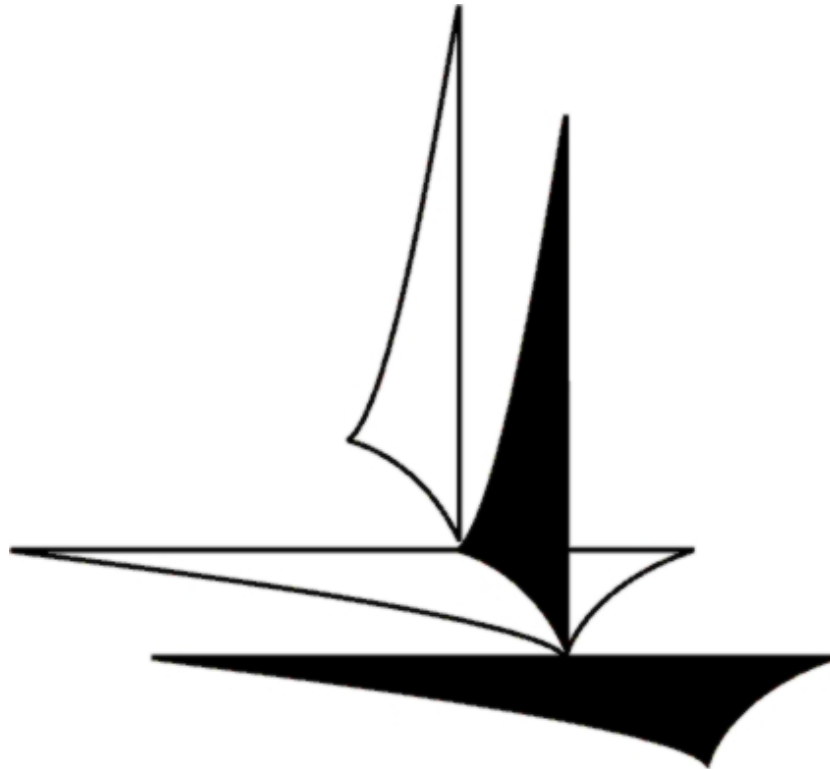




Minneapolis

City of Lakes

DIVISION OF CIVIL RIGHTS
COMPLAINT INVESTIGATIONS DIVISION

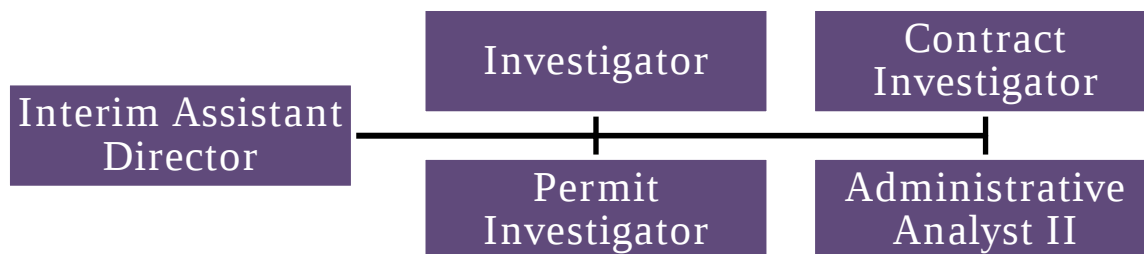
2013 ANNUAL REPORT
JANUARY 1 – DECEMBER 31

OVERVIEW

The Minneapolis Department of Civil Rights' (MDCR) mission is to enforce the Minneapolis Civil Rights Ordinance (MCRO) and to promote understanding of civil rights among residents, businesses and government. The Complaint Investigations Division (Division) carries out this mission by fusing academic excellence, experience, and judgment to produce a high quality investigation into allegations of discrimination, while forming critical partnerships within the community.

During the early civil rights movement, Minneapolis was at the forefront of establishing civil rights protections for its residents. To continue this legacy, the Division's vision is to strategically position itself as the leading civil rights agency and to serve as a resource for resolution or deterrence of illegal discrimination, while pursuing the public's interest in securing justice.

