



# Kentucky Commission on Human Rights

HELPING *PEOPLE*

*EQUALITY* WORKS

*2013 Annual Report*

# Contents

**2013**

ANNUAL REPORT

JULY 1, 2012 TO JUNE 30, 2013

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HELPING *PEOPLE*

*EQUALITY* WORKS

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## Greetings

Dear Governor Steve Beshear, Kentucky Legislators, and fellow Kentuckians:

**T**he Kentucky Commission on Human Rights is pleased to submit its annual report for 2013. The document highlights the commission's activities during the state fiscal reporting period of July 1, 2012, to June 30, 2013.

The commission is the state government authority that enforces the Kentucky Civil Rights Act. Through partnership affiliations with the U.S. Department of Housing and Urban Development (HUD) and the U.S. Equal Employment Opportunity Commission (EEOC), our agency enforces the U.S. Civil Rights Act, the U.S. Fair Housing Act, the U.S. Americans with Disabilities Act, and other federal civil rights laws.

This year, the number of complaints based on race were higher than any other basis. Last year, race complaints had been surpassed by those based on sex or gender. It was the first time since the Kentucky Civil Rights Act passed in 1966, that race was surpassed by another basis. This year, after race, disability complaints were the second highest, and complaints based on sex were third. Also, the number of people contacting the commission to ask for help with discrimination increased by 30 percent this year.

The changes reflect the levels of prejudice perceived by potential discrimination victims during this time as well as the increase in public awareness the Kentucky Commission on Human Rights was able to provide during the period to make Kentuckians aware of the law and commission services.

Clearly, discrimination occurs within Kentucky and the enforcement of civil rights by the Kentucky Commission on Human Rights is required for the safety and well-being of all Kentuckians.

The Board of Commissioners is privileged to serve the public by ruling on discrimination complaints. The chair and executive director are proud of our staff members who, with excellence, investigate and conciliate complaints and provide measures to educate and make Kentuckians aware that compliance to civil rights laws is beneficial to the entire society.

Sincerely,

*George W. Stinson*

George W. Stinson, Chair

*John J. Johnson*

John J. Johnson, Executive Director





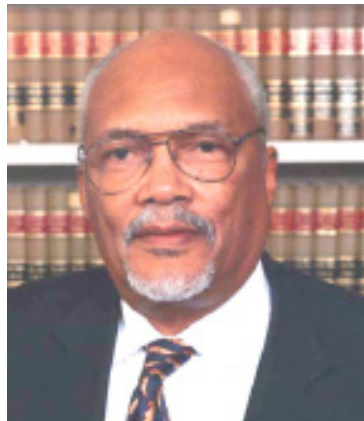
Robert Asseo  
Florence  
6<sup>th</sup> Supreme Court District



Richard E. Brown  
Owensboro  
2<sup>nd</sup> Supreme Court District



Samuel R. Coleman Jr.  
Middlesboro  
State At Large



Henry Curtis  
Frankfort  
5<sup>th</sup> Supreme Court District



Milly Hudson Diehl  
Ft. Mitchell  
State At Large



V. Ann Newman  
Ashland  
7<sup>th</sup> Supreme Court District



Sandra Añez-Powell  
Richmond  
State At Large



Doris Clark Sarr, Ph.D.  
Murray  
State at Large



Timothy Thomas  
Madisonville  
1<sup>st</sup> Supreme Court District



George W. Stinson, Chair  
Louisville  
4<sup>th</sup> Supreme Court District



Duane Bonifer, Vice Chair  
Greensburg  
3<sup>rd</sup> Supreme Court District

# KY HUMAN RIGHTS BOARD OF COMMISSIONERS



# KENTUCKY'S ENFORCEMENT AUTHORITY OF ANTI-DISCRIMINATION LAWS

## About Us

The Kentucky Commission on Human Rights is the state government agency created to ensure equality for all. Its primary purpose is to provide protection from discrimination by enforcing the Kentucky Civil Rights Act and federal civil rights laws.

The commission is proud of its achievements in human rights over the last 53 years.

With headquarters in Louisville and the Northern Kentucky office in Covington, the Kentucky Commission on Human Rights has opened doors of opportunity for thousands of people.

When the Kentucky General Assembly and Governor Bert Combs created the Kentucky Commission on Human Rights in 1960, the job of the agency was to encourage fair treatment, foster mutual understanding and respect, and discourage discrimination against any racial or ethnic group or its members.

