



COMMISSION ON HUMAN RIGHTS



Lincoln Commission on
HUMAN RIGHTS

Discrimination? Act!

2018

ANNUAL REPORT

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LCHR ANNUAL REPORT 2018

Mayor

April 2019

Dear Lincoln Residents,

The Lincoln Commission on Human Rights (LCHR) dates back to 1966 when Lincoln voters passed Article 10, an antidiscrimination and human rights amendment to the City Charter. Title 11 was then added to the Lincoln Municipal Code, creating the framework to foster equal opportunity for all Lincoln residents and to prevent and respond to discrimination in employment, housing and public accommodation. This Annual Report highlights LCHR's work over the past year to promote and enforce the protections afforded by local, state and federal laws.

I appreciate the willingness of all nine of our volunteer Commissioners, who share their valuable time and talents with the community. Their service demonstrates their strong commitment to equality and fairness in our community.

In 2018, Commissioners and our two LCHR investigators closed 11 housing cases, 32 employment cases and one public accommodation case. LCHR also reached 8,639 residents with 179 educational sessions covering civil rights and responsibilities.

The annual Civil Rights Conference in April 2018 focused on both employment and housing, with presentations from local, regional and national experts. We appreciate the continued support of our Conference sponsors -- the Nebraska Department of Economic Development, the Omaha Human Rights and Relations Department, the U.S. Equal Employment Opportunity Commission, the U.S. Department of Housing and Urban Development, Southeast Community College and the Nebraska Housing Developers Association. The success of our Conference depends on their support, as well as the support of national and local presenters who share their civil rights knowledge and expertise with participants.

While the need to combat prejudice and discrimination in Lincoln continues, we must acknowledge the great strides that have been made in the past five decades. The work of the dedicated LCHR Commissioners and staff will ensure that progress continues, and the civil rights protections codified so many years ago remain in full force. We can all take pride in living in a community where inclusion is embraced and hate and discrimination will not be tolerated.

Sincerely,



Chris Beutler
Mayor of Lincoln

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LCHR Staff Notes

Dear Friends of the Commission:

Another year has passed and it was nothing short of eventful! In 2018, Kimberley Taylor-Riley left the agency after serving five years as our Director of Equity and Diversity. Though she will be missed, we are glad she found an opportunity to be closer to her family in Missouri. Following her departure, City Attorney Jeffery Kirkpatrick served as our Interim Director for the remainder of the year. We also said farewell to two of our Commissioners, Jaine Merliss and Susan Oldfield. Merliss served on the Commission for two years and Oldfield for eight years. Their dedication and insight made them great assets to the Commission. We also welcomed aboard Commissioner Rachel Zeng.

In April we held our annual Civil Rights Conference at The Graduate Hotel in Lincoln, Nebraska, where we had over 185 attendees. In addition to our legal updates, the Conference highlighted our nation's immigration system and its local impact on workers and families. Our keynote speakers included Theodore Wheeler, author of *Kings of Broken Things*, and Stella Adams, Chief of Equity and Inclusion for the National Community Reinvestment Coalition. We were also pleased to announce the winner of the Gerald Henderson Human Rights Award, Ed Wimes, who is a passionate advocate for fairness and equality in the community.

In July we hosted our first Region VII Fair Housing Assistance Program Conference in Omaha. Region VII encompasses civil rights agencies located in Nebraska, Iowa, Kansas, and Missouri. The conference provided training opportunities for more than 50 civil rights investigators and managers. It was a great opportunity to work alongside our counterparts, the Nebraska Equal Opportunity Commission, the Omaha Human Rights and Relations Department, and the Department of Housing and Urban Development. We also commemorated 50 years of the Fair Housing Act!

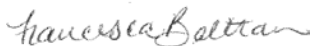
In September we orchestrated a LGBTQ+ workshop: "The Fight for Your Rights" discussing the current status on LGBTQ+ rights, potential legislation, litigation, and activism. We were very appreciative to the community members who attended and shared their stories with us. We hope to have the opportunity to further expand on this workshop and possibly present it again in the future.

The Lincoln Commission on Human Rights is truly thankful for the continued support it receives from all of you, especially during such a momentous year.

On Behalf of the Commission,



Michelle Ware



Francisca Beltran



Margie Nichols



Peg Dillon

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Commission Chair

Dear Citizens and Friends of the Commission,

I would like to take this opportunity to provide an update on the Commission's work throughout 2018. We hope to educate the employers, employees, landlords, and tenants about acceptable practices and discriminatory ones that arise in the daily lives of the residents of the City of Lincoln, Nebraska. I want to acknowledge the work of Kimberley Taylor-Riley, Executive Director who left Lincoln to pursue other opportunities. The LCHR staff stepped up their efforts and worked with interim Director Jeff Kirkpatrick who also serves as City Attorney of Lincoln. They all continued to work diligently to investigate complaints, discuss the cases brought before the Commission, and issue findings in a timely and just manner.

In my second year as Chair of the Lincoln Commission on Human Rights, I want to express my many thanks to all involved for affording me this opportunity. It was also my pleasure to be a part of presenting the Gerald Henderson Human Rights award this past year and also for the Annual Civil Rights Conference. I have to affirm what my predecessor stated last year: "That this diverse complement of individuals allowed the Commission to operate as an experienced set of fact finders, thoughtful problem solvers, and committed dispute resolution specialists." It has been and continues to be an honor to do so.

During 2018, we said goodbye to Commissioners Jaine Merliss and Susan Oldfield. We thank them for their service to the City of Lincoln and to the Commission.

The annual Civil Rights Conference was hosted by the LCHR staff in April 2018 and was again a resounding success. The Annual Conference is an educational and instructive how-to seminar focusing on compliance with housing and employment requirements that affect all of us. Each year, the quality of the conference and the number of participants grows. I am extremely proud of the work the staff performs to host the conference - hats off to them!

Our work continues as we strive for fairness and equality in a city that supports a local Civil Rights Agency to specifically address housing and employment discrimination. How fortunate we are to live in Lincoln, Nebraska, a city committed to equity and fairness for all its residents.

Sincerely,

A handwritten signature in cursive script that reads "Micheal Q. Thompson".

Micheal Q. Thompson
Chair, 2018

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Commissioners

2018 Commissioners



Lincoln Commission on Human Rights (LCHR) Commissioners: Front row, left to right: Melanie Ways, Micheal Q. Thompson (Chair) Amanda Baron (Vice-Chair), and Jaine Merliss. Back row, left to right: Jonathan Rehm, Rachel Zeng, Sheri Blok, Susan Oldfield, and Carlos Garcia.

The LCHR Commission is a nine member board of diverse community members who review and issue a determination in the cases presented to them. They are volunteers who are appointed by the Mayor and approved by the City Council. One goal of the Commission is to continue educating the public on discrimination laws in the hope of preventing, and eventually eliminating, unlawful discrimination. They meet on the last Thursday of each month at 4 p.m. in the City Council Chambers of the County/City Building. The public is welcome to attend.

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Commissioners Continued



Susan Oldfield



Jaine Merliss

Outgoing Commissioners:

In 2018, two of our dedicated Commissioners left LCHR. Susan Oldfield fulfilled two full terms and one partial term for a total of eight years of service. Jaine Merliss resigned after serving two years on the Commission.

Thank you for your service!

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Mission Statement

Mission

The administration of the Human Rights Division supports the enforcement of all provisions of Title 11 of the Lincoln Municipal Code. To receive, settle, conciliate, investigate, issue findings, and hold public hearings on complaints alleging discrimination based on race, color, religion, sex, disability, national origin, familial status, age, ancestry, marital status, and retaliation within the City of Lincoln.

To perform functions and activities with community groups, businesses, schools, and governmental entities for the purpose of promoting understanding between races, cultures, and sexes, and to work to eliminate inequalities and sources of inter-racial friction.

Review all City of Lincoln procurement bids and awards in excess of \$10,000.00.

