



City of Cedar Rapids
Outreach & Education Committee Meeting Agenda
Thursday, February 26, 2015
5:00 pm – 6:30 pm

Outreach & Education Committee Members:

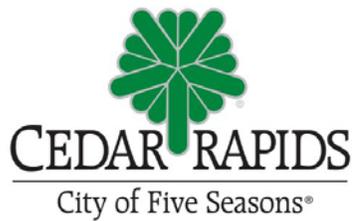
Tamara Cronin, Chair
Emily Bowman
Ashley Reynolds

Agenda:

- I. Call to Order
- II. Introductions
- III. Public Response
- IV. Approval of Minutes
- V. Old Business
 - 1. Outreach Report Johnny Alcivar-Zuniga 5 Minutes
Civil Rights Commission
 - 2. Fair Housing Advertising Update Johnny Alcivar-Zuniga 5 Minutes
Civil Rights Commission
- VI. New Business
 - 1. Performance Measures Johnny Alcivar-Zuniga 10 Minutes
Civil Rights Commission
- VII. Training
 - 1. Train-the-Trainer Johnny Alcivar-Zuniga 60 Minutes
Civil Rights Commission

Notice:

Any person needing visual/audio assistance or language interpretation should contact Civil Rights at 319-286-5036 at least 48 hours prior to the meeting.



City of Cedar Rapids
Civil Rights Commission
Outreach & Education Committee Meeting Minutes
Tuesday, January 20, 2015
1:15 pm – 2:15 pm

Commissioners Present: Dr. Emily Bowman

Commissioners Absent: Ms. Tamara Cronin- Chair
Ms. Paulette Hall
Mr. Leland Freie

Staff Present: Ms. LaSheila Yates, Executive Director
Mr. Johnny Alcivar-Zuniga, Outreach Coordinator
Ms. Alicia Abernathey, Administrative Assistant

Others Present: Mr. Scott Ireland, CBS 2/Fox 28

Meeting started at 1:16 p.m.

Quorum was not obtained

Introductions

Public Response - No public present

Approval of Minutes – Due to lack of quorum, the minutes were not approved and will be reviewed at the next commission meeting.

Old Business -

1. Outreach Report

Johnny Alcivar-Zuniga presented a new format for sharing monthly outreach activities with the committee. The report will also outline customer ratings of training program and percent of increased knowledge of the Civil Rights ordinance. The percent of knowledge increases is tracked by conducting a pre-test and pro-test for provided trainings.

Dr. Bowman requested upcoming outreach activities also be included in the report.

2. Train-the-Trainer Draft

Mr. Alcivar-Zuniga stated the Train-the-Trainer document is 90% complete and will be used to assist commissioners in getting more comfortable with conducting trainings. Staff will provide a presentation of how it works, provide tools to make commissioners more comfortable in presenting to the public and provide ways to deal with diverse audiences. The document will be finalized and shared with committee members at an upcoming date.

New Business –

1. Fair Housing Advertising Plan

Ms. Yates stated staff would like to move forward with HUD money to complete Fair Housing advertising. Staff would like to run commercials relating to Fair Housing from February to April as April is Fair Housing month.

Scott Ireland, CBS 2/Fox 28, stated the idea of the advertising is to create awareness and commercials will be run during high frequency times to create the awareness. Television is still the most high profile place for advertising. Mr. Ireland presented an overview of when commercials would run and there would be a total of 40 commercials per month. Mr. Ireland explained when the commercials would run and pointed out there is no charge to produce the commercial. In order to produce the commercial there would need to be approximately an hour to shoot the office space and other footage necessary for the commercial. The hour worth of film would be condensed to a 30 second commercial. The commercial could be placed on the Civil Rights Commission webpage if desired.

The meeting adjourned at 1:59 p.m.

Respectfully submitted by Alicia Abernathey



Civil Rights Commission

February 2015 Monthly Outreach and Education Report

Performance Goals:

- 50% of customers rating presentations satisfactory or better.
- 15% of increased knowledge in customers after trainings.

Outcomes:

- Customers are satisfied with training programs/presentations
- Customers increased their knowledge of civil rights and the Commission

	Prior Month's Actuals	Year to Date
Activities:		
Number training programs/presentations requested	2	2
Number training programs/ presentations conducted	3	6
Number of attendees at training programs/ presentations	46	118
Number of request for attendance at community events	7	11
Number of community events participated in	9	15
Number of Social Media fans		
• Facebook	+5	2,233
• Twitter	+3	306
Key Performance Measure(s):		
Percent of customers rating training programs/presentations satisfactory or better		
Percent of increased knowledge or understanding of Civil Rights local ordinance		

Training programs/presentations requested:

- Landlords of Linn County – April 9th, 2015
- Cedar Rapids Association of Realtors – April 16th, 2015



Civil Rights Commission

Training programs/presentations conducted:

Program/Presentation	Staff	Commissioners	Date	Attendees
• CMC – MOUs Clientele Training	SMR	None	February 9 th	18
• Immigrant Concerns Meeting	JAZ	None	February 11 th	16
• Donna the Dolphin Event	JAA/JAZ	None	February 12 th	12

Attendance at community events:

Event	Staff	Commissioners	Date	Area
• Cedar Rapids Community School District Equity Walk	LY	None	January 20 th	State of Equity – Education
• City Housing & Community Consolidated Plan Input	LY	None	January 21 st /22 nd	State of Equity – Housing
• Lunch w/Learn with Big Brother and Sister	LY	None	January 22 nd	State of Equity – Education
• EnvisionCR Comp. Plan Reception	LY/JAZ	None	January 27 th	Outreach
• Parks & Rec Accessible Playground press conference.	LY	None	January 27 th	Outreach
• Public forum for CR Community School District Superintendent search.	LY	None	January 29 th	State of Equity – Education
• University of Iowa – Social Work Agency Fair	JAZ	None	January 30 th	Outreach
• Gazette Writers Circle	LY	None	February 2 nd	Outreach
• Fatherhood Alliance Meeting	JAZ	None	February 10 th	Outreach
• Section 8 – Waiting List Opening	EM/AAA/JAA/JAZ	None	February 11 th	Outreach