The Division is comprised of one full-time Investigator, a permit Investigator, a part-time contract Investigator, an Administrative-Analyst II, and an Interim Assistant Director. Due to the growing Spanish speaking community in Minneapolis, the Division has two Spanish-speaking investigators.



The Division investigates complaints of discrimination that have occurred in the City of Minneapolis within 365 days of the alleged incident. Intake is the beginning stage of the complaint filing process when the complainant provides a detailed summary of the alleged discriminatory incident. Once the charge is filed, parties have the option to participate in an early mediation program. If the mediation settles, 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 provide an answer to the charge, which is known as a position statement. The complainant will have an opportunity to provide a rebuttal statement in response to the position statement. The case is forwarded to an investigator for screening.

Following the screening process, the case will be referred to investigation or mediation. After an investigation is conducted, the Director determines whether there is "Probable Cause" or "No Probable Cause." The Director may also dismiss a case due to lack of merit or frivolousness. Complainants have the opportunity to file an appeal, which is forwarded to the Commission on Civil Rights.

COMMISSION ON CIVIL RIGHTS

The Commission on Civil Rights (Commission), was first established by 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 offers a checks and balances system by hearing complaints of discrimination that have been appealed.

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 investigated by MDCR. The review panel has the power to sustain the Division's determination, reverse the determination, or remand the case back to the Division for further investigation.

If the Director finds no probable cause, the case is forwarded to the Commission. A panel is assigned that will review the determination issued by the Director. Whereas, if the Director finds probable cause and the matter has not been settled through conciliation, the case is referred to the Commission for a public hearing. During a public hearing, three commissioners are assigned to a panel, one of whom must be an attorney in order to conduct the hearing. The commissioners hear the case as an administrative trial, make their written findings, and issue an order either dismissing the case or to remedy discrimination. The hearing panel has broad powers which include: the ability to award damages, punitive damages, attorney fees, and other relief. The Commission orders may be appealed for review to the Minnesota Court of Appeals.

Throughout the year of 2013, the Commission conducted 22 case reviews of complaints of discrimination that were determined to have "No Probable Cause" or were "Dismissed." The Commission made final determinations on 19 complaints of discrimination. In addition, three cases were remanded back to the Division for further investigation.¹

ORDINANCE UNDER REVIEW

Over the past year, the Division has been working with the Commission on proposed ordinance changes to Title VII of the Minneapolis Civil Rights Ordinance. The proposed changes will make the complex language more clear and concise and provide significant new developments that are consistent with current anti-discrimination laws. The proposed changes are likely to be presented to the City Council in the summer of 2014.

OUTREACH

The Division created an outreach and engagement plan with the primary goal and purpose to fulfill the Division's mission through:

- (1) Building the Division's credibility in the City of Minneapolis;
- (2) Educating the public on their rights and investigation process;
- (3) Providing mentorship to law students;
- (4) Building partnerships with community and advocacy organizations; and,
- (5) Recruiting legal and human rights professionals to serve on the Commission.

¹ For additional information about the Commission, please see the Commission's 2013 Annual Report.

Outreach is a vital component to the work of the Division because it educates the Minneapolis community about their rights protected under the Minneapolis Civil Rights Ordinance and it provides residents with the tools needed to file a complaint. The Department's community engagement philosophy is based on the principle of democratic governance; that authority of the work we do resides ultimately in the people we endeavor to serve. Therefore, our philosophy is that we will **educate** so that the community gains the awareness of relevant issues and knowledge about the work of the Division in order to develop the ability to self-advocate; **inform** so that we are transparent in what our plans are, what our resources are, what we're doing, how well we're doing; and, **involve** the community by requesting their meaningful participation in the work we do.

The Division participated in many community events that targeted audiences that include, but are not limited to, the following:

- (1) Potential complainants;
- (2) Legal professionals;
- (3) Law students; and
- (4) Human/civil rights professionals

The Division also collaborated with trusted community organizations to ensure effective outreach and better distribute information regarding discrimination law and the services offered by the Division. Furthermore, the Division attended bar association meetings and other community events to solicit mediators for the Division's mediation program and potential applicants for the Minneapolis Commission on Civil Rights.