Review Disadvantaged Business Enterprises (DBE) program of minority and women-owned businesses and maintain directory.

Goals

To eliminate and prevent all forms of illegal discrimination, to assure and foster equal opportunity for all citizens of the City, and to act in all matters within its jurisdiction.

The Commission's Role

The Commission is a neutral investigative agency. We do not serve as either party's lawyer, advocate, or advisor. We are not attorneys. We do not take the side of either the Complainant (the person who filed the complaint) or the Respondent (the alleged discriminator).

The job of the Commission is:

- to *investigate* complaints of discrimination;
- to *settle* complaints, if possible;
- to *determine*, after investigation, whether there was discrimination in violation of the City of Lincoln's Equal Opportunity Ordinance; and
- to *order remedies* if the Complainant proves at a hearing that discrimination has occurred.

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LCHR Staff

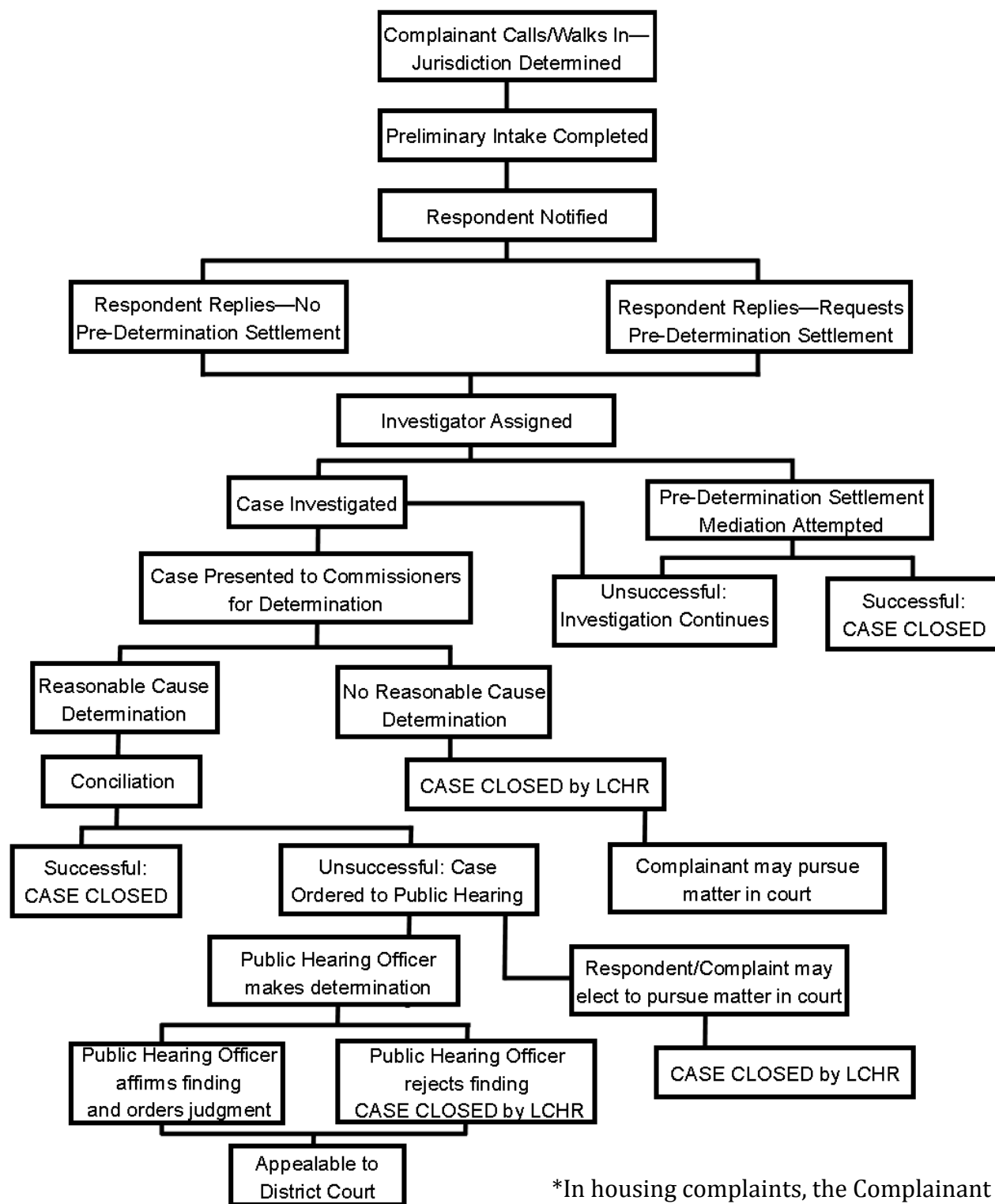


Lincoln Commission on Human Rights (LCHR) Staff: Front row, left to right: Margie Nichols, Senior Civil Rights Investigator; Francisca Beltran, Community Outreach Coordinator; and Peg Dillon, Senior Office Assistant. Back row, left to right: Michelle Ware, Senior Civil Rights Investigator; and Jeff Kirkpatrick, Interim Director.

LCHR is the primary city agency that has the responsibility to address discrimination complaints brought by individuals. Any remedy pursued by LCHR will be based on the enforcement authority of the Equal Opportunity Ordinance, which provides a fair and impartial process for resolving Charges of Discrimination. LCHR also provides community education and technical assistance in order for people to know and understand their rights and responsibilities under the law.

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Complaint Process*

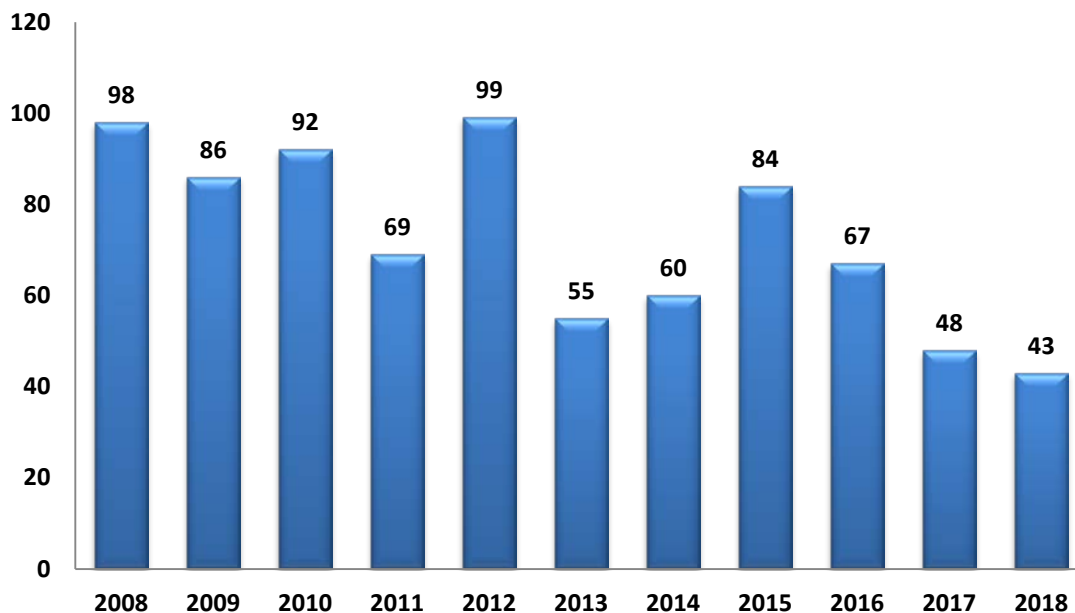


*In housing complaints, the Complainant always has the option throughout the process to pursue his or her case privately in court.