Civil Rights Commission

Attendance at boards, meetings, and others:

Boards/Meetings/Others	Staff	Date
• Foundation 2 Board meeting	LY	January 20 th
• Meeting w/ Cedar Rapids Area Association of Realtors E.D. Kevin Platz to discuss presentation at Realtors April Fair	LY/JAZ	January 22 nd
• The Arc, Committee Meeting & Board of Directors	JAA	January 26 th
• Public Safety and Youth Services Committee Meeting	LY	February 2 nd
• KGAN interview regarding Closing the Racial Inequality Gap	LY	February 3 rd
• Linn County HR Dept. Meeting	LY	February 5 th
• City Council Meeting – Budget Discussion	LY	February 5 th

DRAFT



Cedar Rapids Civil Rights Commission
50 2nd Avenue Bridge, 7th Floor
Cedar Rapids, IA 52401
Telephone: (319) 286-5036
FAX: (319) 286-5136

To: Outreach and Education Committee
From: Johnny Alcívar-Zúñiga, Outreach and Education Coordinator
Subject: Outreach and Education Performance Standards
Date: February 25, 2015

This memo is to provide the Outreach and Education Committee with the recommended Performance Standards for the Commission's events and trainings pursuant to the Cedar Rapids Civil Rights Commission's mission and its departmental goal of strategic and well planned educational outreach and trainings.

Issue:

The Cedar Rapids Civil Rights Commission (CRCRC) is in the process of adopting Performance Standards to reflect clientele ratings of the CRCRC's events and trainings in addition to measuring the knowledge gained through the provision of these services.

Background:

One of the pillars of the Cedar Rapids Civil Rights Commission, as stated in the local ordinance, is to "...service as a source of information..." for the community, and to provide "...active assistance to prevent and eliminate the effects of discriminatory acts and/or discriminatory practices". To fulfill this obligation, the CRCRC is invested in providing strategic and well planned educational outreach and trainings. The CRCRC actively seeks to educate the community regarding the local Civil Rights laws. Conversely, as good stewards of the resources available to us, it is necessary to keep measurements that track the overall effectiveness of our efforts. As a result, we can analyze the outcomes of our efforts and dynamically adjust our services if needed. These recommended goals are in line with the Iowa Civil Rights Commission's outreach performance measures.

Recommended Performance Standards:

- 50% of customers rating presentations and events as satisfactory or better.
- 15% of increased knowledge in customers after trainings.

Next Steps:

The CRCRC Staff respectfully recommends the Outreach and Education Committee's adoption of these Performance Standards. As measurements begin to be tracked, the Performance Standards may be reviewed annually by the Outreach and Education Committee to evaluate if revisions would be appropriate. The Performance Standards will be conveyed for full commission approval at the March 18th CRCRC meeting.

*Cedar Rapids Civil Rights Commission
Train-the-Trainer*

COMMISSIONER OUTREACH TRAINING PLAN

Version 1.0

02/06/2015

VERSION HISTORY

Version Number	Implemented By	Revision Date	Approved By	Approval Date	Description of Change
1.0	Johnny Alcivar-Zuniga	02/06/2015	LaSheila Yates	TBD	Original

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Table of Contents

1.0	Introduction	4
	1.1 PURPOSE AND OBJECTIVES.....	5
	1.2 POINTS OF CONTACT.....	6
	1.3 OUTREACH MATERIALS	7
	1.4 DOCUMENT ORGANIZATION.....	8
	1.5 KEY COMPONENTS	9
2.0	Know Your Rights	11
	2.1 KNOW YOUR RIGHTS, WHAT TO DO, AND JURISDICTION.....	11
	2.2 AREAS OF PROTECTION AND PROTECTED CLASSES.....	12
	2.3 HOUSING	12
	2.4 EMPLOYMENT	13
	2.5 PUBLIC ACCOMMODATION	13
	2.6 EDUCATION	14
	2.7 CREDIT	15
	2.8 AREAS OUTSIDE THE CRCRC'S JURISDICTION	16
	2.9 KEY MESSAGES FOR AUDIENCES	16
3.0	Complaint Process	18
	3.1 THE COMPLAINT PROCESS.....	18
	3.2 INITIAL CONTACT/INTAKE	19
	3.3 OFFICIAL FILING.....	19
	3.4 MEDIATION	21
	3.5 INVESTIGATION.....	23
	3.6 CASE ANALYSIS AND RECOMMENDATION.....	24
4.0	Fair Housing.....	25
	4.1 FAIR HOUSING	25
	4.2 UNLAWFUL ACTIVITIES	26
	4.3 LEGAL REMEDIES	27
	4.4 REASONABLE ACCOMMODATIONS	28
	4.5 REASONABLE MODIFICATIONS	31
	4.6 HOUSING ADVERTISING.....	32
	4.7 SELF-ASSESSMENT FOR HOUSING PROVIDERS	33
	4.8 RESPONSIBILITIES FOR PERSONS RENTING PROPERTY	34
	APPENDIX A: Training Plan Approval	35
	APPENDIX B: KEY TERMS	36

1.0 Introduction

The mission of the **Cedar Rapids Civil Rights Commission (CRCRC)** is to secure for all individuals within the City of Cedar Rapids freedom from discrimination because of age, color, creed, disability, familial status, gender identity, marital status, national origin, race, religion, sex, or sexual orientation.

