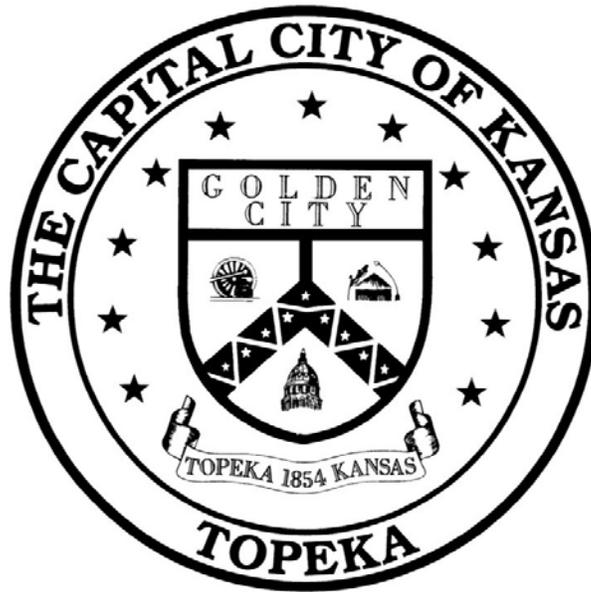


CITY OF TOPEKA HUMAN RELATIONS COMMISSION



2008 Annual Report

Mission Statement

The mission of the Human Relations Commission is to ensure fair and equal rights for all citizens of Topeka in the areas of employment, housing and public accommodation.

THE COMMISSIONERS (as of December 31, 2008)

Bill Beachy, Chair	12/01/2007-11/30-2009
Mike Bell, Vice-Chair	01/01/2007-12/31/2008
Anthony Fadale	09/01/2007-08/31/2009
Sharon R. Joseph	09/01/2007-08/31/2009
Anna Lambertson	12/01/2007-11/30/2009
Margo Rangel	02/28/2008-02/28/2010
Joshanna Stone	12/01/2007-11/30/2009
Lorean Williams	05/31/2008-05/31/2010
Susan Zuber-Chall	12/01/2007-11/30/2009

Human Relations Commission

The Human Relations Commission's (THRC) authority is defined in the City of Topeka Ordinance No. 18735 and was passed by the city council and made effective October 17, 2006. This ordinance made several changes in that the investigation time limit for complaints was lifted and the ordinance is compliant with the Kansas Administrative Rules and Regulations as adopted by the Kansas Human Rights Commission pursuant to K.S.A. 77-415 et seq. Fair Housing practices are defined by ordinance 17653 (passed by city council on February 20, 2001) and are also enforced by the HRC.

On June 3, 2008 the city council passed City of Topeka Ordinance No. 19092, effective June 11, 2008. This ordinance made membership on the THRC's board consistent with other boards and commissions that are part of the administrative code of the City of Topeka, including subsections regarding qualifications of members, removal, and codify the election of the vice-chairperson.

The Human Relations Commission is a quasi-judicial body whose duties include, but are not limited to: serving as investigating commissioners, reviewing and/or directing further investigation of civil rights complaints and ultimately submitting a finding of probable cause or no probable cause. Other duties and responsibilities are to support the Executive Director in eliminating discrimination and prejudice in the City of Topeka through activities as defined in the ordinance.

History

Instituted in 1961, the Topeka Human Relations Commission (HRC) was arguably the first civil rights enforcement agency in Kansas. Its history predates the passage of the United States Civil Rights Act of 1964 and also the institution of the Kansas Human Rights Commission. Since inception, the HRC has been a civil rights icon both in the Topeka community and within city government. Throughout the years, the HRC has ensured that the civil rights of all Topekans are protected in accordance with the law, especially those protected classes that historically have been subject to acts of prejudice and discrimination.

