

City of Lincoln  
Commission on Human Rights

2011

# Annual Report

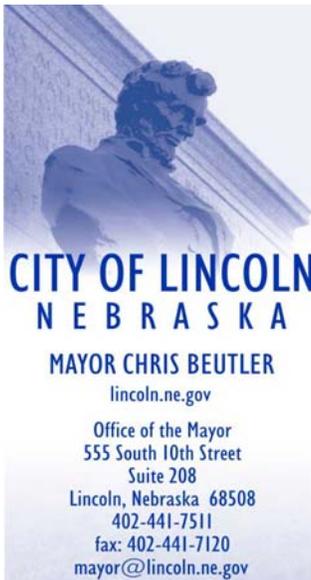


Let's pull together  
before we're torn apart.

555 S. 10th Street  
Suite 304  
Lincoln, NE 68508  
402.441.7624  
402.441.6937 Fax



## Mayor Chris Beutler



Dear Lincoln Residents:

As the Lincoln Commission on Human Rights (LCHR) begins its 43rd year of promoting equal opportunity and combating discrimination, I am pleased to present this 2011 Annual Report.

This is an exciting time for the LCHR. After an approximately 11/2-year transitional period without a full-time Director, the Commission welcomed Ms. Kimberley Taylor-Riley as the City's new Director of Equity and Diversity in early February of 2012. Ms. Kimberley Taylor-Riley, an attorney who comes to the City from private practice in Omaha, brings a demonstrated commitment and passion for human rights to this position. She has already hit the ground running, and I have no doubt she will serve our community well. Please join me in welcoming Ms. Taylor-Riley to the City of Lincoln!

As the Director of Equity and Diversity, Ms. Taylor-Riley will guide the work of the LCHR and also serve as the City's Equal Employment Officer. For the past year and a half, City Attorney Rod Confer and Senior Policy Aide Milo Mumgaard have filled these respective roles on an interim basis. I want to thank both Mr. Confer and Mr. Mumgaard for their outstanding efforts during this time.

I also want to thank the LCHR Commissioners and our LCHR investigators as well. Despite the challenges this transitional period presented, the LCHR forged ahead with their great work. The Commission and its two investigators closed 23 housing cases, 60 employment cases, and 5 public accommodation cases during 2011. The LCHR also reached approximately 5,000 residents during more than 90 sessions covering civil rights and responsibilities. I am also pleased to report that the LCHR ensured that the annual Fair Housing Conference continued, and the 2011 event included both an employment and public accommodation focus. The Conference was another resounding success.

In 2010, we mourned the passing of Mrs. Leola Bullock, a community activist and local civil rights leader. One short year later, in October 2011, we lost her friend and comrade in the battle to overcome discrimination and prejudice here in Lincoln, Mrs. Lela Shanks. After moving to Lincoln in 1965, Mrs. Shanks spent almost half a century pursuing her passion for equality, justice and peace. We are, no doubt, a better Lincoln because of both Mrs. Shanks and Mrs. Bullock. The two reserved seats in the front row at the City's annual Dr. Martin Luther King Day youth rally are a fitting tribute to these pioneering women. Although their seats may be empty, I have no doubt that Mrs. Shanks and Mrs. Bullock will be with us in spirit as we celebrate Dr. King's dream for our country each January.

In last year's letter, I noted that "although much work has been done, much remains." I am excited about that work and look forward to great things from both the LCHR and our new Director of Equity and Diversity. There is, quite simply, always more we can do when it comes to battling prejudices and promoting tolerance. And I have no doubt that the LCHR, as well as our community, are up to that challenging task.

Sincerely,

Chris Beutler  
Mayor, City of Lincoln



Dear People of Lincoln:

As interim director of the Lincoln Commission on Human Rights it is my pleasure to present the Annual Report for 2011.

In 2011 Lincoln undertook a major effort to hire a Director of Equity and Diversity. This newly-created position serves in the dual capacity as Executive Director of LCHR and City Equal Employment Officer. We were fortunate to attract many highly qualified applicants from across the United States. Over 50 applicants were screened by a committee consisting of LCHR Commissioner Gene Crump, Amir Aziz of the Multicultural Advisory Committee, Pat Kant of City-County Personnel, Mayoral Aides Denise Pierce and Milo Mumgaard, who served as interim Equal Opportunity Officer, and myself. The committee selected the three top candidates, who were personally interviewed by Mayor Beutler.

The months of time and effort were rewarded this January when Kimberly Taylor-Riley was hired as Director of Equity and Diversity. Kimberly is an exceptionally qualified and energetic person who is dedicated to the cause of equal rights. She is a native of Omaha, where she graduated from Benson High, followed by undergraduate studies at UNL and a Juris Doctor degree from Creighton University School of Law. Her past employment includes five years in the State Attorney General's office and private practice in her own law firm. I'm extremely enthusiastic about turning over the reins of LCHR to Kim, anticipating many successes for the Commission under her dynamic and intelligent leadership.

While the search for a new director proceeded, LCHR Investigators Angie Lemke and Margie Nichols continued their excellent work in investigating and resolving claims of discrimination and educating City residents and businesses on civil rights. Over \$40,000 was recovered for claimants through settlements and successful conciliations.

Our nine unpaid, volunteer LCHR Commissioners give their time unstintingly every month, considering the cases brought before them conscientiously, deliberately and fairly. All the citizens of Lincoln are indebted to these individuals for their outstanding service and commitment to the ideal of equal rights in our community.

Surveys of the parties involved in LCHR investigations in 2011 reveal that these participants overwhelmingly approved of how their cases were handled; findings which have remained consistent over several years. These results speak volumes about the professionalism and competence of the staff and Commissioners of the Lincoln Commission on Human Rights.

Sincerely yours,

Rodney M. Confer  
City Attorney

## Commission Chair



Dear Citizens and Friends of the Commission,

Another year means another annual update to the Citizens as to the status of this body of dedicated staff and wonderful volunteer board which continues to serve the City of Lincoln.

The search for a Director began in 2011, and the move to the third floor of the City County Building has been a blessing for the staff to work more closely and timely with the Law department and the City Attorney during this transition time.

Our nine member board is also in transition with terms ending. Many thanks to Dick Noble and Rev Karla Cooper for their service to this community. Their many hours of dedicated work on the Commission is greatly appreciated. I thank you both from the bottom of my heart as it has been a pleasure to work with you both.

This year brought new members to the board as well with several appointments to fill vacancies. Appointed this year and serving proudly are Takako Olson, Sue Oldfield, Mary Reece and Bennie Shobe. Welcome to the newest Commissioners and thank you for your willingness to serve the Citizens of Lincoln.

The leadership of the Commissioners will be changing as well this year, with Commissioner Gene Crump elected chair and Commissioner Hazell Rodriguez as vice chair. These seasoned commissioners are joined by Commissioner Jose Quintero and myself who continue to serve.

