

Minneapolis
City of Lakes

DEPARTMENT OF CIVIL RIGHTS
COMPLAINT INVESTIGATIONS UNIT

MID-YEAR REPORT
JANUARY 1 – JUNE 30 2012

INTRODUCTION

The Complaint Investigations Unit (CIU) receives, investigates, and mediates complaints of alleged discrimination in compliance with the enforcement authority under the Minneapolis Civil Rights Ordinance. The Unit neutrally enforces the city's anti-discrimination laws and policies by investigating complaints of discrimination. Also, through a work sharing agreement with the U.S. Equal Employment Opportunity Commission (EEOC), the city serves as a Fair Employment Practice Agency (FEPA), investigating employment discrimination claims dual-filed and/or transferred from the EEOC.

The work of the Unit has a direct impact on the Many People, One Minneapolis goal. In order to create "One Minneapolis," it is imperative to eliminate barriers that foster discriminatory behavior. Thus, the work product of this program effectuates change to policies and procedures both internally and externally in the City; and in some cases, awards damages to the complaining parties. Other significant changes that have resulted from this program include: supervisory training and accessibility for disabled persons.

Throughout the reporting period, the Unit has altered its focus and work efforts. The Unit accomplished its goal of eliminating the Department's historical backlog. After careful strategic planning, the Unit has refocused its efforts toward outreach engagements and education in the community.

The Unit has participated in numerous outreach efforts throughout the first and second quarter thereby establishing partnerships within the community with various community and advocacy organizations. The goal of the Unit is to better enforce the MCRO by reaching out to Minneapolis residents and ensuring that they are knowledgeable and trust the complaint process. The CIU can accomplish this outreach by targeting Minneapolis communities who have been underrepresented in filing complaints and by building trust amongst all Minneapolis residents, specifically in those communities whose trust has lapsed.

OUTREACH

During the first quarter of 2012, the staff developed an Outreach and Engagement Plan targeting communities of color as well as other minority and underrepresented groups. During the second quarter of 2012 CIU staff and interns engaged in the following outreach activities:

Meetings held:

- **February 7 and 28, 2012-** Staff attended TPT Hmong outreach meeting, titled “ECHO: Recovering from the Tornado.”
- **February 11, 2012-** Staff attended the Neighborhood and Community Connections Conference.
- **March and April 2012-** Staff met with Neighborhood Community Relations to discuss outreach efforts in the African American community.
- **May 16, 2012-** Staff met with Centro de Trabajadores Unidos en Lucha as a part of Latino community outreach effort.
- **June 15, 2012-** Staff met with Officer Carlos Baires Escobar the Latino community liaison from the Minneapolis Police Department’s Community Engagement Team.
- **June 28, 2012-** Staff met with Executive Director and Civil Rights Coordinator of the Minnesota chapter of the Council on American Islamic Relations (CAIR).

Events attended:

- **February 6, 2012-** Staff attended the William Mitchell College of Law chapter of the Black Law Student Association’s Black History Month dinner.
- **May 3, 2012-** Staff participated in the YWCA’s Circle of Women event.
- **May 4, 2012-** Staff attended the Midwest Minority Supplier Development Council’s annual luncheon.
- **June 23-24, 2012-** Staff ran a booth at the 40th Annual Twin Cities Pride Festival as a part of the Lesbian, Gay, Bisexual, and Transgender community outreach effort.

Presentations conducted:

- **March 21, 2012-** Staff participated in panel discussed at William Mitchell College of Law, titled, “Panel Discussion on Diversity in the Legal Profession –Post-Obama Era.”
- **March 30, 2012-** Staff conducted presentation at the Southwest Senior Center.
- **June 2, 2012-** Staff conducted presentation with the Minnesota chapter of the Council on American Islamic Relations (CAIR).
- **June 15, 2012-** Staff participated in panel discussion for the William Mitchell College of Law Future in Learning Law program for underprivileged high school students.