In order to accomplish the mission, the CRCRC:

- Enforces Chapter 69 of the Cedar Rapids Municipal Code and Chapter 31 of the Marion Municipal Code.
- Investigates alleged discrimination cases within the City of Cedar Rapids and the City of Marion.
- Provides education and outreach to the community on civil rights and fair housing issues.

The objective of this document is to provide the Commissioners with the training and tools necessary to carry out the Outreach and Education activities in the community. The document will focus on the main topics presented in educational events: Know Your Rights, The Complaint Process, and Fair Housing.

If we are to fulfill our vision of a Cedar Rapids Community that is welcoming, inclusive and preserves the personal dignity of all people regardless of their age, color, creed, disability, familial status, gender identity, marital status, national origin, race, religion, sex, or sexual orientation so that we all may fulfill our productive capacities, then our Commissioners must be provided with the tools to become community liaisons and educators.

1.1 Purpose and Objectives

The purpose of the Commissioner Training Outreach Plan is to:

- Introduce Commissioners to the material for current outreach and education efforts and activities.
- Prepare Commissioners to conduct outreach and education activities with support from staff.
- Empower Commissioners to provide presentations and answer questions from the community.

The Commissioners will:

- Describe the CRCRC duties and services.
- Educate the community through presentations of civil rights and fair housing topics.
- Identify key messages from themes presented.
- Recognize ways to respond to outreach and education requests.
- Develop comfortable techniques to present information.
- Respond appropriately to questions and concerns.

1.2 Points of Contact

Commissioners will be supported at all times by the staff. This document should provide answers to questions that may arise during trainings and/or events. In the case additional support is needed for those questions which go beyond the expertise of the presenters, the individuals may be referred to our office or to the Points of Contact below.

Role	Name	Contact Information
Executive Director	LaSheila Yates	(319) 286-5004 L.Yates@Cedar-Rapids.org
Senior Investigator	Stefanie Munsterman-Robinson	(319) 286-5123 S.Robinson@Cedar-Rapids.org
Investigator	Janet Abejo	(319) 286-5632 J.Abejo@Cedar-Rapids.org
Investigator	Virginia Sipes	(319) 286-5048 V.Sipes@Cedar-Rapids.org
Administrative Assistant	Alicia Abernathey	(319) 286-5864 A.Abernathey@Cedar-Rapids.org
Temp. Investigation Specialist	Elizabeth Macias	(319) 286-5238 E.Macias@Cedar-Rapids.org
Temp. Outreach Coordinator	Johnny Alcivar-Zuniga	(319) 286-5132 J.AlcivarZuniga@Cedar-Rapids.org

1.3 Outreach Materials

The Commissioners conducting outreach presentations will be provided with the materials needed to successfully accomplish their activities. Files containing the presentations, pre/post-tests, and additional material that may be used, will be stored on a USB storage drive. Each Commissioner in the Education and Outreach Committee will receive an individual USB storage drive for convenience purposes. Additionally, the following list of materials will also be available at the CRCRC's office and may be requested by the Commissioners prior to their outreach activities:

- ✓ USB Storage Drive
 - Including presentations and additional materials.
- ✓ Laptop
 - Please contact Administrative Assistant for check-out procedure.
- ✓ Projector
 - Please contact Administrative Assistant for check-out procedure.
- ✓ Pen/pencils
- ✓ Notepads
- ✓ Brochures
- ✓ Coloring Books and Crayons
- ✓ Posters
- ✓ Promotional Material
- ✓ Tent
- ✓ Displays

1.4 Document Organization

The Commissioner Outreach Training Plan will consist of information regarding the main presentations and trainings that will be conducted by the Commissioners. The subjects of those presentations are:

- Know Your Rights
- Complaint Process
- Fair Housing

Additional tools are provided after the information regarding the presentations. We recommend Commissioners review these tools before engaging in presentations and trainings. The tools include:

- Chapter 69 of the Municipal Code for the City of Cedar Rapids.
- Trainer's self-assessments.
- Guide on how to handle disruptive participants.
- Cultural guidelines
- Intake forms

1.5 Key Components

The information below should be included as part of **every** presentation or training conducted in the community.

Who is the “CRCRC”?

The Cedar Rapids Civil Rights Commission is composed of eleven volunteer members appointed by the Mayor with approval of the City Council.

The Commission Staff carries out the day-to-day activities of the agency. The staff is comprised of an Executive Director, an Administrative Assistant, and three full-time investigators.

What does the “CRCRC” do?

The Commission is an administrative law agency that enforces the Cedar Rapids Municipal Code Chapter 69 and the Marion Municipal Code Chapter 31.

The CRCRC investigates discrimination claims in areas covered by the Municipal Codes, on the basis of protected class statuses.

The Commission also provides educational outreach and training to the public, employers and housing providers.

What is the CRCRC's jurisdiction?

In order for the Commission to investigate a discriminatory allegation, the incident **must have occurred within** the City of Cedar Rapids or the City of Marion in the past **300** days for education, employment, credit, or public accommodation, and in the past **365** days for housing.

If the alleged discrimination does not fall under the Commission's jurisdiction, the CRCRC will refer the individual to the proper agency, organization or department.

Important things for audiences to take away

Some of the most important messages from **every** presentation should include:

- Our jurisdiction.
- The CRCRC is a *neutral, fact finding agency*.
- The Commission does *not advocate* for either the Respondent(s) or Complainant(s).
- Investigation services are *free of charge*.
- To file a complaint an individual can call, go online, or come into our office to receive an intake form.
- Complainant(s) and Respondent(s) may hire an attorney to represent them, but it is not required.
- When Respondent(s) first hear from the Commission, it only means an investigation has been opened to see whether or not discrimination occurred.