Throughout the year, the Division distributed surveys to event participants in an effort to identify the knowledge of the community as it relates to civil rights issues. In addition, the surveys were used as a tool to inform the community about the services that are provided by the Division. The surveys allowed the Division to:

- (1) Take a proactive approach to prevent discrimination by using the results of the surveys to plan for future outreach events and educate the public about the free investigative process;
- (2) Measure its outreach efforts; and
- (3) Tailor the Division's outreach approach to targeted communities.

Nearly 75% of the 1,420 survey participants were unaware that the Division offers a free service to investigate complaints of discrimination. During these events participants thanked the Division for its service and explained that they were simply unaware that the Division even existed. The survey questions were designed to serve as an indicator of the number of people who are aware about the work of the Division. In addition, the survey served as a teaching tool to inform participants about the services the Division provides. The survey results revealed that more than 90% of the 1,437 survey participants were unaware of the available volunteer opportunities within the Division. Many participants expressed interest in volunteer opportunities. At these outreach events, the Division provided outreach materials explaining how residents can join commissions, volunteer, or become a mediator with the Division.

Carrying out the Division's outreach and engagement plan has improved relationships with key community representatives, generated a greater understanding and trust from the general public, and developed more open and transparent lines of communication.

INTERNS

The Division has an internship program that provides high school, undergraduate, graduate, and law school students an opportunity to gain hands-on experience in civil/human rights laws and to build a greater understanding of the complaint investigation process. The Division hired one Step-Up Intern for the summer that assisted with the Division's social media campaign, coordinated office activity, observed investigative and intake interviews, and was the Mayor's aide mentee. Law clerks also provided guidance to the Step-Up Intern, by providing the Step-Up Intern with useful tips for applying for college, scholarships, and other future opportunities that will help prepare for a college career.

The law clerks learn the value of professionalism while working alongside attorney investigators, conducting intake interviews, learning about the local, state and federal civil/human rights laws, researching ordinance amendments, and participating in outreach efforts within the community. The Division combined its' summer internship program with the Urban Scholars Graduate Program. Urban Scholars is a leadership development program for college and graduate students of diverse races and ethnicities. The intern program creates and develops a pathway for future hires and to improve and diversify the City workforce as a whole.

MEDIATION

The Division has maintained a mediation program that gives parties an opportunity to control the outcome of their charge of discrimination. Mediation provides an informal and confidential way to resolve disputes with a third-party neutral mediator in a shorter period of time and a can close a case in a more cost effective manner. Since June of 2013, the Division fully implemented the voluntary early mediation process as a means to resolve charges of discrimination more quickly. The intake officer discusses early 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 further documentation. As a result, cases can be resolved faster 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 also offers parties an opportunity to mediate after the screening process, in which the case file has been reviewed by an investigator.

Throughout 2013, the Division referred 32 cases to mediation in which 14 parties agreed to participate. Of the 14 mediations conducted, 11 cases reached a resolution, resulting in a 79% success rate. The Division's mediation program has continued to be a successful and integral aspect of the work the Division does. Complainants were awarded around \$94,000, which excludes two confidential settlement agreements that the Division is unable to report on. Other remedies Complainants received include: providing Complainant's with a positive reference, reinstatement to a former position, and employee benefits that were not offered prior to the discrimination complaint.

The training and service of our mediators continues to add value and strength to the Division. Over 90 volunteer mediators that are Rule 114 qualified Neutrals are working with the Division to reach the internal goal of resolving 20% of cases closed through the mediation program.

CONCLUSION

The Division and Commission remain committed to enforcing the MCRO, coupled with educational efforts to prevent discrimination. The Division is enthusiastic about continuing to reach the city goal of many people, ONE Minneapolis. Building community trust and respect will be a focused goal for the Division. The Division intends to accomplish this goal by investigating allegations of discrimination in less than 9 months, resolving at least 20% of cases through the mediation program, collaborating with the Neighborhood Community and Relations Department to better connect with the community through outreach and education, and identify gaps in the MCRO where the City can offer additional protections.