INTERNS

CIU’s intern program allows law students to work alongside attorney investigators, to learn about the local and state civil/human rights laws and to build understanding of the discrimination complaint investigation process. Throughout the academic school year, each investigator will conduct presentations at the Twin Cities’ law schools and connect with student-led human rights organizations on campus. The purpose of the presentations is to inform law students about the MDCR and its process and to solicit law students for the MDCR internship program. In the Spring of 2012, the Unit partnered with the Minnesota Justice Foundation and hired a law clerk to work during the summer months on civil rights complaints and intake. In addition, CIU hired a summer law clerk from William Mitchell College of Law to help implement the Unit’s outreach and engagement plan.

ORDINANCE CHANGE

The Department is proposing an ordinance change that will streamline the Commission on Civil Rights’ appointment process by redrafting the complex language to make it more clear and concise. These housekeeping changes will not widen or alter the scope of the appointing authority.

The proposed amendment is consistent with the City’s March 2010 initiative to align the appointment schedules for all City boards and commissions. The amendment will accomplish the following: (1) the existing Commissioners’ appointment terms will change from a termination date of August 31 to a term ending on December 31; (2) the Commission appointment cycle for future Commissioners will change from a September 1 through August 31 rotation to a calendar year cycle (January 1 – December 31); and (3) the new cycle will incorporate the City’s existing open appointment process. If

approved, the proposed amendment will allow the Commission appointment cycle to model all City boards and commissions to make it a “City That Works.”

MEDIATION

Over the reporting period, CIU’s mediation program resulted in an increase number of case settlements. The Department has a 2014 target of resolving 15% of its closed cases through mediations with settlements. To attain this goal, CIU will continue to encourage parties to participate in its mediation program as a mechanism to resolving cases in a shorter period of time. Also, the Unit created a partnership with the Conflicts Resolution Center (CRC) in Minneapolis to provide mediation training to the Unit’s volunteer mediators.. In addition, as a form of outreach and engagement, the Unit will continue to recruit volunteer mediators in order to increase the capacity to conduct mediations to improve the likelihood of successful settlement.

“To ZERO” PLAN

As of June 30, 2012, there were four cases in the backlog, which will be identified as Case A, B, C, and D. The chief reason for the backlogged cases is due to the recent unexpected staff turnover. The individual circumstances of each case are specified below.

Case A: On July 27, 2012, the Department issued a Determination for Case A. The case is currently in the 15-day appeal period.

Case B: In regards to Case B, the Complainant recently retained Counsel and has submitted new evidence. In light of the new evidence, the Department must conduct one witness interview. This case will be resolved by mid-August.

Case C: Witnesses have already been interviewed in Case C and the case is currently under consideration after recommendations. This case will be resolved by the end of August.

Case D: Case D has an issue of first impression yet to be addressed by policy or the courts. This case will be completed after investigative interviews in September 2012.

CONCLUSION

The Department provides a service to the community that expands access to the justice system by allowing individuals the ability to file a complaint of discrimination regardless of their socioeconomic status. In this regard, the case inventory is illustrative of the Department's role as an access point to underrepresented communities.

Overall, the Department provides due process to individuals who feel that they have been subjected to discrimination. Equally important, the Department also provides due process to responding parties by ensuring that the process is neutral, consistent, and transparent.

The Department effectuates social change by identifying and addressing discriminatory practices in multiple areas of life – employment, public service, housing, and business (to name a few) – which has an effect on the health, welfare, peace, and well-being of our community. The Unit will continue to: (1) educate the public on how to navigate through the complaint filing process; (2) audit workplace rules in cases with cause findings in order to ensure they reflect contemporary law; (3) insist on training in settlement agreements when appropriate; and (4) conduct outreach to inform the public of their rights. The Department has worked to identify areas where the MCRO can expand to address modern dynamics of discrimination which effectuates social change by including protections not covered in state and federal laws.



Figure 1. 2011 Case Inventory

Figure 1 represents the number of cases filed and docketed with the department January 1, 2012 through June 30, 2012. The number of cases filed has increased due to the Department's focus on outreach and education in the community over the past six months. The Department staff completed an additional 42 intakes with parties that were interested in filing charge. The charges from these intakes were out of the department's jurisdiction and referred to other agencies.



Figure 2. Age of Inventory as of June 30, 2012

The age of inventory graph is a new time measurement that assists the Department in shortening the benchmarks for case resolution. Throughout 2011, the investigators focused on resolving the historical backlog of cases. As predicted in the Civil Rights March 2012 Results Minneapolis Report, the challenge for the investigators now is resolving the cases filed in 2011 that are on the cusp of falling into the backlog. Once that is achieved, the investigators will be dedicated to achieving the Department goal of resolving all new and remaining cases within a one year time period.

