

CITY OF MINNEAPOLIS
COMMISSION ON CIVIL RIGHTS



2010 ANNUAL REPORT
TO THE MAYOR AND CITY COUNCIL

April 1, 2011

I. INTRODUCTION

This Annual Report will provide statistical information related to the actions of the Minneapolis Commission on Civil Rights (MCCR) for 2010. 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 2011. 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 the third Monday of every month at 6 p.m., at City Hall, 350 South Fifth St., Room 241 (Martin Luther King Jr. Conference Room), Minneapolis, MN. All meetings are open to the public, unless a closed meeting is called, pursuant to state law.

Our mission includes the following:

- 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
- 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 that violates the City of Minneapolis' Civil Rights Ordinance.

The Commission's purpose is to fulfill the requirements of the Civil Rights Ordinance. Its mission, therefore, 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:

- MCCR directly supports the City’s policy to address discriminatory practices that adversely affects the health, welfare, peace and safety of the community.
- The MCCR works to prevent and prohibit all discriminatory practices, thus closing the race and class gaps in housing, health care, education, public services, public accommodation, and employment. Enforcement of civil rights laws will increase equal access, equal opportunity and equal input, thus directly affecting Minneapolis. In a City where civil rights laws are enforced, diversity is welcomed, respected and valued.

III. Summary of 2010 Commission Activities

A. Appeals and Contested Case Hearings

The Commission has the 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 during the investigation of charges. When a no probable cause finding is appealed or when the Department makes 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 and Dismissals.

If a complaint of discrimination receives a “No Probable Cause” determination from the MDCR, and the Complainant files an appeal, 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

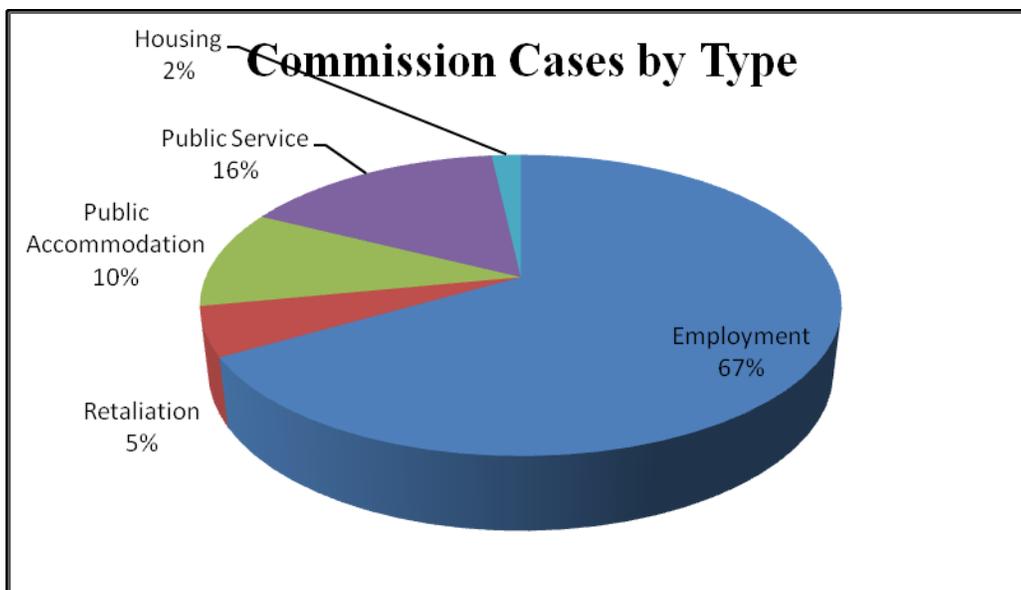
Probable Cause cases are processed much differently and require more financial and human capital to process. If a complaint receives a "Probable Cause" determination by the MDCR and the Department's attempts to conciliate the matter are unsuccessful, the Department will refer the complaint to the Commission 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, and Respondent. The Committee will then issue an 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