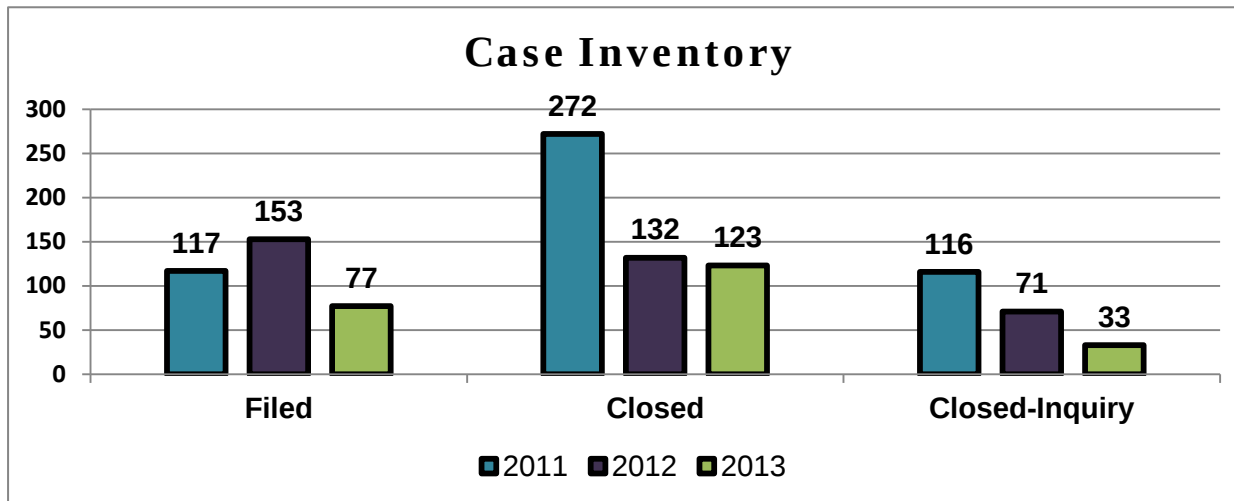


Figure 1: 2011-2013 Case Inventory

Figure 1 represents that 77 cases were filed during FY13 as compared to the previous year of 153 cases. The Division made final determinations on 123 cases and received 33 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.

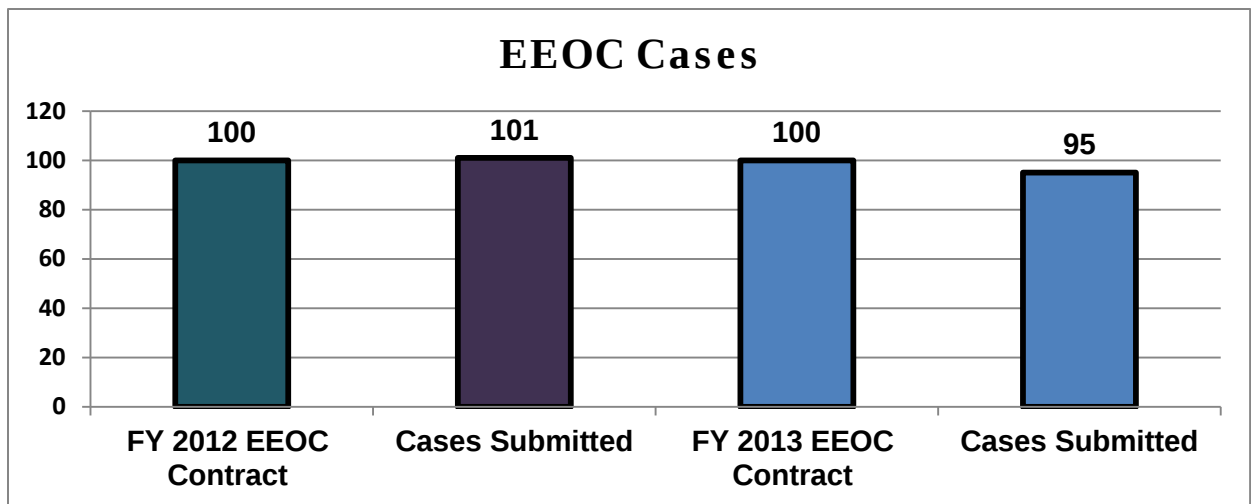


Figure 2: EEOC Cases

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 and/or transferred from the EEOC. The Division received a downward modification in its 2013 contract and issued 95 employment discrimination determinations.

