

Kentucky Commission On Human Rights

Protector of Civil Rights. Voice for Equality. Catalyst for Positive Change.

Newsletter

KET presentation on Martin Luther King Day includes new interviews with Kentucky Executive Director and other Kentucky civil rights figures

KET (Kentucky Educational Television) will air a special program with interviews of guests who took part in the original KET documentary about Kentucky's Civil Rights history, "Living the Story." The new program will air on Monday, January 16th, National Martin Luther King Day at 9 p.m. EST on KET. It follows a showing of the original "Living the Story" documentary at 8 p.m. that initially aired 10 years ago, and in which several Kentuckians were interviewed about their eyewitness accounts and experiences leading up to civil rights.

So, it's a double-header, if you will, "Living the Story" beginning at 8 p.m. EST and the new interviews beginning at 9 p.m. and ending at 10 p.m. EST on January 16th.

In the presentation that will follow "Living the Story," guests were asked to comment on civil rights issues today and on how things have changed since the original taping 10 years ago. KET says the new interviews are engaging, honest and thought-provoking.

One of those in the new interviews is Kentucky Commission on Human Rights Executive Director John J. Johnson. He was not with the commission 10 years ago when he participated in "Living the Story." He was with the NAACP national headquarters in Baltimore, Md., at the time.

He grew up in Franklin, Ky., and still holds the record (it is believed) as the youngest NAACP president of a state chapter (at age 18). He fought

alongside many others for an end to segregation and for passage of the Civil Rights Act. The new interviews that will follow "Living the Story" on Jan. 16 will include Johnson who is asked about his take on civil rights during the last 10 years. He has been the Kentucky Human Rights Commission executive director since 2007.

Watch KET for more information. Visit the KET website at www.ket.org

The 2011 Annual Report report

The Kentucky Commission on Human Rights is proud to release its 2011 Annual Report. The 2011 reporting period of the commission is that of state government's fiscal annual reporting period, from July 1, 2010, to June 30, 2011.

This year the commission filed 333 discrimination complaints for people alleging they were victims of discrimination in the Commonwealth of Kentucky. This number is just up from 329 complaints in 2010 and 322 in 2009. The 2011 number reflects an improvement in the number of complaints filed compared to 423 complaints in 2007 and 421 complaints in 2008. (The years of 2007 and 2008 marked the highest number of discrimination complaints in the commission's 51 year history.)

"The commission would hope the gradual drop in discrimination complaints reflects greater mutual respect in our state and an increase in equal opportunity and equal treatment for people," said John J. Johnson, executive director of the Kentucky Commission on Human Rights. "However," he said, "also this year we received 3,269 inquires from people from all over the state who were afraid they were being discriminated against or who reported discrimination problems in their regions.

"Even though the United States has come a long way, discrimination against all of our protected classes is still devastating and heartbreaking

for so many," Johnson said. "We conduct a high number of education and outreach programs every year to try to reach as many people as possible about their rights to equality and to inform people that they are required to comply with the laws prohibiting discrimination," he said. "Discrimination can be so subtle that it may be difficult to prove, but that does not mean that it did not occur," he said.

Just as in every year since the Kentucky Civil Rights Act was passed in 1966, the highest number of discrimination complaints in 2011 were based on the protected class of race. Discrimination was most often alleged in the area of employment.

The commission closed 422 complaints during the 2011 reporting period. Three-hundred-thirty-seven of these did not reveal during investigation sufficient evidence to prove discrimination. Twenty-five complaints resulted in conciliation agreements (similar to settlements). Complainants received various sums of money from respondents as part of their agreements.

Five cases were conciliated after the commission found probable cause to determine that discrimination had occurred. No jury trials or administrative hearings were necessary this year given that the complainants of these probable cause cases wanted to settle their complaints with conciliation agreements rather than continue to the hearing or trial phases. This resulted in less stress and faster resolution for complainants.

Twenty-three cases were withdrawn so that the complainants could file private

suits. There were 37 complaints withdrawn by complainants who after making their complaints to the commission were able to privately settle with their respondents.

The Kentucky Human Rights Commission enforces both the Kentucky and the U.S. Civil Rights acts. It enforces the federal law in its capacity as a certified affiliate of the U.S. Department of Housing and Urban Development and the U.S. Equal Employment Opportunity Commission.

In Memory of a young Northern Kentuckian who cared about human and civil rights

Recently, the commission began receiving contributions for its work in memory of a young man from Northern Kentucky who recently died. The commission offers its heartfelt sympathy and its deep appreciation to his parents for this.

Tristan David Berry, 29, of Edgewood, died on Nov. 20, 2011, at St. Elizabeth Hospital in Edgewood, Ky. He worked for Convergys in Erlanger and formerly Circuit City in Florence. He enjoyed computers and music and played the piano and clarinet. His parents are David and Susan Berry of Edgewood. He has a sister, Emily Berry, and a niece, Kenzi, of Edgewood.

The commission spoke to his mother on Thursday, Dec. 1, to inquire about the family's request to send donations to the Kentucky Commission on Human Rights in honor of her son in lieu of flowers.

She said her son appreciated the causes the Kentucky Commission on Human Rights stands for, such as fair housing, and she wanted memorials sent to a charity or social agency that would do some good in the community. She said she is happy that people are making donations in her son's memory.

Human Rights Immigrant Networking Summit a great success

The Kentucky Commission on Human Rights on October 6 held its Sixth Annual Immigrant Networking Summit.