2.0 Know Your Rights

Goals for presentation

- *Increase awareness regarding the local ordinance and the CRCRC's role.*
- *Generate understanding of the Areas of Protection and the Protected Classes.*
- *Describe areas outside the jurisdiction of the CRCRC (i.e. Landlord/Tenant Law).*

2.1 Know Your Rights, What to do, and Jurisdiction

What is "Know Your Rights"?

The presentation on *Know Your Rights* aims to create awareness of the local laws that protect community members against discrimination. The objective is to inform the audience about what they can do if they experience discrimination. The presentation explains the key points derived from the Cedar Rapids Municipal Code Chapter 69 and from the Marion Municipal Code Chapter 31 in addition to the CRCRC's role.

What can individuals do if they experience discrimination?

Persons who have or might have experienced discrimination should contact the Cedar Rapids Civil Rights Commission as soon as possible. The CRCRC will be able to answer any questions even if the person is not certain that discrimination has taken place. The Commission is a resource for questions and concerns about treatment in housing, employment, public accommodation, credit, or education.

The CRCRC will determine if the incident falls under the jurisdiction of the Commission. If the alleged discrimination is within the jurisdiction, the CRCRC will investigate the complaint of discrimination.

2.2 Areas of Protection and Protected Classes

What are the CRCRC's areas of coverage?

The alleged discrimination must have occurred in one of the following areas:

1. Housing
2. Employment
3. Public Accommodation
4. Education
5. Credit

The alleged discriminatory or unfair treatment must have been based on one or more **protected classes**.

What are the "Protected Classes"?

The Protected Classes are:

- Age
- Race
- Color
- Creed
- Familial Status
- Gender Identity
- Marital Status
- Mental Disability
- Physical Disability
- National Origin
- Sex
- Sexual Orientation
- Lawful Source of Income
(Marion only)

- **Association:** with a person of a protected class.
- **Retaliation:** on a person who files a complaint or who opposed a discriminatory practice.

Additional definitions may be found in Appendix B

2.3 Housing

Based on someone's protected classes, what is unlawful in the area of Housing?

- To refuse to rent, sell or negotiate to rent or sell.
- Discriminate in the terms or conditions of a rental or sale.
- Refuse reasonable accommodations for disabled persons.
- Make, print or publish any notice, statement or advertisement that indicates any preference, limitation or discrimination.
- Represent to a person that any dwelling is not available for inspection, sale or rental when it is actually available.
- Steer individuals toward or away from specific properties or neighborhoods.
- Fail to construct new multi-family dwellings in accordance with accessibility requirements.

2.4 Employment

Based on someone's protected classes, what is unlawful in the area of Employment?

- To refuse to hire: including the process of hiring - recruiting, accepting, registering, classifying, and referring.
- Discharging/Termination.
- Refuse membership to labor organizations: refusing, expelling, bestowing benefits
- Advertising/publicizing an individual's characteristics.

2.5 Public Accommodation

Based on someone's protected classes, what is unlawful in the area of Public Accommodation?

- Refuse to provide services: dispositions, financial aid or benefits (includes providing them in a different manner than the general public).
- Subjecting individuals to segregation.
- Determine admission, membership or eligibility.
- Deny an individual an opportunity: includes affording an opportunity which is different from other members of the general public.
- Advertise/to publicize: that patronage of a person of a particular gender identity is unwelcome, objectionable, not solicited, not acceptable

2.6 Education

Based on someone's protected classes, what is unlawful in the area of Education?

- Discrimination in all grade levels and their governing bodies.
- Includes the denial of benefits and discrimination in any academic, extracurricular activities, research, training or activities.
- Denial of opportunities in intramural and interscholastic athletic programs.

2.7 Credit

Based on someone's protected classes, what is unlawful in the area of Credit?

- Refuse to enter into a consumer credit transaction or impose finance charges or other terms or conditions more onerous than those regularly extended by that creditor to consumers of similar economic backgrounds.
- Refuse to loan or extend credit or to impose terms or conditions more onerous than those regularly extended to persons of similar economic backgrounds.
- Refuse to offer credit life or health and accident insurance.
 - Refuse to offer credit life or health and accident insurance based upon the age or disability of the consumer shall not be an unfair or discriminatory practice if such denial is based solely upon bona fide underwriting considerations not prohibited by the Code of Iowa or the United States Code.

2.8 Areas outside the CRCRC's Jurisdiction

The CRCRC does not:

- Enforce Landlord/Tenant Laws.
- Enforce Labor Laws:
 - Wage and Hour
 - Family and Medical Leave Act
 - Workers Compensation Law
- Deal with unfair treatment in at-will employment situations if no discrimination, as defined in civil rights laws, is involved.
- Deal with activities that are unfair but not illegal (i.e. prohibited under any laws).
- Enforce state or federal laws.
- Provide legal advice or represent any of the parties involved in any allegation.

2.9 Key Messages for Audiences

Act quickly

- Contact the Cedar Rapids Civil Rights Commission.
- If you wait too long, you may not be able to file a complaint.
- The longer you wait, the harder it is to prove your case. Over time, witnesses may forget important details and essential documents may be lost.

Document your situation

- Keep detailed notes about every negative action taken against you. Write down exactly what was said and done, the dates, times and people involved.
- A complete list of the names, addresses and phone numbers of witnesses who can also support your case if you file a discrimination complaint.

Keep records

- Keep all documents related to your situation. These may include letters exchanged, voicemail messages, lease agreements, and employment notices. This is very important.
- Without full cooperation from the Complainant(s), their discrimination complaint may be hard to prove.
- Keep in mind, as the person filing the complaint, the burden of proof is on the Complainant(s).