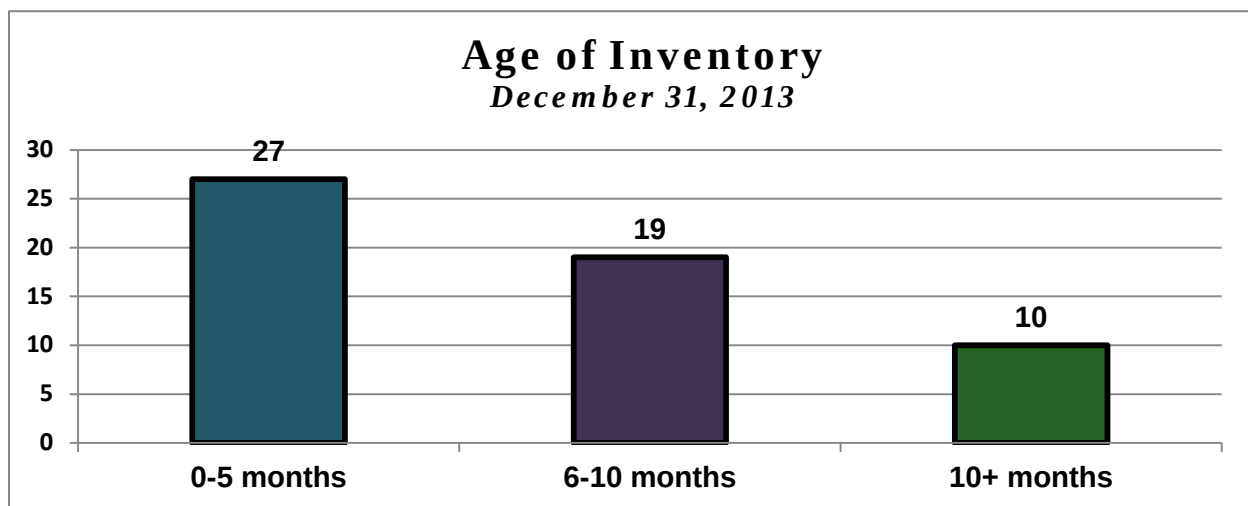


Figure 3: Age of Inventory as of December 31, 2013

The age of inventory graph is a time measurement tool used to accomplish the Division goal of resolving cases within a ten month period of time. At the end of the FY13, 27 cases under investigation were less than 5 months old, 19 cases were between 6 and 10 months, and 10 cases were over 10 months old. The Division's average length of time for completing an investigation was 12.4 months. Throughout 2013, the Division shortened the number of days a case is considered to be backlog from 12 months to 10 months. The Division believes this is a realistic goal due to the decrease in the number of case filings within the past year. The investigators will continue to work toward reaching the goal of eliminating the backlog.