The free event drew approximately 150 participants, providing a unique opportunity for people to share practical information and discuss issues that immigrants face in their everyday lives as citizens or residents of Kentucky. The event took place at the Kentucky Cooperative Extension Office in Shelbyville, Ky.

Participants included Kentuckians representing a number of national origins. There were forums, presentations by guest speakers, and audience discussions.



From left to right: Delquan Dorsey

Sr., Executive Director, Governor's Office of Minority Empowerment; Chip Smith, Attorney, Kentucky Labor Cabinet; Karen Mixson, Director Division of Career Opportunities, Kentucky Personnel Cabinet; Jennifer Baker, Branch Manager, Diversification and Equity Branch, Department of Education; Erin Howard, Hispanic/Latino Outreach, Bluegrass Technical College; Eduardo Nino-Moreno Director, Campus Diversity and Inclusion, Office of the President, Transylvania University; and Toni Smith, Fair Trainer and Outreach Coordinator, Kentucky Housing Corporation

In the photo below are the luncheon speakers: Juan Solana, Consul and Consulate of Mexico in Indianapolis, Ind.; Carlos Osegueda, FHEO Regional Director, U.S. Department of Housing & Urban Development in Atlanta, Ga.; and Dr. Terry Holliday, Commissioner, Kentucky Department of Education



The speakers discussed their offices and the work they do. For example, Dorsey talked about his office, which is attached to the

Governor's Office and works with members of minorities in the area of business. Smith talked about "wage theft" and job mis-classifications he has dealt with in the construction sector. He mentioned that the Labor Cabinet is working hard to protect the rights of immigrants at their work. Mixson discussed her effort to recruit minorities to state government jobs, and Howard and Nino-Moreno talked about their efforts to help Latinos pursue their post secondary education.

Consul Solana talked about his services to help Mexican citizens in Kentucky. For example, his office's processing of personal identification cards and passports. Osegueda talked about the HUD commitment to further fair housing, and Commissioner Holliday talked about his commitment to close the achievement gap and ensure that no child is left behind.

Gov. Steven Beshear, who was unable to attend, gave attendees his welcome by video presentation:

"As we know, Hispanic people, along with other immigrants and refugees, have doubled their population in our state since the year 2000," Gov. Beshear said.

"Their work and contributions have become vital to economic growth and to the fascinating diversity and culture that Kentucky has to offer the people of its own communities as well as to visitors and businesses," he said.

The Governor said: "In order for our Latino peoples to make their best contributions and to achieve the

American dream, Kentucky must remain committed to the promise of equal opportunity for all. We are committed to eliminating any barriers Hispanics and any immigrants face."



Above is a glance of participants at the summit.

The commission began hosting the statewide networking summit in 2005 to recognize National Hispanic Heritage Month (September 15 - October 15). The commission now produces the event every year. It is designed to foster mutual understanding and increase communication and collaboration between members of the public, federal, state, and local governments and all immigrant and refugee communities in the commonwealth.

Speakers at the summit were directors from immigrant community centers, immigrant and refugee educators and entrepreneurs, Kentucky refugee agencies, members of the media, and representatives from federal, state and local government agencies. Among the topics were fair housing, equal employment opportunity, education fairness, equal opportunity, and business opportunities.

Board of Commissioners

Chair George W. Stinson, Louisville . Henry Curtis, Frankfort . Robert Asseo, Florence . Timothy W. Thomas, Madisonville
Virginia L. Burton , Lexington . Samuel R. Coleman Jr., Middlesboro . Sandra Anez Powell, Lexington . Mildred Hudson Diehl , Fort Mitchell
Alma L. Randolph Patton, Owensboro . Duane Bonifer, Greensburg . Ann Newman, Ashland

Commission investigation helps lead to \$287,000 private settlement

It recently came to light through media reports that a Louisville, Ky., woman who filed a discrimination complaint with the Kentucky Commission on Human Rights was compensated with a \$287,000 private settlement from the City of Louisville, Ky. Dawn Simpson alleged to the commission in 2009 that she was discriminated against on the basis of sex in the area of employment. She claimed that while she was an employee at Louisville Metro Animal Services, former director Gilles Meloche sexually harassed her and then retaliated against her for complaining. Simpson was an animal-care manager from August 2007 until she resigned in the summer of 2009. The commission investigation resulted in a Probable Cause recommendation in the case, which was ultimately settled by her private attorney in April of this year.

New Berea Local Human Rights Commissioners named

Commission Field Supervisor Juan Pena' trained the newly named Berea Human Rights Commissioners on Nov. 28th. This commission became operational in October. The new commissioners said they look forward to working with the state commission. Berea City Mayor Steven Connelly also attended part of the training.

In the following photograph are the Berea Human Rights Commissioners. From left to

right they are Tim Hampton, Mae Suramek, Chad Hembree, Jeannie Gregory, Lisa Vaughn, Paula Dunson, and Jonathan Shinhofen.



Church in Pike County KY overturns ban on interracial couple membership

A tiny church in Pike County, Ky., in the Appalachian region of the state, quickly recanted during the first week of December its November decision to deny interracial couple membership.

The ban had come after a white female member brought her African fiancée to the church to perform music during a worship service. The two met at Georgetown College.

Gulnare Free Will Baptist Church's decision to overturn the ban occurred after sharp opposition from the public, its national church organization, and the church's own pastor.

Members had voted to ban interracial couples when only one-third of its congregation was present, the pastor reported. The vote had been 9-6 to establish the ban.

