



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:

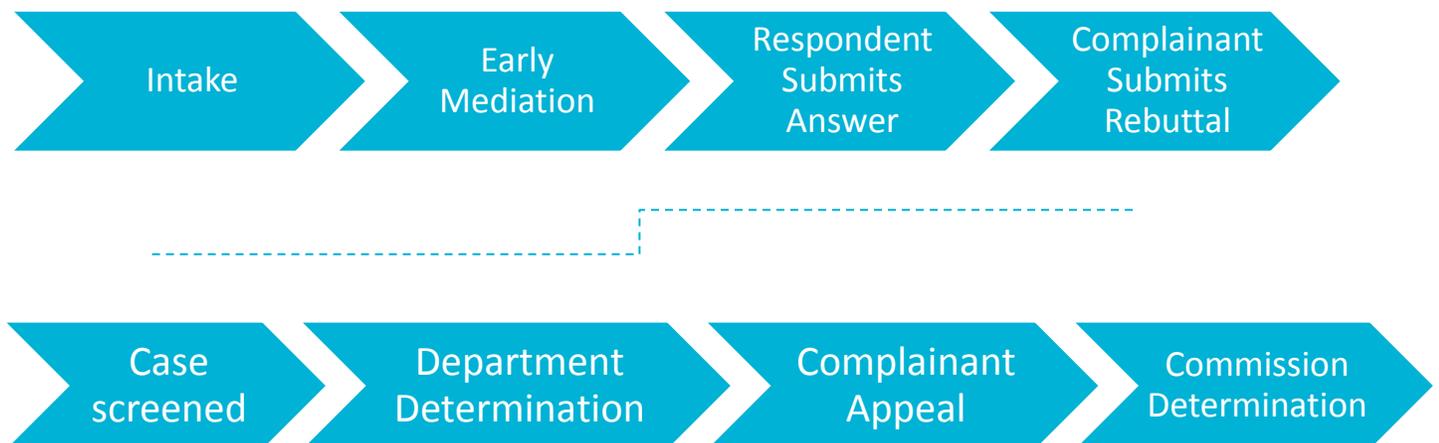
The Complaint Investigations Division will conduct **FAIR** investigations to promote our values of fellowship, advancement, integrity, and respect to remedy and deter acts of discrimination

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

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

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

Respect- 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.

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 2015, 23% of all cases closed were done so through mediation or other settlement mutually agreeable to the parties. This exceeded the Division goal of achieving 20% of all case closures through mediation. The Division conducted a total of 20 mediations, 16 of which successfully reached a resolution. Cumulative settlements in 2015 exceeded \$200,000, including non-monetary awards such as policy amendments, trainings, letters of apology, and job references. This achieved a 300% increase in the overall value of monetary relief versus 2014.

INVESTIGATION

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 2015, 102 cases closed following an investigation by the Division. This number includes cases received pursuant to a workshare agreement with the Equal Employment Opportunity Commission (EEOC). In 2015, the Division successfully fulfilled its contract obligations with the EEOC by completing 64 EEOC-referred cases with federal implications. 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.

The Commission is proud of its racial, geographic, lifestyle, and occupational diversity. Following extensive recruitment efforts for new Commissioners by Division staff in 2015, membership now includes representation from every single city ward except 7 and 12, including 3 Commissioners who reside in wards 4 or 5. The Commission also counts among its ranks a doctor, a trans-gender activist, an employee of the Minneapolis Urban League, and a former clerk of U.S. Supreme Court Justice Ruth Bader Ginsburg.

In 2015, the Commission conducted 17 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 9 determinations of No Probable Cause and 5 Dismissal determinations. The Commission

reversed one determination of No Probable Cause to Probable Cause. In addition, two cases were remanded back to the Division for further investigation.

During one highlight of 2015, the Commission facilitated agreement in two claims of discrimination, resulting in \$9,500 and a return to employment for one Complainant. The Commission also hosted the 10th anniversary of the Martin Luther King, Jr. Essay Contest in 2015. Commissioners networked with community leaders and teachers within Minneapolis Public Schools to promote the essay contest. At its conclusion, two high school students were awarded at a ceremony hosted by the Commission on Civil Rights.