There is one position of Commissioner that needs to be filled as of yet, if you or anyone you know that maybe interested, I would encourage you to submit your application of interest to the Mayors office.

Our work continues to strive for equality in a City that provides a local Civil Rights Agency to fight discrimination; how fortunate we are in Lincoln NE.

Visit our website for more information about the Lincoln Commission on Human Rights.

<http://lincoln.ne.gov/city/mayor/human/about.htm>

Sincerely,

Wendy Francis  
Chair, 2011

## 2011 Commissioners



2011 Lincoln Commission of Human Rights Commissioners: bottom row, left to right, Chair Wendy Francis, Jose Quintero, and Mary Reece. Top row, left to right, Hazell Rodriguez, Vice Chair Gene Crump, Rev. Karla Cooper, Bennie Shobe, Sue Oldfield, and Takako Olson. Not pictured, Dick Noble.

The LCHR Commission is a nine member board of diverse people who hear and decide the cases presented to them. They are volunteers who are appointed by the Mayor and approved by the City Council. An additional goal of the Commission is to continue educating the public on the 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.

## 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.

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 DBE (Disadvantaged Business Enterprises) 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 agency. We do not serve as either side's lawyer, advocate, or advisor. We are not prosecutors. 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 Equal Opportunity Ordinance
- to *order remedies* if the complainant proves at a hearing that discrimination has occurred

## Agency Staff



**Angela Lemke, Senior Civil Rights Investigator**  
**(402) 441-3870**  
**alemke@lincoln.ne.gov**

Angela is responsible for the investigation and settlement of complaints alleging a violation of Title 11 of Lincoln's Municipal Code. She serves as the primary investigator for employment complaints, and is the staff liaison with the Federal Equal Employment Opportunity Commission (EEOC). In addition, Angela conducts training and outreach sessions, educating the general public, landlords, and businesses on the various equal opportunity laws. Angela has an Associate Degree in Applied Science, is a paralegal and started with LCHR as an intern in 1997. She is available to assist with training and provide technical assistance to the general public, landlords, property management companies, employers, and employees.



**Margie Nichols, Civil Rights Investigator**  
**(402) 441-8690**  
**mnichols@lincoln.ne.gov**

Margie is responsible for the intake and investigation of complaints alleging a violation of Title 11 of Lincoln's Municipal Code. She serves as the primary intake person for new complaints, primary investigator for housing complaints, and serves as the agency's liaison with HUD, monitoring contract compliance. Margie has a Bachelor's of Science Degree in Journalism and is a paralegal. Margie also assists in providing trainings and technical assistance to the general public, landlords, property management companies, employers, and employees.



**Nichole Hope Bauman, AmeriCorps Outreach Coordinator**  
**(402) 441-7625**  
**mhope@lincoln.ne.gov**

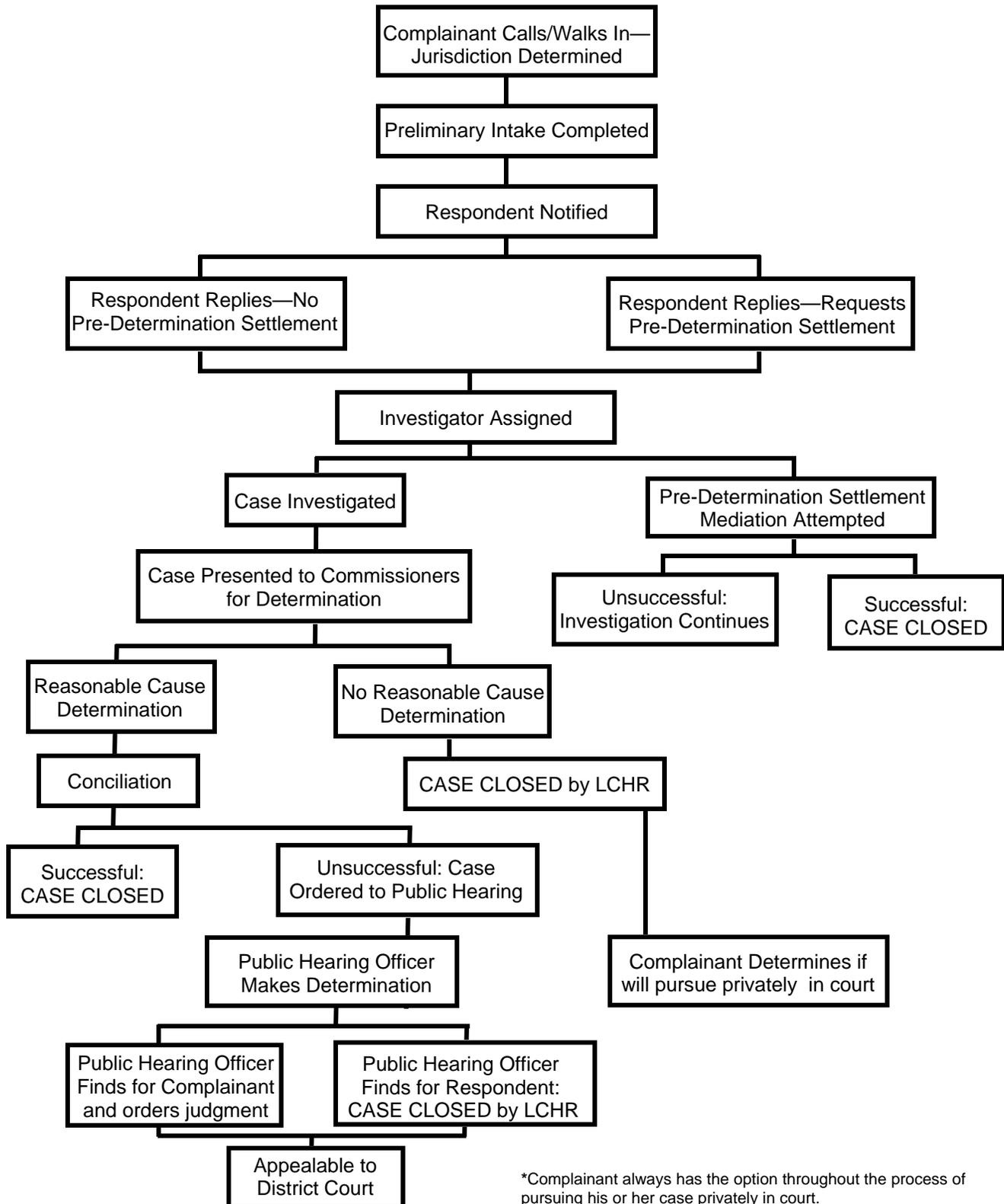
Nichole is responsible for providing outreach and education to the Lincoln Public School's Career Education classes on the topics of racial and sexual harassment. Her outreach efforts also include work with the Clinton Neighborhood Association, the Homeless Coalition of Lincoln, the New American Academy, along with several other partnerships and committees. This is Nichole's second year as an AmeriCorps Member and she serves as the Co-Chair to the Inner Corps Council, the member governing body of the ServeNebraska AmeriCorps network. She has a Bachelor's of Applied Science in Marketing and is currently working on her Master's Degree with a dual focus of Criminology and Sociology.