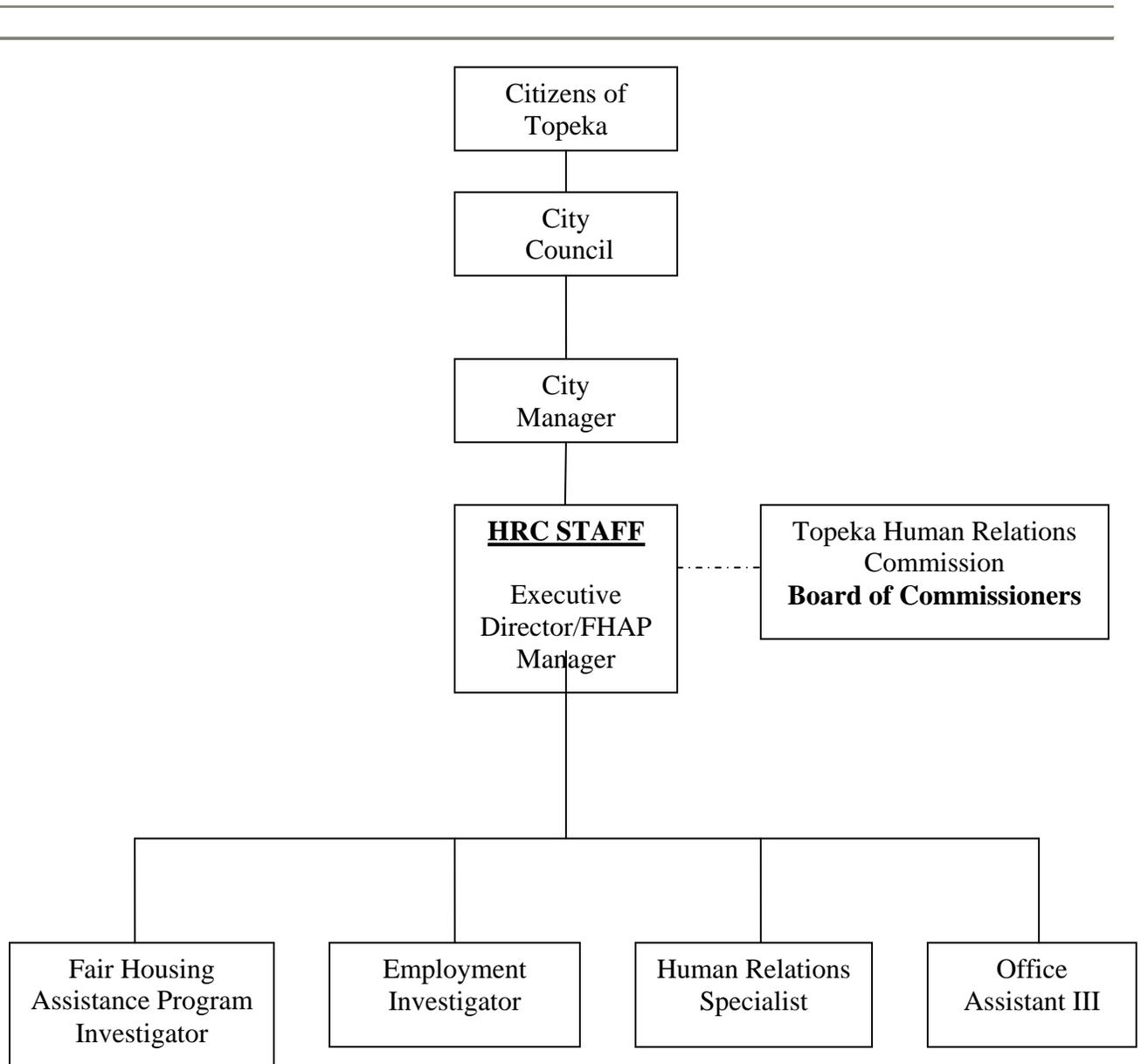
HRC Oversight Responsibilities

- Equal Opportunity in Employment, Public Accommodation and Fair Housing

HRC Staff

The Human Relations Commission staff consists of five members, the Executive Director who serves as administrative head of the department, a Civil Rights Investigator I, a Fair Housing Investigator, a Human Relations Specialist and an Office Assistant III.

HUMAN RELATIONS COMMISSION
ORGANIZATIONAL CHART



Complaint Process

Employment and Public Accommodation Discrimination

Complaint Timeliness

Prior to filing a complaint, it is important to note that per Chapter 86 of the City Code, the Human Relations Commission shall not accept a written verified complaint filed more than 180 days (6 months) after the date of the last alleged discriminatory act or practice.

Filing a Complaint

Once compliance with timeliness has been established, any person claiming to be aggrieved by an alleged unlawful act or practice, or an attorney at law representing such a person, may make, sign, and file with the commission's official office a written verified complaint. The complaint may be filed either by personal delivery, mail or fax to the Human Relations Commission office. The complaint shall state the name and address of the person alleged to have committed the unlawful act or practice, shall set forth the particulars thereof, and shall contain such other information as may be required by the HRC.

After the initial intake forms have been filled out, the investigators review all information and ensure that the complaint is within the jurisdiction of the HRC. Secondly, the investigator will determine if the complaint has substantial merit to initiate the investigative process. Based on that determination, the investigator will take appropriate action in soliciting the names of possible witnesses, request copies of records and other documentation relating to allegations.

Complaint Investigations

After the complaint is found to have substantial merit and HRC jurisdiction is affirmed, an investigator and investigating commissioner are assigned to the case. The HRC investigator then conducts a thorough, impartial, investigation in collecting and summarizing the facts pertinent to the complaint from both the respondent and the complainant. The investigator's report is then submitted to the (assigned) investigating commissioner who reviews the complaint data, requests further information if necessary, then based on the facts, renders a finding of probable cause or no probable cause.

Mediation

Mediation is a process where HRC staff assists parties in dispute to reach a mutually acceptable resolution of their conflict. HRC's role in this process is to identify issues, reduce misunderstandings, clarify positions, establish priorities, explore areas of compromise, and find points of agreement. The Human Relations Commission investigator informs both complainant and respondent that mediation is available to both parties throughout the complaint process and serves as facilitator in that process.

Conciliation

If an investigating commissioner determines that probable cause exists for crediting the allegations of the complaint, the investigating commissioner and/or the director shall immediately endeavor to eliminate the unlawful act or practice complained of by conference or conciliation. The complainant, respondent and investigating commissioner and/or director shall have 60 days from the mailing of the determination of probable cause to enter into a conciliation agreement signed by all parties in interest. The members of the commission, the director and the staff shall not disclose what has transpired in the course of such endeavors.

Public Hearing

If all mediation, conciliation and/or settlement efforts of a probable cause complaint are unsuccessful, a public hearing is then scheduled in accordance with the Kansas Administrative Procedures Act (KSA 77-514 to 532)

Fair Housing Discrimination

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended and Chapter 82 of the City Code, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents of legal custodians, pregnant women, and people securing custody of children under the age of 18), and handicap (disability). HUD (Housing & Urban Development) has played a lead role in administering the Fair Housing Act.

The City of Topeka's Human Relations Commission (HRC) is a Fair Housing Assistance Program (FHAP), equivalent to HUD's Fair Housing/Equal Opportunity (FHEO) Division. As a FHAP agency, the HRC:

- processes complaints
- investigates the complaints
- attempts conciliation between the Complainant and the Respondent, and if necessary,
- facilitates adjudication of the complaint.