In July 2015 the Commission on Civil Rights sent a letter urging the U.S. State Department to accept the recommendations of both Norway and Paraguay offered at the Universal Periodic Review of the United States. These recommendations encourage comprehensive and coordinated compliance with international human rights instruments at the federal, state, and local level. Finally, Commissioners also participated in Twin Cities Pride festival, Urban League Family Day, National Night Out, the Juneteenth festival, the Domestic Abuse Project Annual Luncheon.

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.

For example, on August 25, 2015, Division leaders presented *Civil Rights Awareness* and *MDCR Process* training to the Minneapolis Urban League. This presentation increased complaint filings and led to the active and ongoing participation of Minneapolis Urban League representatives on the MCCR. Similarly, Division leadership took an active role in tenant organizing efforts ongoing in Ward 6. Both formally and informally, Division staff toured apartment buildings and met with tenants in Ward 6. The Department Director personally mediated a conflict between one tenants group and its new landlord.

Concluding in winter and spring of 2015, the 13in13 outreach project featured 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 helped ensure that the Division broadens its geographical reach to include the entire city and a wide variety of vulnerable communities.

In addition to its own presentations and 13 in 13 initiatives, the Department participated in over 50 more outreach and engagement events, including: Twin Cities Pride, Twin Cities Juneteenth Festival, National Night Out, Minneapolis Transgender Equity Summit, Minneapolis Urban League Family Day, and St. Paul Rondo Days. In 2016, the Division's goal is to host at least one training per quarter with organizations such as religious institutions and legal rights organizations; and partner with other local civil rights and human rights agencies on promoting access to justice and adjudication of employment and fair housing disputes.

INTERNS

The Division has an internship program that provided 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 School of Law, Minnesota Justice Foundation, and Mitchell Hamline College of law's civil rights externship clinic.

Throughout 2015, 2 interns from the University of St. Thomas School of Law Community Justice Project were a part of the division's team. Their work significantly increased the Department's efficiency and efficacy in reaching successful case resolutions, particularly during the summer of 2015. Their presence also increased awareness in the broader Minneapolis legal community of the Department's efforts and legal barriers facing vulnerable communities in general.

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 2015, we re-emphasized our mediation program with great results. Compared to the previous year, our investment in mediation and alternative dispute efforts culminated in a 300% increase in monetary relief received by individuals suffering discrimination.

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 two hundred thousand dollars received by Complainants compensated them for harm already suffered and deterred future acts of discrimination and visits to each of the city's 13 wards by the Division's Director built new relationships. Finally, the Division was proud to enter 2016 with only two cases unresolved for longer than 270 days. We continue to deliver on a promise of improving outcomes and access to justice by responding to charges of discrimination faster and more efficiently.