**Loren Mestre-Roberts, Hispanic-Latino Liaison**  
**(402) 441-6802**  
**LMestre-Roberts@lancaster.ne.gov**

Loren is the Hispanic-Latino Liaison for the City of Lincoln, and the Commission on Human Rights. In 2010 Loren began as the Hispanic-Latino Liaison, a position created by the Mayor's Office to improve communication within city departments, the Juvenile Justice System, non-profit agencies, and the Hispanic-Latino population in Lincoln. In September, Loren's role was expanded to serve with the Commission doing community outreach regarding fair employment and fair housing practices.

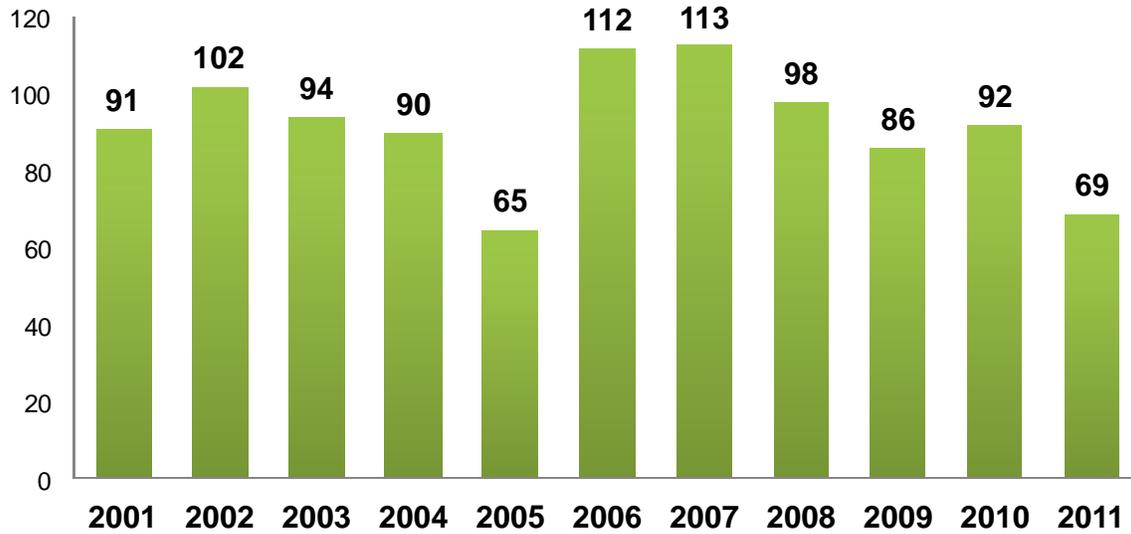
### Complaint Process\*



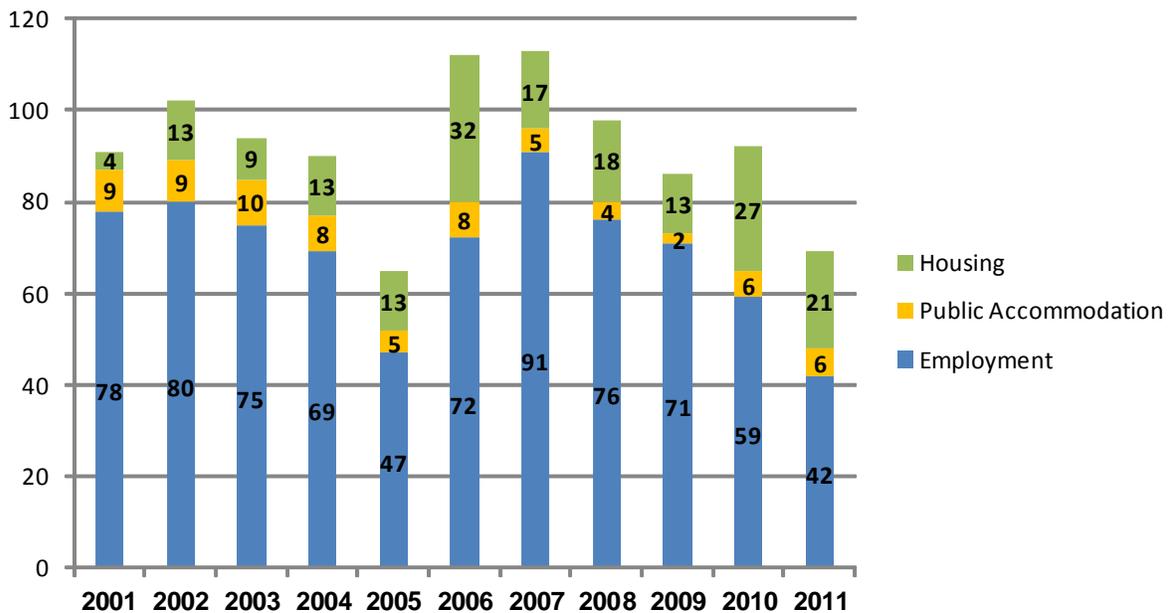
\*Complainant always has the option throughout the process of pursuing his or her case privately in court.