Important things to remember

- The CRCRC is a neutral, fact-finding agency.
- The Commission's services are free of charge.
- Both parties may hire an attorney to represent them, but it is not required.

3.0 Complaint Process

Goals

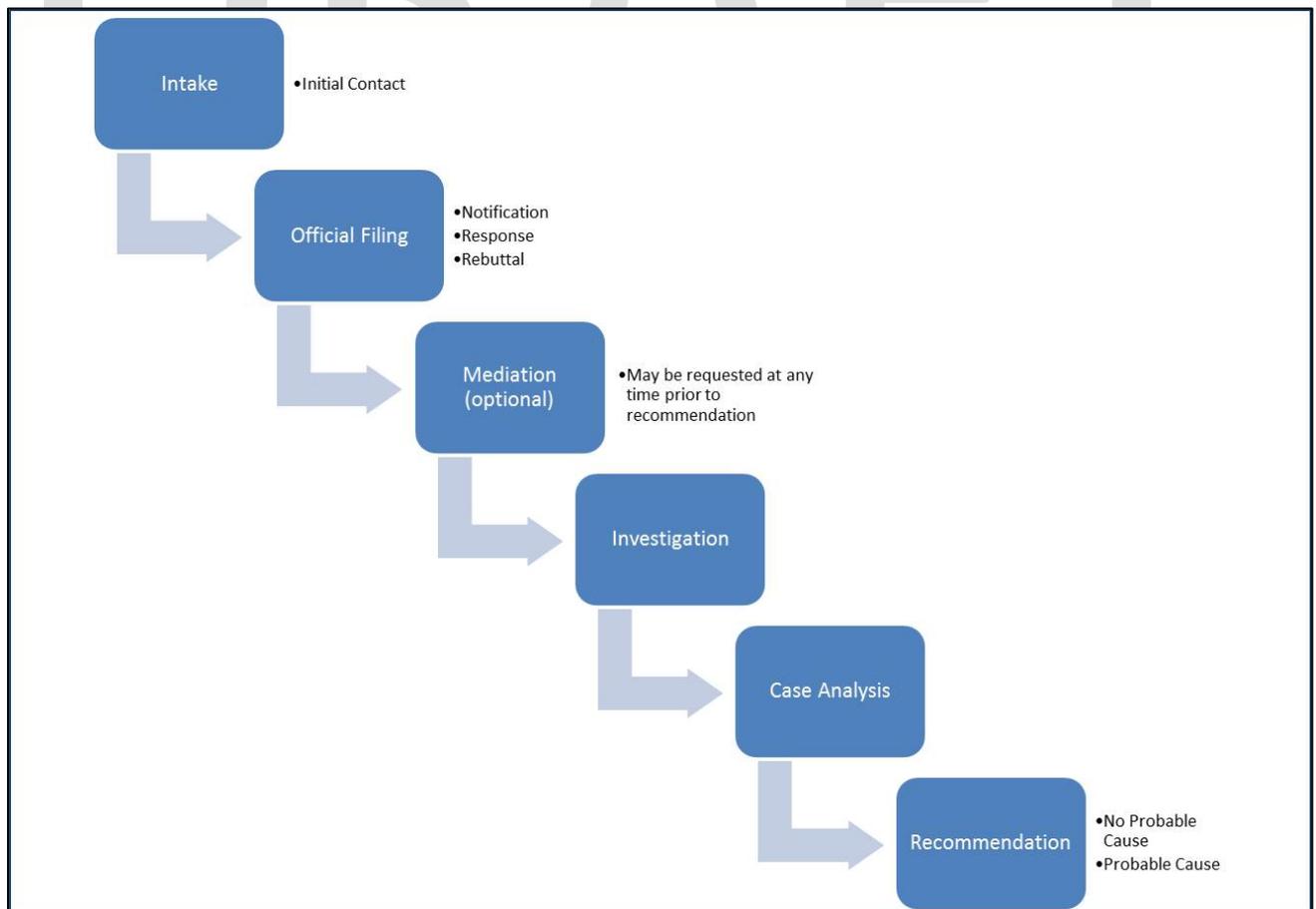
- Explain what to do in case of an alleged discrimination case.
- Create knowledge regarding mediation and potential outcomes.
- Explain investigation standards (i.e. Fair Housing complaints – 100 days
Education, Credit, Public Accommodations and Employment – 300 days).

3.1 The Complaint Process

What is the Complaint Process?

The Complaint Process refers to the progression that begins once an individual fills out an intake form with the CRCRC, in regards to an alleged discrimination event, and ends once the case is closed or a finding is made.

Complaint Process Ladder



3.2 Initial Contact/Intake

What happens during Initial Contact/Intake phase?

During the Initial Contact/Intake phase, the Complainant(s) fills out an intake form including:

- A detailed explanation/description of the event.
- The exact or approximate date when the discrimination event took place.
- Name and titles of those involved.
- Name and contact information for all witnesses.
- Copies of all related documents.
- Basis of allegation (*See 2.2 Areas of Protection and Protected Classes*).

If the allegation is jurisdictional, a formal complaint is filed.

3.3 Official Filing

What happens during Official Filing phase?

If a complaint falls under the CRCRC's jurisdiction, during the Official Filing phase:

- The Commission's staff drafts an official Charge of Discrimination.
- The Complainant(s) must review the drafted Charge Form for accuracy. Once reviewed, the Complainant(s) is required to sign it for it to be officially filed.

What happens after a complaint is officially filed?

Once a complaint is officially filed, the steps that follow are called **Notification, Response and Rebuttal**.

Notification

Notification of the formal complaint is sent to both the person against whom the complaint was filed, the **Respondent(s)**, and the person filing the claim, the **Complainant(s)**, through certified mail. A copy of the complaint will be included with the letter of notification.