MEASUREMENTS

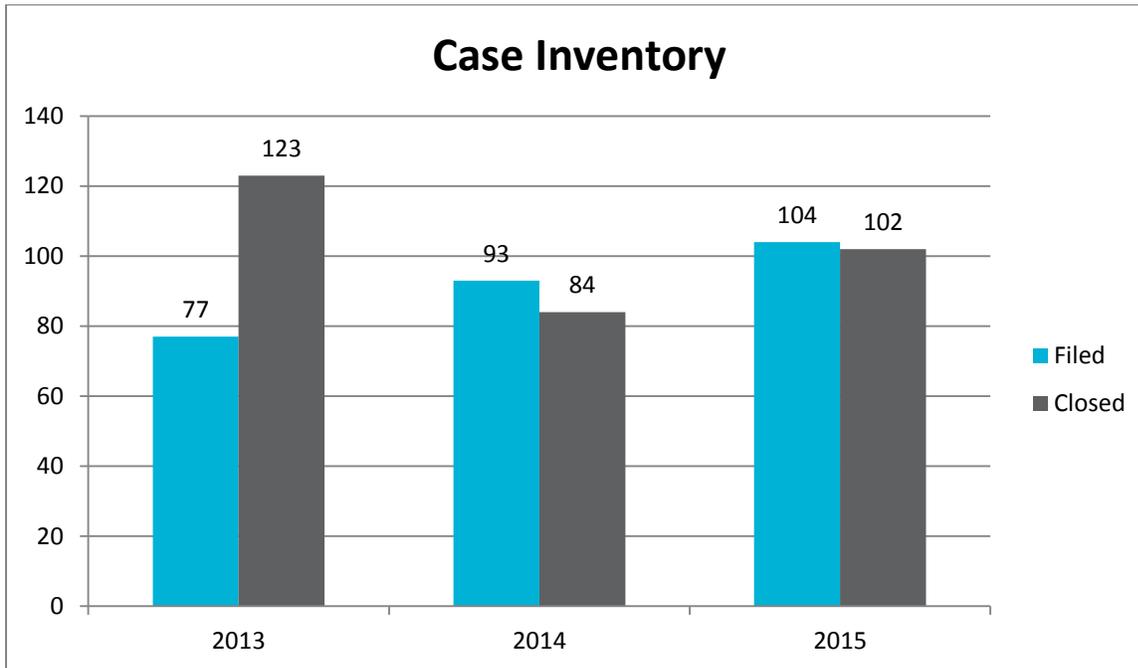


Figure 1: 2013-2015 Case Inventory

Figure 1 represents that 104 cases were filed during FY15 as compared to the previous year of 93 cases. The Division and/or the Commission on Civil Rights made final determinations on 102 cases.

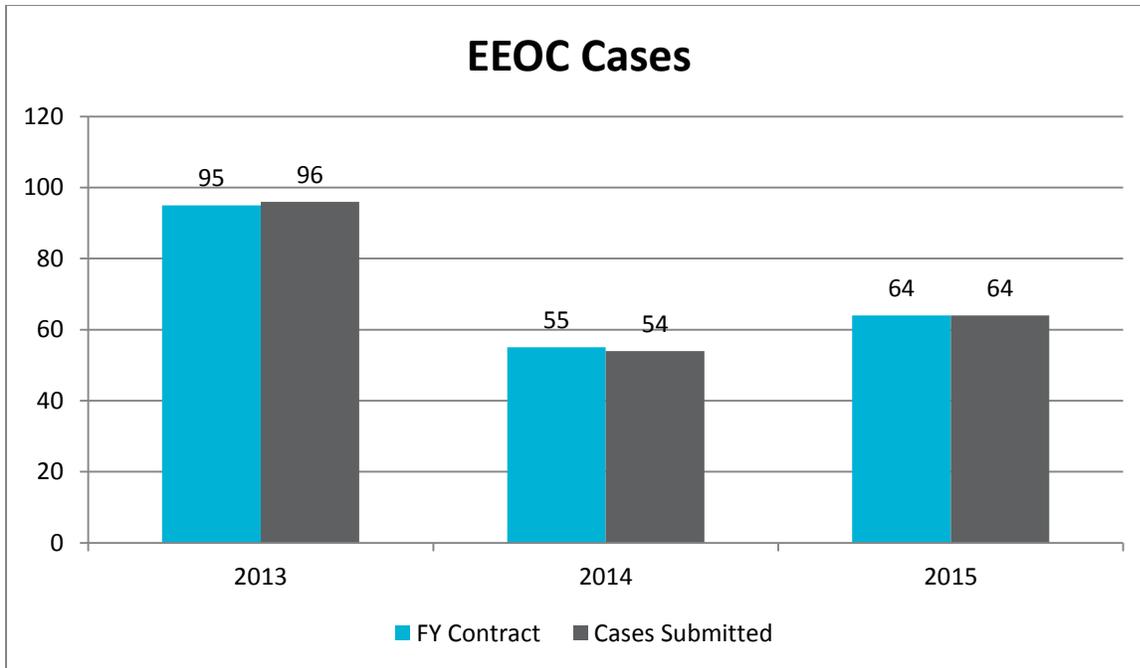


Figure 2: EEOC Cases

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 64 employment discrimination determinations that were cross-filed with the EEOC.