Complaints alleging housing discrimination must be filed within one year of the alleged discriminatory act

The processing of a complaint includes intake. Intake may be done by someone at FHEO, (Kansas City regional headquarters) who then forwards the information to the proper jurisdiction (where the possible violation occurred), or by the FHAP agency. During the intake, determination of jurisdiction is made. This includes whether the situation is a possible violation of the Fair Housing Act, if the possible violation took place within geographical parameters of the FHAP agency, and if the Complainant is protected by the Fair Housing Act.

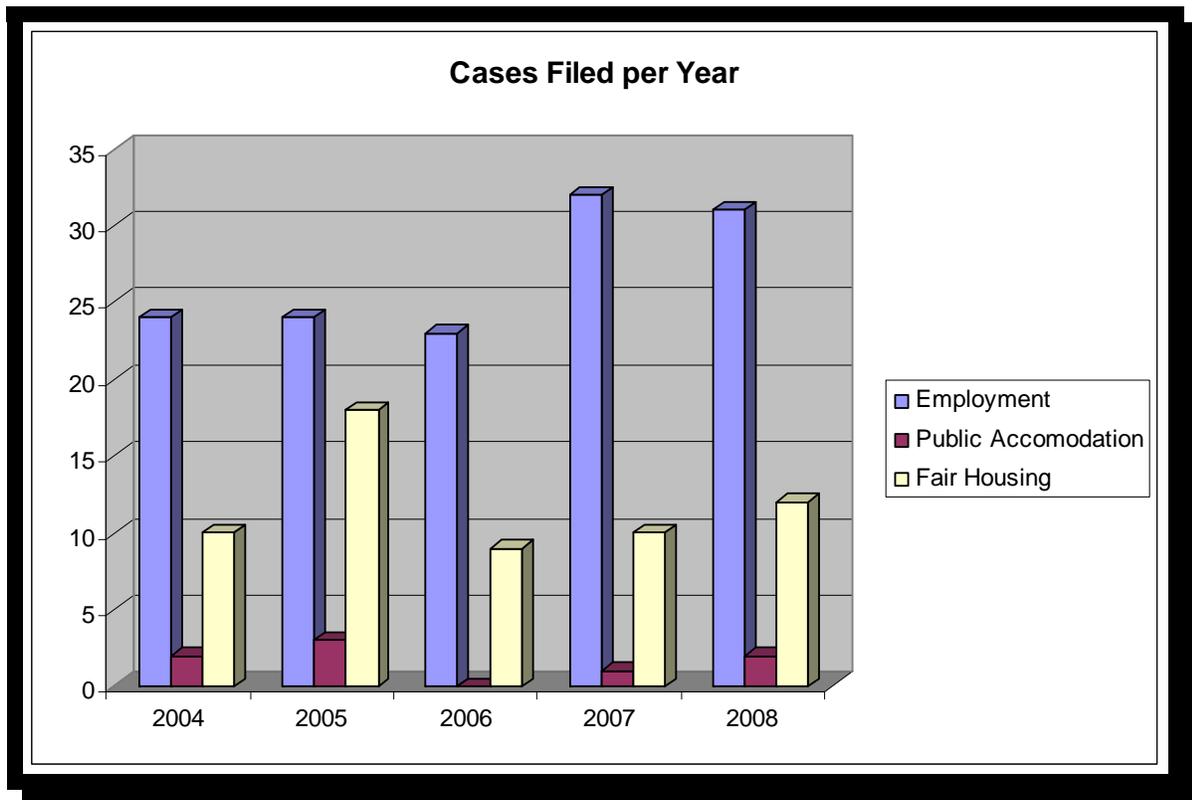
If the complaint meets the above criteria, an investigator receives the complaint and goes to work. The investigation process includes interviews with the complainant, respondent, and witnesses, and collection and review of documents. It is important that the investigator be impartial, and not act as an advocate for either side. The investigator's role is to collect the facts.

At all times during the investigation, conciliation is offered to both parties involved. The purpose of conciliation is to come to an agreement that makes both the complainant and the respondent happy. A mediator, who is trained to help find common ground between two or more parties, often facilitates conciliation. Both the investigator and/or the Executive Director may conduct the mediation process. When an agreement is reached, the terms of the conciliation is put into a document called a Settlement Agreement, which is then signed by both parties.

If conciliation is not pursued by either party, or fails to find common ground, the investigation continues. When the investigation is complete, a Determination is written up, including whether or not there is a finding of Cause or No Cause. "Cause" means that the investigator determined that the

findings show a violation occurred, and the case is then forwarded to HUD for prosecution, if they agree with the finding. If a “No Cause” finding is determined, the case is closed. It is still forwarded to HUD for their approval. They may agree or disagree with the investigator’s finding. If HUD disagrees, they may return the case to the investigator for further investigation. Either way, it is the goal of both HUD and the FHAP agency to enforce the Fair Housing Act, and eliminate discrimination in housing, and make sure everyone has the fair opportunity to live where they want to live.