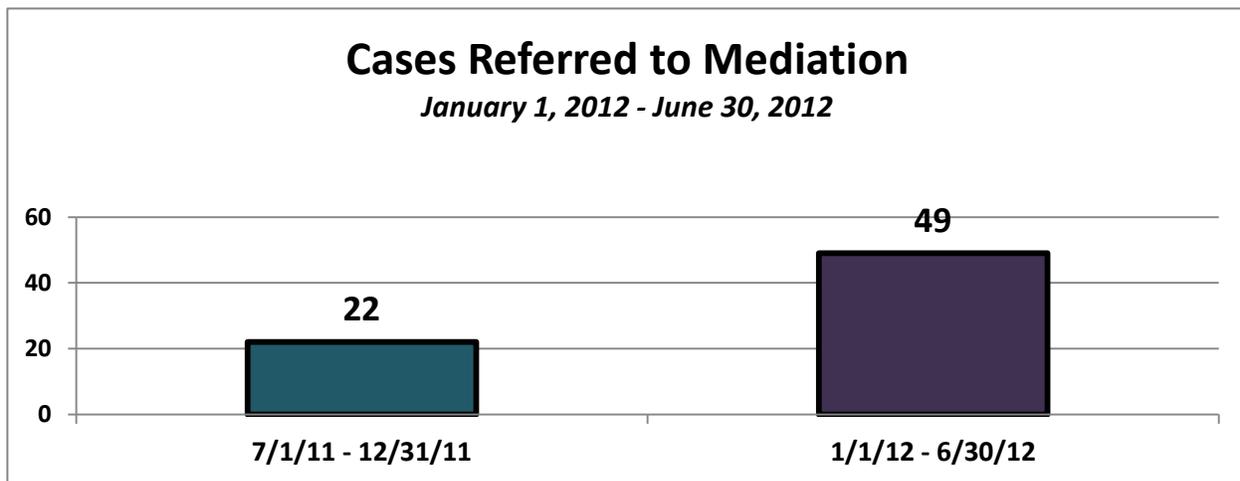


Figure 3. Cases Referred to Mediation

The figure above provides a specific look at the cases referred to mediation. The number of cases referred to mediation within the past six months increased by 122% over the previous reporting period. The Department was successful in encouraging mediation and was able to resolve these cases in a shorter period of time, which makes the resolution process more cost effective for all parties involved.