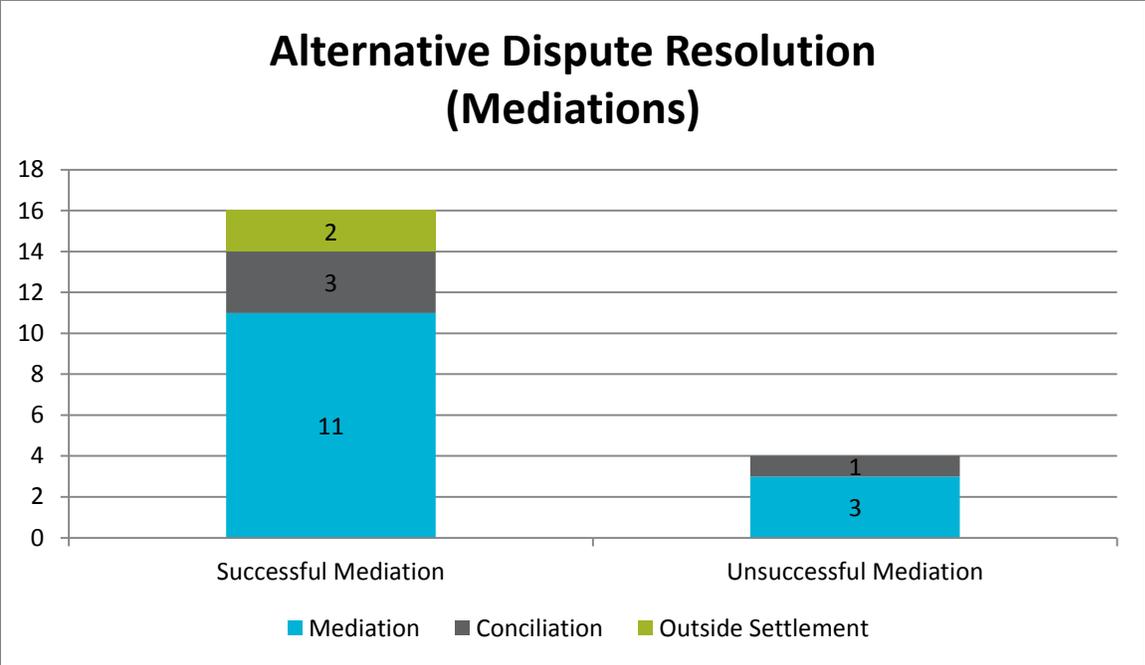


Figure 3: Cases Resolved through ADR

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 20 mediations, which resulted in 16 cases reaching a settlement agreement (80% success rate). An additional two cases were settled outside of the Division’s ADR program. The ADR program settled over \$200,000 that was awarded to Complainants, in addition to travel vouchers, letters of apology, sensitivity and cultural trainings, policy amendments and position reference letters.