CASES FILED COMPARISON CHART 2004-2008



FORMAL EMPLOYMENT COMPLAINTS

Summary of Case Activity – 2008

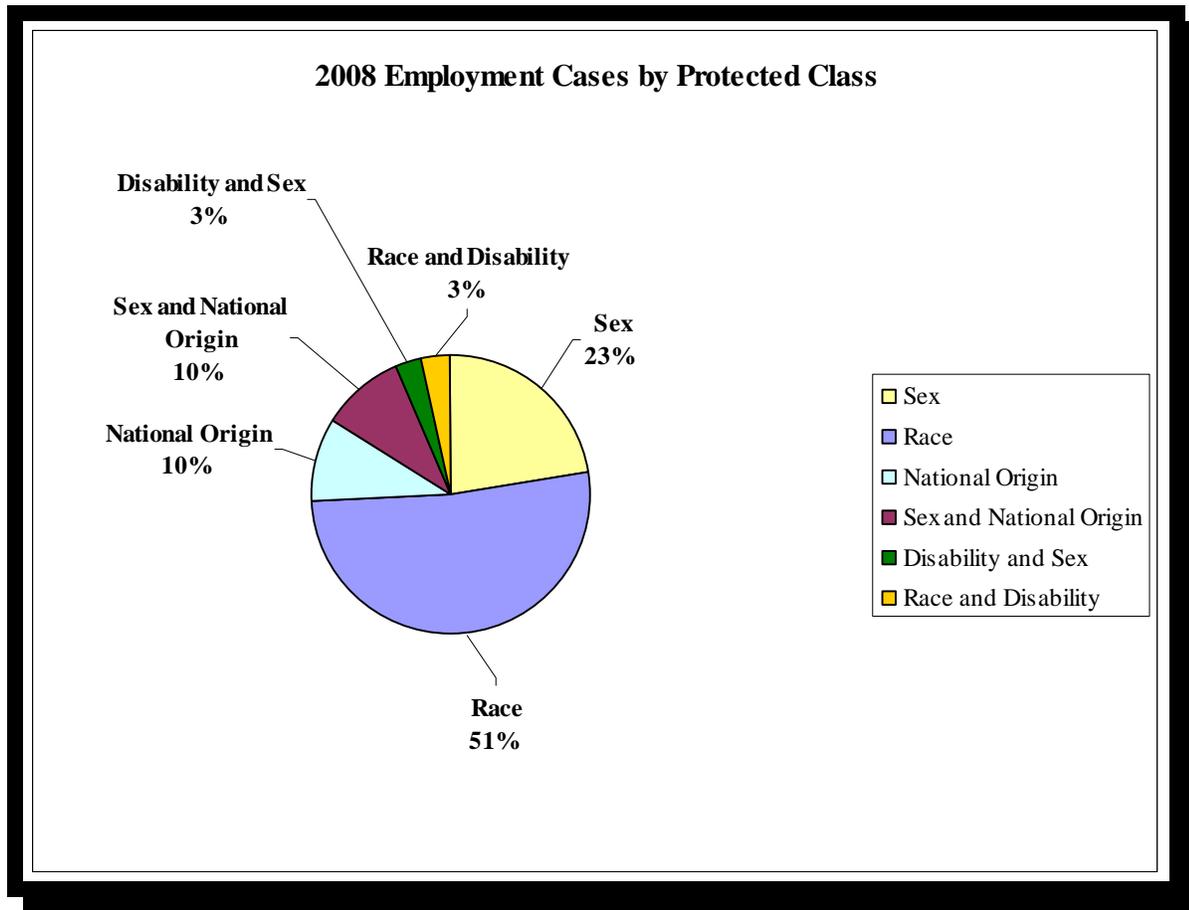
Cases brought forward from 2007	-	12
Cases docketed during 2008	-	<u>31</u>
Total Case Inventory 2008	-	43
Satisfactorily Adjusted	-	5
Probable Cause Determinations	-	2
No Probable Cause Determinations	-	5
Settlement Agreements	-	9
Administrative Closures	-	5
Referred to EEOC	-	0
Case Withdrawn	-	<u>0</u>
Total case closures		26
Cases remaining under investigation (Carried forward to 2009)	-	17

MONETARY RECOVERY FOR COMPLAINANTS:

\$7124.88

2008 EMPLOYMENT COMPLAINTS

Basis for Discrimination by Percentage

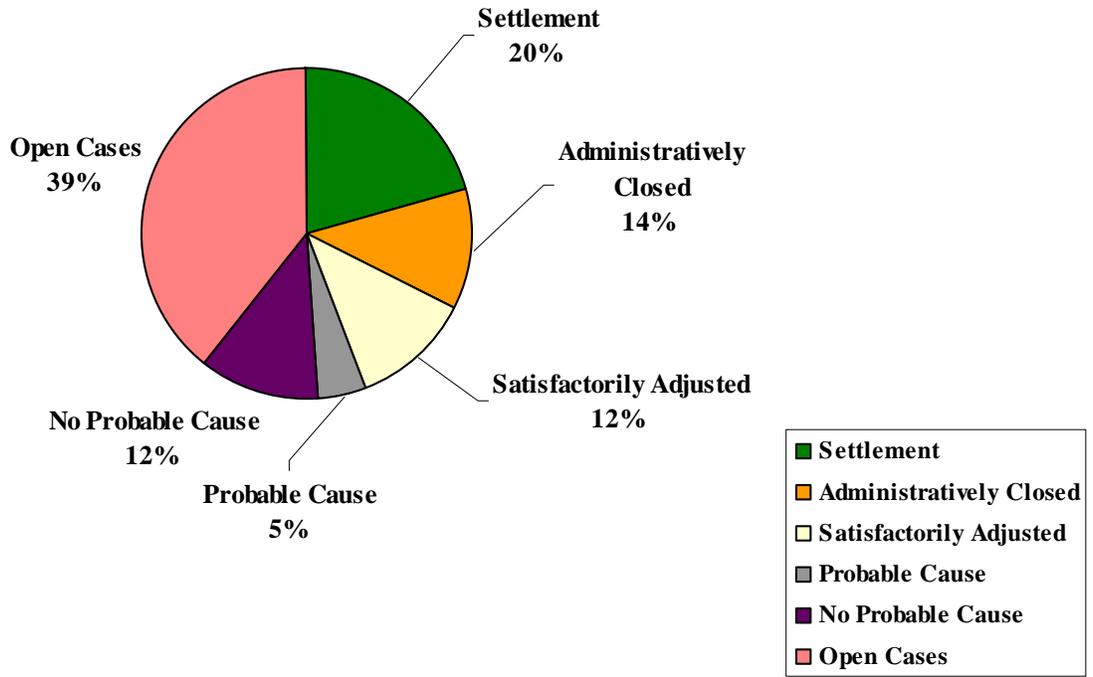


The pie chart above depicts the percentages based on all of the protected class information claims filed and investigated during the year 2008.

