



# Complaint Investigations Division 2016 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:

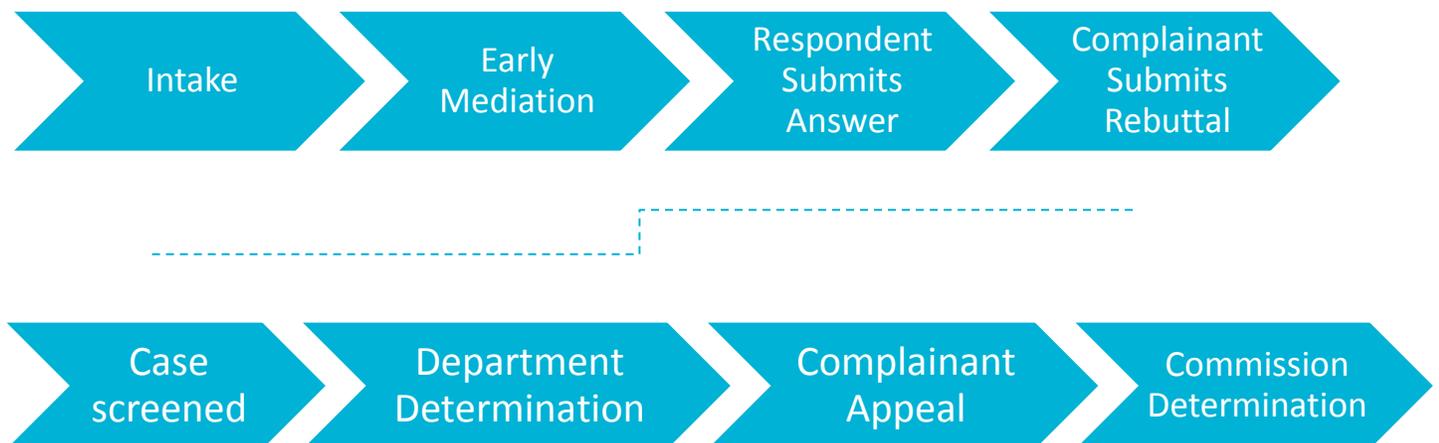
The Complaint Investigations Division will conduct **FAIR** investigations to promote our values of fellowship, advancement, integrity, and respect to remedy and deter acts of discrimination

**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. Complaints must be reported to the Division within 365 days of the alleged discriminatory incident. 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. Mediation is strictly confidential and is conducted by a neutral third party. If the dispute settles through mediation, parties do not need to respond further and the case is closed.

### **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 2016, 17% of all cases closed were done so through mediation or other settlement mutually agreeable to the parties. The Division conducted a total of 22 mediations, 18 of which successfully reached a resolution. Cumulative settlements in 2016 exceeded \$400,000, including non-monetary awards such as policy amendments, trainings, letters of apology, and job references.

### **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 2016, 72 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 2016, the Division successfully fulfilled its contract obligations with the EEOC by completing 58 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 14 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 parties can voluntarily participate in conciliation. If settlement agreements are not reached in conciliation, the case is forwarded to the Commission. A panel of commissioners is then assigned to review the case during what is called 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.

In 2016, the Commission conducted 10 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 all 10 determinations made by the Division.

In 2016, the Commission on Civil Rights wrote two resolutions. The first, adopted in July 2016 expressed the Commission’s support of the Best Life Alliance Campaign, which supports and advocates for people living with disabilities. Second resolution, adopted in May 2016, expressed

Commission opposition to the Minnesota legislature legal codification of binary-based (male and female only) definitions of human biological sex; particularly in regards to Minnesota Human Rights.

In addition, the Commission engaged with the community independently or with the Department at the Twin Cities Pride Festival, National Night Out, the Juneteenth Festival, the Annual FLOW Northside Art Crawl, and the LGBTQI Refugees Community Engagement Conversation.

## **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, as in the past the Complaint Investigation Division conducted community outreach with its Fair Employment Practices Agency (FEPA) cohorts which include the Minnesota Department of Human Rights, St. Paul Department of Human Rights, and also with the Minneapolis Equal Employment Opportunity Commission (EEOC). The events included, but as not limited to: Pride; Twin Cities Pride, Twin Cities Juneteenth Festival, National Night Out, Minneapolis Transgender Equity Summit, Minneapolis Urban League Family Day, and St. Paul Rondo Days.