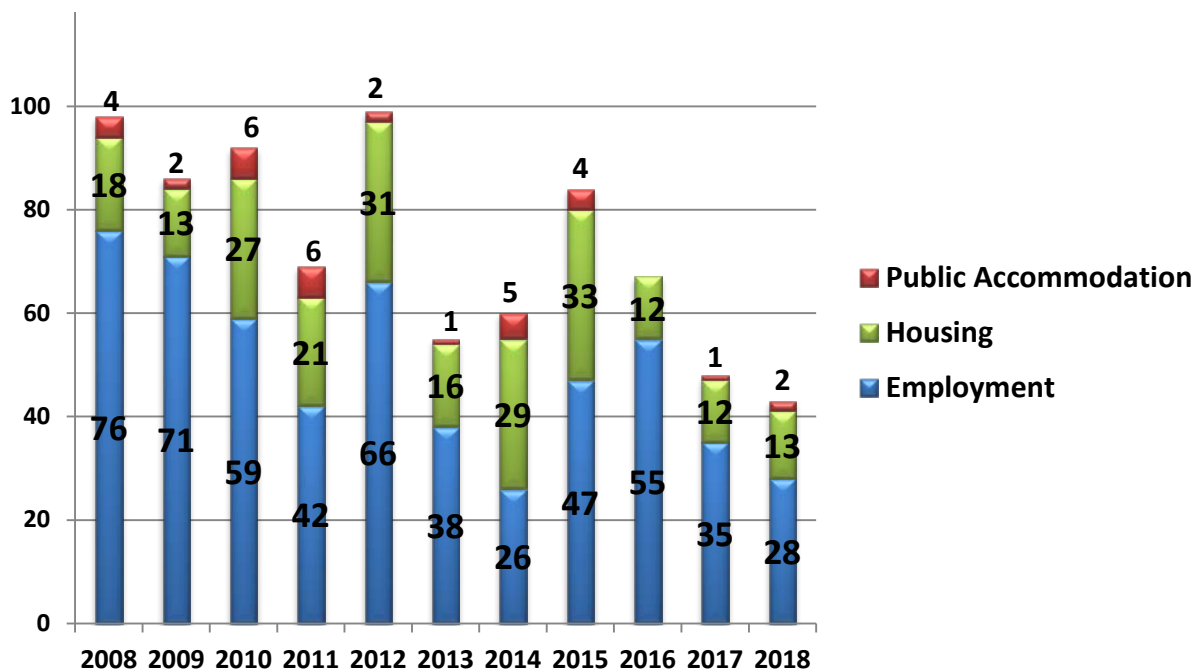
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Case Statistics

Cases Filed 2008-2018



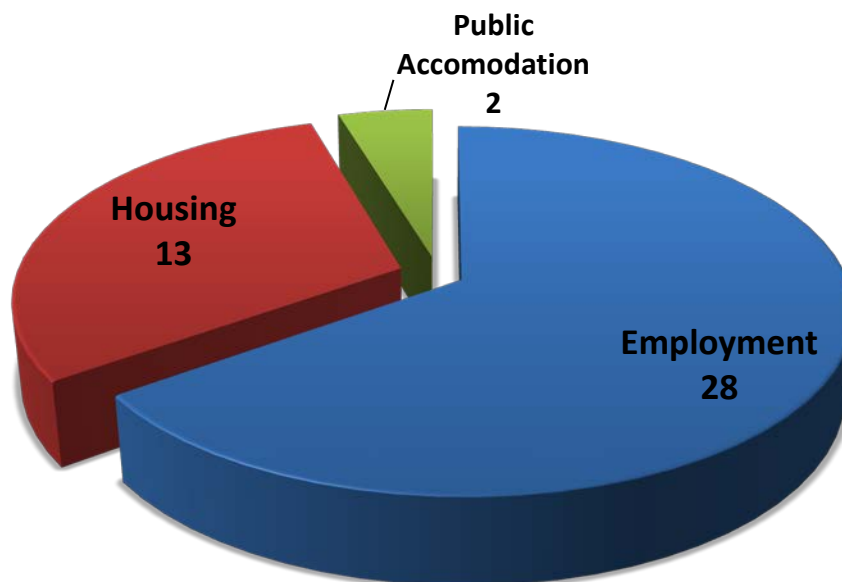
Cases Filed by Type 2008-2018



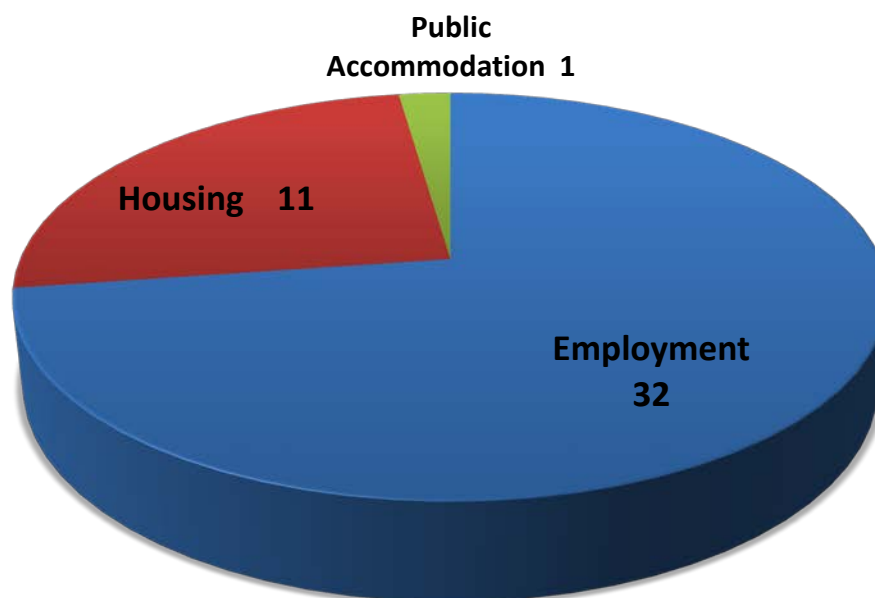
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Case Statistics Continued

Cases Filed by Type, Total 43



Cases Closed* by Type, Total 44

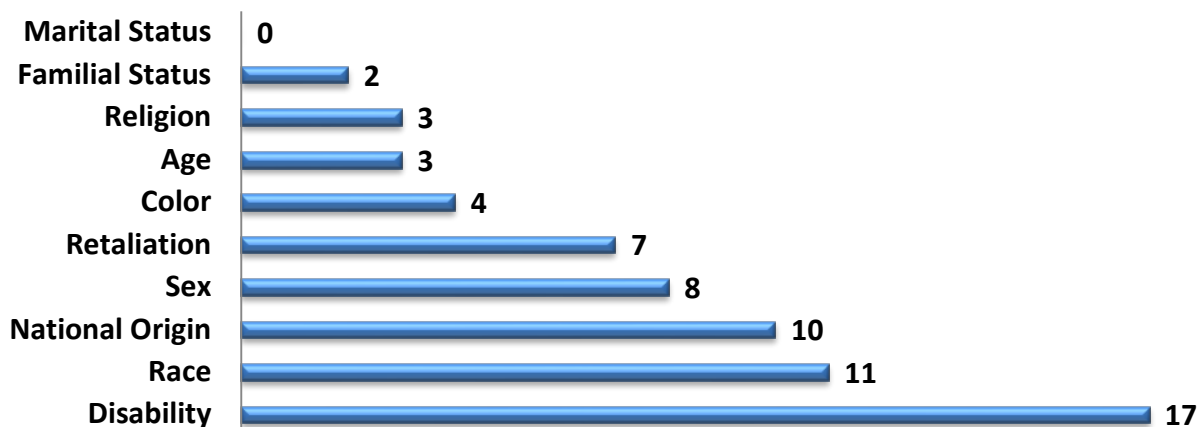


*Cases closed include cases filed from 2017-2018, but closed in calendar year 2018.