Basis for Alleged Discrimination

Sex	7
Race	16
National Origin	3
Sex and National Origin	3
Disability and Sex	1
Race and Disability	1
Total	31

2008 Employment Cases Disposition



Settlement	9
Administratively Closed	5
Satisfactorily Adjusted	5
Probable Cause	2
No Probable Cause	5
Total:	26

**FORMAL
FAIR HOUSING COMPLAINTS**

Summary of Case Activity – 2008

Cases brought forward from 2007	-	0
Cases docketed during 2008	-	<u>12</u>
Total Case Inventory 2008	-	12

Cases Conciliated	-	4
No Probable Cause Determinations	-	0
Waived to HUD	-	2
Administrative Closures	-	<u>0</u>
Total case closures		6

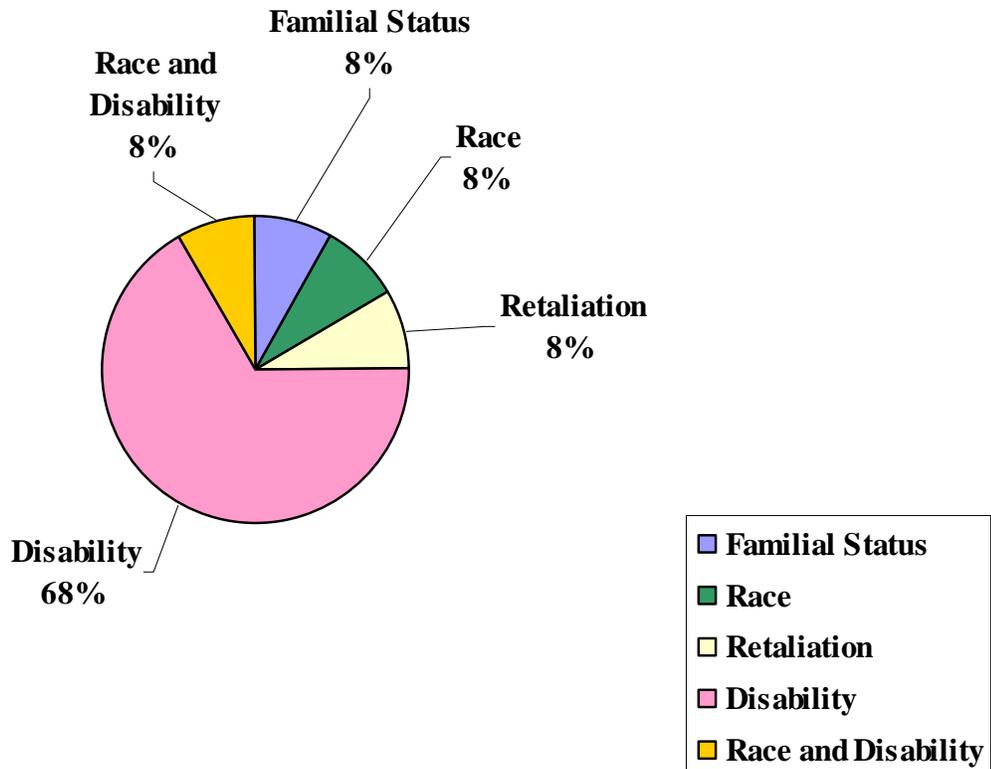
Cases remaining under investigation (Carried forward to 2009)	-	6
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MONETARY RECOVERY FOR COMPLAINANTS: \$ 250.00

2008 Fair Housing Complaints

Basis for Discrimination by Percentage

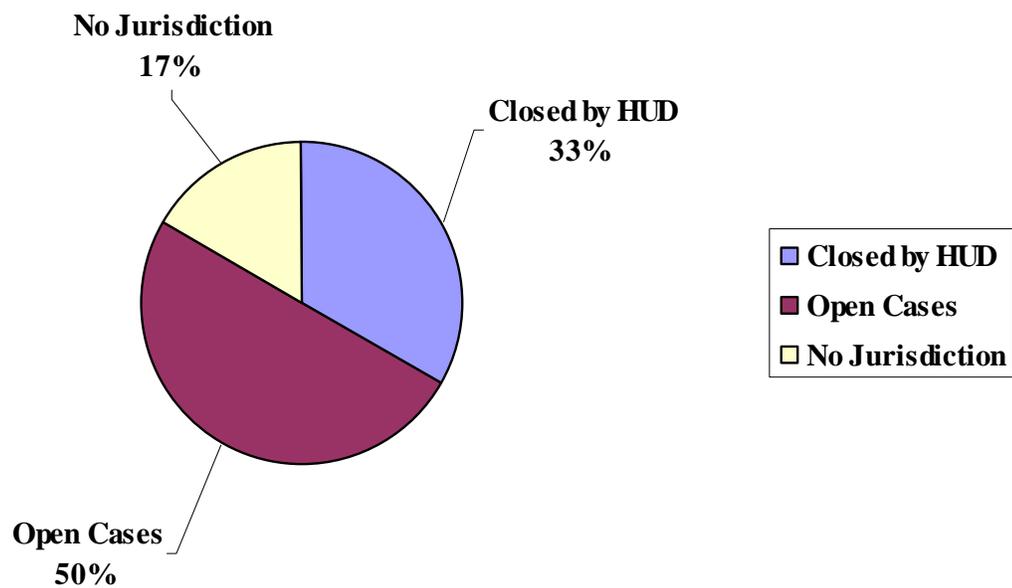
2008 Housing Cases by Protected Class



Basis for Alleged Discrimination

Familial Status	1
Race	1
Retaliation	1
Disability	8
Race and Disability	1
Total:	12

