel 8, and presented on intercultural competence and organizational development to Kiwanis, Friends of the Community, and a LaCrosse, WI, workforce development group.

The Director and Human Relations Specialist conducted six, two-hour training sessions for 100 Dubuque County Sheriff's Department employees on compliance and prevention.

Staff and commissioners made presentations on various civil rights and/or department related topics to twenty-one small business, community, and non-profit organizations, reaching 446 people.

Staff and the Commission partnered with Proudly Accessible Dubuque (PAD) to improve ADA compliance in the community, and the Chamber of Commerce in launching Proudly Accessible Dubuque at a luncheon. Staff also worked with PAD to produce an educational video to raise awareness of readily achievable requirements, to air a program on City Channel 8, and to sponsor two small business trainings. In addition, staff worked with the Building Services Department to hire an ADA inspector to work with businesses on making readily achievable improvements to their properties.

The Director spoke to five downtown neighborhood groups and met with representatives of various community groups and city department heads in response to the racial tensions which resulted from a downtown interracial murder.

Staff and Commissioners worked with faces & voices in planning the fall Diversity Conference, with topics spanning intercultural competence, cultural adaptation, generational differences, disabilities in the workplace, poverty, sexual orientation, immigration, and anti-bullying in the schools. The keynote address was later aired on City Channel 8. Staff created an informational booth as part of Conference outreach activities, and partnered in presenting the CommUNITY Awards for Diversity Initiatives, and planning the annual Dr. Martin Luther King Birthday Breakfast with keynote speaker Bishop Leonard Scott from the Rock Community Church, who spoke on Dr. King's message and its relationship to poverty today.

The Human Relations Specialist mentored two student volunteers from the Multicultural Family Center's Future Talk program.

EDUCATION AND OUTREACH ACTIVITIES

The Director served as secretary of the League of Iowa Civil Rights Agencies, assisting with the group's meetings, ICN training sessions, and legislative breakfast in Des Moines. The Director also serves on the advisory group for the AmeriCorps VISTA Iowa Civil and Human Rights Project.

The Director participated on the staff committee working with consultants and residents to create a vision for the Washington Neighborhood and to begin working on a strategic plan for the neighborhood.

The Director has continued involvement with Project H.O.P.E., working to address poverty, unemployment and underemployment; and with the Sustainability Task Force, working to insure that social equity remains a primary concern as we move forward with the green community initiative.

Staff recruited, interviewed and hired an AmeriCorps VISTA member who has been working with staff on capacity building, outreach and anti-poverty issues. This includes work connected with Project H.O.P.E., the Multicultural Family Center, Every Child Every Promise, and the Washington Neighborhood revitalization efforts.

Fair Housing Education and Training

The Director continues working with Step by Step, a non-profit organization that is developing housing for low income persons with disabilities, which is designed to address impediments to fair housing for people with disabilities. Construction is underway and city staff has filmed some "before" footage for a later Channel 8 program.

In November staff arranged to run fair housing TV and radio commercials, placed ads in the TH, The Advertiser and City News, and created fact sheets, posters and brochures. AmeriCorps VISTA members distributed fact sheets to tenants throughout the community, and staff sent a mass mailing to various organizations, businesses and faith communities including information on fair housing.

Two fair housing billboards were displayed and PSA's ran on local radio stations throughout the city the entire month of April for Fair Housing Month.

Staff distributed fair housing informational materials, including The Fair Housing Guide for tenants, to approximately 2,500 citizens at City Expo.

The Human Relations Specialist worked with Loras College and a group of volunteers in producing a fair housing video to run on City Channel 8. A shorter version of the video will be shown at each Section 8 orientation.

Staff and commissioners presented 13 fair housing educational programs to various community groups, housing providers and faith communities, reaching 175 people.

The Intake Specialist staffed a fair housing booth during the Northend Neighborhood Resource Fair at Audubon School. Approximately 300 attended the fair.

The Director presented a fair housing segment to 50 property managers during the Dubuque Crime-Free Multi-Housing Training Program for landlords.

EDUCATION AND OUTREACH ACTIVITIES

Staff distributed the Fair Housing Guide and made twenty presentations to 210 recipients of Section 8, as part of the Section 8 orientation process.

Hate Incidents

Staff responded to hate incidents reported to the Department under the City's internal hate incident response plan, providing victim support and referral, graffiti removal, and assistance in filing for victim compensation with the State.

Internal Compliance/EEO

The Director assisted in developing the City's domestic partner benefits plan, which is now available to employees.

The Director participated in police and fire recruitment efforts, including serving on interview hiring panels.

Staff continued collaboration with the Building Services Department and other departments to ensure compliance with the requirements for accessibility in both private and public developments. Staff also continues to organize the ADA Committee to oversee City compliance with accessibility requirements and provide an annual progress report to the City Manager.

The Department remained certified as a substantially equivalent agency by HUD. Such certification is contingent upon an ongoing performance review by HUD representatives. Staff continues to meet the requirements of complying with rules and regulations for case processing established by the U.S. Department of Housing and Urban Development.

Staff also successfully negotiated and completed another cooperative agreement with the Iowa Civil Rights Commission, which generated additional revenue.

The Director served on the city's website redesign committee, working to update the City's website and adding more interactive features.

Dubuque Dispute Resolution Center

Staff continues to manage and market the Dubuque Dispute Resolution Center. This Center provides mediators who listen carefully to citizens who agree to have their disputes mediated. Options for settlement are identified through structured communication between the disputing parties.

The Director met with the Dubuque Dispute Resolution Center mediators to discuss outreach possibilities in the community.

Staff/Commission Training

The Director and several commissioners attended ICN training sponsored by the League of Iowa Human Rights Agencies, and also attended the League's legislative breakfast in Des Moines.

The Director, Human Relations Specialist and a commissioner attended Housing/Employment training sponsored by the Regional Executive Council on Civil Rights in Kansas City for civil rights workers and commissioners.

EDUCATION AND OUTREACH ACTIVITIES

The Director and Human Relations Specialist attended HUD sponsored fair housing training at the National Fair Housing Training Academy in Washington, DC.

The Director, Human Relations Specialist and a commissioner attended HUD's National Fair Housing Policy Conference in Atlanta.

The Director completed training to become a certified administrator of the Intercultural Development Inventory.

The Human Relations Specialist attended the Upper Midwest Employment Law Conference.

All staff attended Bridges Out of Poverty training.

The Director and the Human Relations Specialist completed 90 hours of Intercultural Competence "train-the-trainer" training.

D·U·B·U·Q·U·E



HUMAN RIGHTS
COMMISSION

Visit us on the web

www.cityofdubuque.org

DUBUQUE HUMAN RIGHTS COMMISSION

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