



# Complaint Investigations Division Annual Report

Minneapolis Department of Civil Rights

## INTRODUCTION

The Minneapolis Department of Civil Rights' (MDCR) purpose is to enforce the Minneapolis Civil Rights Ordinance (MCRO) and to promote understanding of civil rights among residents, businesses and government. In 2014, the Division's redefined its mission, vision, and values statement to:

### Mission Statement:

To issue fair and impartial decisions that promote transparency and garner public trust

### Vision Statement:

To be the leading Civil Rights agency at the forefront of establishing civil rights protections for the City of Minneapolis

### Values Statement:

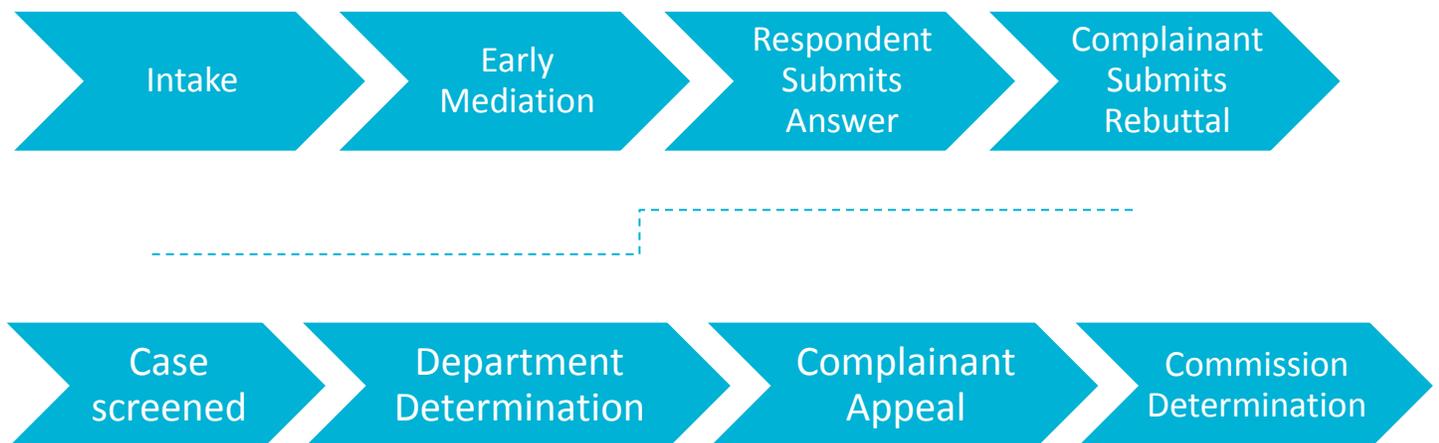
The Complaint Investigations Division will conduct **FAIR** investigations to promote our values of fellowship, advancement, integrity, and respect to remedy and deter acts of discrimination

**F**ellowship- Promote fellowship with legal and diverse regional communities, to cultivate partnerships that promote the ideals of equity, equality, and justice

**A**dvancement- We enforce the Minneapolis Civil Rights Ordinance with a commitment to advancing public interest of civil rights

**I**ntegrity- We hold ourselves accountable to high ethical code, ensuring the integrity of the Division's/Department's administrative process

**R**espect- We respect all parties and community partners by maintaining a work environment of professionalism and civility



The Division is a neutral government agency empowered to investigate complaints of discrimination that have occurred within the City of Minneapolis. Alleged incidents must be reported to the Division within 365 days. Investigations gather information and establish facts in ways similar to the stages of a lawsuit known as discovery, except the Division requests the information instead of the parties. The Division then determines whether there is sufficient evidence to legally recommend that the Minneapolis Commission on Civil Rights (MCCR) order the Respondent to compensate the Complainant. The MCCR is empowered to award damages and other legal remedies. Complaints are cross-filed with the Equal Employment Opportunity Commission, whenever possible, to preserve the Complainant's rights under federal law.