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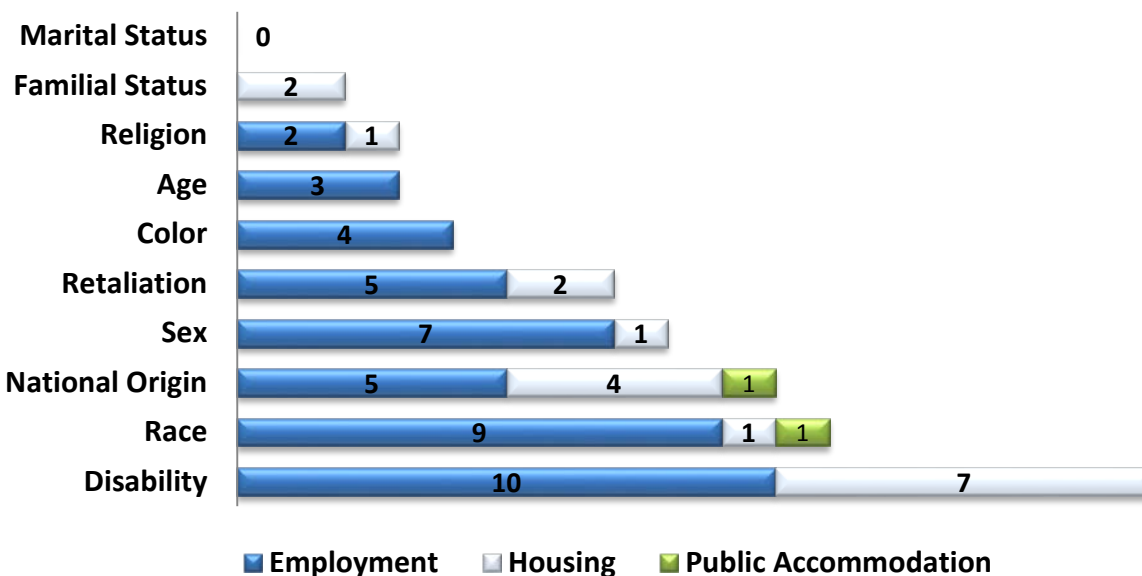
Case Statistics Continued

Breakdown of Cases Filed by Basis*



*Cases are often filed under more than one basis. For example, cases could be filed on the basis of both sex and disability, or race and retaliation.

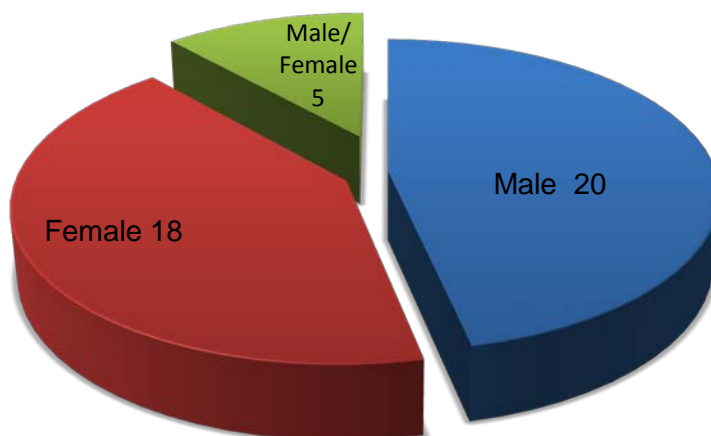
Breakdown of Cases Filed by Basis and Type**



**The basis of age is only covered in employment cases. Familial status is only covered in housing cases.

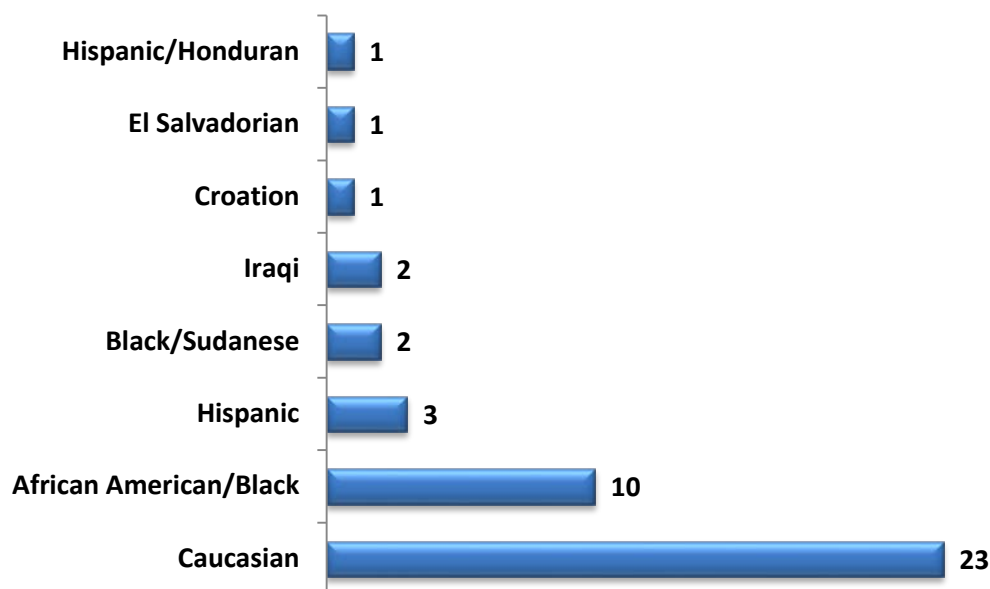
Case Statistics Continued

Breakdown of Cases Filed by Gender*



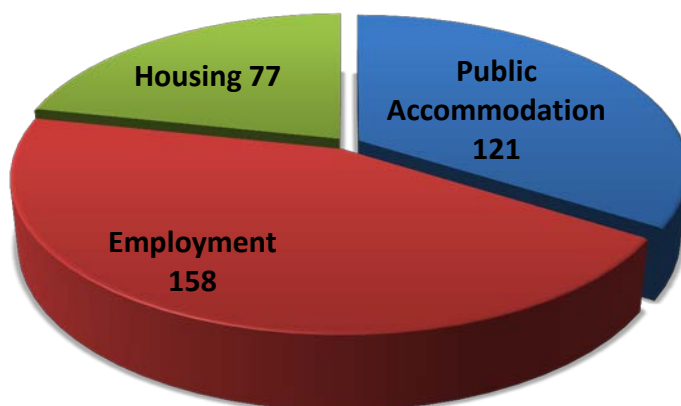
*Housing cases may be filed by multiple parties.

Breakdown of Cases Filed by Race / National Origin / Ethnicity**

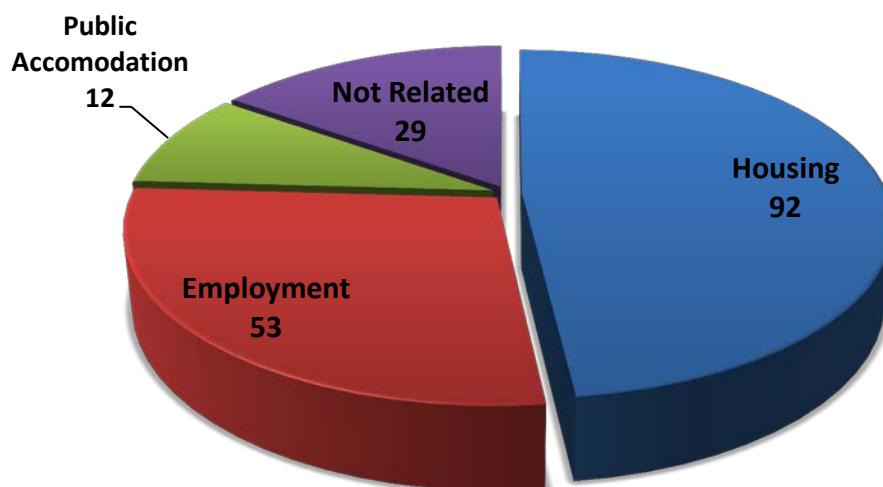


**This provides an approximate demographic report based on the racial, national origin, or ethnic designation provided by the Complainant.