The matter was first publicized in the *Lexington Herald Leader* on Nov. 30. Days later the church took another vote with more of its

members present and reversed the policy.

The *Lexington Herald Leader* quoted Kentucky Commission on Human Rights John J. Johnson who said about the issue:

"I was saddened to read about Stella Harville who is white and her African fiancée Ticha Chikuni as she expressed their deep hurt by her childhood church's vote to disallow interracial couples as members. This must have been especially painful since on a previous occasion Mr. Chikuni had sung to this very congregation a classic, old Christian hymn, "I Surrender All," while Ms. Harville accompanied him.

"I am encouraged and uplifted by the community's disapproval of the church's vote to deny membership to couples who are not of the same race. I am proud of the other churches in the Eastern Kentucky community and its many citizens who are being vocal about their support of respect and mutual understanding of people. The majority of Kentuckians are determined to welcome and embrace all people."

Calendar of Kentucky Events for Martin Luther King National Holiday

4 p.m. Thursday, Jan. 12, 2012, Dr. Martin Luther King Jr. State Commission and Governor's Office of Minority Empowerment Annual Holiday Celebration, The Kentucky History Center, 100 West Broadway Street, Frankfort, KY 40601, Keynote speaker: Roszalyne Akins

10 a.m. Saturday, Jan. 14, 2012, "Living The Dream, What Does it

Mean to Serve?", St. Paul United Methodist Church, 1800 Louisville Road, Frankfort, KY 40601

6 p.m. Saturday, Jan. 14, 2012, 28th Annual Hopkins County Dr. Martin Luther King Jr. Memorial Program, Byrnes Auditorium, 750 North Laffoon Street, Madisonville, KY 42431, Keynote speaker: Naomi Ruth Barber King, widow of the late Rev. A.D. King, who was a brother of the late Rev. Martin Luther King Jr. Kentucky Human Rights Commissioner Timothy Thomas is an organizer of this event to help his district raise funds for two scholarships to local college students. Admission is free. Volunteer donations may be made by attendees and members of the public, Commissioner Thomas said.

10 a.m. Monday, Jan. 16, 2012, Cynthiana-Harrison County NAACP MLK Jr. Program, Ebenezer United Methodist Church, 305 North Locust Street, Cynthiana, KY 41031, Keynote speaker: John J. Johnson, Executive Director, Kentucky Commission on Human Rights

10 a.m. – 3 p.m. Monday, Jan. 16, 2012, MLK Jr. Day of Service, Bigelow Hall, Miller Information and Technology Center, Belknap Campus, University of Louisville, 2301 South 3rd Street, Louisville, KY 40292

10 a.m. Monday, Jan. 16, 2012, Traditional MLK Jr. Freedom March and Program, Sponsored by the University of Kentucky and Lexington-Fayette Urban County Government, Lexington Center Heritage Hall, 410 West Vine Street, Lexington, KY 40598

Schools teaming with the commission to form Youth Human Rights Councils for students

Students at Louisville, Kentucky-located Central High School recently said they and classmates are concerned about bullying, racial separation during lunch hour, and perceived better treatment of advanced placement students over regular students.



(Above, are Bardstown High School students who met on Oct. 26 with Commission Representative Glenda Green (far right) to discuss their vision of the school's new Youth Human Rights Council)

To help deal with these and other issues, Central, Seneca High School in Louisville and Bardstown High School are each forming a Youth Council on Human Rights. The councils are designed to help students promote equality and unity among peers and faculty, and also to educate students and faculty about civil and human rights.

The Kentucky Human Rights Commission this summer created the Youth Council on Human Rights Program and is helping the three schools establish their councils.

The commission wants to help more Kentucky middle and high schools develop councils and invites school officials and students to contact the commission for information or to get started.

"Our Youth Council on Human Rights Program is designed to inspire students and school administrators lead in the mission to safeguard equal opportunity and treatment and to promote mutual understanding and harmony among the entire student body," said John J. Johnson, executive director of the Kentucky

Commission on Human Rights.

The youth councils provide a context in which students will be able to address and seek solutions to civil and human rights concerns that are often encountered by today's youth, Johnson said.

The councils' unique tools are advocacy, awareness, empowerment, and education.

Central High School was the first to join the initiative. Commission officials met with Central Law and Government classes earlier this year to begin the project. Joe Gutmann, Central High School Law and Government teacher spearheads the initiative for Central at the direction of Principal Dr. Daniel Withers.

"It is extremely important that our youth have a vehicle and process

for their voices and concerns to be addressed, and the Youth Council on Human Rights will provide such an avenue,” said Gutmann.

“The Central High School Law & Government Magnet is proud to partner with the Kentucky Commission on Human Rights and other high schools to make this become a reality,” he said.

The state commission gave a presentation at Bardstown High School on October 26. Students were given the opportunity to learn about serving on their school’s human rights council, offer ideas on how to promote equality in their school, and to talk about civil or human rights issues that concern them.

Chris Pickett, Bardstown High School principal said: “I am very excited to take part in this worthy venture with the support of the state human rights commission. Bringing our students and staff information regarding rights as individuals is of the utmost importance. Being able to listen, respect, and be open to others’ views is what we want to be about at Bardstown High School,” he said.

Also on October 26, the state human rights commission held a question and answer session for students about the council program at Seneca High School.