Response

The Respondent(s) must file a written answer to the complaint. The Respondent(s) will have approximately **2 weeks** to file their response including any requested documentation. A reasonable extension may be granted upon request.

Rebuttal

When the Civil Rights Office receives a Response, the Complainant(s) will receive a copy in the mail. The Complainant(s) will be given **2 weeks** to submit a **Rebuttal**. A reasonable extension may be granted upon request.

3.4 Mediation

What is mediation?

Mediation is an informal, flexible, and voluntary process that provides an alternative resolution to disputes. Both parties, Complainant(s) and Respondent(s), sit down with a trained and neutral mediator who will facilitate the process towards a resolution. Jointly, Complainant(s) and Respondent(s) explore common interests and reconcile differences.

Mediation is a *confidential* process. None of the information discussed may be shared, discussed, or used outside the process. **Mediation can be scheduled once the initial position statement has been provided by the Respondent(s) and before an investigation finding of Probable Cause/No Probable Cause is made. Mediation may occur earlier in the process in some cases as determined by CRCRC staff.**

How does mediation work?

The Cedar Rapids Civil Rights Commission encourages parties to attempt to reach a resolution, through mediation, of the charges of discrimination. Both the Complainant(s) and Respondent(s) are sent information explaining mediation. Either party may request mediation.

The assigned mediator contacts the Complainant(s) and Respondent(s) to determine whether both parties are interested in participating in the mediation process. The mediator will also explain the mediation process and answer any questions. If the Complainant(s) and the Respondent(s) agree to participate in

mediation, a meeting is scheduled as soon as a date and time are found available for all parties.

Additional Q&As regarding Mediation

What if the complaint is resolved through mediation?

If the complaint is resolved during mediation, a settlement agreement is created and signed by both the Complainant(s) and the Respondent(s). The case will then be closed within the Cedar Rapids Civil Rights Commission.

*What if the complaint is **not** resolved through mediation?*

If the complaint is not resolved during mediation, the case will return to the investigation process. None of the information discussed in mediation will return to the investigation process.

Who is the mediator and what is their role?

The role of the mediator is to facilitate the mediation process. The **outcome** of mediation is in the hands of the Complainant(s) and the Respondent(s). In order to maintain neutrality, the mediator assigned to you will be different than your investigator.

What is the role of the Complainant(s) and Respondent(s)?

The Complainant(s) and the Respondent(s) should approach mediation in good faith and with an open mind with realistic expectations regarding the possible outcome of the case.

The parties should be respectful and willing to listen to all sides of the story. Both the Complainant(s) and the Respondent(s) are expected to participate and actively attempt to settle the dispute with the assistance of the mediator.

How to prepare for mediation?

The participants are encouraged to keep an open mind. The Complainant(s) and Respondent(s) should be prepared to discuss the issues at hand with the mind-frame of moving towards a resolution. They should also bring any and all supporting documentation.

3.5 Investigation

What happens if mediation fails or parties do not wish to mediate?

If the Complainant(s) and Respondent(s) do not wish to engage in mediation or if the mediation fails the investigation will continue.

In the investigation phase, the assigned investigator is in-charge of obtaining and reviewing evidence from both parties and conducting a thorough and impartial investigation of the allegations of the complaint. Information will be requested from both the Complainant(s) and the Respondent(s).

If a Complainant(s) fails to cooperate with the investigation, the case may be Administratively Closed. If the Respondent(s) fails to cooperate with the investigation, there *may be* a probable cause determination. **By refusing to comply with the Commission, the Respondent(s) is unable to refute the allegations.** Requests for reasonable extensions may be granted to either party.

3.6 Case Analysis and Recommendation

What happens once the investigation is concluded?

Once the investigation concludes and the investigator has analyzed all the information regarding the case, a recommendation is made. The possible recommendations are **Probable Cause** and **No Probable Cause**.

What does Probable Cause mean?

A **Probable Cause** finding means that more likely than not, discrimination has occurred. If a recommendation of Probable Cause is made, the CRCRC will attempt to resolve it with both parties, the Complainant(s) and Respondent(s), through **conciliation**.

- If the conciliation fails, the Commission will review the complaint to determine whether it should proceed to a public hearing. If the complaint is selected for a public hearing, the hearing will be held in accordance with the Commission's Administrative Rules.
- If not selected for a public hearing, the complaint will be closed. The Complainant(s) may seek a "right to sue" and sue the Respondent(s) in Civil Court.

What does No Probable Cause mean?

A **No Probable Cause** finding means that more than likely discrimination did not occur. If the finding is No Probable Cause, the case will be closed.

- The Complainant(s) may appeal a No Probable Cause finding within 10 days of the finding. The Complainant(s) must provide **new** evidence in order for an appeal to be considered.

4.0 Fair Housing

Goals

- *Fair Housing is not an option and applies to all housing transactions.*
- *Explain Reasonable Accommodations including Pet vs. Service/Emotional Support Animals.*
- *Describe how to deal with disabilities and accommodation requests.*

4.1 Fair Housing

The Cedar Rapids Municipal Code and the Marion Municipal Code have an entire section devoted to Fair Housing Law and that will be the focus of this section. The CRCRC is responsible to enforce those codes as part of Chapter 69 and Chapter 31 respectively for the two cities.

What is Fair Housing?

Fair Housing means that **all** persons have the right to apply and be considered for housing for which they are **qualified** in the location of their choosing. Fair Housing applies to **all housing transactions**: rentals, sales, leases, sub-leases, advertising, loans, appraisals, insurance, and zoning.

Fair Housing is not an option, it's the law!