Complaint Statistics

Cases Filed 2001-2011

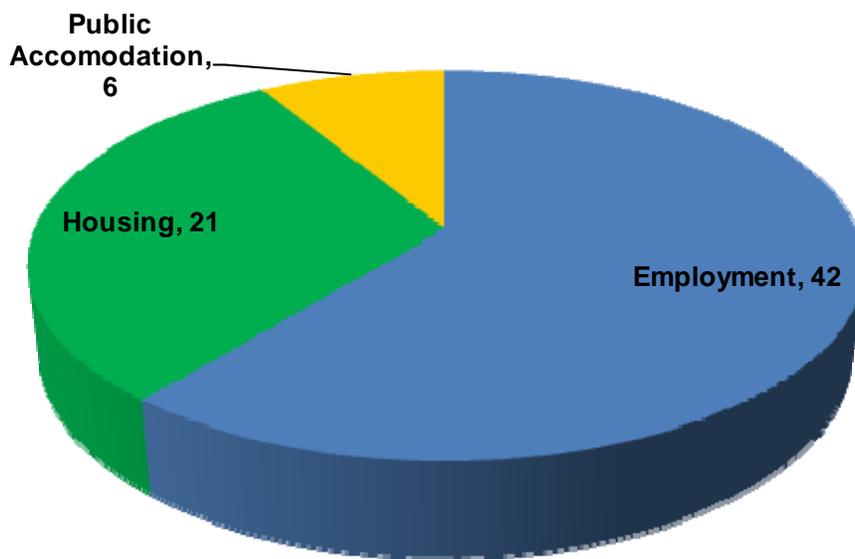


Cases Filed by Type 2001-2011

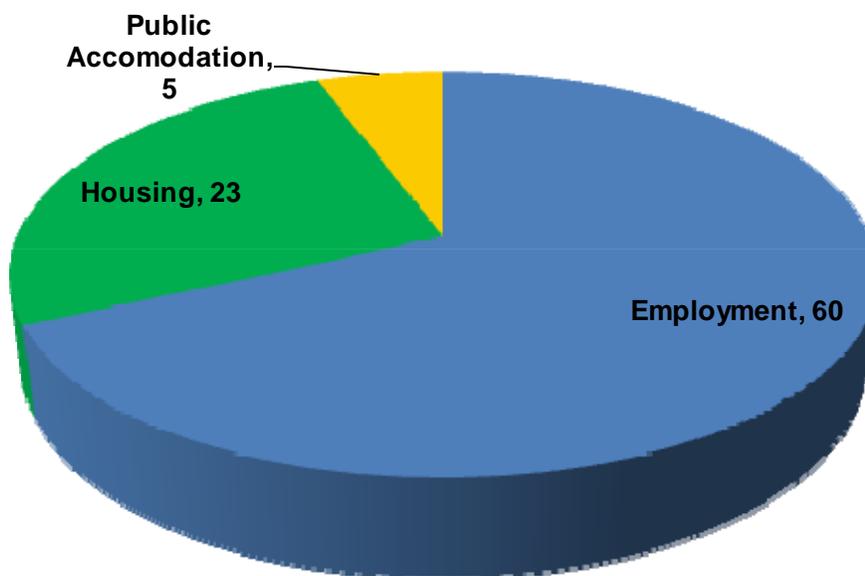


\*In 2007, the LCHR had an agreement with the Nebraska Equal Opportunity Commission (NEOC) in which the NEOC deferred 13 cases to the LCHR for investigation in order to expedite case investigation.

### Cases Filed - 69 Breakdown by Type



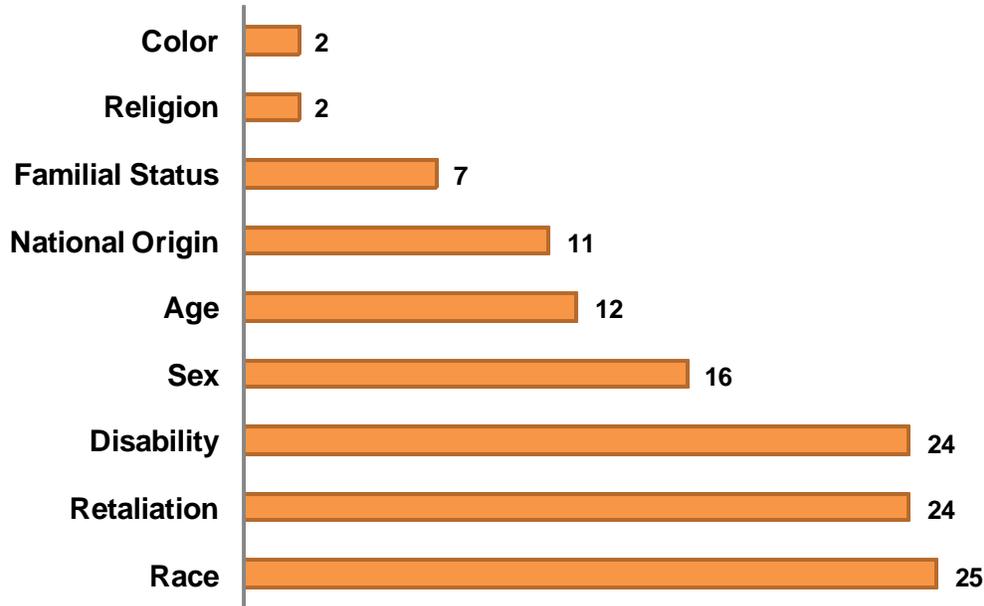
### Cases Closed - 88 Breakdown by Type



\*Cases closed includes cases filed in 2010 but closed in 2011.

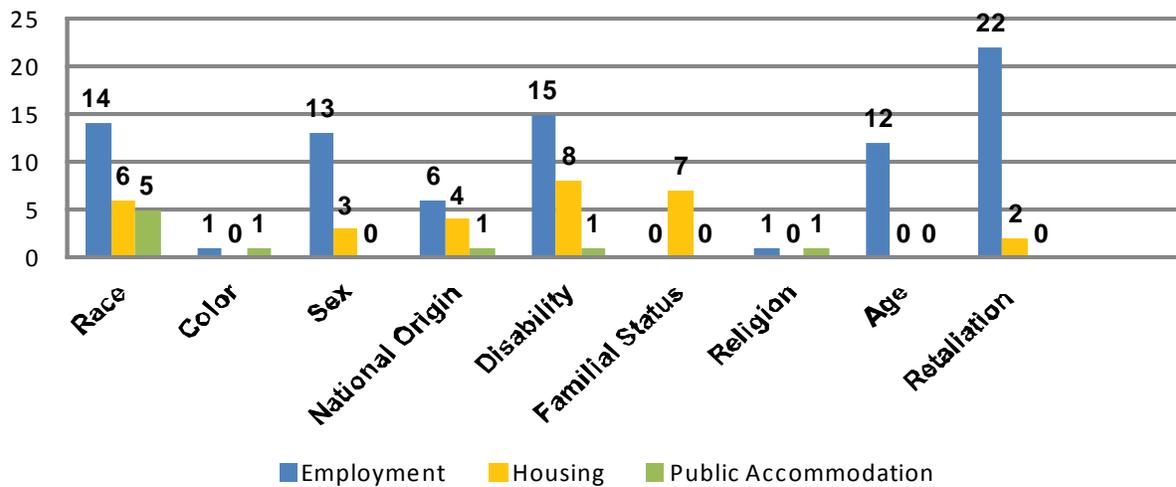
Case Statistics

Breakdown of Cases Filed by Basis\*



\*Cases are often filed under more than one basis, which could include a case filed, for example, on the basis of both sex and disability, or race and retaliation.

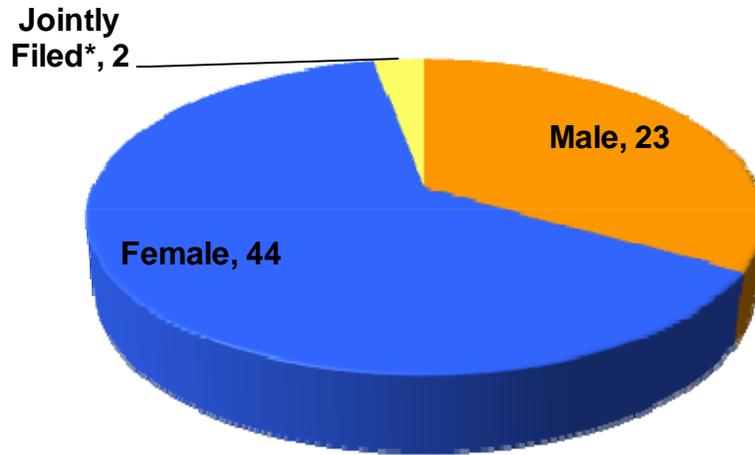
Breakdown of Cases Filed by Basis and Type\*



\*Marital Status and ancestry are not listed because there were no complaints filed under these bases in 2011. The basis of age is only covered in employment, while familial status is only covered in housing.