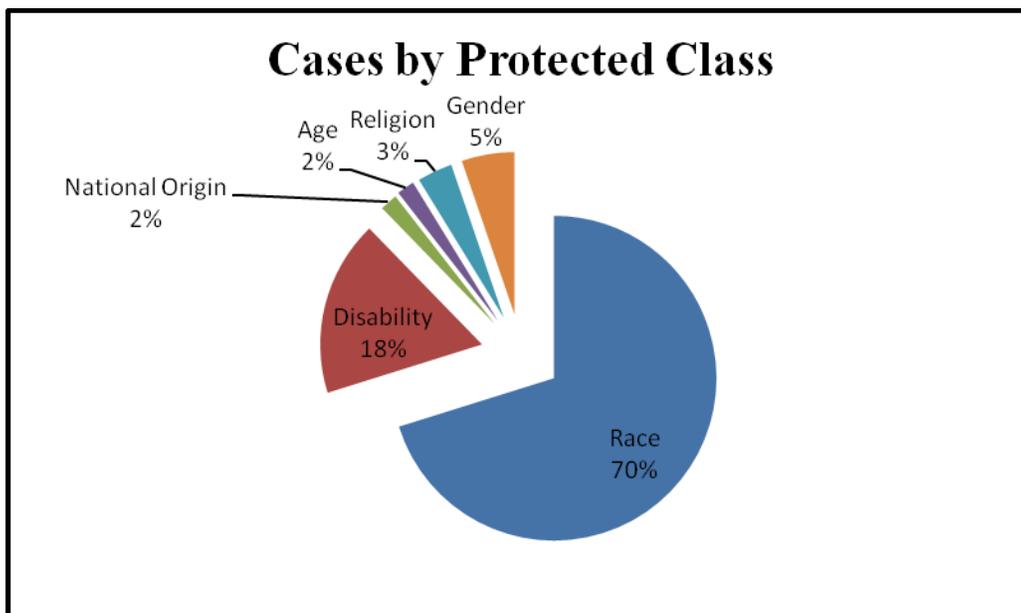
The MCCR and MDCR enforcement and administrative process provides for the investigation and adjudication of complaints by giving access to justice for those who lack the resources to pursue their claims in court. This is particularly important in employment discrimination cases, where employees have 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 resolves cases away from the courts, saving judicial resources. Complainants who file EECO suits 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-judicial, frivolous or non-meritorious complaints, or with complaints that can be closed or settled in the MDCR or the MCCR.

4. Case Statistics

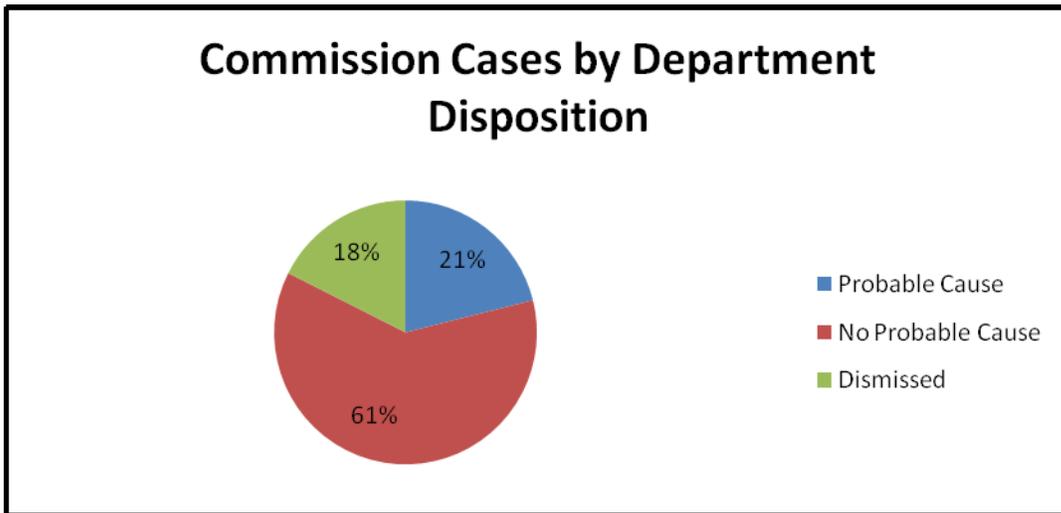
During 2010, the Commission closed 57 cases. Below is the subject-matter breakdown of these cases:



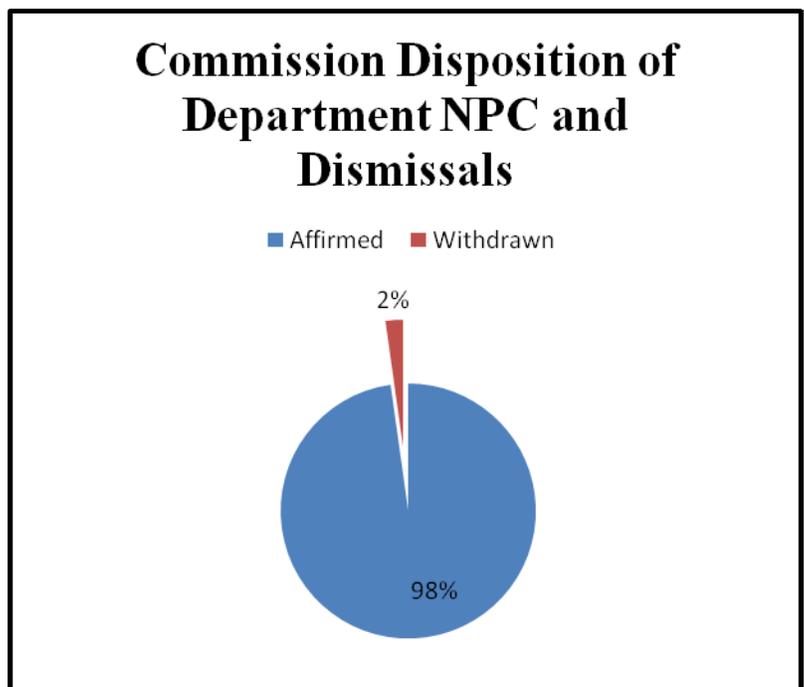
Of the Commission's 57 cases, just over two-thirds involved claims of race discrimination. The next largest segment of cases were disability-discrimination cases, accounting for almost a fifth of the docket. The small remainder of cases involved claims of national origin, age, religious, and gender discrimination:



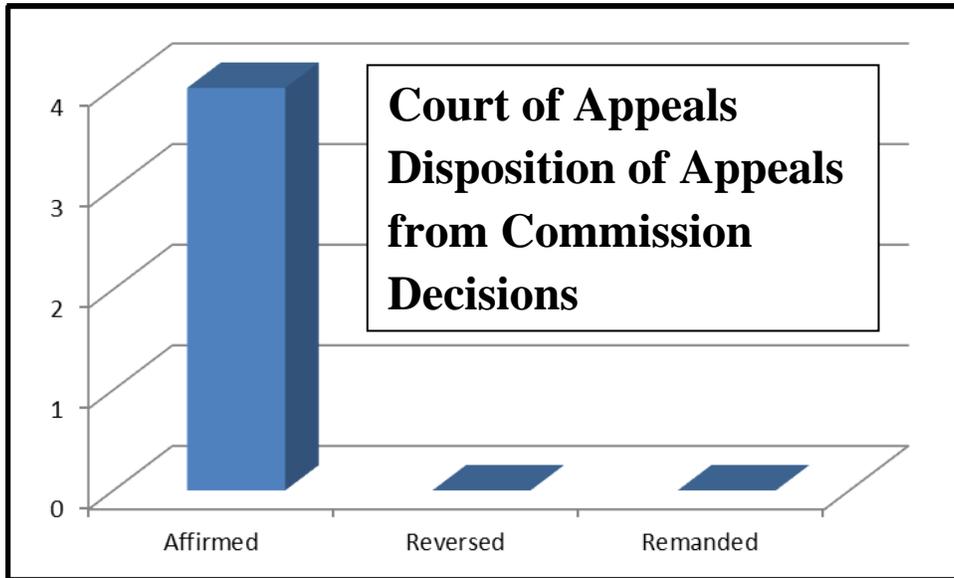
Almost two-thirds of the Commission’s caseload comprises reviews of the Department’s determination of No Probable Cause (“NPC”). The remaining third of the Commission’s docket is composed of roughly equal parts reviews of Dismissals and Probable Cause determinations (PC).



44 of the Department’s 45 dismissal or NPC determinations were affirmed by the Commission, *at right*.



Just as the Commission reviews appeals from the Department's NPC determinations and dismissals, the Minnesota Court of Appeals has jurisdiction over appeals from the Commission. In 2010 The Court of Appeals affirmed all four cases¹ appealed to it from the Commission, *below*.