Intake is the beginning stage of the process. There, the Complainant verbally or otherwise provides a detailed summary of the alleged discriminatory incident to the Division. Once the charge is documented and sent to the Respondent, parties have the option to participate in an early mediation program. If confidential mediation conducted by a neutral third party settles the dispute, parties do not need to respond further and the case is dismissed.

If a resolution is not reached, the Respondent is obligated under the MCRO to answer the charge in writing, known as a "position statement," presenting its version of events and legal conclusions. Next, the Complainant has an opportunity to submit a written "rebuttal statement," responding to the "position statement." All of this information is then forwarded within the Division to an investigator for an evaluation and screening of the case.

If necessary, an investigator will conduct interviews and gather other relevant documents or statements from the parties. At any time, the Director may dismiss a charge due to lack of merit. Concluding an investigation and based on all reasonably available information, the Director will legally determine whether there is "No Probable Cause" or "Probable Cause" to believe that discrimination has occurred. A written explanation is mailed to the parties and only a finding of "Probable Cause" triggers further enforcement action by the Division and the MCCR. In all cases, parties have an opportunity to appeal the Director's determination to the MCCR.

## **COMMISSION ON CIVIL RIGHTS (MCCR)**

The MCCR was first established by city ordinance in 1947, and then re-established in 1975 for the purpose of carrying forward the policies of the City of Minneapolis in the field of human relations, the promotion of civil rights, and the enforcement of the MCRO. The primary objective of the Commission is to promote and protect the civil rights of the citizens of Minneapolis. While not an operational entity within the MDCR, the Commission provides oversight by reviewing complaints of discrimination referred or appealed from the Division.

The Commission is comprised of 21 Minneapolis residents whose primary function as a Commissioner is to serve on administrative hearing panels that decide discrimination cases previously investigated by the Division. The review panel has the power to sustain the Division's "No Probable Cause" determinations, reverse them, or remand the case back to the Division for further investigation. If the Director finds "Probable Cause" to believe that discrimination has occurred, the case is forwarded to the Commission. A panel of commissioners is then assigned to

review the case during a public Contested Case Hearing. The hearing panel has broad powers which include: the ability to award monetary damages, punitive damages, civil penalties, attorney fees, and other relief. Commission orders may be appealed for review to the Minnesota Court of Appeals.

On December 4, 2014, the Commission held its first Contested Case Hearing in over five years. The two-day matter was heard at the University of Minnesota Law School by a three-person hearing committee that will issue the parties a written memorandum including factual findings, conclusions of law, and a legally binding order.

In 2014, the Commission conducted 22 reviews of cases previously “Dismissed” by the division or determined to have “No Probable Cause” for further action. The allegations in all such determinations were thus unsubstantiated by the Division. The Commission sustained the Division’s determinations on 19 of these complaints of discrimination. In addition, three cases were remanded back to the Division for further investigation.

As a part of the commission’s strategic plan, it focused on proactive community engagement as a means to empower the community. On July 23, 2014 and August 27, 2014, the Commission hosted public forums to connect policymakers and community members in a dialogue about the pressing issue of affordable housing. The Commission selected two locations to hold the forums, one in north Minneapolis and the other in south Minneapolis, which were areas in the City severely affected by the housing crisis. The Commission selected panelists from local government agencies and organizations such as: CPED, Met Council, NOC, MICAH, U of MN, St. Thomas, Urban League and LISC who responded to questions from the community, heard its concerns and shared ideas about how to work collectively. In 2015, the Commission will provide recommendations gathered from the forums and present them to the Mayor and City Council.

The Commission collaborated with Mayor Hodges to pass a resolution in opposition to the use of Native American imagery as the name, mascot, and logo of a Washington D.C.-based professional football team. Furthermore, the Commission worked with Council Member Elizabeth Glidden on behalf of the City of Minneapolis Transgender Issues Workgroup to create a resolution in support of the Minnesota State High School Leagues’ proposal to allow transgender students to participate in school athletics regardless of their gender identity. The Commission also participated in Twin Cities Pride festival, Urban League Family Day, Juneteenth, and events comprising the Summer of Civil Rights.