4.2 Unlawful Activities

The Cedar Rapids and Marion ordinances state that if based on someone's protected class (Or association with a person of a protected class) it is unlawful to:

- Steer individuals toward or away from specific properties or neighborhoods
- Refuse reasonable accommodations for persons with disabilities
- Harass tenants or prospective tenants
- Refuse to sell or rent or to negotiate for sale or rental
- Impose different prices or charges for sale or rental
- Use different qualification standards or procedures
- Evict tenants because of their protected class(es), or the protected class(es) of their guests
- Represent to someone that any dwelling is not available when it actually is available
- Fail to provide or deny maintenance or repairs
- Retaliation for filing a housing complaint

Activities that might indicate possible discrimination include using different qualification procedural criteria (i.e. asking some applicants for proof of citizenship but not all applicants).

Also making negative statements or what could be **perceived** as negative statements (even “jokingly”) based upon a person's protected class (es).

Advertisement

The Cedar Rapids and Marion ordinances state that based on someone's protected class, or association with a person of a protected class, it is unlawful to:

- To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of dwelling, that indicates any **preference, limitation, or discrimination** based on a person's protected class or an intention to make any such preference, limitation, or discrimination.
 - Includes newspaper ads, bulletin boards, shoppers, newsletters, websites, brochures, word of mouth, etc.
- Both the publisher and advertiser can be held liable for discriminatory housing advertising.
- The key for advertisers is to describe the attributes of the *property* not of the *prospects* you think would like it.

4.3 Legal Remedies

What can be done if discrimination in housing takes place?

Individuals who faced or may have discrimination in housing can:

1. File a complaint with the Cedar Rapids Civil Rights Commission (CRCRC) within 1 year of the incident taking place.
2. File a complaint with the Department of Housing and Urban Development (HUD) within 1 year of the incident taking place.
3. File a civil lawsuit within 2 years of the incident taking place.

4.4 Reasonable Accommodations

What are Reasonable Accommodations?

Reasonable Accommodations are changes in rules, policies, practices and services which are necessary to permit a person with a disability to use and enjoy the housing unit.

Reasonable Accommodations have to:

1. Be requested, orally or in writing.
2. Be reasonable (how does the accommodation help the disability?)
3. Not impose an undue burden on landlords.

What are some examples of Reasonable Accommodations?

Some examples of Reasonable Accommodations include:

- Provide adequate accessible parking for persons with a disability.
- Allow changes in rules for paying rent.
- Permit more “clutter” and/or allow more time to comply with notice to clean.
- Allowing a service or emotional assistance/companion animal even with a “No Pets” policy.

What is the difference between a Pet and a Service & Companion/Emotional Support Animal?

A *pet* is an animal living with owner for the purposes of love, affection, and/or company.

Service & Companion/Emotional Support Animals serve a different purpose:

1. **Service Animal:** Performs tasks for the benefit of an individual with a disability.
2. **Companion/Emotional Support Animal:** Provides a therapeutic benefit to a person with a disability. It alleviates the symptoms of the disease.

Important: In housing, a Service or Companion/Emotional Support Animal could be any type of animal, not only a cat or a dog (i.e. Miniature horse, hamster).

Are Service & Companion/Emotional Support Animals subject to pet policies and rules?

Service & Companion/Emotional support animals **are not** subject to pet policies and rules because they are not pets. For example, they are **NOT** subject to:

- No pets policy
- Payment of a pet deposit
- Pet rent/fees
- Limitations on the number of animals in a unit
- Prohibitions on animals based on size, breed, or weight

However, the individual responsible for the Service & Companion/Emotional support animal is liable for damages to the unit and those may be taken from security deposits.

How to respond to an accommodation request?

Asking “What is the disability?” is **NOT** acceptable.

If the disability **is not obvious**, a housing provider may ask for information about the disability that is:

1. Necessary to verify the person is a person with a disability.
2. Describes the needed accommodation.
 - a. Example: Service or Companion/Emotional Support Animal.
3. Shows the relationship between requested accommodation and the disability.
 - a. Example: Alleviates the symptoms of the disease, provides emotional support, etc.

The tenant is **NOT** required to show medical records concerning the disability.

For Service & Companion/Emotional support animal accommodation requests:

- Documentation from a physician, psychiatrist, social worker, or other mental health professional that shows the animal provides support that alleviates one of the identified effects of the disability is adequate.

How should housing providers deal with requests?

Housing providers **must** engage in an interactive process to determine the needs and whether or not the accommodation can be made.

Housing providers should respond as promptly as possible to the request (7-10 days average). An extended amount of time can be seen as a refusal.

4.5 Reasonable Modifications

What are Reasonable Modifications?

Reasonable Modifications are modifications of existing premises, at the expense of the person with a disability, necessary to provide such person full enjoyment of the premises (structural changes).

- Housing Providers may ask for assurances that the work will be done properly and according to code.
- Housing Providers may require the change be undone for the next tenant or require a separate deposit to cover the costs of the restoration.
- Housing Providers that receive direct federal funding are responsible for the costs of modifications.

What are examples of Reasonable Modifications?

All newly constructed dwellings should already be compliant with accessibility standards. Examples of reasonable modifications for all other dwellings include:

- Install entrance ramp
- Install grab bars in bathroom
- Widen doors
- Install lever doorknobs
- Install doorbell light signal for hearing impaired
- Relocate switches and controls
- Remove cabinets under sinks
- Make adjustments to stoves and microwave ovens
- Use accessible trash receptacles

Who must comply with the Fair Housing Act and the housing sections of Chapter 69 and Chapter 31?

*Owners of rights to **4 or more housing units** or a person **acting** for an owner of rights to housing with or without compensation, including but not limited to:*

- *Persons licensed as real estate brokers*
- *Salespersons*
- *Homeowner Associations*
- *Attorney*
- *Auctioneers*
- *Architects*
- *Builders*
- *Developers*
- *Agents*
- *Representatives by power of attorney or appointment*
- *Any person acting under court order, deed of trust, or will*

4.6 Housing Advertising

Housing advertisements should state no discriminatory preference or limitation on account of any of the protected classes.