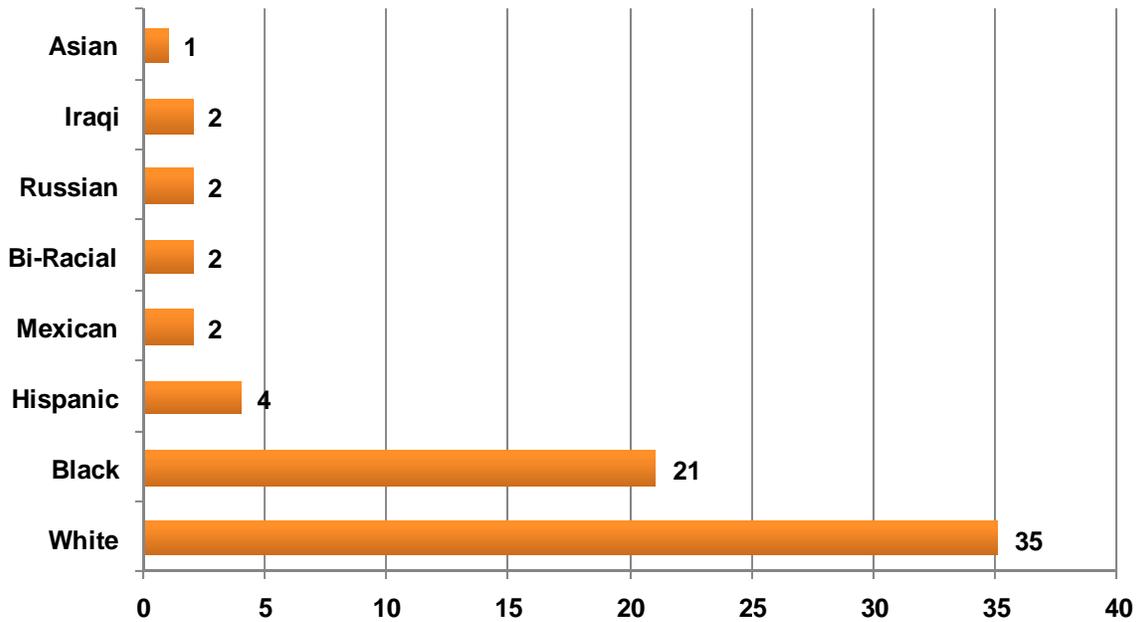
Case Statistics

### Breakdown of Cases Filed by Gender



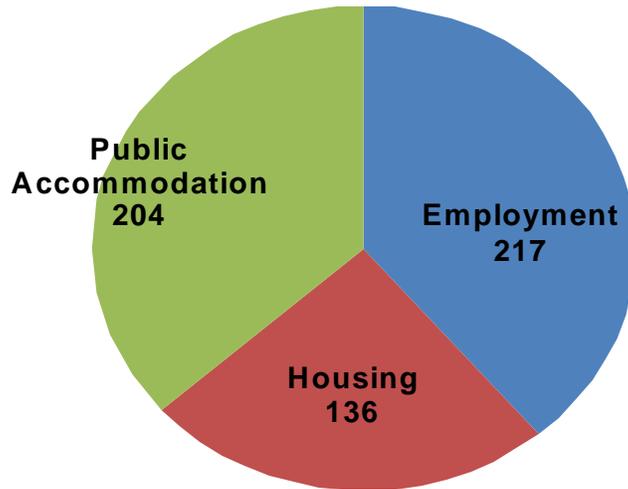
\*Housing complaints filed jointly by husband and wife.

### Breakdown of Cases Filed by Race / National Origin / Ethnicity\* of Complainant

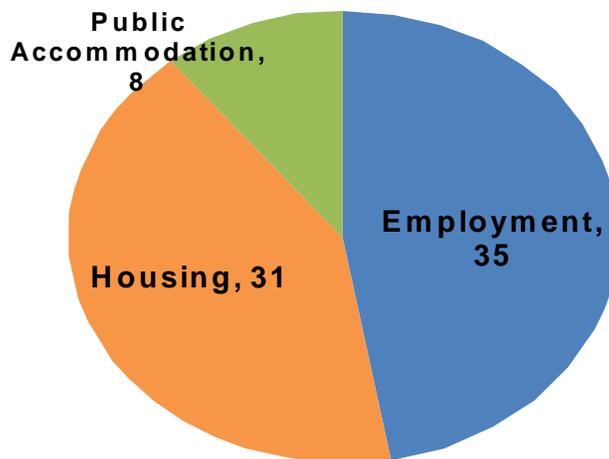


\*This provides an approximate demographic report based on the racial, national origin, or ethnic designation provided by the Complainant.

### Average Number of Days from Filing to Closure

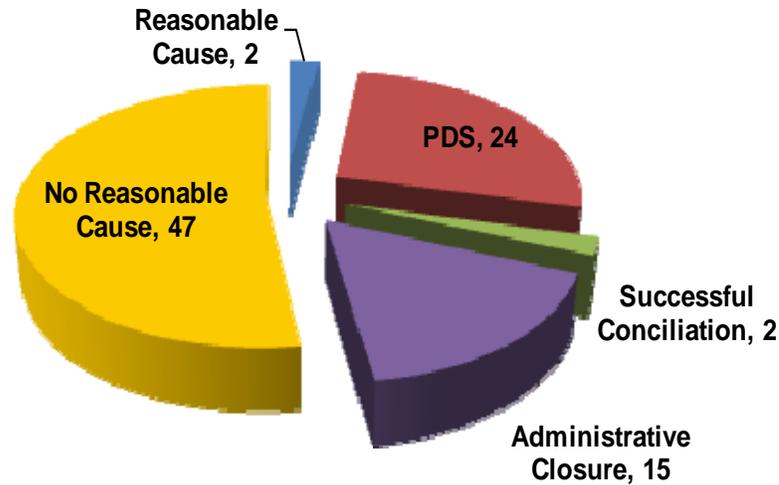


### Inquiries Not Resulting in a Complaint\*



\*There are various reasons why inquiries do not result in the filing of a complaint. They include, but are 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.