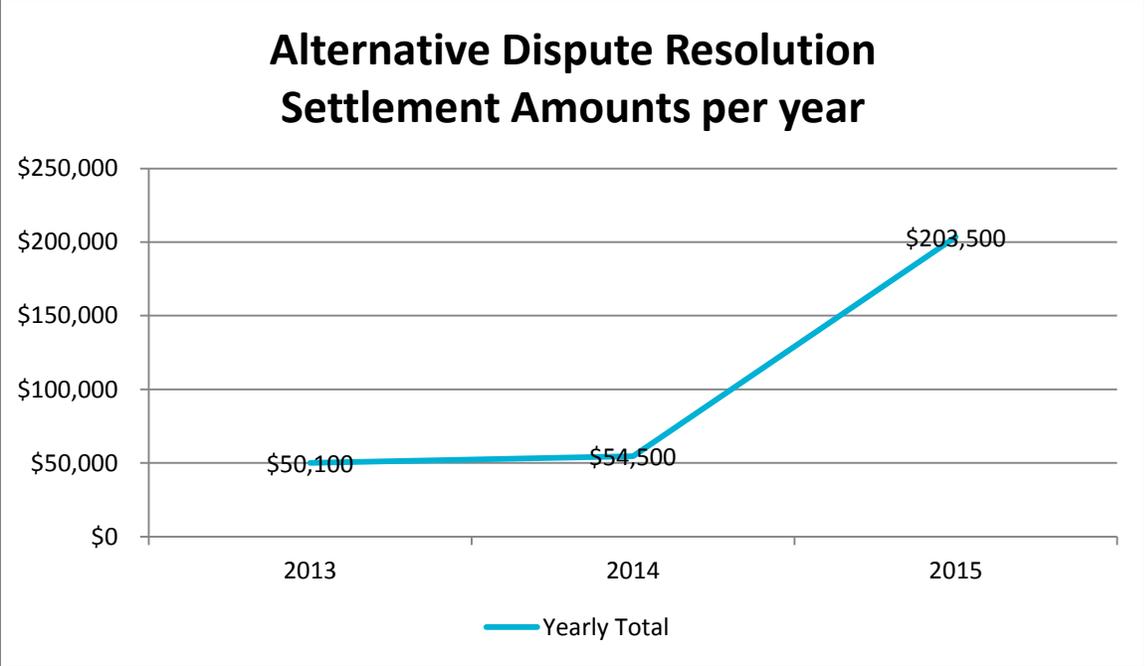


Figure 4.1: Settlement Amounts

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.

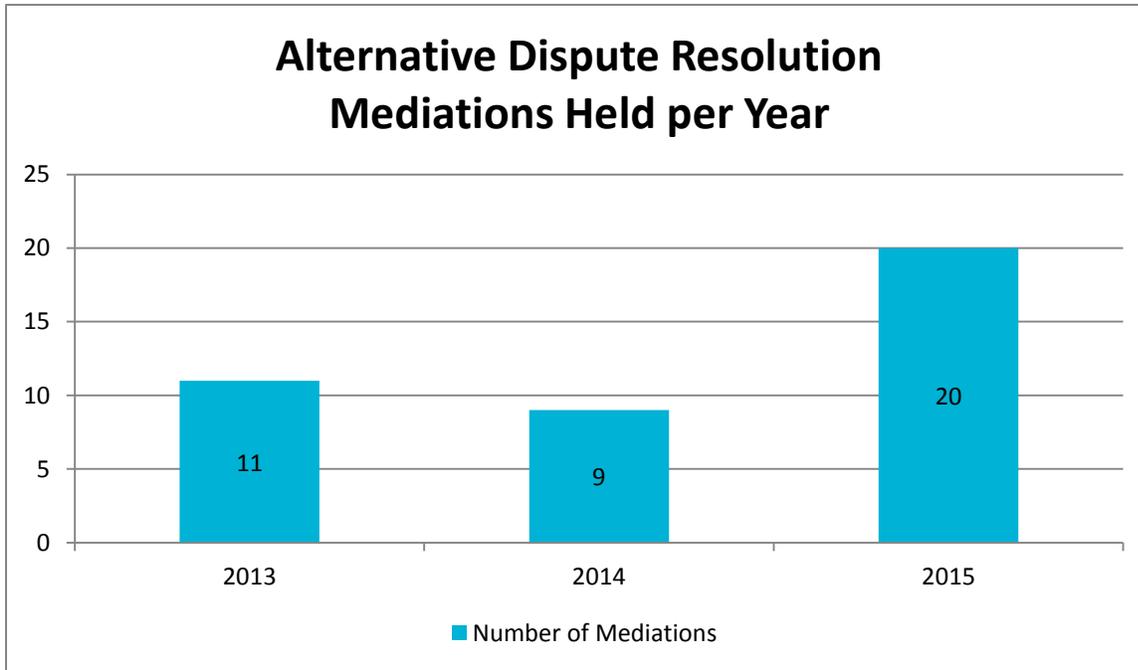


Figure 5.2: Mediations held 2013-2015

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. This graph shows an increase from 2014-2015, but a decrease in the number of mediations held from 2013-2014. It is important to note, however, that the average award amount is higher in 2014 compared to 2013, even with having two less mediations.