The Director of CID co-created a Continuing Legal Education (CLE) entitled: Fair Housing: Techniques and Tactics of Enforcement through Private and Public Attorneys and the Mpls Civil Rights Office, in recognition of Fair Housing Month. Fellow creators included Volunteer Lawyers Network and Mid-Minnesota Legal Aid. It was panel discussion, that not only included attorneys from the former and later organizations, but also from the law firm of Faegre Baker Daniels, who were currently leading the litigation against the Frienz properties. The CLE was in geared toward housing attorneys for the purpose of sharing what each organization's role was in housing law, and how to utilize each.

Finally, the Division also did extensive outreach in support of its work with Council Member Warsame on the City of Minneapolis' recommitment, through Resolution, to address public accommodations discrimination. The goal of the outreach was to inform business owners and their agents of their responsibilities under this portion of the ordinance to its customers and/or clients. Our outreach included discussion with, but not limited to: neighborhood and local business organizations such as the Uptown Association Board of Directors, Somali Business Forum, Northeast Minneapolis Riverfront District and the Whittier Alliance.

The Division also worked to develop relationships with, and presented its work and services to organizations within the community such as Waite House, English Learning Center, and the City

of Minneapolis enterprise and the City's Transgender Work Group.

## **LAW CLERK INTERNS**

This year the Division was fortunate to continue its working relationship with law clerk interns from the University of St. Thomas. The Division has an internship program that provides 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.

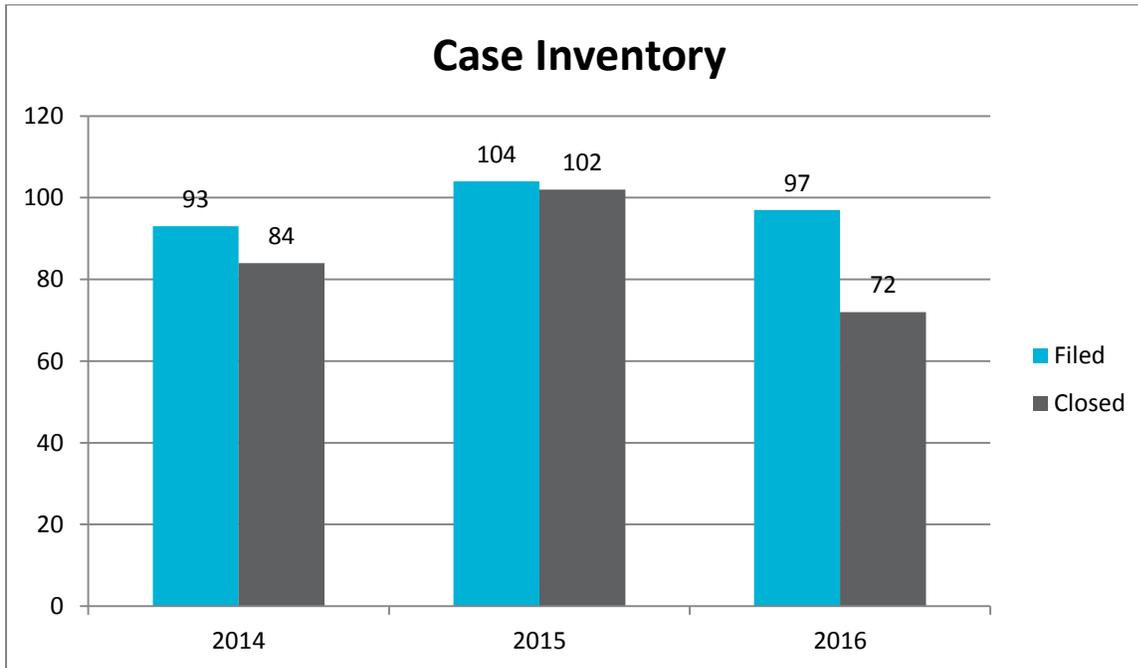
Their work significantly increased the Department's efficiency and efficacy in reaching successful case resolutions.

## **CONCLUSION**

From increased settlements, CLEs, outreach, 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 2016, as in the year prior, we re-emphasized our mediation program with great results. Compared to the previous year, our investment in mediation and alternative dispute efforts culminated in approximately a 118% increase in monetary relief Complainants received.