In 1966, the commission role expanded with passage of the Kentucky Civil Rights Act (Kentucky Revised Statutes Chapter 344). This law made discrimination illegal, and

it gave the Kentucky Commission on Human Rights the statutory authority to enforce it for the Commonwealth of Kentucky.

The law made Kentucky the first state in the south to prohibit discrimination.

The commission receives, initiates, investigates, conciliates, mediates, and rules upon complaints alleging violations of the Kentucky Civil Rights Act. The Kentucky Commission on Human Rights has authority from the U.S. Dept. of Housing and Urban Development and the U.S. Equal Employment Opportunity Commission to enforce federal civil rights laws.

The commission is mandated to educate the public about the laws against discrimination and the benefits of equality. The agency conducts a comprehensive program of collaboration, communications, education, outreach, and training to vigorously carry out this task.

The Kentucky Governor appoints the 11-member Kentucky Commission on Human Rights Board of Commissioners. The members represent the state population by the seven Supreme Court Districts and the state at large. The quasi-judicial board hears and rules on discrimination complaints with the authority of a court of law.

## Mission

To eradicate discrimination in the commonwealth through enforcement of the Kentucky Civil Rights Act.

## Vision

A commonwealth united against discrimination. A commonwealth united for equality.

## Purpose

The Kentucky Commission on Human Rights governing law is the Kentucky Civil Rights Act, Kentucky Revised Statutes Chapter 344. The Act directs the commission to:

"Safeguard all individuals within the state from discrimination because of familial status, race, color, religion, national origin, sex, age 40 and over, or because of the person's status as a qualified individual with a disability as defined in KRS 344.010 and KRS 344.030; Thereby to protect their interest in personal dignity and freedom from humiliation, to make available to the state their full productive capacities, to secure the state against domestic strife and unrest which would menace its democratic institutions, to preserve the public safety, health, and general welfare, and to further the interest, rights, and privileges of individuals within the state."

# CIVIL RIGHTS ACT

The Kentucky Civil Rights Act makes it illegal to discriminate against any person. The law defines discrimination as any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons, or the aiding, abetting, inciting, coercing or compelling thereof made unlawful under this law.

The law grants protection from discrimination based on specific classes. The following are protected classes under the Kentucky Civil Rights Act:

- Age
- Color
- Disability
- Familial Status
- National Origin
- Race
- Religion
- Sex
- Tobacco-Smoking Status

The law protects people in the following areas:

- Housing
- Employment
- Public Accommodations
- Financial Transactions



It is against the law to retaliate against any person who has made a discrimination complaint to the Kentucky Commission on Human Rights.

Through its affiliations with the U.S. Department of Housing and Urban Development and the U.S. Equal Employment Opportunity Commission, the Kentucky Commission on Human Rights enforces The U.S. Civil Rights Act, The U.S. Fair Housing Act, The U.S. Americans With Disabilities Act and other federal anti-discrimination laws.

# PROTECTIONS UNDER THE LAW

## Housing

It is against the law to discriminate against any person who seeks to rent or own housing. You have the right to fair housing regardless of your color, disability, familial status (whether you live with children under 18 years of age), national origin, race, religion or sex. Federal and Kentucky fair housing laws provide equal opportunity to all people when buying, selling, renting, financing or insuring housing. You have the right to buy or rent where you choose a home, condominium, apartment, trailer or lot. Everyone must obey the law, including property owners, property managers, real estate brokers, sales agents, operators, builders and developers, advertisers and advertising media, mortgage lenders, insurers, and banks or other financial institutions.

## Employment

It is unlawful to discriminate against any person in the area of employment. This is true regardless of the person's age (40 and over), color, disability, national origin, race, religion, sex or tobacco-smoking status. It is unlawful to discriminate against any individual in regard to recruiting, hiring and promotion, transfer, work assignments, performance measurements, the work environment, job training, discipline and discharge, wages and benefits, or any other term, condition, or privilege of employment. The law prohibits not only intentional discrimination, but also neutral job policies that disproportionately affect persons of a certain protected class and that are not related to the job and the needs of the business. The law applies to employers of eight or more people (15 in a disability claim), in businesses, employment agencies, labor organizations, licensing agencies, federal agencies, and the Commonwealth of Kentucky and its political subdivisions, including public schools.