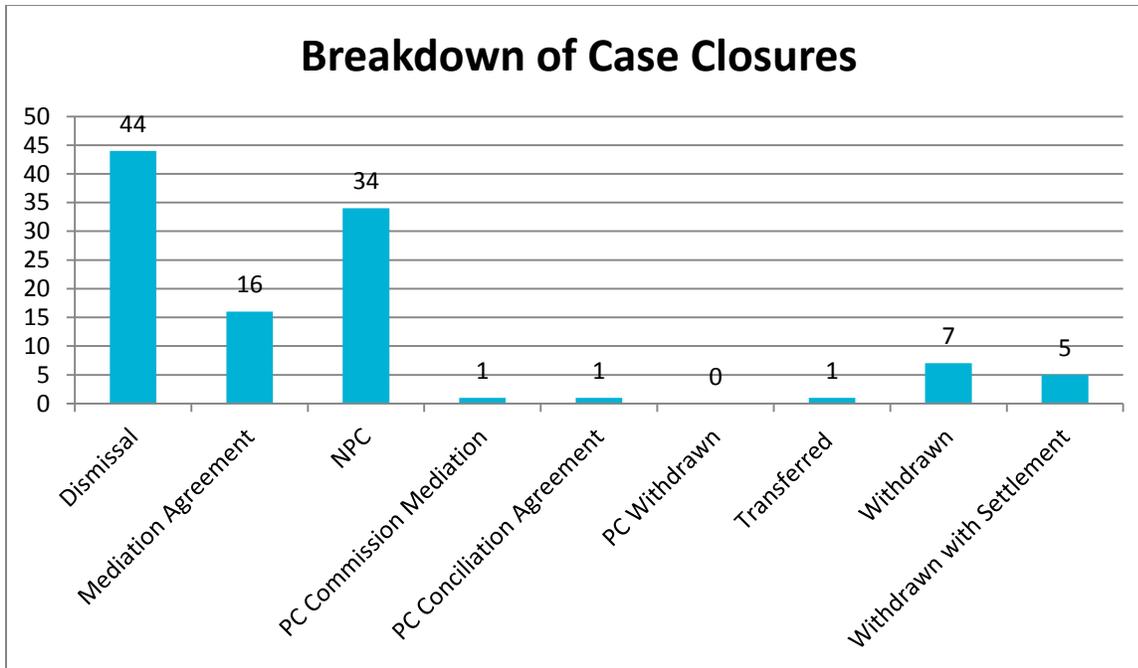


Figure 6: Case Closures

The Division closed 102 cases in 2015. Around 76% 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 seven (7%) of the cases for FY15.

	Labor Organization Employment	Employment Agency Furnishing Employment Info	Real Estate	Real Estate Broker/Sales	Professional Organization Lending	Public Accommodations	Public Service	Educational Institutions Business	Aiding, Abetting, Facilitating Coercion in housing
Race		49		1		7	2	1	
Color		2		1			1		
Creed									
Religion		2		1					
Ancestry				1					
National Origin		8		3		3	2		
Sex		16							
Sexual Orientation									
Gender Identity									
Disability	1	21		2		4	3		
Age	2	14		1		1			
Familial Status									
Reprisal		34							
Public Assistance		2		1					

Figure 7: Area and Basis of Complaints

The figure above illustrates the breakdown of the 104 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%.