Seneca High School Principal Michelle Dillard and Seneca English and Sociology teacher Jill Bickel issued this statement about their new human rights youth council: “We are proud and excited to be one of the first schools in Jefferson County to begin a Youth Council on Human Rights. We have recently added several Human Rights courses to our curriculum as part of our International Studies program. So far, teaching this course has been

more than fulfilling as students are genuinely engaged in classroom discussion and have also become active in some local human rights organizations..”

For more information, contact Glenda Green at the Kentucky Commission on Human Rights at 1.800.292.5566.

Commission Roundtable held for Central and Southern Kentucky Partners

The Kentucky Commission on Human Rights held a discussion roundtable for the state’s local human rights commissions located in Central and Southern Kentucky on Monday, October 17 at the Stratton Community Center in Shelbyville, Ky. The roundtable was hosted by the Shelby County Human Rights Commission with its chairperson, Gary L. Walls.

Natasha J. Watson, the center director for the U.S. Dept. of Housing and Urban Development Office of Fair Housing and Equal Opportunity, was the featured speaker. She discussed issues surrounding discrimination in housing along with relevant updates on immigration.

There are six local human rights commissions among the 27 counties of Central and Southern Kentucky. The purpose of the event was to help these civil rights partners network and share best practices as they work with the state commission to stop discrimination of all kinds.

Members from the following local Kentucky human rights commissions attended: Louisville and Jefferson County Metro

Human Relations; Danville-Boyle County Human Rights Commission; Bardstown-Nelson County Human Rights Commission; Lebanon Human Rights Commission; Shelby County Human Rights Commission (Serving Simpsonville, Shelbyville, and Shelby County); and, the Mercer County Human Rights Commission (Serving Harrodsburg, Burgin and Mercer County).

There are so far 23 local human rights commissions in Kentucky. One of the functions of the Kentucky Commission on Human Rights as mandated by its governing law, KRS Chapter 344 (the Kentucky Civil Rights Act), is to encourage local governments to form local human rights commissions and assist them in doing so. Local human rights commissions help the state commission to network on a grass roots level. They foster environments for mutual respect and tolerance in their own communities and provide education and outreach to constituents. Some, such as Lexington and Louisville, have their own staff and conduct their own discrimination investigations while others are volunteer agencies without staff and provide civil rights public awareness programs in their communities. Most local commissions refer discrimination complaints to the Kentucky Human Rights Commission for investigation.

Commission Executive Director visits new King Monument in D.C.



Kentucky Human Rights Executive Director John J. Johnson was proud to recently visit the newly dedicated monument of one of America's great sons and a revered leader of the American Civil Rights Movement, the late Rev. Martin Luther King Jr. Johnson traveled in October to view the memorial in Washington D.C.

United States President Barack Obama dedicated the giant monument and its surrounding national memorial park on Oct. 16 of this year to tens of thousands of people. The president was accompanied by First Lady Michelle Obama, Vice-President Joe Biden, his wife Dr. Jill Biden, and Secretary of the Interior Ken Salazar.

According to the Wickpedia website: "The Martin Luther King, Jr. Memorial is located in West Potomac Park in Washington, D.C., southwest of the National Mall (but within the larger area commonly referred to as the "National Mall"). The memorial is America's 395th national park. The

monumental memorial is located at the northwest corner of the Tidal Basin near the Franklin Delano Roosevelt Memorial, on a sight line linking the Lincoln Memorial to the northwest and the Jefferson Memorial to the southeast. The official address of the monument, 1964 Independence Avenue, S.W., commemorates the year that the Civil Rights Act of 1964 became law.

"Covering four acres, the memorial opened to the public on August 22, 2011, after more than two decades of planning, fund-raising and construction. A ceremony dedicating the Memorial was scheduled for Sunday, August 28, 2011, the 48th anniversary of the "I Have a Dream" speech that Dr. Martin Luther King, Jr. delivered from the steps of the Lincoln Memorial in 1963, but was postponed until October 16 (the 16th anniversary of the 1995 Million Man March on the National Mall) due to Hurricane Irene."

The sculpture was designed by the ROMA Design Group (Architects), Ed Jackson, Jr. (executive architect). The sculptor was Lei Yixin.

Wikipedia says, "The centerpiece for the memorial is based on a line from King's "I Have A Dream" speech: "Out of a mountain of despair, a stone of hope." A 30 feet (9.1 m)-high relief of King named the "Stone of Hope" stands past two other pieces of granite that symbolize the "mountain of despair." Visitors literally "pass through" the Mountain of Despair on the way to the Stone of Hope, symbolically "moving through the struggle as Dr. King did during his life."

The artist's rendering of the Mountain of Despair that leads to the Stone of Hope is 450 feet (140 m)-long inscription wall includes excerpts from many of

King's sermons and speeches. On this crescent-shaped granite wall, fourteen of King's quotes will be inscribed, the earliest from the time of the 1955 Montgomery Bus Boycott in Alabama, and the latest from his final sermon, delivered in 1968 at Washington, D.C. National Cathedral, just four days before his assassination.

Although this is not the first memorial to an African American in Washington, D.C., Dr. King is the first African American honored with a memorial on or near the National Mall and only the fourth non-President to be memorialized in such a way. The King Memorial is administered by the National Park Service (NPS).

Disability Employment Awareness Recognition Month of October

The Kentucky Commission on Human Rights was proud to support the United States President's announcement of the National Disability Employment Awareness Month of October. The state human rights commission and its national partners like the U.S. Equal Employment Opportunity Commission and the U.S. Department of Housing and Urban Development enforce the civil rights laws that prohibit discrimination against people because of disability.