Average Number of Days from Filing to Closure



Inquiries Not Resulting in a Complaint*

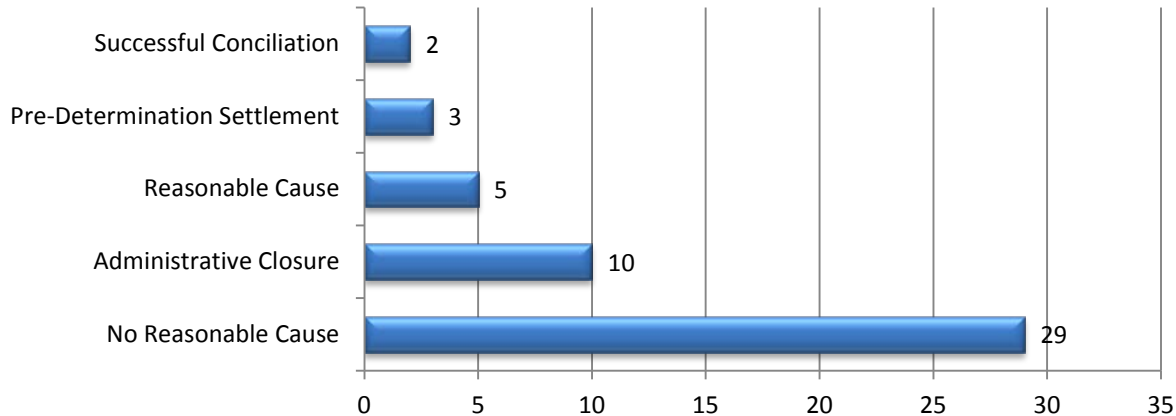


*There are various reasons why inquiries do not result in the filing of a complaint, including, but not limited to: the Commission not having subject matter jurisdiction, the individual not wanting to file a complaint, or the individual failing to follow through with the filing of a complaint.

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Case Statistics Continued

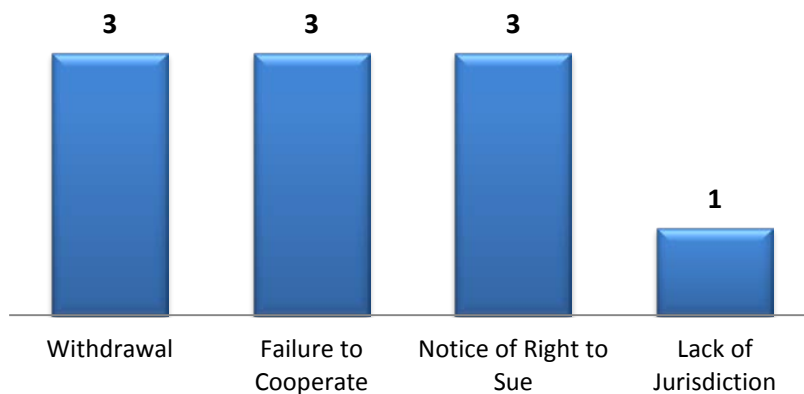
Breakdown of Commission Decisions



What do the numbers mean? “No Reasonable Cause” cases are when the Commissioners determine there is insufficient evidence to believe discrimination occurred. In “Reasonable Cause” determinations, Commissioners believe there is evidence of discrimination. “Administrative Closures” are cases closed for a variety of reasons (see chart below). “Pre-Determination Settlements” are cases closed due to a settlement agreement *prior* to a Commission decision. “Successful Conciliation” occurs when the parties reach an agreement *after* the commission makes a reasonable cause finding.

Sometimes the Commissioners make more than one decision in a single case. Commissioners may determine Reasonable Cause exists and those cases may later be closed in the same year by the Commission due to: Successful Conciliation, Public Hearing Determination, or issuance of a Notice of Right to Sue. As such, the total number of Commission decisions may be greater than the number of cases closed.

Administrative Closures



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Settlement Summaries

Pre-Determination,* Conciliation Settlements, and Withdrawals with Settlements**

Employment

- Public Hearing Outcome

The Hearing Officer found largely in favor of Complainant and awarded the following:

Total damages awarded to Complainant \$173,472.22

Consisting of: Back wages \$70,722.33

Front pay \$27,750.00

Damages for emotional distress and humiliation \$75,000.00.

The Hearing Officer further ordered Respondent to pay the City of Lincoln a civil penalty of \$15,000.00.

Housing

- Respondent pays Complainant \$290 for pecuniary loss; attends fair housing training; and post fair housing posters.
- Respondent agrees to rescind and nullify Notice to Quit; rent lot space to Complainants month-to-month; post fair housing posters and Complainant pays Respondent \$795.73 for repairs in addition to their \$650 security deposit. Respondent waives balance of \$5,400.12.
- Reasonable cause finding on both allegations on 8/30/2018. Charged & ordered to Public Hearing on 9/27/2018. Public Hearing canceled after the Successful Conciliation was approved on 10/25/2018. Respondent pays Complainant \$12,500 and \$5,000 civil penalty was awarded.
- Respondent pays Complainant \$2,000; posts fair housing posters; and attends fair housing training.
- Respondent to allow emotional support animals for Complainant; rents to Complainant at \$625 per month; and distributes fair housing handouts.

*A Pre-Determination Settlement (PDS) is a no-fault settlement agreement voluntarily entered into by both parties *prior* to the Commission making a determination in the case.