Basis of Discrimination Complaints

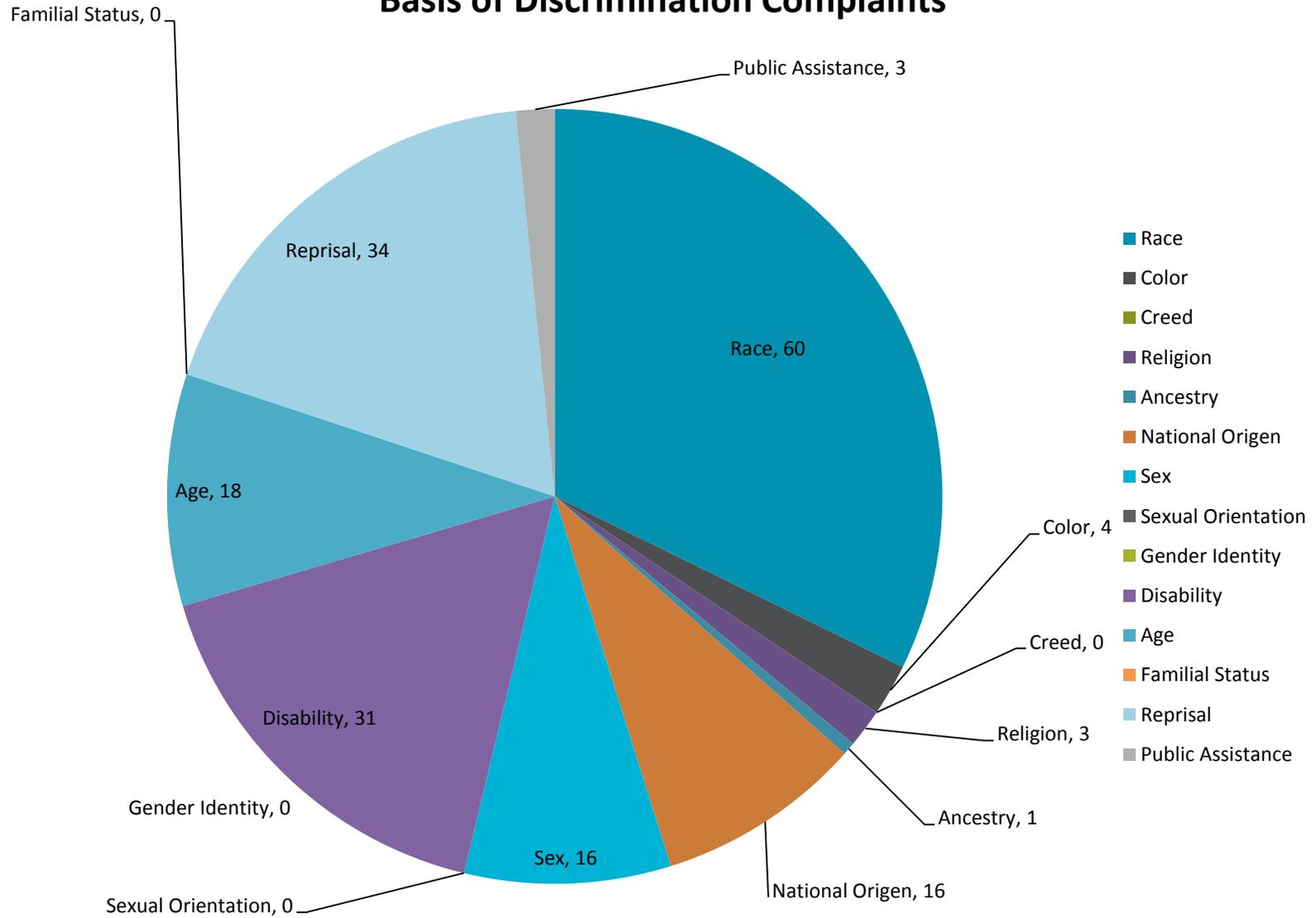


Figure 8: Area and Basis of Complaints

The figure above illustrates the breakdown of the 104 discrimination complainants filed. The largest number of cases filed is on the basis of race discrimination, 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%.