In his proclamation, President Barack Obama said: "To win the future, we must harness the power of our Nation's richest resource -- our people. Americans with disabilities, like all Americans, are entitled to not only full

participation in our society, but also full opportunity in our work world. Their talents and contributions are vital to the strength of our Nation's workforce and our future prosperity. Together, we can ensure persons living with disabilities have equal access to employment, and to inclusive, supportive workplaces."

Unemployment of persons with disabilities is currently twice that of persons without disabilities, according to the president's proclamation.

Between July 1 2010 and June 30, 2011 (the state government 2011 reporting period), the Kentucky Human Rights Commission filed 94 discrimination complaints for people in Kentucky who believed they were victims of discrimination because of their disabilities or perceived disabilities. These complaints pertained not only to the area of employment but also to the areas of housing and public accommodations.

As stakeholders and advocates for equal opportunity, the Kentucky Commission on Human Rights and its partners, both national and regional, have a special role in advancing the principles embodied in President Obama's proclamation.

"The Kentucky Human Rights Commission is a proud employer of employees with disabilities and we encourage employers throughout Kentucky to tap into the potential of their citizens with disabilities who are seeking job opportunities," said John J. Johnson, executive director of the Kentucky Commission on Human Rights.

"We and all our partners, including Kentucky's 23 local human rights commissions, work every year to protect people with disabilities

from illegal discrimination and to promote these citizens' meaningful contributions and experiences as employees, consumers and neighbors," said Johnson.

The aim of National Disability Employment Awareness Month is to increase the public's awareness of the contributions and skills of American workers with disabilities. The program's theme for 2011 is Profit by Investing in Workers with Disabilities, which promotes the valuable contributions people with disabilities make to America's workplaces and economy.

KY Civil Rights Hall of Fame Member talks about disability awareness

Cass Irvin is a disability activist and an inductee of the commission's Civil Rights Hall of Fame for her work to protect the rights and opportunities of people with disabilities. She heads *Access to the Arts, Inc.*, an arts and disability advocacy organization, in Louisville, Ky.



Irvin is also the author of a memoir, *Home Bound*, published by Temple University Press. She has given the commission permission to use the following excerpts from her recent e-mail publication. For more information, contact Irvin

at DisaCool@aol.com or visit her website at www.accesstothearts.org. She writes the following:

"People with disabilities don't have a good public relations campaign. As disability advocates, *Access to the Arts, Inc.* tries our best to get the word out every October.

"For instance, did you know the effort to educate the American public about disability and employment started when Congress enacted a law in 1945?

"The first "National Employ the Physically Handicapped Week" soon followed. For more than 60 years, October has been recognized as a month to honor employed Americans with disabilities.

"...To be honest, disability involves many aspects of life so sometimes it's hard to explain why our history, our issues are relevant or should be of interest to you. Media coverage of disability too often focuses on courage and cure and overcoming. Or the cost of health care. (We, by the way, know excellent ways to curb the high cost of disability but no one asks us.)

Irvin used excerpts from a blog site at www.cripchick.com:

From the blog: "October is Disability History Month in North Carolina. In 2007, disabled young people decided teaching...disability history in schools should be a priority. We wrote a bill and lobbied our legislature to require local school boards to provide education on disability. This time last year, we ambitiously created a puppet show, skits, a self-advocacy rap, a video, a 100+ page magazine, bookmarks, and buttons and took them into several classrooms to talk about things like self-determination, eugenics, and the models of disability. Inspired by The Red Tree web page posting one of our bookmarks, I am including below

the text of a few of our bookmarks as an example of what we could say about disability history if we told the stories of disabled people of color.

"Frida was a Mexican painter who painted using vibrant colors in a style that was influenced by Mexican culture. Frida had polio. Her art illustrated both her love of her body & her experience with disability. She was a modern woman...Frida is both a feminist icon for the way she was not afraid to be herself and a legend for the way she brought light to Mexican art and culture.

"Harriet Tubman was an abolitionist. When she was 13, she threw herself between a slave & the overseer who was about to whip him. The overseer hit her and gave her a traumatic brain injury (TBI). After she escaped slavery, she went on secret missions to rescue other slaves. Because of her TBI, many people brushed her off as "crazy." She played up her disability so no one would guess she was mapping out paths for slaves to escape.

"Audre Lorde was a feminist, poet, & activist known for organizing women of color. Her poems and teachings reflected her concern for oppressed people. When she had surgery for her breast cancer, she refused to wear a prosthesis stating, 'Either I love my body one breasted now or remain forever alien to myself.' She is celebrated by poets, feminists and activists everywhere."

Cass Irvin also wrote, "For a complete history of people with disabilities, go to the Encyclopedia Of American Disability History. Susan Burch, Ed. Facts On File, Inc.: New York, NY. 2009. Burch and her colleagues have reclaimed disabled people's humanity and their history and have created a foundational text in the fields of Disability Studies and Disability History. Visit the website at www.dsqsds.org/article/view/1291/1322.

Also, "...Starbucks has released a Starbucks Card with Braille lettering. The Braille card was first suggested at a community symposium hosted by Starbucks and attended by national disability leaders in 2007. The reloadable Card is available at participating Starbucks stores and available online at Starbucks.com/Card and at StarbucksStore.com while supplies last. Starbucks has taken a number of steps to make stores accessible and welcoming to customers. New and remodeled stores include universal design elements, including a lower height counter for beverages. Participating stores have a large print Braille menu available upon request.