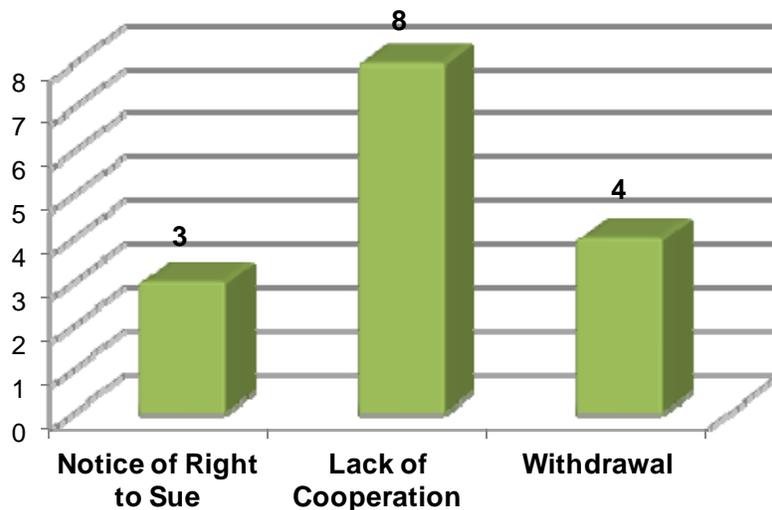
### Breakdown of Commission Decisions



What do the numbers mean? No Reasonable Cause are those cases in which the Commissioners determined there was little or no evidence to believe discrimination occurred. In Reasonable Cause determinations, Commissioners believe there is evidence showing discrimination occurred. Administrative Closures are cases closed for a variety of reasons—see the chart below. Pre-Determination Settlements are cases closed due to a settlement agreement prior to a Commission decision.

Sometimes the Commissioners make more than one decision in a single case. Commissioners may determine that 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. Because of this, the total number of Commission decisions may be greater than the number of cases closed.

### Administrative Closures



## Settlement Summary

**Pre-Determination Settlements\* Summaries & Withdrawals with Settlements**

- Job Transfer After Successful Completion of a 60 Day Probation Period.
- Neutral Reference; \$318 Security Deposit Returned; Fair Housing Training.
- Waive \$522 in Charges; Fair Housing Training for Respondent; Neutral Rental Reference; Complainant Agrees to Vacate Garage.
- \$6,400.
- Forgive \$640 in Charges; Clear Negative Credit History.
- Job Reinstatement and Transfer; \$800; Removal of Disciplinary Actions.
- \$700; Fair Housing Training.
- \$200; Policy Change; Fair Housing Training.
- One Month Rent Free (\$825); Refund of \$50 Pet Charge; Policy Change; Fair Housing Training
- \$4,000.
- \$3840; Neutral Employment Reference.
- \$4,000.
- \$2,500.
- Reduction in Rent for One Year.
- Early Release from Lease Agreement; Fair Housing Training.
- Forgive \$70 in Rebilling Fees.
- \$2,400; Fair Housing Training.
- \$10,000.
- \$1000; EO Policy Implemented; Neutral Employment Reference.
- Numerous Property Improvements; Materials Translated into Spanish.
- Utility Dispute Resolved.

\*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 Summaries\*\***

- \$4000, Neutral Employment Reference, Equal Opportunity Training for Respondent.
- \$1300.

\*\*Conciliation takes place after a finding of Reasonable Cause. Both parties come together to discuss, negotiate, and facilitate a settlement.

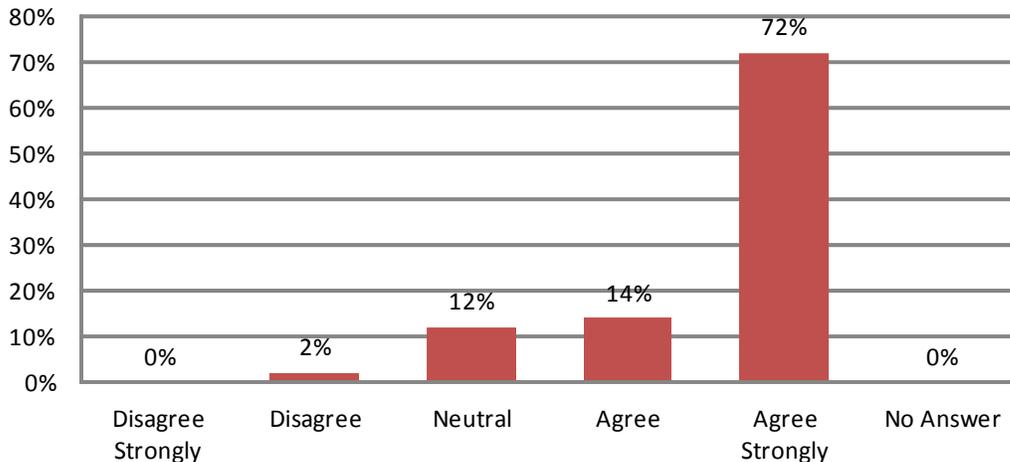
Service Satisfaction Survey

**Service Satisfaction Survey**

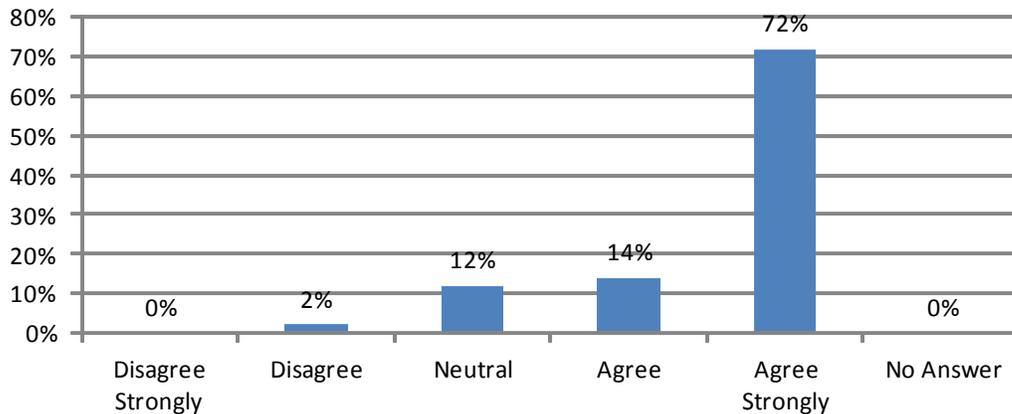
In an effort to gauge how complainants and respondents felt about their contact with our staff, determine how they felt about the process and understanding the process, and to look for areas in which we could provide better service or a clearer explanation of what we do, surveys were mailed to all complainants and respondents following their case closure, regardless of the outcome. We asked them to rank us in several areas.

Both Complainants and Respondents were asked to rank our office with 1 being the lowest and 5 being the highest.