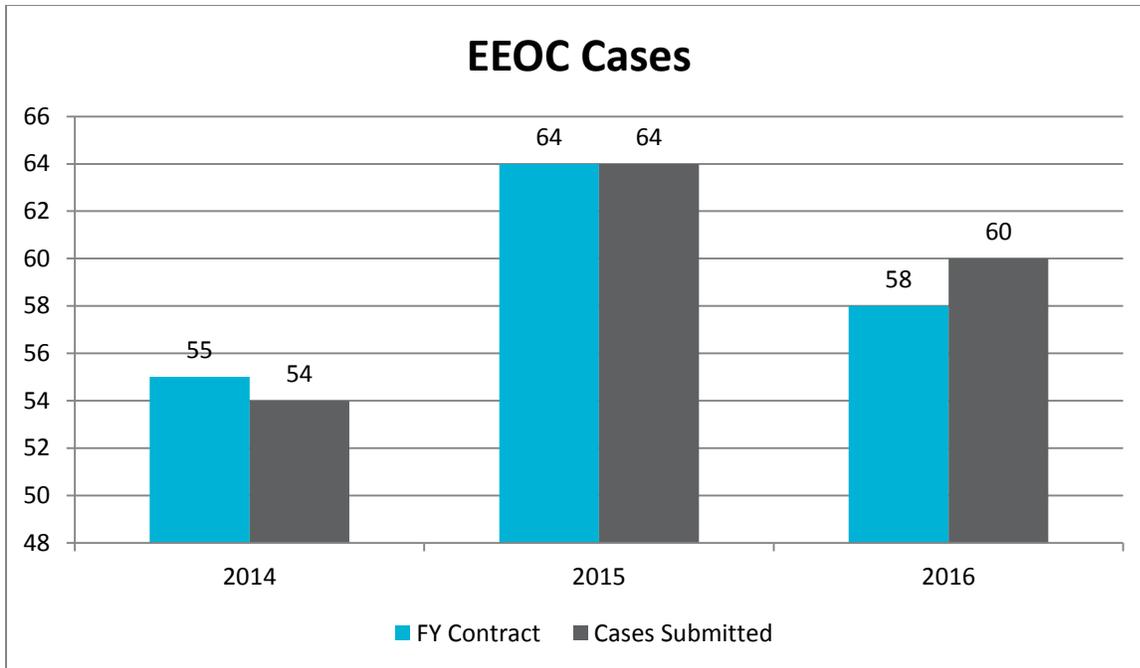
The Division continually builds on the legacy and progress of countless people who sacrificed before us in ways large and small. This past year, over four hundred thousand dollars received by Complainants compensated them for harm already suffered and deterred future acts of discrimination. Finally, the Division entered 2017 with eight 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