Federal Register proposes rule affirming HUD and affiliates like KY Human Rights Commission implementation of Fair Housing Act

HUD has notified the commission of a proposed rule in the Federal Register entitled *Implementation of the Fair Housing Act's Discriminatory Effects Standard*. The rule affirms HUD's longstanding interpretation of the Fair Housing Act to prohibit practices that have a discriminatory effect, and proposes uniform standards for determining when a housing practice with a discriminatory effect violates the Fair Housing Act. Public comments are due by Jan. 17, 2012. Copy and paste into your internet browser the following address for details: <http://www.gpo.gov/fdsys/pkg/FR-2011-11-16/pdf/2011-29515.pdf>

The Summary states: ***Federal Register /Vol. 76, No. 221 / Wednesday, November 16, 2011 / Proposed Rules/DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT: Implementation of the Fair Housing Act's Discriminatory Effects Standard: AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD. ACTION: Proposed rule.***

Title VIII of the Civil Rights Act of 1968, as amended (Fair Housing Act or Act), prohibits discrimination in the sale, rental, or financing of dwellings and in other housing-related activities on the basis of race, color, religion, sex, disability, familial status, or national origin.¹ HUD, to which Congress gave the authority and responsibility for administering the Fair Housing Act and the power to make rules implementing the Act, has long interpreted the Act to prohibit housing practices with a discriminatory effect, even where there has been no intent to discriminate. The reasonableness of HUD's interpretation is confirmed by eleven United States Courts of Appeals, which agree that the Fair Housing Act imposes liability based on discriminatory effects. By the time the Fair Housing Amendments Act became effective in 1989, nine of the thirteen United States Courts of Appeals had determined that the Act prohibits housing practices with a discriminatory effect even absent an intent to discriminate. Two other United States Courts of Appeals have since reached the same conclusion, while another has assumed the same but did not need to reach the issue for purposes of deciding the case before it. Although there has been some variation in the application of the discriminatory effects standard, neither HUD nor any Federal court has ever determined that liability

under the Act requires a finding of discriminatory intent. The purpose of this proposed rule, therefore, is to establish uniform standards for determining when a housing practice with a discriminatory effect violates the Fair Housing Act.

Commission and Community



Above, Los Angeles Mayor Antonio Villaraigosa was the guest speaker at Metro Hall in Louisville, Ky., on Nov. 4, 2011, for Mayor Greg Fischer's *Lunch & Learn*.

Villaraigosa was elected in 2005 and is the third Mexican American to hold an office in the City of Los Angeles and the first in over 130 years. He is also the current president of the United States Conference of Mayors. He is pictured above center and is flanked on the left by Jacie Rowe, who is assistant to District 5 Louisville Council Woman Cheri Bryant Hamilton. On the right is commission Education and Outreach Supervisor Mary Ann Taylor.

Recent Commission Rulings on Discrimination Complaints

The Kentucky Commission on Human Rights is the state government authority that enforces the Kentucky Civil Rights Act and, as a partner of the U.S. Dept. of Housing and Urban Development and the U.S. Equal Employment Opportunity Commission, the commission enforces the U.S. Civil Rights Act. The board meets on a regular basis to rule on discrimination complaints made by people regarding alleged acts of discrimination in the Commonwealth of Kentucky.

The state and federal civil rights acts protect people from discrimination. The Kentucky Civil Rights Act prohibits discrimination based on race, color, religion, national origin, sex, age, disability, familial status and tobacco-smoking status. These classes are protected with varying stipulations in the areas of public accommodations, employment, housing, and financial transactions.

The Board of Commissioners during the last quarter met in August, September and October to make its rulings. The board does not meet in November.

On August 18, the board ruled on discrimination complaints that included a \$42,000 conciliation agreement resulting from a housing discrimination complaint brought by the Lexington Fair Housing Council:

Complaint Number 1487-H, the Lexington Fair Housing Council versus Burlington Oaks Apartments in Burlington, Ky.: The Lexington Fair Housing Council alleged discrimination based on disability in housing, a violation of the Kentucky Civil Rights Act and the U.S. Civil Rights Act. The Council claimed it discovered the Burlington Oaks

Apartments were inaccessible to people with disabilities in a number of its design elements. The apartment company denied any violation of the law. The commission's investigation of the complaint found there was probable cause to believe discrimination had occurred and issued the probable cause notice to the complainant and respondent. The parties then agreed to conciliate the matter rather than continue litigation. The respondent agreed to pay \$7,000 to the Lexington Fair Housing Council and pay \$10,000 to the Kentucky Commission on Human Rights for attorney fees and the cost of administrative process. The respondent also agreed to correct the design problems and place \$25,000 in an account for that purpose, which will be managed by a third party and the complainant. The respondent will report to the commission for law compliance.

The board at the August meeting also ruled on the following conciliations:

Complaint Number 1611-H: Clara Barnett versus Barren River Area Safe Space Inc., in Bowling Green, Ky.: Clara Barnett alleged she was discriminated against based on disability in the area of housing, a violation of the Kentucky Civil Rights Act and the U.S. Civil Rights Act. She claimed that due to a disability that causes her to lose memory, she missed an appointment required in order to keep federal assistance for her housing. She claimed the Barren River Area Safe Space program would not allow her to reschedule the appointment and discontinued the federal assistance because of the missed appointment resulting from her memory loss. The respondent denied any allegations and denied violating the law. The parties agreed to conciliate the matter to resolve the complaint. The respondent agreed to pay the complainant's rent for nine months or until the complainant receives other federal housing

assistance. The respondent agreed to undergo commission compliance monitoring for three years.