## **OUTREACH**

Outreach is a vital component of the work of the Division because it educates citizens about their rights protected under the Minneapolis Civil Rights Ordinance and provides tools needed to file complaints discrimination. The Department’s community outreach and engagement philosophy is based on the principle of democratic governance: authority for the work we do resides ultimately in the people we serve. The Division educates, informs, and involves; empowering the community to self-advocate, hold the Division accountable, and meaningfully participate in the Division’s work.

This year, the Complaint Investigation Division focused its outreach and engagement efforts on establishing internal and external partnerships to increase departmental visibility. The Division also took a proactive approach to outreach by providing *Civil Rights Awareness* and *MDCR Process* training to community members, potential complainants, and respondent organizations. The Division used the complaint filing trends and data and the Minneapolis Resident's survey to focus presentations on two primary areas of discrimination: housing and employment.

In September of 2014, the first 13in13 outreach project was launched, featuring a presentation to each of 13 different neighborhood organizations (one in each of the City's 13 wards). These events included: an overview of the work of the Minneapolis Department of Civil Rights and each Division, respectively; distribution of surveys (to measure the familiarity of the audience with the MDCR); explanation of the department's services; and ways to become involved. The 13in13 project helps ensure that the Division has broadened its reach to a wide variety of vulnerable communities. In the spring of 2015, the 13in13 project initiative will focus on faith based organizations in various communities throughout Minneapolis.

In addition to its own presentations and 13 in 13 initiatives, the Department participated in over 50 more outreach and engagement events, including: Pride, National Night Out, Minneapolis Transgender Summit at Humphrey School, and Minneapolis Urban League Family Day. In 2015, the Division's goal is to host at least one "know your rights" training per quarter with organizations such as religious institutions and non-profits; and partner with other local civil rights and human rights agencies on promoting best practices in employment hiring.

## **50th anniversary of the 1964**

The Civil Rights Act of 1964 is a landmark piece of legislation and transformative moment in the history of the United States. For fifty years, the Civil Rights Act of 1964 has protected citizens from being discriminated against based upon race, color, religion, sex, or national origin. July 2, 2014, marked the 50th anniversary of the passing of the Civil Rights Act of 1964.

During the summer of 2014, the Department planned a series of events with other city, state, and federal officials, human/civil rights organization leaders, and community members to commemorate the passing of the Civil Rights Act. It was named the Summer of Civil Rights with the theme, "*Celebrate the Milestones, Living the Legacy, Strive for the Future.*"

On June 24, 2014, the Summer of Civil Rights kicked off on the Capitol grounds in St. Paul with inspirational music and dance from the MacPhail Youth Choir. The event honored past civil rights leaders and activists in Minnesota who laid the foundation of the civil rights movement in Minnesota. The Summer of Civil Rights ended on July 31, 2014 with music from the St. Paul Freedom School, Aztec Dancers, MLK Jr. Essay Contest Winners and a powerful call to action from Dr. Josie Johnson. The event closed with the sound of the Hoka Hey Drum group.

## **U-VISA CERTIFYING AGENCY**

In late 2014, the Division became a U-Visa Certifying Agency, allowing the Director to certify that qualified complainants assisted in the investigation of a discrimination complaint. A signed U-Visa Certification is a necessary first step that allows immigrants to apply for a crime victim immigration visa. Providing this important resource allows the Division to serve in a new way and serves to bolster the Department's relevance within particularly vulnerable immigrant communities.

## **INTERNS**

The Division has an internship program that provided undergraduate, graduate, and law school students an opportunity to gain hands-on experience in the civil/human rights legal field and to build a greater understanding of the complaint investigation process. The department is a partner with the University of St. Thomas Mentor Externship Program as well as William Mitchell College of law's civil rights externship clinic. Every semester, the department hosts a law student mentee from St. Thomas and an extern from William Mitchell. In 2014, four interns were a part of the division's team.