## Public Accommodations

It is illegal for a place of public accommodation, resort or amusement to refuse or deny the full and equal enjoyment of goods, facilities and accommodations to any person because of his or her color, disability, national origin, race or religion. A place of public accommodation includes any place, store, or other establishment, either

licensed or unlicensed, which supplies goods or services to the general public or which solicits or accepts the patronage or trade of the general public or which is directly or indirectly supported by government funds. Stores, restaurants, businesses, theatres, hotels, and medical offices are just a few examples. In addition, restaurants, hotels, motels, and facilities directly or indirectly supported by government funds are prohibited from denying goods and services on the basis of sex.

## Financial Transactions

The denial of credit or financing by a financial institution or person offering credit is illegal when it is based on color, disability, national origin, race, religion or sex. It is illegal to discriminate for these reasons in the interest rate or monthly payment of a loan, in its terms and payment schedule, points, fees, or penalties, or in the offer of credit insurance on the loan.

## Retaliation

It is illegal to retaliate or discriminate in any manner against a person who has opposed a practice declared unlawful by the Kentucky Civil Rights Act or because he or she has filed a complaint or assisted in any manner in an investigation or proceeding under the Kentucky Civil Rights Act.

**EQUALITY WORKS**



## Filing a Complaint

A person who believes he or she has been illegally discriminated against may contact the commission by phone, mail, e-mail, via the website or in person. This begins the complaint process. An intake or enforcement officer takes the complaint and asks questions. Complaints must be filed on a timely basis. Complaints in public accommodations, employment, financial transactions and retaliation must be filed within 180 days of the incident. Housing complaints must be filed within 365 days of the incident. All complaints must be signed and notarized.

## Mediation

If both parties are willing to mediate, a mediator will schedule the case within 30 days. If mediation leads to an agreement, the case is closed.

## Investigation

Once the complaint is filed, if mediation has been declined or is unsuccessful, the commission undertakes a thorough and impartial investigation. The agency conducts interviews and gather facts from the person making the complaint and those who have been charged with discrimination.

## Conciliation

Enforcement officers work to conciliate the complaint. Conciliation involves commission staff negotiations between the parties that have been charged with discrimination and the persons who made the complaint. Conciliation talks can lead to a settlement, which may include a monetary award.

## Findings

If, after investigating the complaint, the commission does not find evidence to support the complaint, the enforcement officer makes a no-probable-cause recommendation. The commission may dismiss the complaint. The person who filed the complaint and those who have been charged with discrimination are notified. When the evidence is strong enough to believe that illegal discrimination has probably occurred, a finding of probable-cause is recommended.

## Hearing

If investigation leads to a probable-cause recommendation, the complaint moves to the litigation phase. Staff attorneys work on behalf of the complainant to conciliate, persuade or litigate in matters concerning the discrimination complaint. In the event that no conciliation settlement can be reached, the commission conducts a hearing. Staff attorneys represent the person who is making the discrimination complaint and the

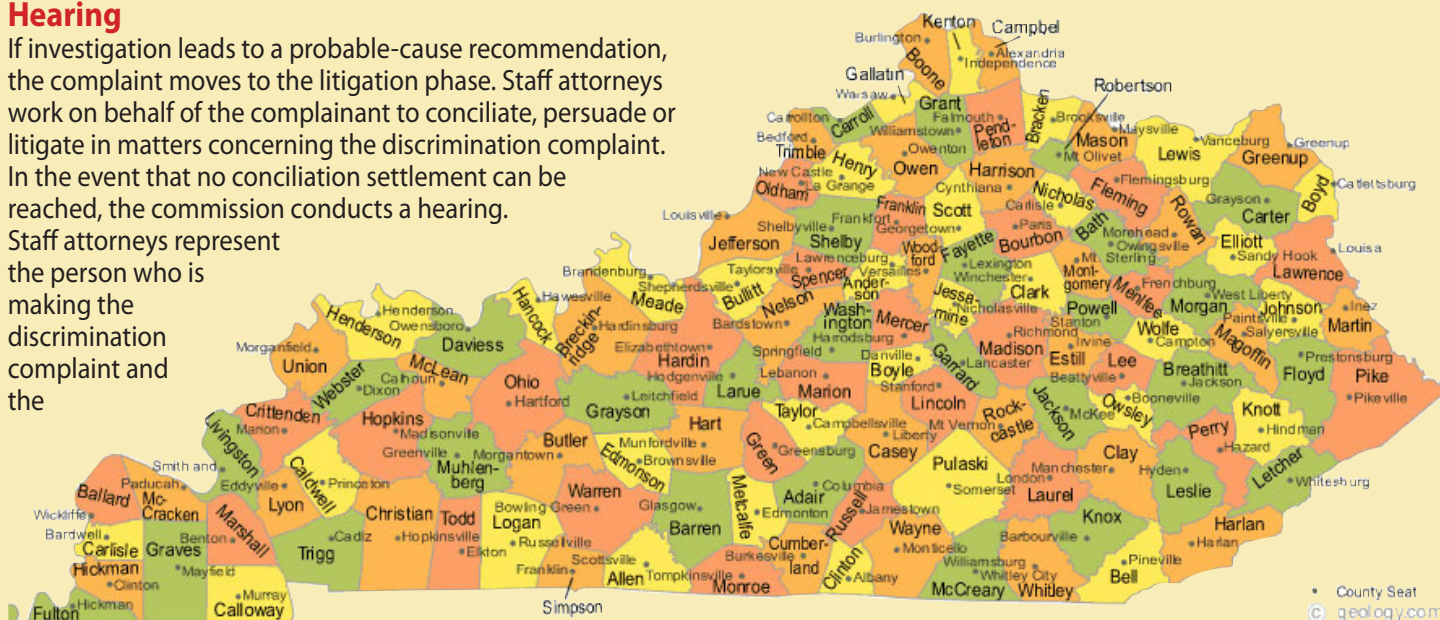
agency at the hearing. Hearings are similar to civil trials. The evidence and testimony are presented at the hearing. Commissioners make a final determination.