Complaint Numbers 670-PA and 671-PA: Herman Maggard versus the City of Hazard, Ky.: Herman Maggard alleged he was discriminated against based on disability in the area of public accommodations, a violation of the Kentucky Civil Rights Act and the U.S. Civil Rights Act. He claimed the city council denied an accommodation for his disability when it denied his request to have a pool lift for people with wheelchairs placed in the city swimming pool. He said he suffered embarrassment and loss of dignity because the pool guards had to carry him to the pool and place him in the water. Sometimes, they would slip, he said. The council denied all allegations of violations of the law. The commission investigated the complaint and found probable cause to believe discrimination occurred. After a delay due to a discussion about federal regulations concerning pool accessibility, a hearing was scheduled in regard to the complaint. Before the hearing, the parties agreed to conciliate the matter to resolve the complaint. The respondent installed a pool lift operating device to lift people in wheelchairs into and out of the Hazard Pavilion Swimming Pool. The respondent agreed to train employees to properly operate the device. The respondent compensated Maggard in the amount of \$9,500, agreed to undergo civil rights compliance training, and agreed to submit to commission compliance monitoring for three years.

The September 15 commission meeting was held in Georgetown, Ky. The commission meets outside its Louisville, Ky., headquarters on occasion and as the budget allows, giving people across the state the opportunity to gain information about the function of their human rights commission.

At the meeting, the commission ruled to accept a conciliation agreement that compensated an Owensboro, Ky., woman with \$50,000.

In complaint number 6622-E – Mary C. Roby versus Sazerac North America Inc., James F. Lyvers and Jay Corbett – Roby alleged the respondents discriminated against her based on retaliation in the area of employment, a violation of the Kentucky Civil Rights Act (KRS 344.280) and the U.S. Civil Rights Act (42 U.S.C. 20003-3(a)).

Roby claimed the respondents retaliated against her after she participated in a sexual harassment investigation involving a complaint made by another employee at Sazerac's bottling facility in Owensboro. "Mr. Lyvers has singled me out and keeps watch over me," Roby said. She claimed she followed the internal grievance process the company has in place and that the grievance was denied. After the investigation, Roby alleged Lyvers' supervisor Jay Corbett did nothing about Lyvers' retaliation and further that Corbett then participated in the retaliation. After its investigation, the commission issued a probable cause finding, which stated there was evidence to believe discrimination had taken place. On notice of a hearing scheduled for September of this year, the parties agreed to attend mediation at the commission. During the mediation they agreed to a conciliation agreement to resolve the complaint. In addition to the monetary compensation to Roby, the company agreed to require its employees to undergo civil rights compliance training and submit to compliance monitoring by the commission for three years.

The commission also ruled at the September meeting to dismiss 36 complaints with findings of no probable cause to believe discrimination occurred. The Board accepted five complaint withdrawals for complainants who settled

privately with their respondents for undisclosed dollar amounts and terms. The Board accepted three complaint withdrawals without settlement, giving the complainants the right to file civil suits to address their allegations.

The commission held its October 20 meeting in Lexington, Ky. It ruled to accept one conciliation agreement negotiated by staff investigators and attorneys. The board ruled to dismiss six cases with findings of no probable cause to prove discrimination occurred. It ruled to accept two case withdrawals where parties came to private settlements with undisclosed compensation amounts. The board ruled to dismiss one case withdrawal giving the complainant the right to file a private suit.

In the conciliation agreement concerning Case Number 1607-H / 04-11-0902-8, the Lexington Fair Housing Council Inc. versus Sundance Property Management and Delaware Crossing, in Independence: The Lexington Fair Housing Council alleged that Sundance Property at Delaware Crossing Apartments, 1800 Brentwood Lane, Independence, Ky., was discriminating based on disability in the area of housing, a violation of the Kentucky Civil Rights Act (KRS 344.360, KRS 344.280, the U.S. Americans with Disabilities Act of 1990 and the U.S. Fair Housing Act of 1968 as amended. The Lexington Council, an advocate organization for fair housing, claimed it conducted a survey of the Delaware Crossing property and claimed the property was not in compliance with design and construction aspects contained in the law, therefore making the property inaccessible to people with disabilities. Sundance Property Management denied any allegations of violations of the law and asserted it was unaware that its construction and design at Delaware Crossing did not comply with the law. Before the commission made a determination

of probable cause to believe discrimination occurred, the parties agreed to resolve the matter with a conciliation agreement. Sundance agreed to bring Delaware Crossing into compliance with construction and design requirements within the next eight months, making it accessible to people with disabilities. Sundance agreed to undergo civil rights law compliance training and to report to the commission on making the required changes.

Scholarship opportunities for minority members, women & people with disabilities

If you would like this information in HTML form so that you may click on the links to the scholarship Internet sites, e-mail your request to do so to victoria.stephens@ky.gov

A

AARP Foundation Women's Scholarship Program

For women 40+ seeking new job skills, training and educational opportunities to support themselves.

Academic Competitiveness Grant

For first-year and second-year college students who graduated from high school.

Actuarial Diversity Scholarship

For minority students pursuing a degree that may lead to a career in the actuarial profession.

Akash Kuruvilla Memorial Scholarship Fund

For students who demonstrate excellence in leadership, diversity, integrity and academia.

American Copy Editors Society Scholarship

Available to junior, senior and graduate students who will take full-time copy editing jobs or internships.