The Division combined its summer internship program with the City of Minneapolis Urban Scholars Program. Urban Scholars is a leadership development program for college and graduate students of diverse races and ethnicities. The intern program creates and develops pathways to leadership for young people of diverse backgrounds and to improve the City workforce as a whole by helping it reflect the community it serves. Over the past year, the department has hired three urban scholars, one currently working as an investigator with the Division.

## **ALTERNATIVE DISPUTE RESOLUTION (mediation)**

The Division maintains an alternative dispute resolution (mediation) program that allows parties greater control over the outcome of charges of discrimination through some measure of reconciliation and compromise. Mediation also provides an informal and confidential mechanism to resolve disputes with a third-party neutral mediator in a relatively short period of time and more cost effective manner.

The Division encourages mediation at all stages of the case filing process. For example, the Division's intake officer discusses early opportunities for mediation at the onset of the complaint filing process. Early mediation allows parties to resolve their conflict prior to responding to a charge or submitting any evidence. Cases can thus reach resolution more quickly and avoid a more costly and lengthy investigation process. If a resolution is not reached, the case will continue through the Division's case filing process. The Division next pro-actively offers mediation to parties after screening by an investigator.

In 2014, the Division conducted 12 mediations. Of these 12 mediations, 9 cases reached a

resolution, resulting in a 75% success rate. Cumulative settlements in 2014 exceeded \$56,000, which does not include the terms of two settlement agreements reached confidentially.

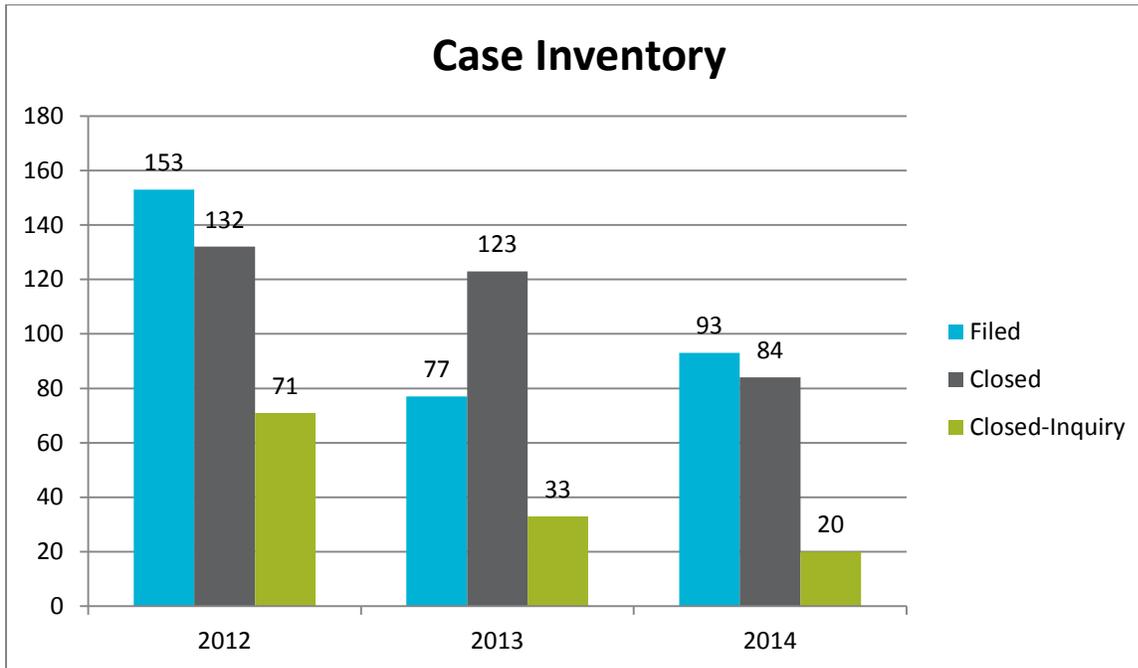
During 2014, the Division offered two training opportunities to educate and retain current mediators and to recruit new participants. Currently, the Division has over 100 volunteer mediators that are Rule 114 qualified Neutrals working with the Division towards its goal of achieving 20% of all case closures through mediation. In 2014, 18% of all cases closed were done so through mediation or other settlement mutually agreeable to the parties.