¹ *Williams v. Minneapolis Police Dep't*, Nos. A09-1650, A09-1669 (July 6, 2010); *Ricci v. Minneapolis Police Dep't*, No. A09-1352 (June 15, 2010); *Cannon v. Minneapolis Police Dep't*, 783 N.W.2d 182 (June 1, 2010); *Minneapolis Police Dep't v. Kelly*, 776 N.W.2d 760 (Jan. 12, 2010). The last two cases were appeals from commission rulings in 2009, but were decided by the Court in 2010.

B. Standards and Procedures (S&P) Committee

Each attorney member of the commission is required to serve on the Standards and Procedures (S&P) Committee. Because attorney commissioners preside over contested cases, the S&P committee serves as a regular forum for attorney commissioners to discuss the application of the Commission's Rules of Procedure for Contested Case Hearings.

In addition to its rule-related discussions, the S&P committee created a special task force to study the civil rights ordinance, compare it with similar and coordinate state and federal laws, and to recommend appropriate amendments. The task force—led by Commissioner Sonja Peterson—has largely completed its review and identified its recommendations, and is now liaising with the Department.

Following the Commission's 2010 strategic planning sessions, the S&P committee has been evaluating various intra-commission committee reorganization proposals. These studies are underway, and at least one recommendation is expected to be proposed to the Commission in 2011.

C. Public Relations and Education (PR&E) Committee

The Public Relations and Education (PR&E) Committee began 2010 with the annual Martin Luther King, Jr. Essay Contest winner's ceremony. This event was an outstanding success. All nine winners, their parents, and teachers attended the ceremony honoring these students. The top essay of nine winners was sent on to the state-wide competition held by the League of Minnesota Human Rights Commission. That essay won an honorable mention on the state level.

Over the summer, the PR&E committee examined the contest question procedure and there was discussion about the commission making up its own question, but in the end decided to continue using the League of Human Rights essay question so that one of our winners could be a part of the state level contest.

In the fall of 2010, the PR&E committee also with the Domestic Abuse Project ("DAP"). DAP promotes safe and healthy family relationships by stopping domestic violence as it occurs and working to prevent it in the future. DAP provides counseling, education and advocacy to families affected by domestic abuse to give them the tools to

transform their lives. As part of this partnership, the Commission was invited to attend DAP's annual luncheon in October where DAP publicly recognized the Commission's work.

The PR&E committee also began planning the 2011 Martin Luther King, Jr. Essay Contest in the late 2010. Meanwhile, PR&E has been goal-setting for 2011, with fresh faces and ideas on the Commission's public presence; PR&E plans to make a larger impact on the commission itself and the community as a whole in terms of public relations and education.

D. Contract Compliance Committee

2010 was a very active year for the Commission's Contract Compliance Committee. The first goal of the committee was to build a working relationship with the Department's Contract Compliance Unit of the Civil Rights Department. The Contract Compliance Committee began sitting in on various weekly department meetings to stay abreast of what the contract compliance unit does within the Department, as well as take the opportunity to explain the Commission's contract-compliance vision. These meetings opened a helpful dialogue and eliminated some of the misconceptions about the division of contract-compliance authority between the Department and the Commission.

The Contract Compliance Committee also named a few specific projects that we were going to follow with respect to both workforce and direct contract participation goals. In working with the Civil Rights Department we have made the whole process more transparent thereby making it possible for us as a Committee to offer assistance where necessary if contractors were not meeting their goals.

The Contract Compliance Committee offered feedback and support with respect to the disparity study done by a third party for the City of Minneapolis. As a result of the disparity study, there were several recommended steps to increase participation on City projects and the Committee will continue to work with the Department toward achieving adequate participation in city contracts for women and minorities.

IV. OUTLOOK FOR 2011

The Commission's Vision for 2011 includes maintaining its core competencies of providing efficient and timely resolution of contested cases, working with the Department to update the Ordinance, and continuing to improve contract compliance under the ordinance. In these areas, we expect to continue our gradual improvement.

In 2011, the Commission's largest committee, by membership, is the Public Relations and Education (PR&E) Committee. In contrast, the Standards and Procedures (S&P) Committee was the largest committee in 2010. Consistent with this re-allocation of its human capital from S&P to PR&E, the Commission expects to see larger change in education and outreach spaces. Specifically, the Commission may increase the use social media to support its outreach efforts. Also, the Commission is considering the creation of a web-based presentation-reservation system. This system would allow schools, non-profits, and community groups to "book" one or more commissioners to come and speak with their group or class about the Commission's work and its mission.