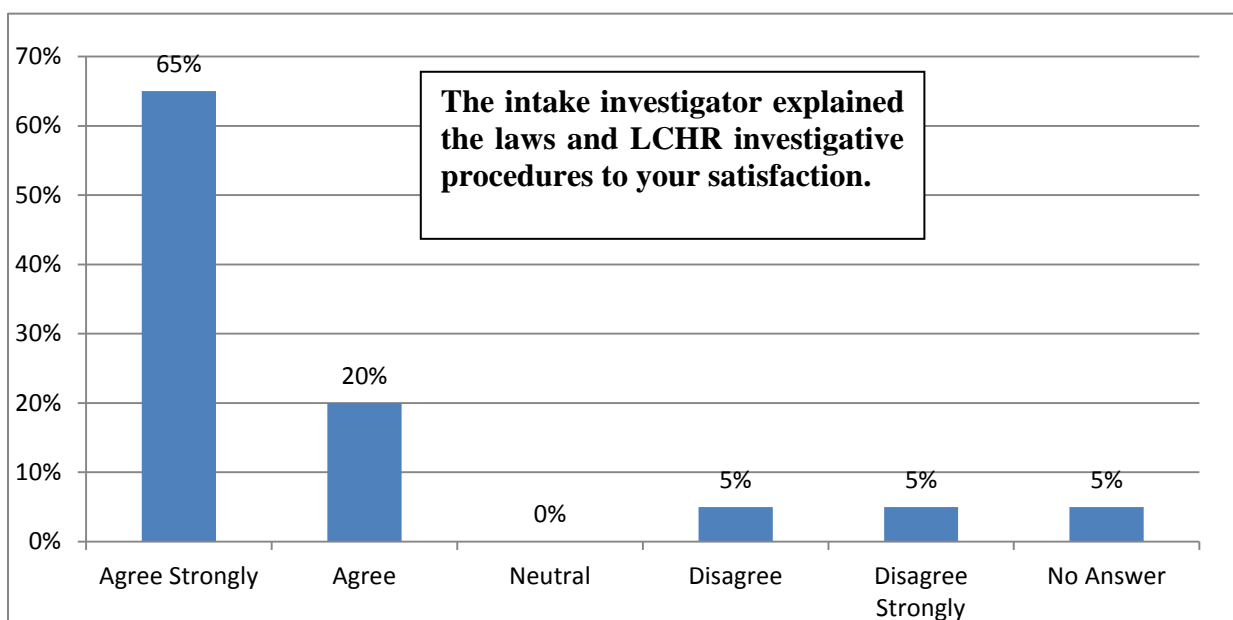
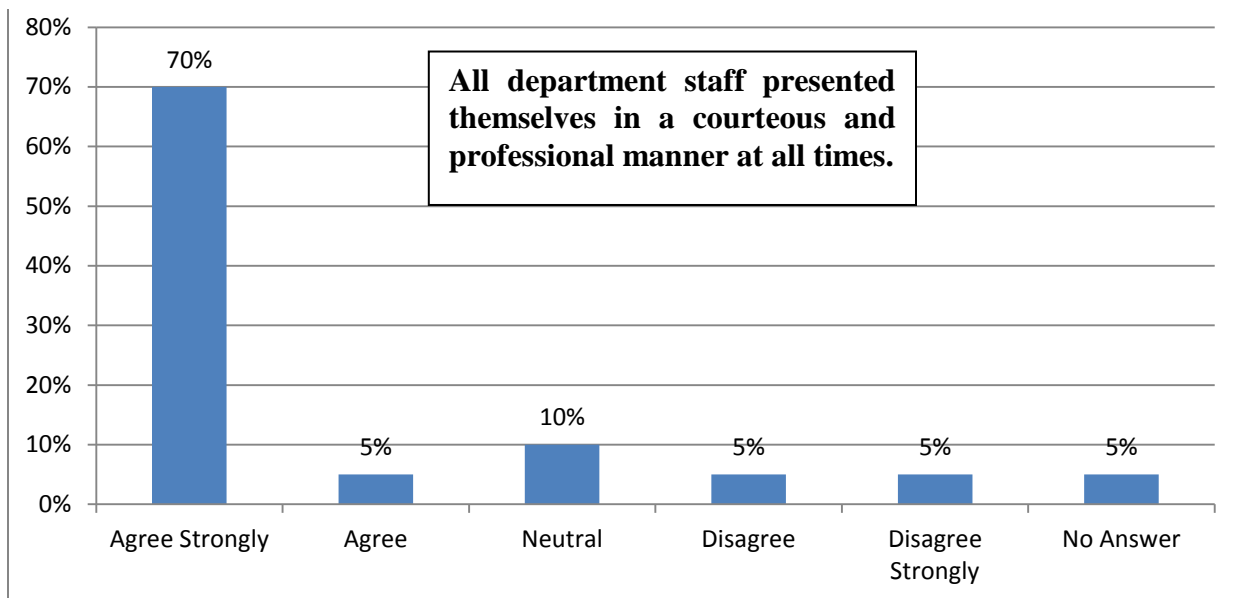
**Conciliation is a settlement agreement *after* a reasonable cause finding.

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Service Satisfaction Surveys

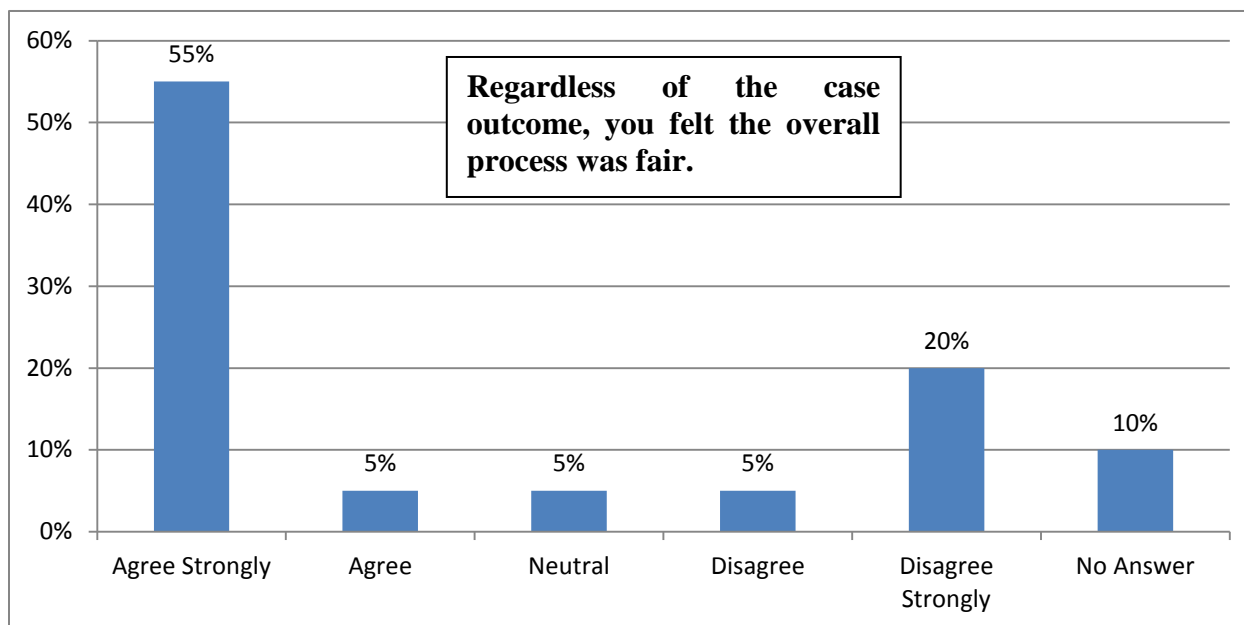
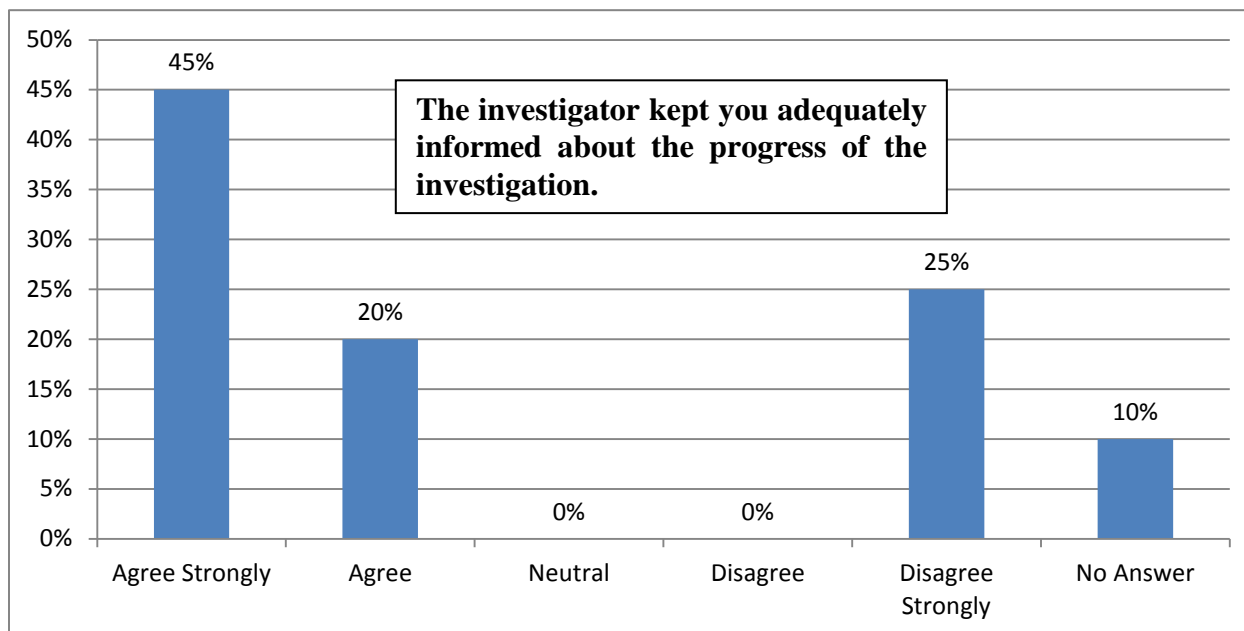
The Commission strives to achieve high satisfaction rates among Complainants and Respondents involved in investigations. In an effort to gauge how the staff and overall process is perceived, Complainants and Respondents are asked to participate in a survey following case closure. Survey takers are asked to provide feedback on their comprehension of the process, overall satisfaction, and suggestions on how we could provide better service.

