

CITY OF MINNEAPOLIS
COMMISSION ON CIVIL RIGHTS



2007 REPORT AND
2008 1ST QUARTERLY REPORT
TO THE
MAYOR AND CITY COUNCIL

April 14, 2008

MINNEAPOLIS COMMISSION ON CIVIL RIGHTS

Access and Visibility



I. INTRODUCTION

This Annual Report will provide statistical information related to the actions of the Minneapolis Commission on Civil Rights (MCCR) during 2007 and First Quarter 2008. In addition, this report will serve the purpose of informing elected officials about the upcoming activities of the Commission as well as their guiding vision for 2008. This report will also serve as a communication tool to improve and strengthen communication between the public, the Minneapolis Department of Civil Rights (MDCR) and the MCCR.

II. OVERVIEW

The Minneapolis Commission on Civil Rights (MCCR) was first established by ordinance in 1947, and then re-established in 1975 for the purpose of carrying forward the policies of the City in the field of human relations, to promote civil rights, and to enforce the provisions of the Minneapolis Civil Rights Ordinance.

The Commission meets on third Monday of every month at 6 p.m., at City Hall, 350 South Fifth St., Room 241, Minneapolis, MN. All meetings are open to the public, unless a closed meeting is called, pursuant to state law.

Our mission is:

- Seek to prevent and eliminate bias and discrimination in the city of Minneapolis
- Provide leadership in the area of civil rights
- Encourage and educate the public in the promotion of civil rights
- Identify principal civil rights concerns of the community members; and set priorities and objectives
- Advise the Mayor, City Council, City Agencies and Departments on Civil Rights matters
- Conduct research and studies to best carry out the objectives of the Civil Rights Ordinance
- Adjudicate complaints of discrimination occurring in the City of Minneapolis

The purpose of the Commission on Civil Rights is to fulfill the requirements of the Civil Rights Ordinance. As such the mission is aligned with the Department's mission:

Through vigorous enforcement of the Federal, State and local civil rights laws, as well as education, mediation and conciliation, the Minneapolis Department of Civil Rights strives to eliminate unlawful discriminatory practices, thus promoting the health, economic stability, access, welfare, peace, and safety of the community.

Likewise, the MCCR contribute significantly to the following City Goals:

- **A Safe Place to Call Home** – MCCR directly supports the City's policy to address discriminatory practices that adversely affects the health, welfare, peace and safety of the community.
- **One Minneapolis** – The MCCR works to prevent and prohibit all discriminatory practices, thus closing the race and class gaps in housing, health care, education and employment. Enforcement of civil rights laws will increase equal access, equal opportunity and equal input, thus directly affecting the strategic directions of "One Minneapolis." In a City where civil rights laws are enforced, diversity is welcomed, respected and valued.

III. SUMMARY OF 2007 AND 1ST QUARTER COMMISSION ACTIVITIES

A. APPEALS/CONTESTED CASE HEARINGS

The commissioners have authority to adjudicate and render final decisions based on appeals and contested case hearings. The commissioners are not involved in or privy to any actions taken by the Director in the investigation. Likewise, the Director and investigators are not permitted to communicate with the commissioners about any case. When a no probable cause case is appealed or is has a probable cause finding, the MCCR Chair appoints a hearing or review committee made up of an attorney, who serves as the presiding commissioner, and two other commissioners, plus an alternate.

1. No Probable Cause (NPC) Cases

If a complaint of discrimination receives a “No Probable Cause” determination from the MDCR, and the Complainant files an appeal with the Commission, the Commission will review the Department’s file on the complaint. If the Complainant wants to have an oral argument on the appeal, he or she must include such a request in the notice of appeal. If the Complainant presents newly discovered material evidence of discrimination that had not been considered by the department, the Commission will grant an oral argument. Regardless of whether or not an oral argument is granted, a panel of three Commissioners, called a “Review Committee,” will review the Department’s record in a light most favorable to the Department’s determination. After the review, the Review Committee can *sustain* the Department’s determination, *remand* the complaint for further investigation, or *reverse* the Department’s determination.