## **CONCLUSION**

From public hearings, forums, and enforcement actions to celebrations, training, and mentorship, it was a very productive year for the Division. The Division takes great pride in the quality of its investigations, written determinations, and involvement in the local community. In 2014, the 50th anniversary of the Civil Rights Act of 1964 provided a moment for us to reflect on progress achieved and band together to demand greater equity. Musical celebrations and speeches organized by the MDCR during the Summer of Civil Rights provided important forums for public expressions of this spirit and community building.

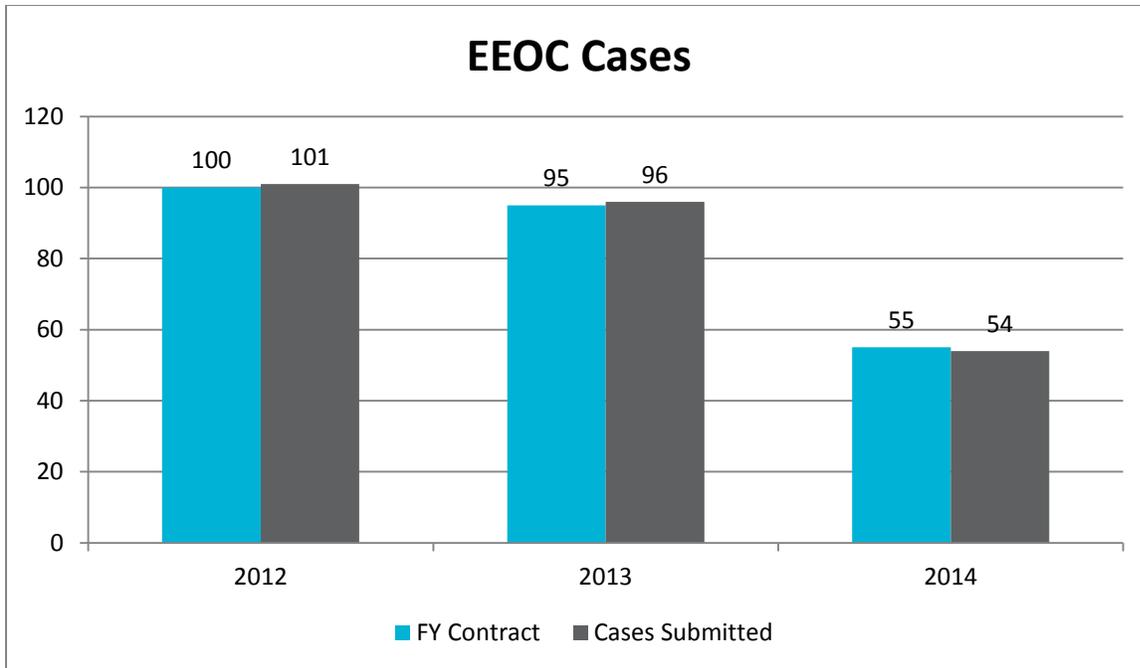
The Division continually builds on the legacy and progress of countless people who sacrificed before us in ways large and small. This past year, over fifty thousand dollars received by Complainants compensated them for harm already suffered and deterred future acts of discrimination; two public forums hosted by the Commission on Civil Rights united key stakeholders; and public visits to each of the city's 13 wards by the Division's Assistant Director built new relationships. Finally, the Division was proud to enter 2015 with only two cases unresolved for longer than 270 days. We have delivered on a promise of improving outcomes and access to justice by responding to charges of discrimination faster and more efficiently.