2008 Housing Cases by Disposition



Closed by HUD	4
Open Cases	6
No Jurisdiction	2
Total:	12

**FORMAL
PUBLIC ACCOMMODATION COMPLAINTS**

Summary of Case Activity – 2008

Cases brought forward from 2007	-	1
Cases docketed during 2008	-	<u>2</u>
Total Case Inventory 2008	-	3

Cases Conciliated/Mediated	-	2
Probable Cause Determinations	-	0
No Probable Cause Determinations	-	0
Settlement Agreements	-	0
Administrative Closures	-	<u>1</u>

Total case closures 3

Cases remaining under investigation - 0
(Carried forward to 2009)

MONETARY RECOVERY FOR COMPLAINANTS: \$000.00

ALL COMPLAINTS COMBINED

Summary of Case Activity – 2008

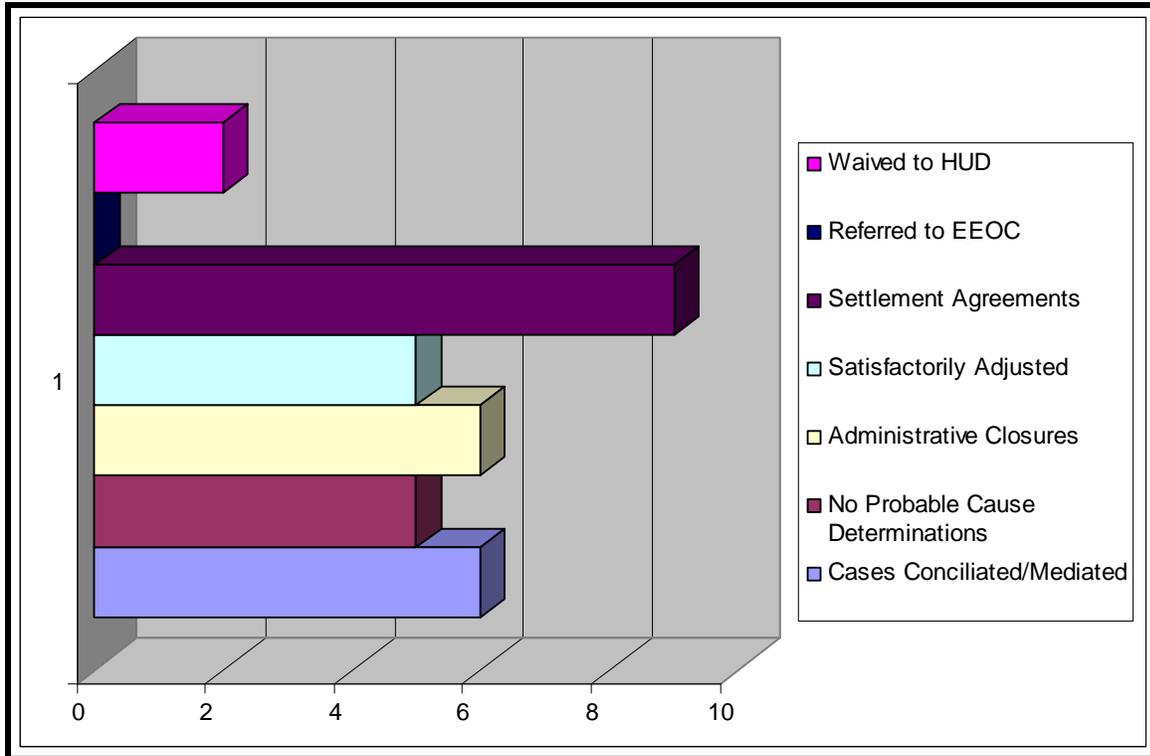
FORMAL COMPLAINTS:

Cases brought forward from 2007-	13
Cases docketed during 2008-	<u>45</u>
Total Case Inventory 2008-	58

Cases Conciliated/Mediated -	6
Probable Cause Determinations -	2
No Probable Cause Determinations -	5
Administrative Closures -	6
Satisfactorily Adjusted -	5
Settlement Agreements -	9
Referred to EEOC -	0
Waived to HUD	<u>2</u>
Total case closures	35

Cases remaining under investigation - (Carried forward to 2009)	23
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MONETARY RECOVERY FOR COMPLAINANTS: \$7,374.88



2008 Other Complaints

INFORMAL COMPLAINTS:

(Complaints that can be referred or resolved without filing a formal complaint.)

	<u>Logged</u>	<u>Closed</u>
Employment:	24	24
Housing:	52	52
Public Accommodation:	0	0
Misc.:	4	4

2008 Other Public Contracts

NON-DOCKETED COMPLAINT RELATED PUBLIC CONTACTS

INQUIRIES, REQUESTS FOR INFORMATION AND COUNSELING:

PHONE CONTACTS:

Employment	<u>896</u>
Public Accommodation	<u>0</u>
Fair Housing	<u>420</u>
TOTAL:	<u><u>1,316</u></u>

WALK-IN CONTACTS:

Employment	<u>322</u>
Public Accommodation	<u>0</u>
Fair Housing	<u>35</u>
TOTAL:	<u><u>357</u></u>

TOTAL CONTACTS: 1,673

2008 Activities & Events

HRC Events and Outreach Activities(Commission and Staff)

Town Hall Meeting – Human Rights Day – 1/31/08 (postponed from Dec. 07)
Town Hall Meeting – Meeting Title II Requirements of the ADA – 7/17/08
Town Hall Meeting – Racial Profiling – 10/16/08
Town Hall Meeting – International Human Rights Day Recognition and Celebration - 12/10/08