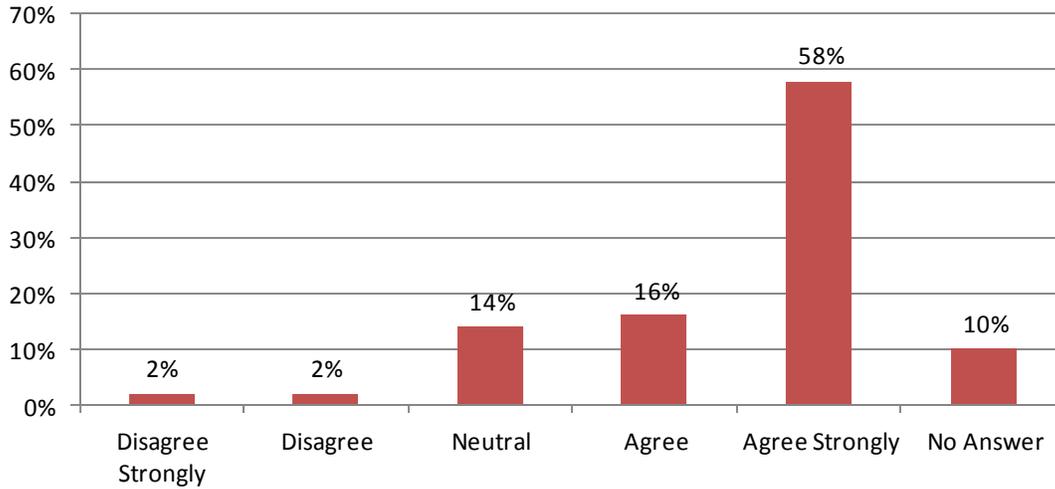
**All department staff presented themselves in a courteous and professional manner at all times.**



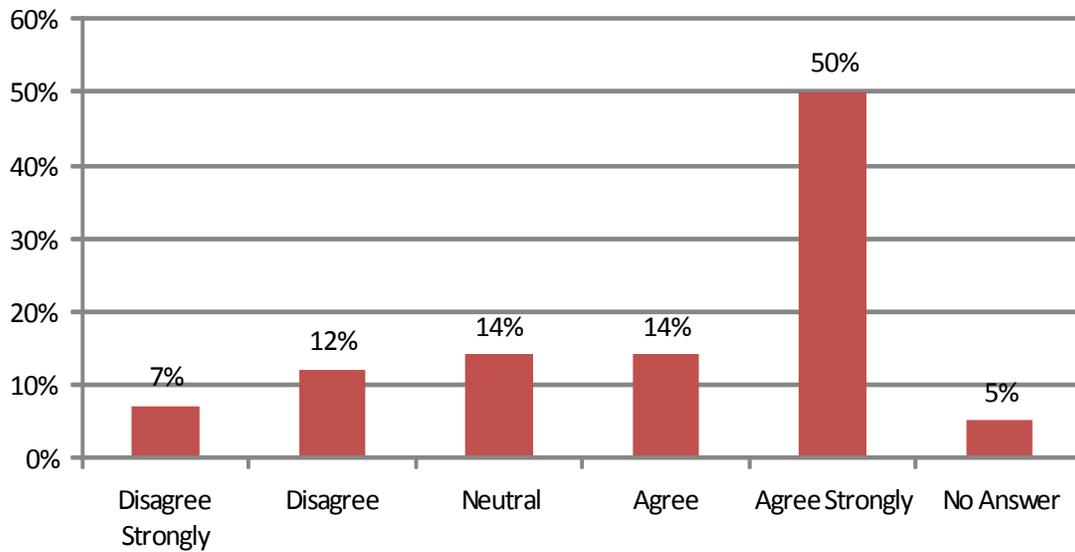
**The intake investigator explained the laws and the LCHR investigative procedure to your satisfaction.**



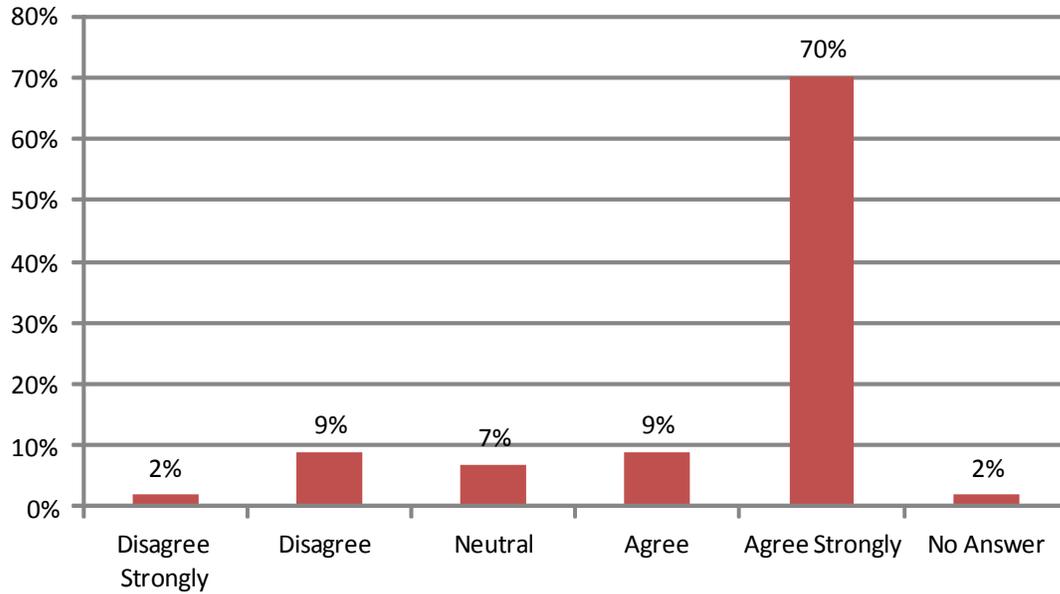
**The investigator kept you adequately informed about the progress of the investigation.**



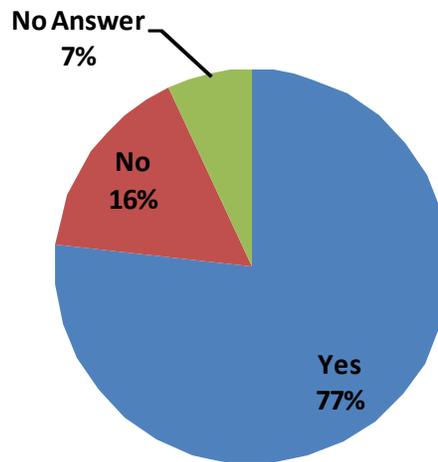
**Regardless of the outcome, you felt the overall process was fair.**