AORN Foundation Scholarship

For students studying to be nurses and perioperative nurses pursuing undergrad and grad degrees.

Automotive Hall of Fame Scholarship

For students who indicate a sincere interest in an automotive related career.

AWG Minority Scholarship For Women

Encourages young minority women to pursue an education and later a career in the geosciences.

AXA Achievements Scholarship

Provides more than \$600K in annual scholarships to 52 students - one from each state.

B

Beacon Partners Healthcare IT Scholarships

Awarded to a student pursuing an undergraduate or graduate degree in the IT Healthcare field.

Best Buy Scholarship

For students in grades 9-12 who plan to enter a full-time undergraduate program upon high school graduation.

Burger King Scholars Program

For high school seniors who have part-time jobs and excel academically in school.

C

CIA Undergraduate Scholarship Program

Developed to assist minority and disabled students, but open to all who meet the requirements.

Coca-Cola Scholars Program

Four-year achievement-based scholarships given to 250 high school seniors each year.

D

Davidson Fellows Scholarship

Recognizes and awards the extraordinary who excel in math, science, and technology.

Davis-Putter Scholarship Fund

Need-based scholarships for college students are part of the progressive movement in their community.

Dell Scholars Program

For students who demonstrate a desire and ability to overcome barriers and achieve their goals.

Development Fund For Black Students in Science and Technology

For students studying science or technology at Historically Black Colleges and Universities (HBCUs).

Discovery Scholarship

Annual scholarship for high school juniors to support continued education and training beyond high school.

E

Ed Bradley/ Ken Kashiwahara Scholarships

Open to full-time students who are pursuing careers in radio and television news.

EMPOWER Scholarship Award

Designed to increase diversity in the medical rehabilitation field by awarding students of color.

ESA Foundation Computer and

Video Game Scholarship Program

For minority and female students majoring in a field related to computer and video game arts.

F

Fulbright Scholar Program

Sends faculty and professionals abroad each year to lecture and conduct research.

Future Engineers Scholarship Program

For students pursuing a career in engineering who shows outstanding academic performance.

G

Gates Millenium Scholarship

Funded by the Bill & Melinda Gates Foundation; established to help low income minority students.

Go On Girl Book Club Scholarship

Supports authors of the Black African Diaspora who want to write their way to college money.

Google Anita Borg Scholarship

For women who excel in computing and technology, and are active role models and leaders.

H

Hallie Q. Brown Scholarship

For African American women who have a minimum C average, and can demonstrate financial need.

HBCU Study Abroad Scholarship

Provides travel opportunities for students of color who are traditionally under-represented in such programs.

Jacob K. Javits Fellowship Program

Provides fellowships to students who excel in the arts, humanities, and social sciences.

Javits-Frasier Teacher Scholarship Fund

To increase diverse students' access to talent development opportunities through teacher training.

Jeannette Rankin Women's Scholarship Fund

For low-income women who have a vision of how their education will benefit themselves and their community.

Joe Francis Haircare Scholarship

For cosmetology and barber school students who can demonstrate a financial need.

K

KFC Colonel's Scholars Program

For college-bound students who can demonstrate financial need, and have a GPA of at least 2.75.

L

Lincoln Forum Scholarship Essay Contest

A writing contest pertaining to the life and times of Abraham Lincoln and the Civil War era.

M

McKesson Pharmacy Scholarship

Designed to assist pharmacy students who plan to continue their education.

N

National Achievement Scholarship

Established in 1964 to provide recognition for outstanding African American high school students.

National Black Police Association Scholarships

For students pursuing careers in law enforcement, criminal justice, and other related areas.

National Institute of Health (NIH)

Undergraduate Scholarship

For students from disadvantaged backgrounds who are pursuing science and health-related research.

National SMART Grant

Available to full-time students who are majoring in science, math, technology, engineering, and more.

P

PMI Educational Foundation Scholarships

Established for students in the field of project management or a project management related field.

R

Ron Brown Scholar Program

Seeks to identify African American high school seniors who will make significant contributions to society.

Ronald Reagan College Leaders Scholarship

Seeks to recognize outstanding young people who are promoting American values on college campuses.

S

Siemen Competition

Competition for individual or team research projects in science, mathematics, engineering, and technology.

T

Thurgood Marshall College Fund Scholarships

For first-generation students majoring in business, finance, science, engineering, and more.

Tri-Delta Scholarships

For students who excel in chapter and campus involvement, community service,

academics, and more.

Tylenol Scholarship

For students pursuing a career in health care who can demonstrate leadership and academic qualities.

U

United Negro College Fund Scholarships

Administers 400 different scholarship programs so low-income families can afford college, tuition, and books.

U.S. Bank Internet Scholarship

For high school seniors planning to enroll or college freshmen, sophomores, and juniors already enrolled.

USDA/1890 National Scholars Program

For students seeking a Bachelor's degree in agriculture, food, or natural resource sciences and related majors.

V

Vanguard Minority Scholarship Program

Provides merit-based scholarships to minority students studying business, finance, economics, and more.

W

William B. Ruggles Right To Work Journalism Scholarship

Available to undergraduate and graduate students who are majoring in journalism or a related field.

Writer's Digest Annual Short Story Competition

Contest for writers who can compose the best fictional short story, written in 1,500 words or less.

X

Xerox Technical Minority Scholarship

For academic high-achievers in science, engineering, and information technology.

Kentucky Commission on Human Rights

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