Topeka HRC's Fair Housing Seminar – *Celebrating 40 Years of the Fair Housing Act: Identifying Impediments & Overcoming Barriers* – 4/29/08

Civil Rights Investigators at Community Centers – April & May

Browsealoud Presentations to Community

HRC Co-Sponsored Events and Outreach Activities

Living the Dream Banquet – January 19, 2008 - staff & commissioners attended
28th Annual Small Business Awards Recognition Program – 3/5/08
Greater Topeka Chamber Leadership Graduation Luncheon – 5/7/08
20th Anniversary Celebration Brown v. Board – R.A.C.E. Committee – 5/17/08
Go Topeka 28th Annual Small Business Awards Recognition Program – 5/21/08
Juneteenth – 6/15/08
Fiesta Mexicana – 7/15-18/08
Mana de Topeka Latina Awards 9/12/08
Topeka Chapter of The Links Inc. sponsor – 9/21/08
Celebration of Cultures Festival – 10/18/08
NAACP 95th Annual Freedom Fund Banquet – 11/1/08

Memberships

- HRC is a member of the Kansas Human Relations Association
- HRC is a member of the Regional Executive Council of Civil Rights
- HRC is a member of the International Association of Official Human Rights Agencies
- Director serves on YWCA R.A.C.E. Committee
- Director serves on the Board of L.U.L.A.C. Senior Center
- Director serves on Law Enforcement Partnership Panel Steering Committee
- Director serves on Kansas Fair Housing Task Force
- Director serves on the Heartland Visioning Steering Committee and Task Force

COMMISSION and WASHBURN HOSTS INTERNATIONAL HUMAN RIGHTS DAY



Approximately 40 people attended Topeka's Human Relations Commission and Washburn University's Office of International Programs Town Hall Meeting celebrating International Human Rights Day on January 31, 2008 at the Bradbury Thompson Center on Washburn's campus. Sociologist Vicky Luttrell, president of the Social Justice League, gave a presentation titled "Modern Day Slavery in the Midwest," that addressed the issues of human trafficking that confront our modern day society.



Washburn University School of Law Professor L. Ali Khan spoke on recent events regarding human rights in Pakistan and showed a short film. Tom Ellis, Special Assistant to WU President Jerry Farley and Bill Beachy, Chair of HRC Commissioners welcomed the audience to the forum.



Human Rights Day is celebrated on December 10th but due to Topeka's winter weather, the function was rescheduled.

2008 FAIR HOUSING SUMMIT



On April 29th, Housing and Neighborhood Development, the Zoo and Human Relations Commission celebrated the 40th Anniversary of Fair Housing in America during the month of April of this year. 2008's event was titled **Celebrating 40 Years of the Fair Housing Act: Identifying Impediments and Overcoming Barriers.**

HRC's Fair Housing Summit was held at the Topeka Zoo and all attendees had an opportunity not only to participate in the summit, but ate lunch prepared by Zoo staff members at the Zoo and also enjoyed the animal exhibits during the break. Individuals from across the State of Kansas attended the summit; representatives came from as far as WaKeeney. Topeka's HCCI and the US Department of Housing and Urban Development presented information concerned with *General Fair Housing Law, Kansas Landlord-Tenant Act, Design and Construction Law, and Aftermath of Predatory Lending.*



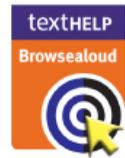
HRC INVESTIGATORS CONDUCT OUTREACH AT AREA COMMUNITY CENTERS

HRC's Civil Rights Investigators, Bobby Wilkerson and Jessica Brown will be available to answer Topekans' questions concerning their Civil Rights under the law pertaining to employment, housing and public accommodation. HRC's goal is to provide an opportunity for citizens who can't get to our offices a chance to visit a nearby community center; HRC investigators will be available to area citizens on the dates listed below:

- April 16** - Hillcrest Community Center, 1800 S E 21st Street
- April 23** - Rice Community Center, 432 S E Norwood
- May 7** - Garfield Community Center, 1600 N E Quincy

BROWSEALLOUD – OFFERS EXPANDED ACCESS TO THE CITY’S WEBSITE

At the invitation of Michael Byington, a member of Topeka’s ADA Advisory Council, Rio Cervantes-Reed, HRC Executive Director, provided an overview of the Browsealoud software that is available on the City’s website. She spoke with approximately fifteen staff and Advisory Council members from the Kansas Rehab Center for the Blind and Visually Impaired. The Kansas Rehab Center for the Blind and Visually Impaired Advisory Council has asked Rio to return to their regular September meeting, along with Mr. Stephens, to provide additional information about the Browsealoud program. Browsealoud reads web pages aloud for people who find it difficult to read online. Reading large amounts of text on screen can be difficult for those with literacy and visual impairments. According to Bill Stephens, the City of Topeka’s webmaster, since the City of Topeka has made this software available to the general public, approximately 200 visitors have utilized the Browsealoud program. The Human Relations Commission purchased a Browsealoud subscription utilizing general funds earmarked for citizen outreach activities.



JUNETEENTH

The Topeka Parks and Recreation Department, the Zoo and Human Relations Commission worked together with Starduster’s, Inc. to put on this year’s Juneteenth Celebration. The event was held at Gage Park and was a very successful event.

The holiday originated in Galveston, Texas; for more than a century, the state of Texas was the primary home of Juneteenth celebrations, also known as **Freedom Day** or **Emancipation Day**. Juneteenth is an annual holiday or holiday observance in 26 states and was established to celebrate on the announcement of the abolition of slavery in Texas. Although the Emancipation Proclamation had been issued on September 22, 1862, it had little immediate effect on most slaves’ day-to-day lives, particularly those held in Texas, which was almost entirely under Confederate control. Juneteenth commemorates June 19, 1865, the day Union General Gordon Granger and 2,000 federal troops arrived on Galveston Island to take possession of the state of Texas and began to enforce the emancipation of its slaves.