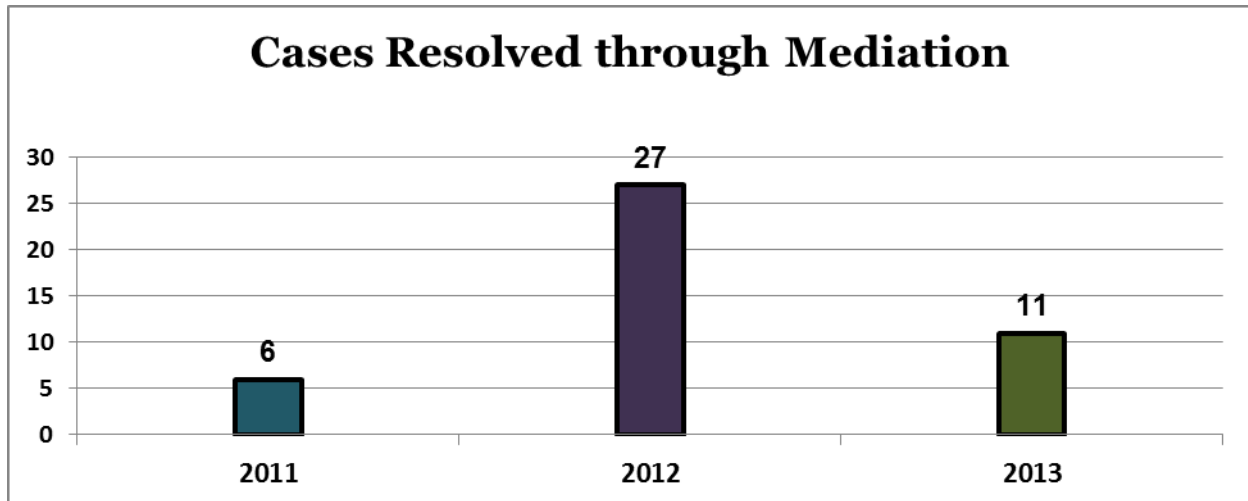


Figure 4: Cases Resolved through Mediation

The Division continues to encourage parties to participate in the voluntary mediation program. The mediation coordinator referred 32 cases to the mediation program, 14 of the parties agreed to participate in mediation, which resulted in 11 cases reaching a settlement agreement. The number of cases resolved through mediation in FY13 decreased due to parties declining to participate in the voluntary mediation program. The mediation program settled approximately \$80,000 that was awarded to Complainants in civil rights discrimination cases.

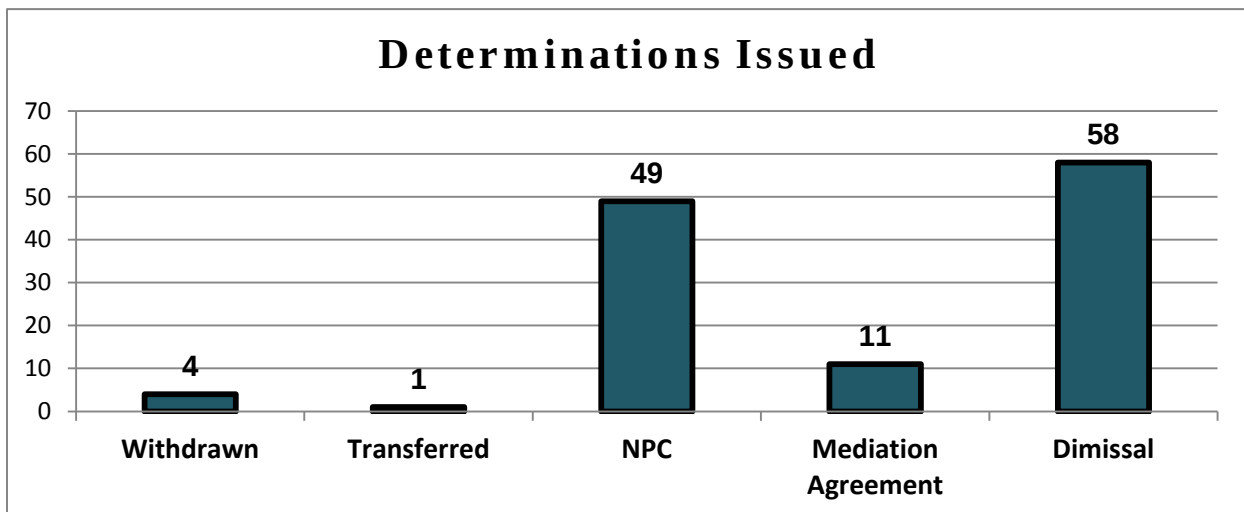


Figure 5: Determinations Issued

The Director issued determinations on 123 complaints, closing two of the oldest cases in the backlog. Specifically, 58 cases were closed after a dismissal determination, 49 were closed after a no probable casuse determination, 11 cases were resolved through the mediation program, 4 cases were closed due to withdrawal, and one case was transferred to another administrative agency. Complainants have the opportunity to appeal the determination, in which it gets forwarded to the Commission to review.