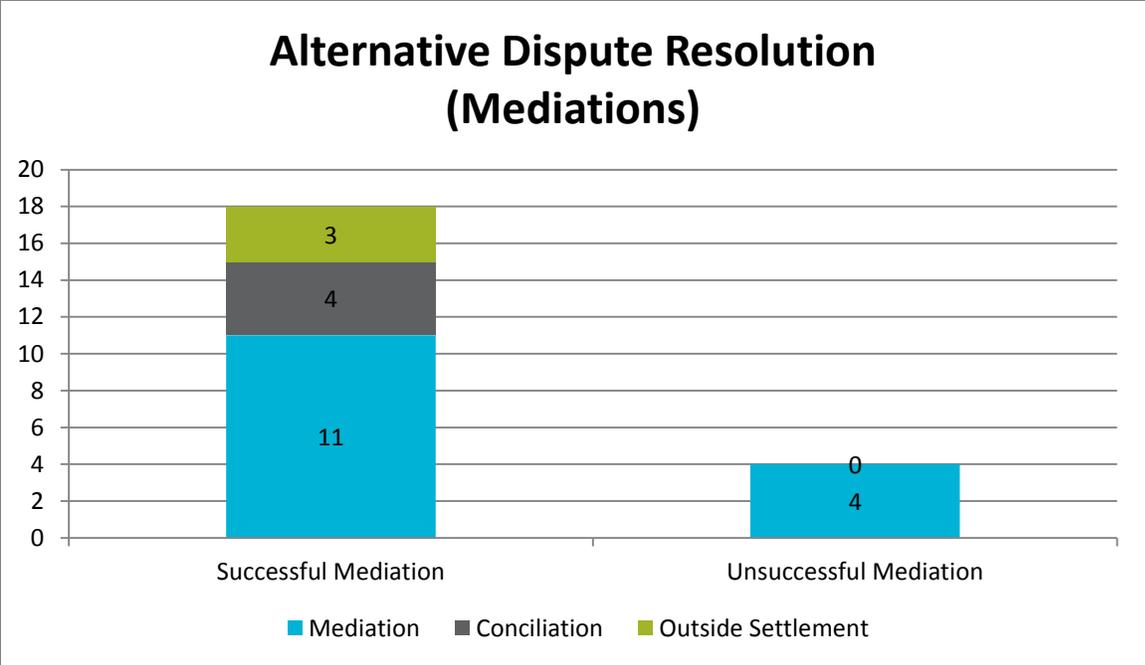
**Figure 1: 2014-2016 Case Inventory**

Figure 1 represents that 97 cases were filed during FY16. The Division and/or the Commission on Civil Rights made final determinations on 72 cases.