- If living space is shared, it is acceptable to advertise for roommates of a particular gender.
- Advertisements containing descriptions of accessibility features are lawful (i.e. wheelchair ramp).

- Ensure that any pictures included reflect the diversity of the community.

Housing advertising applies across the board and it is **not subject** to ownership of 4 housing units. Advertising includes newspaper ads, bulletin boards, shoppers, newsletters, websites, brochures, word of mouth, etc. Both the publisher and the advertiser can be held liable for discriminatory housing advertising. The key is to describe the attributes of the property, not the people housing providers think would like it.

4.7 Self-Assessment for Housing Providers

Some questions that Housing Providers may ask themselves to assess their Fair Housing compliance include:

- Do you have a written Fair Housing policy?
- Do you publicize your commitment to Fair Housing in your office, in your advertising, and to sellers and buyers?
- Is Fair Housing training required for staff?
- Have you developed procedures to provide equitable professional services?
- Do you review your compliance with your procedures on a regular basis?
- Do you regularly review and modify your procedures to respond to changes in the law or new Fair Housing issues and to correct deficiencies in your office?
- Do you have a corrective action policy?
- Do you have mechanism for feedback from prospects?

What are some of the Fair Housing Best Practices?

To ensure Fair Housing requirements are met:

- Treat all current and prospective buyers/renters fairly.
- Be mindful of the statements you make and the advertisements you create.
- Show all housing units that fit a client's criteria and qualifications
- Report violations of Fair Housing laws
- Contact the Cedar Rapids Civil Rights Commission with questions
- Seek legal counsel, familiar with fair housing laws, to review your policies and practices

4.8 Responsibilities for Persons Renting Property

All renters have to meet the expected standards:

- Renters must qualify for property.
 - Selection procedures must be **legal, non-discriminatory, and consistently applied to ALL** individuals interested in purchasing or renting a home.
- Residents must abide by **legal lease provisions**.
 - Must follow rules.
 - Lease violations still apply.
 - Example: Any property damage caused by an emotional support animal falls upon tenant's responsibility.

APPENDIX A: Training Plan Approval

The undersigned acknowledge that they have reviewed the **Commissioner Training Plan** and agree with the information presented within this document. Changes to this **Training Plan** will be coordinated with, and approved by, the undersigned, or their designated representatives.

Signature: _____ Date: _____
Print Name: _____
Title: _____
Role: Project Manager

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APPENDIX B: KEY TERMS

The following table provides definitions and explanations for terms and acronyms relevant to the content presented within this document.

Term	Definition
CRCRC/Commission	Cedar Rapids Civil Rights Commission.
Complaint	A charge-of-discrimination filed at the CRCRC.
Complainant	The person who file a complaint with the CRCRC.
Commissioner	An appointed member of the Cedar Rapids Civil Rights Commission
Conciliation	Means the attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent and the Commission.
Disability	<ol style="list-style-type: none"> 1. A physical or mental impairment that substantially limits one or more major life activities of such individual, including HIV/AIDS; 2. Record of such an impairment; 3. Being regarded as having such an impairment, as described: <ol style="list-style-type: none"> (i) An individual meets the requirement of being regarded as having such an impairment if the individual establishes that he or she has been subjected to an action prohibited under this title because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. (ii) This provision shall not apply to impairments that are both transitory and minor. A "transitory impairment" is an impairment with an actual or expected duration of six (6) months or less.
Familial status	<p>Means one or more individuals under the age of 18 domiciled with one of the following:</p> <ol style="list-style-type: none"> 1. A parent or another person having legal custody of the individual or individuals; 2. The designee of the parent or the other person having custody of the individual or individuals, with the written permission of the parent or other person; 3. A person who is pregnant or is in the process of securing legal custody of the individual or individuals.
Gender Identity	Means a person's actual or perceived gender-related identity, appearance, expression, behavior, or other attributes, regardless of the person's assigned sex at birth.
Marital Status	Means the state of being single, married, separated, divorced, remarried, or a surviving spouse.
Public Accommodation	Means each and every place, establishment, or facility, of whatever kind, nature, or class, that caters or offers services, facilities, or goods for a fee or charge to nonmembers of any organization or association utilizing the place, establishment, or facility, provided that any place, establishment, or facility that caters or offers services, facilities, or goods to the nonmembers gratuitously shall be deemed a public accommodation if the accommodation receives any governmental support or subsidy. Public accommodation shall not mean any bona fide private club or other place, establishment, or facility which by its nature is distinctly private, except where such distinctly private place, establishment, or facility caters or offers services, facilities, or goods to the nonmembers for a fee or charge or gratuitously, it shall be deemed a public accommodation during such period.
Respondent	The person or entity accused in a complaint.
Service animal	Means any dog or animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to,

	guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing minimal protection or rescue work, pulling a wheelchair, fetching items, assisting an individual during a seizure, retrieving medicine or the telephone, providing physical support to assist with balance and stability to individuals with mobility disabilities, and assisting individuals, including those with cognitive disabilities, with navigation. The term service animal includes individually trained animals that do work or perform tasks for the benefit of individuals with disabilities, including psychiatric, cognitive, and mental disabilities. A service animal is not a pet.
Sexual orientation	Means actual, history of or perceived heterosexuality, homosexuality, or bisexuality. "Sexual orientation" does not include participation in acts which are prohibited.
To rent	Includes to lease, sublease, to let and otherwise to grant for consideration the right to occupy premises not owned by the occupant.

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