**Opportunities to present your position were given to you during the investigation.**



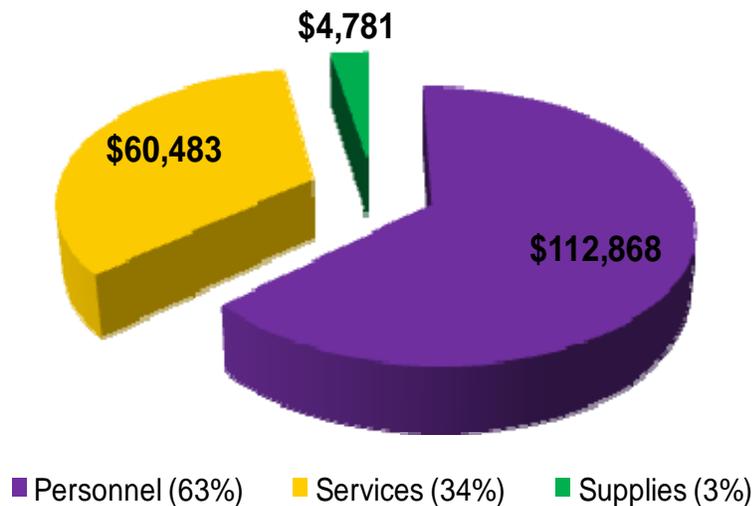
**Would you refer someone experiencing discrimination to the LCHR?**



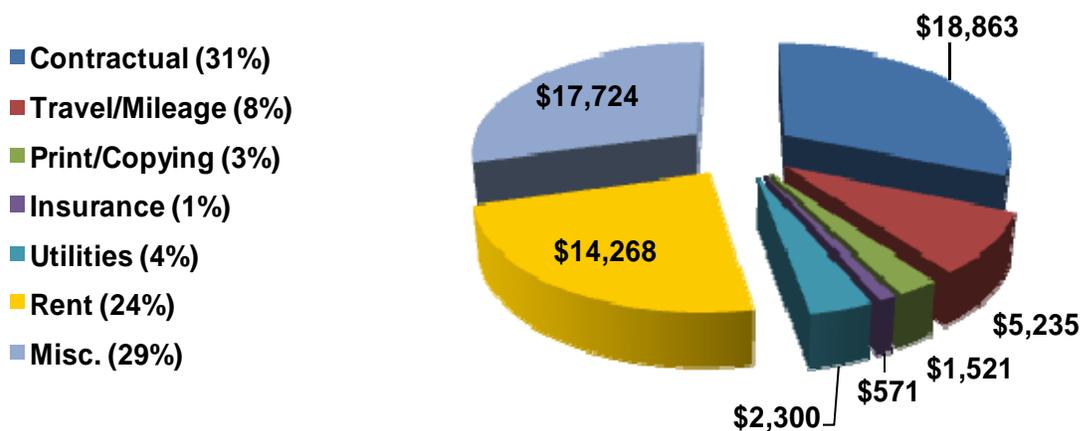
The Lincoln Commission on Human Rights’ budget is comprised of funding from the City of Lincoln General Fund as well as two Federal grant funding sources—the U.S. Department of Housing and Urban Development and the Equal Employment Opportunity Commission. For Fiscal Year 2010—2011, the budget expenditures were supported by \$97,888 from the General Fund and \$80,244 from federal funding sources for total expenditures of \$178,132.

### Where Did the Money Go?

Of the total, \$178,132, the largest percentage went to personnel for salaries and benefits, for a total of \$112,868 or 63%. Services\*, which expenditures cover our insurance, travel, mileage, interpretation/translation costs, office rental, copying, printing and utilities account for \$60,483 or 34% of our budget, while office supplies account for \$4,781, or 3% of our total budget.



### \*Services Summary



## Education and Outreach

The Lincoln Commission on Human Rights provides services to the community to ensure that individuals 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. These efforts include training programs which can be customized to meet the needs of the target audience. Topics include: racial and sexual harassment; fair employment practices; harassment free work environments; fair housing laws; public accommodation laws; Americans With Disabilities Act; and diversity training.

In 2011, the staff conducted training at a number of organizations for a total of 90 sessions reaching over 4,400 people. These organizations include the Lincoln Public School Career Education Classes; the Lincoln Housing Authority, Rentwise, various fairs and ethnic festivals, as well as training sessions held with several Respondents as a result of settlement agreements. In addition, the Civil Rights Conference was attended by over 200 individuals, and continued to be an unqualified success in 2011 providing the public with a forum and information on a wide range of civil rights topics.



Fair Housing Proclamation with Governor Heinemann. Present on behalf of LCHR is Chair Wendy Francis (5th from right) and Civil Rights Investigator Margie Nichols (4th from right).



Loren Mestre-Roberts at World Day on the Mall

**Award Winner**

**2011 Civil Rights Conference Award Winner**

The 2011 Fair Housing Award and the Gerald Henderson Award were presented to former LCHR Executive Director Larry Williams. Throughout his time with the Lincoln Commission on Human Rights, Mr. Larry Williams worked tirelessly towards equality in Lincoln in all areas, both in and outside of his role with the Commission.

One nominator said “Larry was always concerned with making sure people of all races, genders, and abilities were given the right and opportunity to be able to live where they wanted in the City of Lincoln and did whatever he could to educate the citizens.”

Another nominator said “Recognizing the value of early intervention and education in promoting mutual respect and valuing the diversity in our community, Larry helped develop and make a highly successful outreach to high school students about equity in the workplace...”



*Larry Williams*

The Fair Housing Award is given to a person, organization or formalized group that has made significant contributions to providing equal opportunity in the field of housing. Someone whose achievements have given new meaning to “fair housing”.

The Gerald Henderson Award is given to recognize outstanding achievements in furthering human rights and relations in the City. In 2003, the award was renamed to honor the late Gerald Henderson, the first LCHR Director and longtime civil rights activist. Nominees for the award will be judged for their achievements in improving human rights based on activities implemented, services performed, or programs operated in Lincoln. Winners are chosen from among the nominees by the LCHR Commissioners.

**PAST AWARD WINNERS**

**Fair Housing Award:**

- 2002—Mary Eley & Fair Housing Center of Omaha
- 2003—Gerald Henderson
- 2004-Nebraska Realtor Association
- 2005-Cedar Youth Service (Kristine Strand)
- 2007-High Plains Community Development Group
- 2008-The Arter Group (Jim & Mark Arter)
- 2009-The Apartment Guide (Michelle Zadina)
- 2010-Fair Housing Center (Jill Fenner)
- 2011—Larry Williams

**Gerald Henderson Human Rights Award:**

- 2000-Dan Williams
- 2001-Cecilia Olivarez Huerta
- 2003 - Division of Affirmative Action, Equity & Diversity of Southeast Community College (Jose Soto)
- 2004-Nebraska Appleseed Center for Law in the Public Interest (Milo Mumgaard)
- 2005-Judi M. gaiashkibos
- 2006-Florine Joseph
- 2007-Beatty Brasch
- 2008-Leroy and Annie Stokes
- 2010-Janet Goodman Banks
- 2011-Larry Williams

555 South 10th Street  
Suite 304  
Lincoln, NE 68508  
402.441.7624  
402.441.6937 Fax