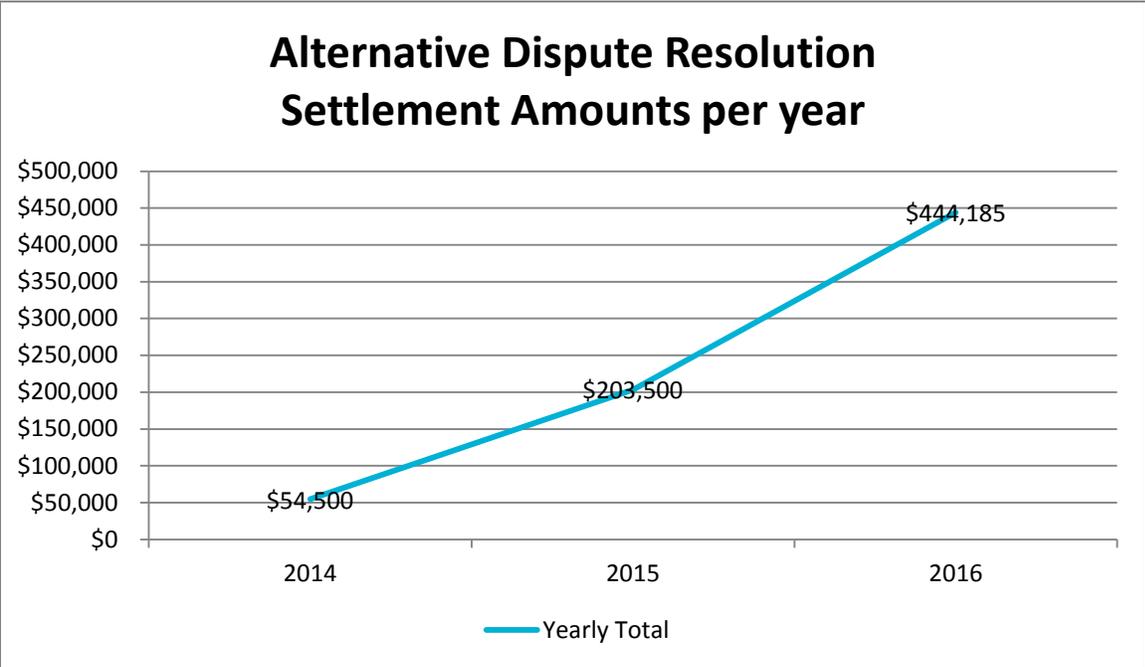
**Figure 2: EEOC Cases**

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



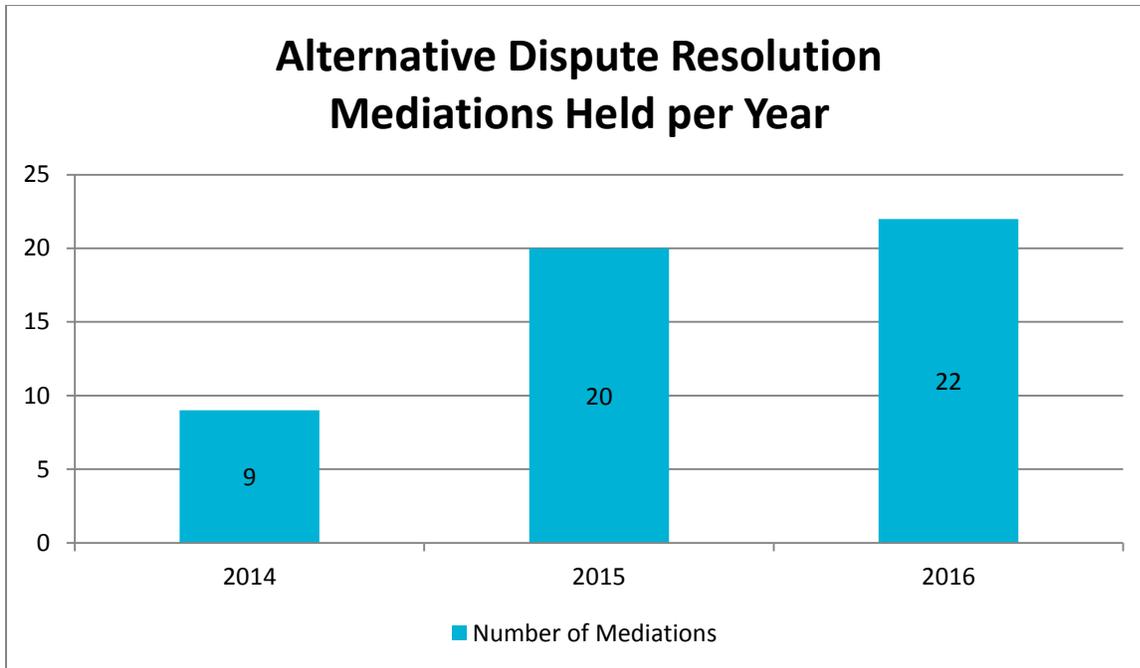
**Figure 3: Cases Resolved through ADR**

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 18 cases reaching a settlement agreement. The ADR program settled over \$400,000 that was awarded to Complainants, in addition to travel vouchers, letters of apology, sensitivity and cultural trainings, policy amendments and position reference letters.



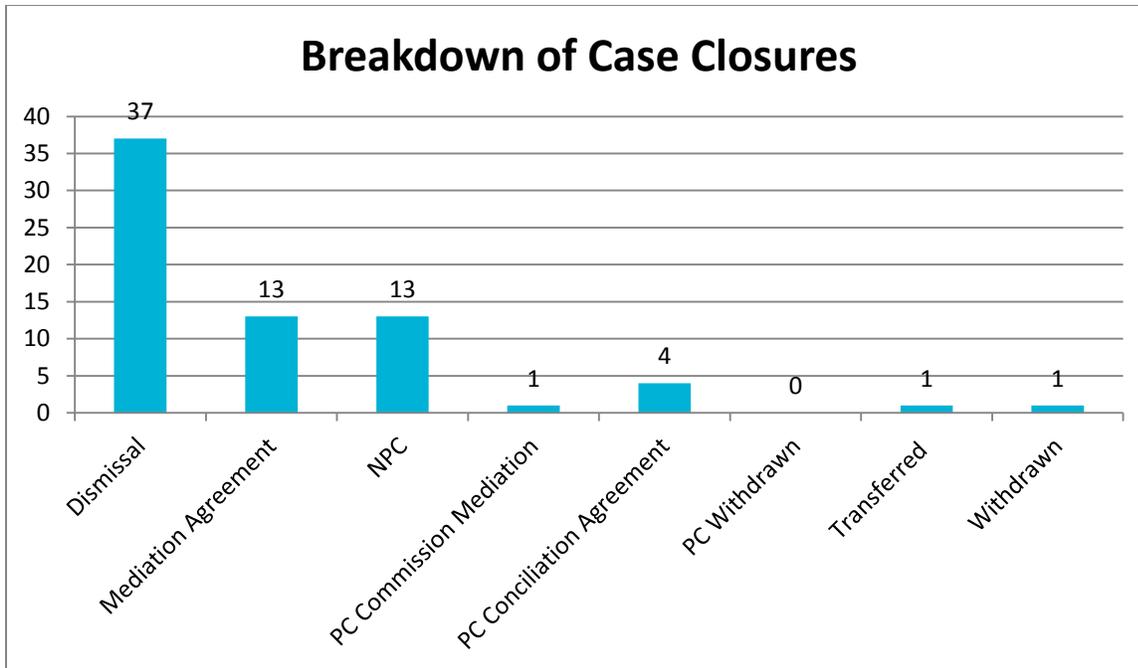
**Figure 4.1: Settlement Amounts**

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 2014-2016**

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 a continued increase from 2014 to 2016 in the number of mediations held by the Division