2. Probable Cause (PC) Cases

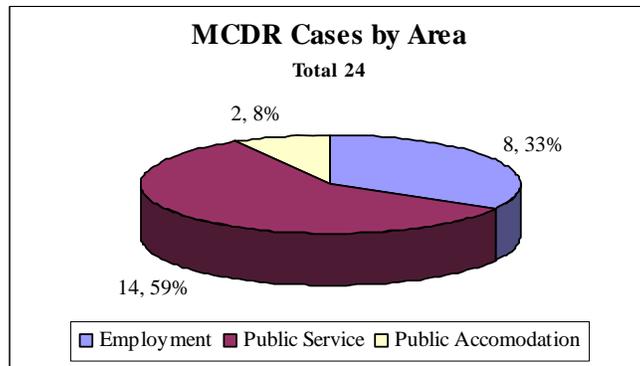
Probable Cause cases are processed much differently and often consume more financial and human capital to process. If a complaint receives a “Probable Cause” determination by the MDCR and the Department’s attempts to conciliate the matter are unsuccessful, the Department will refer the complaint to the Commission for a public hearing. A public hearing held before the Hearing Committee where the members of the Committee will receive and consider evidence presented by the Complainant, Respondent, and/or their legal representatives. The Presiding Commissioner is essentially the “judge” and the other two commissioners are the “jury.” The Committee will then issue and order containing its findings of fact, conclusions of law and an order for judgment, deciding whether or not Respondent engaged in discrimination, and, if so, what damages the respondent shall pay and/or what action must be taken by the Respondent to address the discrimination and make the Complainant whole. A party appealing the decision of a hearing committee may seek judicial review by filing a petition for a writ of certiorari with the Minnesota Court of Appeals, as provided in Minnesota Statutes §§ 14.63-14.68.

3. Purpose

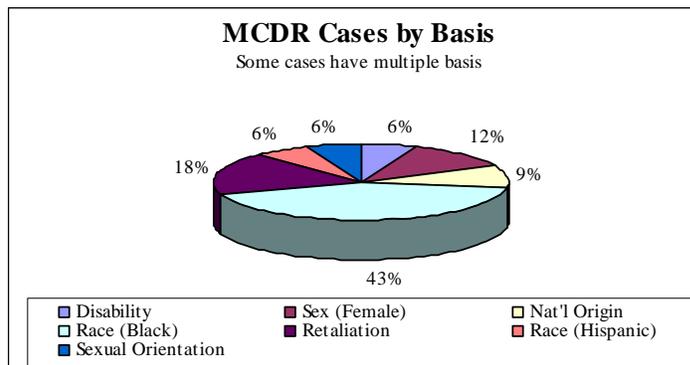
The MCCR and MDCR enforcement and administrative process provides for the investigation and adjudication of complaints by giving access to justice for those who lack the resources to pursue their claims in court. This is particularly important in employment discrimination cases, where employees have often lost their source of income through termination and have little or no control over the evidence needed to prove discrimination. The MCCR process also funnels cases away from the courts, saving judicial resources. Complainants who file suit in court must first exhaust administrative remedies by filing a complaint with the MCCR. The primary reason for this requirement is to prevent the courts from being overburdened with non-jurisdictional, frivolous or non-meritorious complaints, or with complaints that can be closed or settled in the MDCR or the MCCR.

During 2007, twenty-nine cases were resolved. Three (3) cases were settled through alternative dispute resolution (ADR), two (2) individuals withdrew their claims to file in district court and twenty-four (24) cases were No Probable Cause or Dismissal cases where a hearing committee upheld the Directors determination.

Currently, the Commission currently has 24 cases on its docket. A challenge in 2008 will be addressing the number of PC cases that are scheduled for a Public Hearing in 2008. There are nineteen (19) Probable Cause cases that will be scheduled for a Public Hearing in 2008 and stretching into 2009. Of those, fourteen (14) represent PC findings involving a City Department (i.e. Public Service), see chart below for a detailed description.



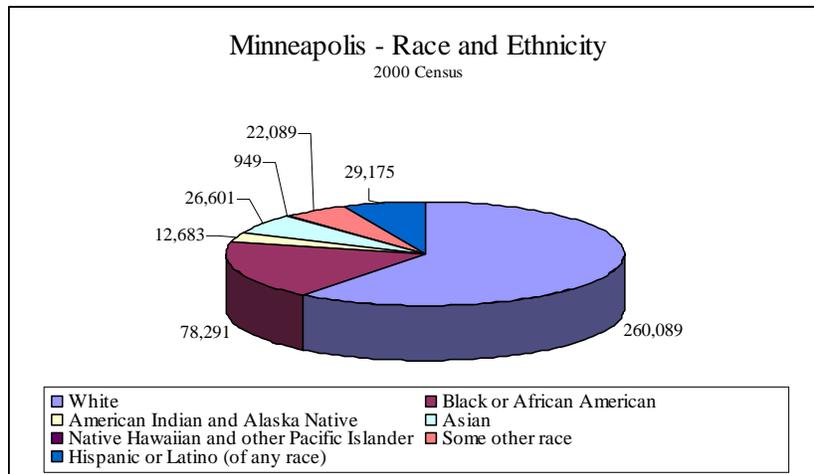
Additionally, the 43% of complaints involve race (Black) as a basis. Second to race, are claims of retaliation which comprise 18%, then sex (female) makes up 12% of complaints before the Commission (see chart below):



B. OUTREACH

In 2007, the MCCR has a goal of: ensuring timely and fair hearings and file reviews, along with increasing MCCR visibility thru education about civil rights and access to City services. In addition to enforcing anti-discrimination laws, the MCCR is committed to preventing and eliminating discrimination through public education. The MCCR Commissioners and staff have engaged in a number of public education efforts, working with civil rights, business, labor, professional, and nonprofit organizations, on new and continuing initiatives.