## MEASUREMENTS



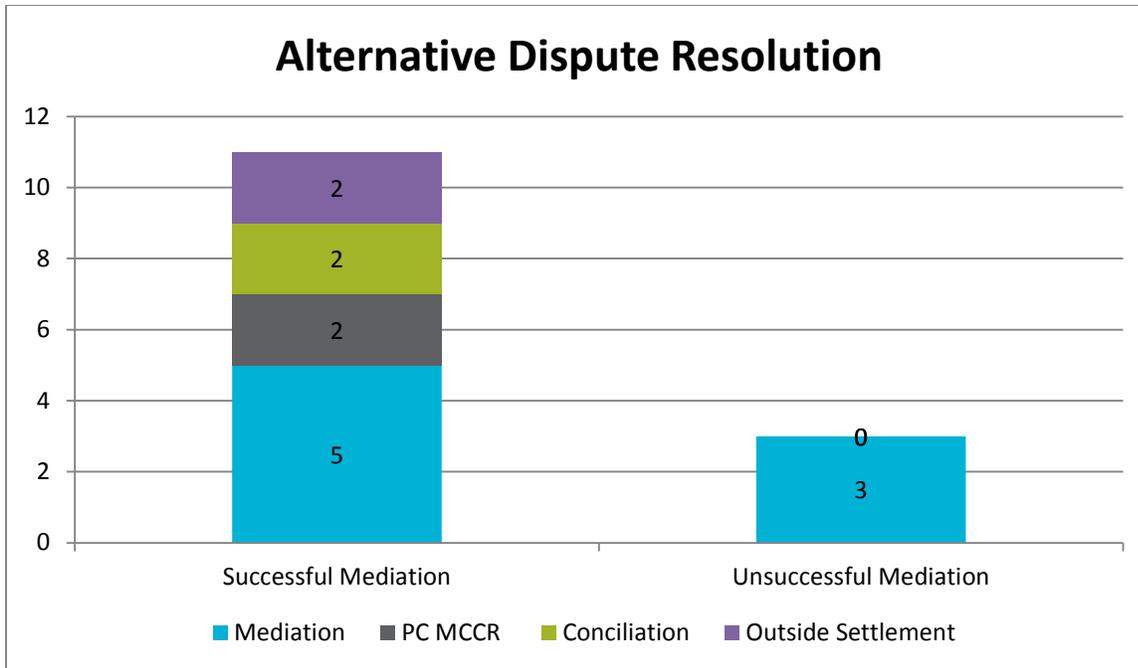
**Figure 1: 2012-2014 Case Inventory**

Figure 1 represents that 93 cases were filed during FY14 as compared to the previous year of 77 cases. The Division made final determinations on 84 cases and received 20 closed-inquiries, which did not result in the filing of a formal complaint. Closed-inquiries account for parties that met with the intake officer to discuss a claim or submitted an intake questionnaire that the Division lacked jurisdiction to investigate the claim.