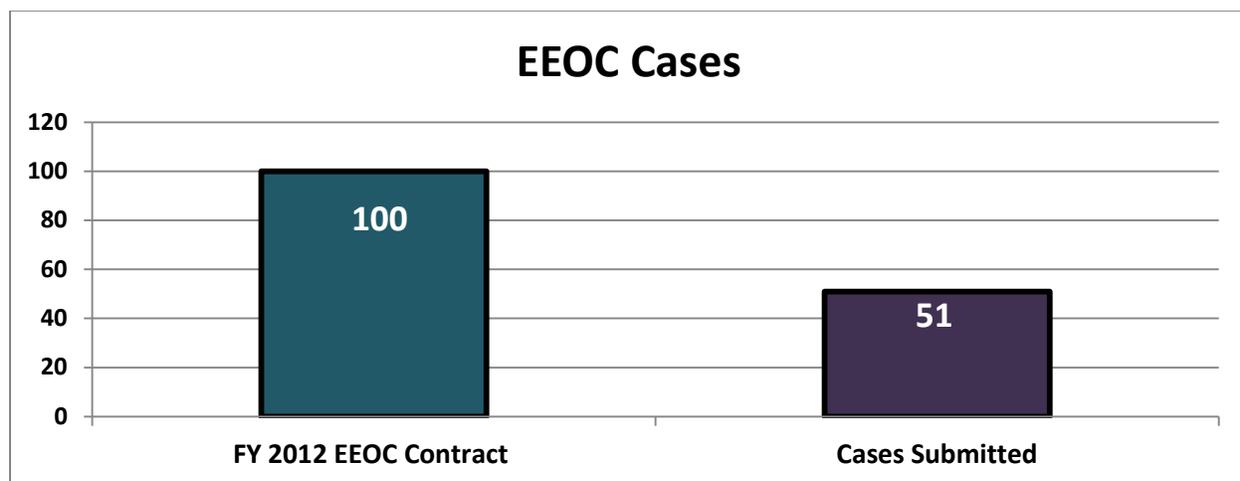


Figure 4. EEOC Cases

The Department serves as a Fair Employment Practice Agency (FEPA), investigating employment discrimination claims dual-filed and/or transferred from the Equal Employment Opportunity Commission (EEOC). The Department is diligently working to resolve the EEOC cases in order to attain the fiscal year 2012 contract goal. To reach the goal, the Department built a partnership with Conflict Resolution Center as a means to provide voluntary, affordable, and cooperative way to resolve cases and transform relationships through mediation.

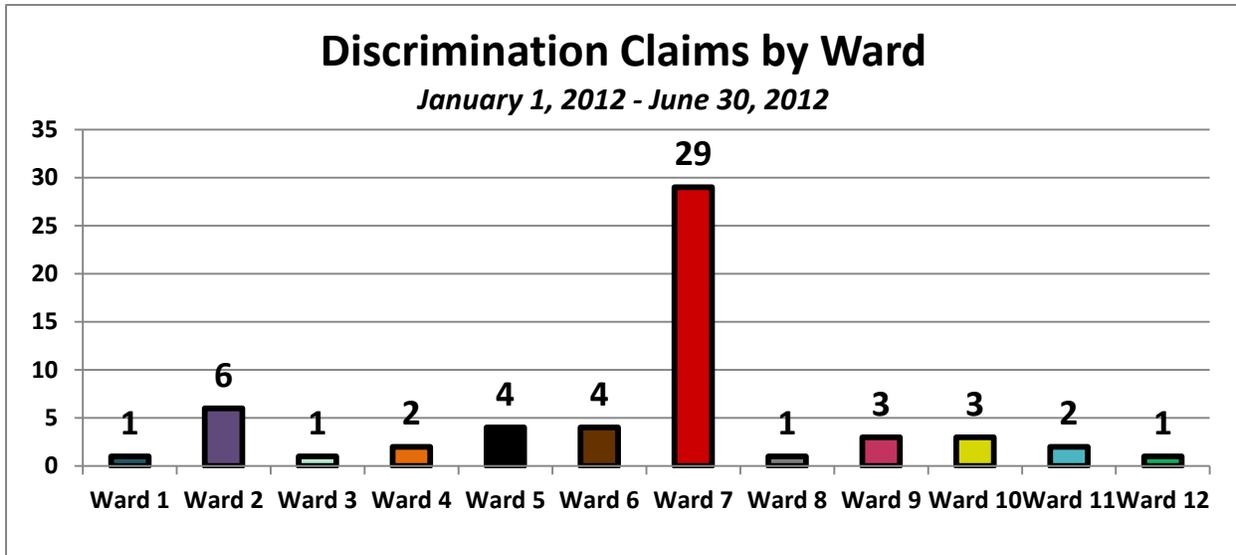


Figure 5. EEOC Cases

The figure above indicates the Ward where claims of discrimination have been reported. The claims reported have been evenly distributed throughout the City excluding Ward 7. One can interpret that Ward 7 has the highest number of discrimination claims due to the large number of corporations and businesses in the downtown area. Figure 5 below, provides a specific outlook of the protected classes that filed a complaint of discrimination in the area of employment and the other protected areas covered under the Minneapolis Code of Ordinances.

	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		20					2		6	2					
Color									1						
Creed															
Religion															
Ancestry															
National Origin										1					
Sex		6							1						
Sexual Orientation		1								1					
Gender Identity		1													
Disability		7							1						
Age		5													
Familial Status															
Public Assistance															
Filing a Discrimination Complaint														2	

Figure 5. Covered classes and areas under the Minneapolis Civil Rights Ordinance

Figure 5 illustrates the breakdown of the 57 civil rights cases filed from January 1, 2012 to June 30, 2012. The largest number of cases, as anticipated, is race discrimination in employment, which is followed disability and sex.