Complainants and Respondents were asked to rank our office on a scale from 1 to 5 with 1 being “Disagree Strongly” and 5 being “Agree Strongly”.



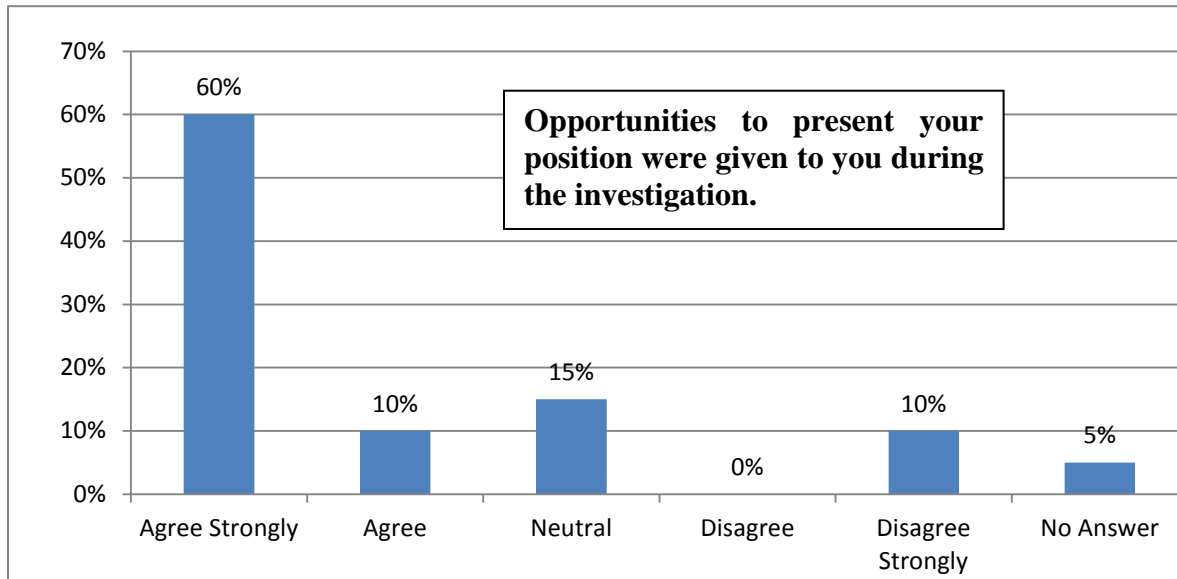
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Service Satisfaction Surveys Continued

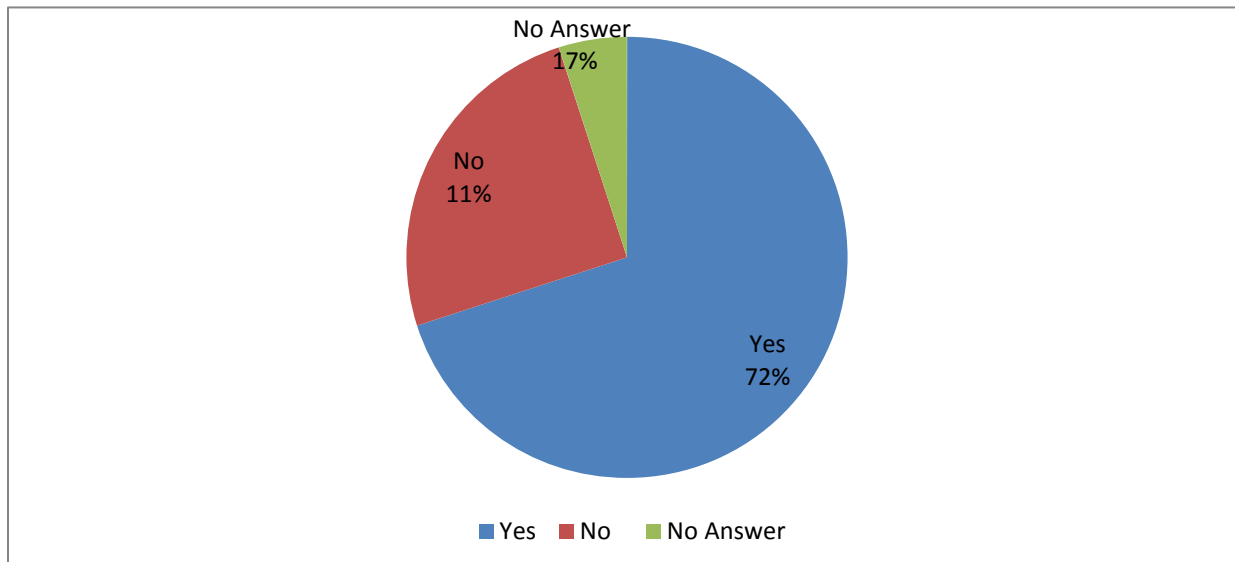


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Service Satisfaction Surveys Continued



Would you refer someone experiencing discrimination to the LCHR?



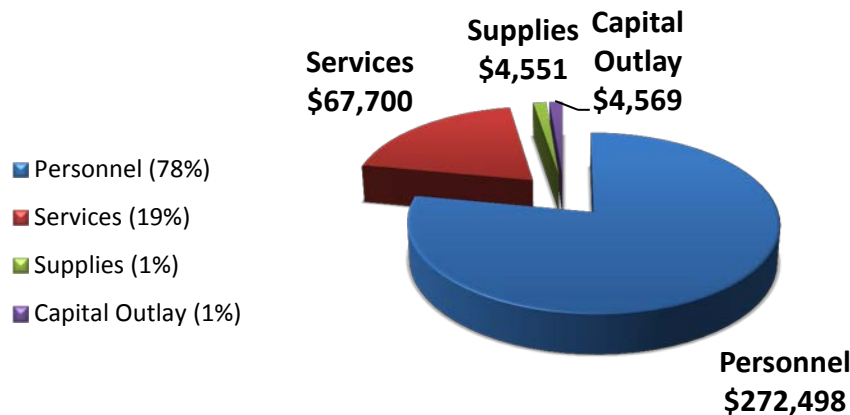
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Budget Fiscal Year 2017-2018

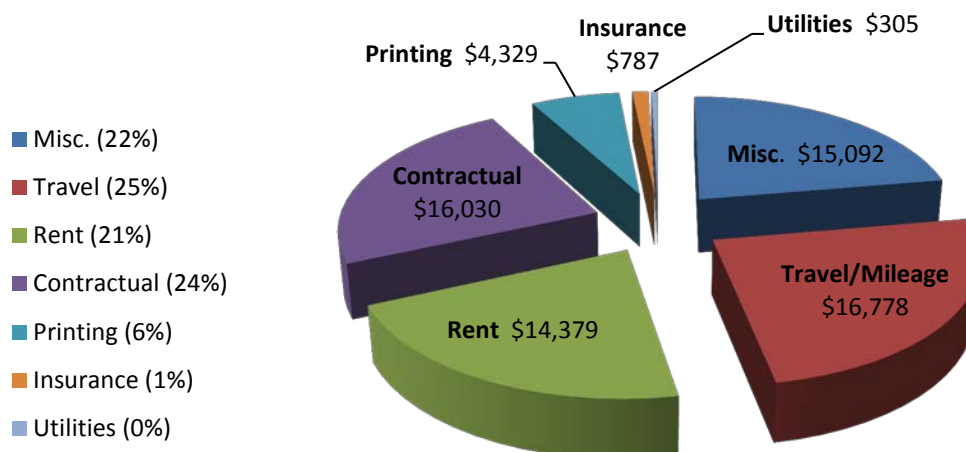
LCHR's budget is comprised of funding from the City of Lincoln's general fund as well as two federal funding sources—the U.S. Department of Housing and Urban Development and the Equal Employment Opportunity Commission. For FY 2017-2018, the budget expenditures were supported by \$238,743 from the general fund and \$110,575 from federal funding sources for a total expenditure of \$349,318.