JULY TOWN HALL MEETING: Meeting Title II Requirements of the ADA

During our July 17th Town Hall Meeting Mike McGee, Topeka’s ADA Coordinator, provided an update concerning the City of Topeka’s ADA Transition Plan that works to ensure the City of Topeka’s facilities, program services and activities meet the requirements of accessibility set forth by the Americans with Disabilities Act.. Mike along with other city employees completed the assessment of each city department, focusing on identifying any problems that might cause the City of Topeka to be out of compliance with ADA. Mike also discussed the City’s budget approved for ADA updates that will be used to upgrade our parks and recreation facilities, sidewalks, signage as well as curb cuts. Mike reported that all new curb cuts will have the new ADA features, such as truncated cones for the visually impaired. He also reported that Sensitivity Training focused on the concerns of our Disabled citizen has been completed for all 1200 full-time city employees.

OCTOBER TOWN HALL MEETING: “Racial Profiling”

October 16th HRC held a Town Hall meeting that addressed the issue of Racial Profiling in our community. The panel that provided information included Lt. Col. Walt Wywadis- Deputy Chief of Police, Scott Holiday-Shawnee County Under Sheriff, Rene Wiggins- NAACP, Interim President, Rick Fischli- Kansas Human Rights Commission *Racial and Other Profiling Administrator*, Michael Waters-Governor's Task Force on Racial Profiling, John Paul-Professor of Sociology at WU, Toni Wash-Addictions Therapist, Jessie Spencer-Goodyear, Tracy Rogers-Community Member and Alma Olivas-Community Member. The primary concern of the audience centered on what programs, rules, regulations, etc. are in place to make certain there is no racial profiling of citizens by area law enforcement agencies.



HUMAN RELATIONS COMMISSION PRESENTS *The Troy Scroggins Award*



The City of Topeka's Human Relations Commission hosted the first Troy Scroggins Award Ceremony on November 3, 2008 at the Cyrus K. Holliday Building. The ***Troy Scroggins Award*** recognizes individuals, public and private entities, and youths whose efforts at eliminating discrimination and prejudice and advancing diversity in Topeka are outstanding, singular and noteworthy. The first Troy Scroggins Award honoree was the award's namesake, Troy Scroggins.



Troy began his formal education after graduating from Junction City High School by attending one year at Kansas Wesleyan University in Salina Kansas. He then graduated from Washburn University with a degree in social work. After serving two years in the U.S. Army, Troy devoted his life to the field of Civil Rights. Mr. Scroggins' community involvement of ensuring fairness of Human and Civil Rights Issues encompasses more than 30 years. He spent the early years of his career as a Civil Rights Investigator and went on to become the Director of the Kansas Commission on Civil Rights. He also worked for the US Equal Employment Opportunity Commission in the Kansas City and Houston offices. Along the way he served as an affirmative action officer with the Kansas Department of Corrections and Equal Opportunity Housing Specialist with the Kansas City office of the U.S. Department of Housing and Urban Development. Scroggins also served as an acting director of the Topeka Human Relations Commission.



Mr. Scroggins' view: Whereas I have served in mid to upper level managerial positions within the context of City, State and Federal agencies for approximately thirty three (33) years, I also performed many duties and responsibilities in the realm of non social, medical, educational, criminal and religious cultures. Advice and Council was a critical aspect of the application and implementation of administrative civil rights enforcement. Civil Rights enforcement will only succeed as long as The HRC and agencies like it act as viable cogs in the wheels of justice. The HRC is very much today, as it has been in the past, necessary in ensuring the fair and equal treatment of all Topekans in the areas of employment, housing and public accommodation. I am honored to be affiliated with The Topeka HRC in that respect and I admire the ongoing work and successes of the Commission.

2008 Staff Training

Training Attended by HRC Staff & Commissioners

Crime Free Multi-Housing Training – 2/19/08

Fair Housing Conference, Lincoln, NE – 3/25-3/26/08

HUD Policy Conference 4/8-4/11/08

National Fair Housing Training Academy (FH Investigator) 4/27-5/2/08, 7/20-7/25/08, 9/21-9/26/08

Regional Executive Council on Civil Rights (RECCR) Housing and Employment Training
Conference for Civil/Human Rights Workers and Commissioners –8/20-8/22/08

Kansas Human Rights Commission Employment Law Seminar – 9/3/2008

ADA Road Show – 9/10/08

Cultural Proficiency Seminar – 10/1/08

League of Kansas Municipalities Annual Conference, Wichita, 10/11-14/08

Mediation Training (Human Relations Specialist) 10/24/08 Emerging Strategies for Managing
Business and Workplace Conflict

Lawrence Employment Law Update Seminar – 10/28/08

City-provided Staff Training

April	Budget Training
(on-going)	Payroll Training

Closing Statement

Goals for 2009 include continued involvement working within budgetary limitations during these tough economic times to creatively and effectively conduct outreach to our citizenry, primarily through our partnerships with the R.A.C.E. Committee and the Kansas Human Relations Association (KHRA); and to provide training opportunities to our staff and commissioners through continued partnerships with the KHRA, Regional Executive Council on Civil Rights, and the International Association of Official Human Rights Agencies. We will also continue to work with the City of Topeka's City Manager and Performance Management Director to lay out the Strategic Plan for our department as we move forward through 2009.

The City of Topeka's Human Relations Commission stands ready to forward its mission of ensuring fair and equal rights for all citizens of Topeka in the areas of employment, housing, and public accommodation.