A challenge faced by the Minneapolis Commission on Civil Rights is the outreach and education of all residents of the city. An additional challenge is to produce and communicate useful, beneficial information to its customers (residents), and partners within the city, and overcome barriers faced by non-English speaking and diverse communities who may require attention to cultural differences in how they receive, accept and use the information. By focusing on outreach in 2007 and continuing into 2008, the MCCR hopes to help cultivate understanding and respect between the City and its many diverse communities. The 2000 Minneapolis census report noted as follows, the population of the City:



As the limited English speaking population establishes itself and birth rates among foreign born increases, the need for cultural dexterity among the Commission and the services they provide increases.

Each year brings new requests and opportunities for the Commission to reach out to diverse populations, increasing the need to create new literature that are of significant importance to each community. Each of these specific needs must be presented, not only in a specific language, but also in a manner that is culturally sensitive to facilitate acceptance. The heightened awareness of civil rights is beneficial to all residents of Minneapolis.

In the past year, relationships with city departments, board's commission and leaders have been strengthened. As others seek information on our Ordinance, we are encouraged to adapt our literature for specific needs.

C. 2007 ACTIVITIES/ACCOMPLISHMENTS

The Commission has begun to develop relationships with communities, such as the Latino community through its **Public Safety sub-committee**.

The Commission, in partnership with the Mayor's office, the City Council, the Civil Right's Department, the Minneapolis Public Schools, and the League of Minnesota Human Rights Commissions, also hosted the 4th Annual MLK Essay Contest. In 2007, we received 463 essays, up from 256 in 2006. 57 schools were notified in 2007, up from 29 in 2006. We included public, private, charter, and home schooled students in the 2007 contest.

The Commission created a NEW permanent committee called **Contract Compliance**. This committee is charged with overseeing the city's contracts, per the ordinance language of Commission duties. The committee is currently undergoing a process of reviewing 2006/2007 contracts for compliance with the city's Affirmative Action Plan.

The **Standard and Procedures Committee (S & P)** made successful recommendations to change outdated language in the Rules of Procedure for Contested Case Hearings to reflect wording that is current with the changing times. Additionally, a timeline of holding a public hearing within 6 months of referral to the MCCR has been set. However, the MCCR has identified that the hearing process is confusing and legal in nature. Therefore S & P has recognized the need for unrepresented complainants to seek legal counsel and/or identify legal resources. As such, the Standards and Procedures Committee is working to identify legal resources for complainants and smaller respondents, as well as identify possible pro bono assistance for *pro se* complainants. This will need to be a continuing effort in 2008 for commissioners connected to the legal community.

The **Policy, Procedures and Education Committee (PR & E)** has been working on a new Commission brochure, to be printed in languages that reflects the current population of Minneapolis. The brochure was finished in March of 2008 and will be used as a tool for outreach and education. The PR & E committee also facilitated the MLK Essay Contest, and coordinates meeting with city leaders. The PR&E also connected with the Department, to participate in community events such as Urban League Family Day, Gay Pride, Juneteenth, and Cinco de Mayo.

The Commission did host the event on its own at Folwell Park in North Minneapolis, to start a dialogue with concerned community members regarding civil rights issues in the City of Minneapolis.

IV. VISION, GOALS AND OBJECTIVES IN 2008

In 2007, the Commission chose a simple vision of: **Access and Visibility**. In an effort to gauge the effectiveness of the Commission at the 2008 Retreat, the Commissioners evaluated their 2007 vision and determined it would maintain its vision of Access and Visibility. In addition, commissioners will consider their vision, determine their goals and set activities revolving around engagement and education, such as:

- The Commission will develop a set of talking points for each Commissioner, or consistency when talking about the role of the Commission in the larger community.
- The Commission is dedicated to holding public forums of resident interests by December 2008.
- The Commission will continue to look for partnerships in the city and within communities.
- The Commission will develop an education platform tailored to their expected audiences.
- The Commission will look to the city's Multicultural Office to assist in identifying community contacts for informational campaigns and potential partners for public forums.
- The Commission will continue to build a reputation and perception of community investment through research in Civil Rights requirements and compliance. And address issues as the Commission deems appropriate within its scope of authority and responsibility to the residents of Minneapolis.
- Continue to establish relationships with city leaders and department heads that will help the Commission do its work in the broader scope.

Next steps that need to be determined are:

- Each Committee Chair will be responsible for oversight, measures, and reporting on goals set by their respective committees, and outcomes.
- Tasks will be determined to achieve the goals, and assignments made for effective outcomes.
- Determine how to report back to the larger board, and the public for transparency and accountability.
- Determine how this will be reported to City leaders and Department Heads at future meetings.