Where Did the Money Go?

Of the total \$349,318, the largest percentage went to personnel for salaries and benefits, for a total of \$272,498 or 78%. Services,* which expenditures cover insurance, travel, office rental, copying, printing, and utilities totaled \$72,269 or 19% of the budget. Office supplies account for \$4,551 or 1% of the budget, and capital outlay for computer equipment was \$4,569 or 1% of the budget.



*Services Summary



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Education and Outreach

The Lincoln Commission on Human Rights (LCHR) provides outreach and educational training services to the community to ensure landlords, tenants, employers, and employees are aware of their rights and responsibilities under the equal opportunity and fair housing laws. LCHR works to reach as many agencies, groups, community-based organizations, employers, property owners, civic groups, and individuals as possible. Training opportunities can be customized to meet the needs of a target audience and can include the following: racial and sexual harassment, fair employment practices, fair housing laws, public accommodation laws, the Americans with Disabilities Act, and diversity training.

In 2018, LCHR staff conducted training at a number of organizations for a total of 179 sessions reaching 8,639 people. These organizations included: Lincoln Public School's Take Charge Education Classes, Lincoln Housing Authority, Rescare, Rentwise, and various fairs and festivals, such as: Juneteenth, Star City Pride Festival, Health Fairs, Streets Alive, Project Homeless Connect, Day of the Dead, Mena Project, Nebraska Investment Finance Authority (INFA), and New Americans Task Force. New this year was Cooper Park Neighborhood Celebration which was sponsored by NeighborWorks, South of Downtown Association, South Salt Creek Community Organization and Everett Neighborhood Association. The goal of this celebration was to bring awareness of resources that are available to this neighborhood.

Our Outreach Coordinator participated in the Lincoln Police Citizen Academy and Project All. Training sessions were held with several respondents. LCHR's Civil Rights Conference was held at The Graduate and was attended by 189 individuals. This annual conference continues to provide attendees with information on a wide range of civil rights topics and trends around housing and employment laws.

This year LCHR hosted an LGBTQ workshop that included Senator Morfeld and Councilman Eskridge. L. Jack Vasquez (EEOC) from the St. Louis District Office also presented at the workshop.



Civil Rights Conference: LCHR Commissioners



Ted Wheeler, author of: *King of Broken Things*

Award Recipient

Gerald Henderson Human Rights Award Recipient Edward Wimes

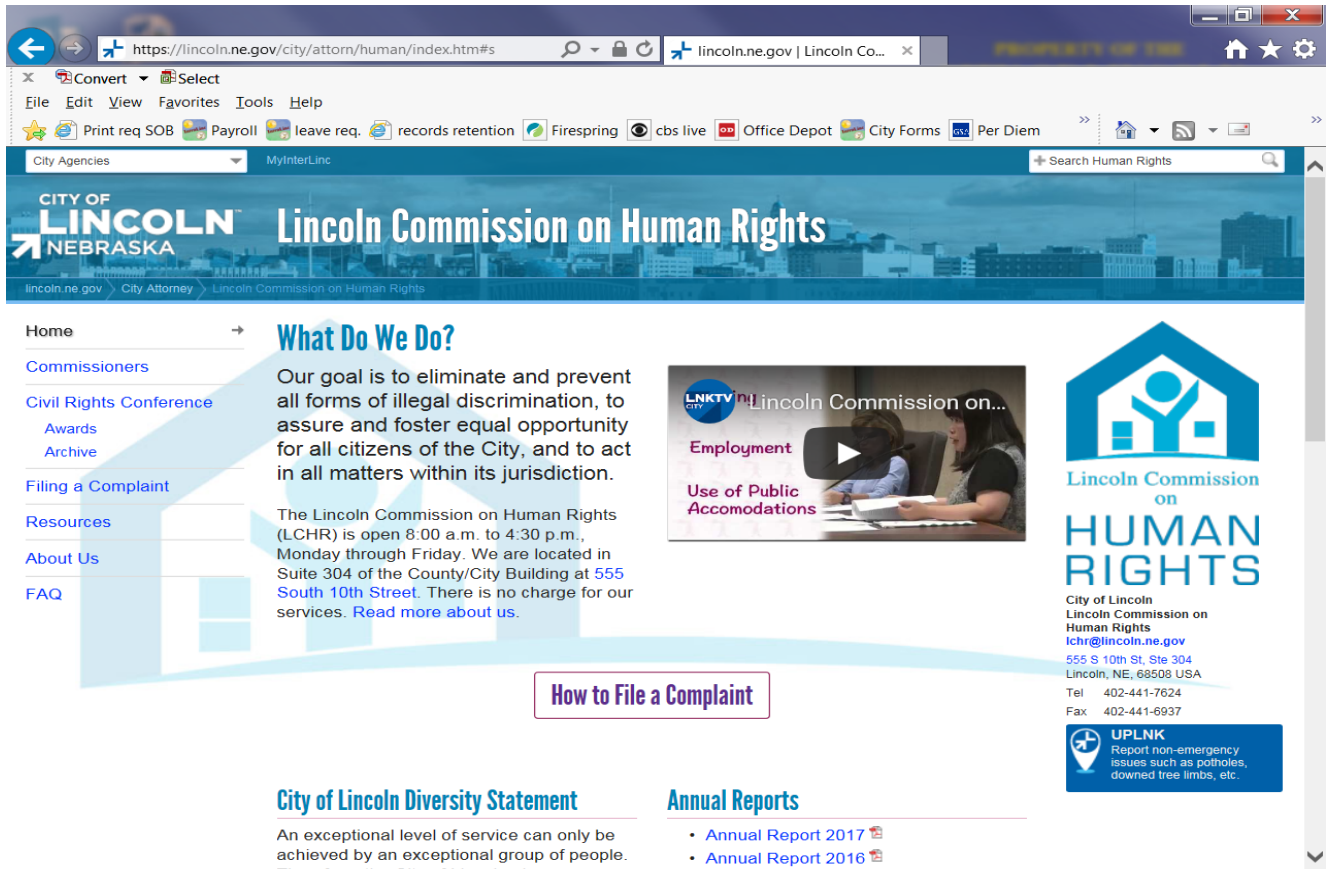


The Gerald Henderson Human Rights Award was presented to Edward Wimes by LCHR Chair Micheal Q. Thompson during the luncheon at our annual Civil Rights Conference. This award is given to a person or organization to recognize outstanding achievements in furthering human relations in Lincoln. These achievements include a demonstrated commitment to improving cooperation and understanding among people of different racial, ethnic, and religious backgrounds.

Edward D. Wimes spent 35 years in the field of Human Resource Management and a corresponding amount of time working in the field of Equal Employment Opportunity and Equity, Inclusion-Affirmative Action programs. He retired from the University of Nebraska as the Assistant Vice-President of Human Resources-Special Assistant to the President. Mr. Wimes is the owner of "E&S Consulting" with an emphasis on management, leadership and equity initiatives. He has been on numerous boards: Trustee of Doane University, Woods Charitable Foundation, Community Health Endowment, City of Lincoln Personnel Board, State of Nebraska Personnel Board, NAACP, Clyde Malone Center, Project All, and Casa (Court Appointed Special Advocates) Board. Mr. Wimes is a retired U.S. Army Officer-Veteran of the Vietnam War.

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Contact Information



This year, LCHR introduced an updated logo and slogan as well as outreach materials directed toward women and minorities. LCHR's website can be reached by the URL listed below. Included on our website are questionnaires that show the information needed by LCHR to create a Charge of Discrimination, Commission meeting minutes, our annual Civil Rights registration form, past conference materials, local resources, and general information.



Lincoln Commission on
HUMAN RIGHTS

Discrimination? Act!

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