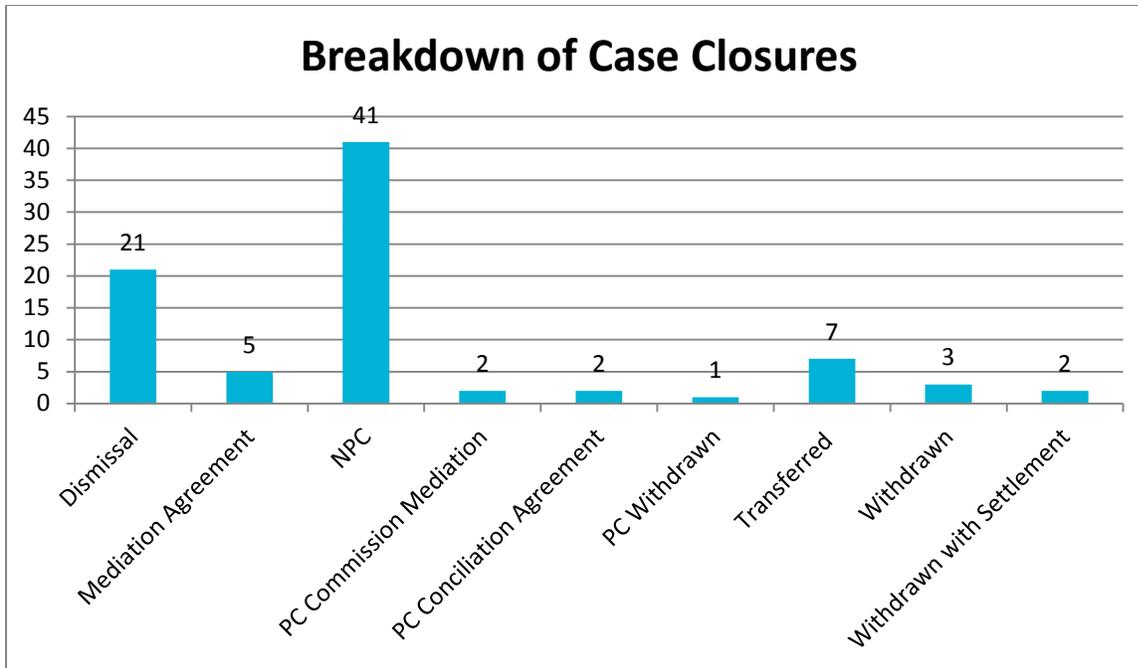
**Figure 2: EEOC Cases**

The Division has a work-sharing agreement with the Equal Employment Opportunity Commission (EEOC) and serves as a Fair Employment Practice Agency (FEPA). The Division investigates employment discrimination claims dual-filed or transferred from the EEOC that have occurred within 300 days of the alleged incident. The Division issued 54 employment discrimination determinations that were cross-filed with the EEOC.



**Figure 3: Cases Resolved through ADR**

The Division’s alternative dispute resolution (ADR) program consists of early mediation, mediation, conciliation and commission mediation. Parties can also close their case through an outside settlement agreement. The Division held 12 mediations, which resulted in 9 cases reaching a settlement agreement (75% success rate). An additional two cases were settled outside of the Division’s ADR program. The ADR program settled over \$56,000 that was awarded to Complainants, \$150 worth of travel vouchers, letters of apology, trainings, policy amendments and provided Complainants position reference letters.



**Figure 4: Case Closures**

The Division closed 84 cases in 2014. Around 74% of the cases were issued a determination of “no probable cause” or “dismissal.” A determination of “no probable cause” means that the Investigator has not found a reason to believe that discrimination has occurred. Whereas a dismissal, is a case that has been sent to an investigator for limited investigation and has been dismissed. The Division found Probable Cause that discrimination occurred in five (6%) of the cases closed. Two cases were settled through the Commission’s mediation program and two settled during conciliation. One case withdrew to file a private lawsuit in district court. An additional five cases were settled through the division’s alternative dispute resolution program followed by cases that were transferred to other agencies or withdrawn from the Department.

	Labor Organization	Employment	Employment Agency	Furnishing Employment Info & Employment Advertising	Real Estate	Real Estate Broker/Sales Person	Professional Organization	Lending	Public Accommodations	Public Service	Educational Institutions	Business	Aiding, Abetting, Facilitating	Reprisal	Coercion in housing
Race		<b>37</b>			<b>1</b>				<b>5</b>	<b>4</b>	<b>1</b>				
Color		<b>1</b>			<b>1</b>					<b>1</b>					
Creed															
Religion		<b>2</b>			<b>1</b>					<b>1</b>					
Ancestry					<b>1</b>										
National Origin		<b>7</b>			<b>3</b>				<b>3</b>	<b>3</b>					
Sex		<b>9</b>													
Sexual Orientation		<b>2</b>													
Gender Identity															
Disability	1	<b>16</b>			<b>3</b>					<b>1</b>					
Age	2	<b>11</b>			<b>1</b>				<b>1</b>						
Familial Status															
Public Assistance		<b>1</b>			<b>1</b>										

**Figure 5: Area and Basis of Complaints**

The figure above illustrates the breakdown of the 93 discrimination complainants filed. The largest number of cases filed is on the basis of race discrimination in employment, which is followed by disability. It is important to note that some complaints allege more than one basis covered under the MCRO; therefore, the total percentage of basis cited will be more than 100%.