**Figure 6: Case Closures**

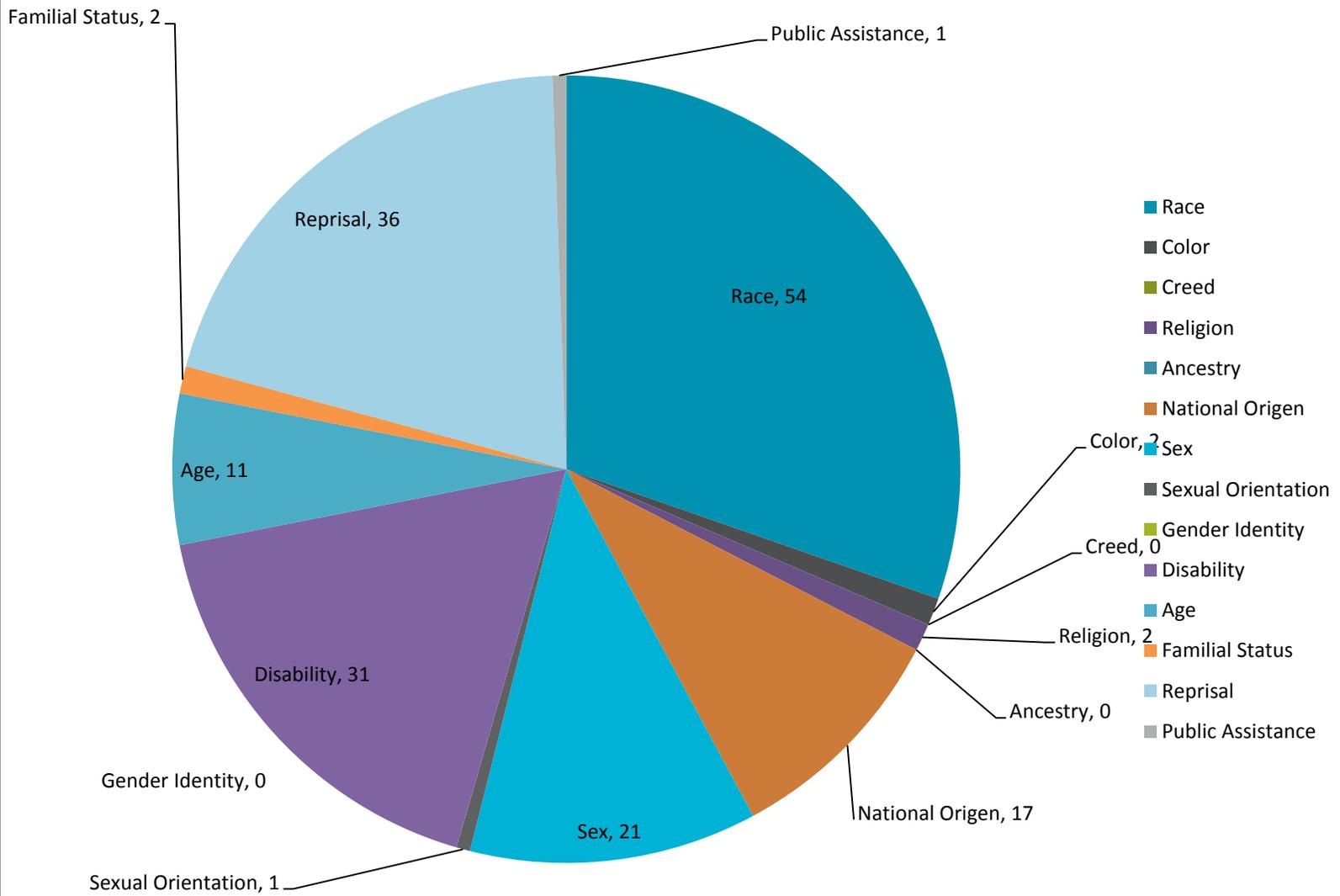
The Division closed 70 cases in 2016. Approximately 71% of the cases were issued a determination of “no probable cause” or “dismissal.” A determination of “no probable cause” means that the Investigator has not found a reason to believe that discrimination has occurred. Whereas a dismissal, is a case that has been sent to an investigator for limited investigation and has been dismissed. The Division found Probable Cause that discrimination occurred in five of the cases for FY16.

	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	41		3			9	1	1	
Color	2								
Creed									
Religion	1					1			
Ancestry			1						
National Origin	14		2			1			
Sex	20		1						
Sexual Orientation	1								
Gender Identity									
Disability	20		1	2		8			
Age	11								
Familial Status			2						
Reprisal	35		1						
Public Assistance						1			

**Figure 7: Area and Basis of Complaints**

The figure above illustrates the breakdown of the 97 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



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