## Enforcement

When the commission determines that discrimination has occurred, the parties charged with discrimination may be ordered to cease and desist from any further discrimination and to remedy past discrimination. A remedy can include a monetary award, policy change, employment reinstatement or an accommodation in housing. Commission final orders have the authority of those by a court of law. The commission may ask a circuit court to enforce the order. A commission decision may be appealed to a circuit court within 30 days of the order.

2013

# ENFORCING THE KENTUCKY CIVIL RIGHTS ACT





# Case Information



*On-site inspection by staff housing discrimination investigator, LiAndrea Goatley*

**T**he Kentucky Commission on Human Rights processed 3,020 intakes between July 1, 2012 and June 30, 2013. Each of these individuals contacted the commission because they believed they were victims of illegal discrimination in Kentucky. This is an increase of 689 or 30 percent over last year's 2,331 intakes.

It is challenging to draw conclusions about the increase as there are several factors to consider. It obviously reflects protected class members' perceived experiences with prejudice and unequal treatment in Kentucky communities. The commission also believes the increase reflects the quality of its enforcement services, and its public awareness programs this last year and beyond.

## Number of Cases Filed

From the intakes, the commission filed 361 formal discrimination complaints, a result of these meeting statutory requirements and falling within the agency's jurisdiction as stipulated in the Kentucky and U.S. Civil Rights acts.

## Average Case Age

The average case age in the areas of employment and public accommodations complaints, from filing to resolution, was 230 days, down from last year's 250 days, a positive mark in light of staff shortages, which are a result of state budget woes. The number compares to 219 days in 2009 when the agency had more investigators to carry the case load.

In the area of housing, average case age was 88 days, up from last year's 78 days, but well down from 103 days in 2011.

## Conciliation Agreements

The commission negotiated a total of 28 conciliation agreements between complainants and respondents, most all of which resulted in monetary compensation for the complainants. Related respondents agreed to comply with the laws against discrimination, change policies to bring them into law compliance, undergo compliance training, and undergo compliance monitoring, which the commission undertakes.

## Final Ruling and Conciliations

The commission board held one quasi-judicial hearing for a case (see highlights in this section), finding the respondent guilty of unlawful discrimination. The commission ordered the respondent to compensate the complainant in the amount of \$34,124.00.

It was not necessary for the agency to hold any additional administrative hearings or judicial trials. This was due to the rate of success in resolving complaints with staff-negotiated conciliation agreements in 13 cases where the commission found that probable cause existed to believe discrimination may have occurred. The total compensation through probable cause conciliations was \$164,400.00.

When the agency determines that probable cause exists, the opposing parties may choose to either settle the case with such agreements or pursue further litigation, which can ultimately end with a hearing and final ruling by the commission board.

The staff conciliated three additional cases in which the parties had been notified that a probable cause determination was about to be issued. These agreements resulted in \$30,000.00 for the complainants.

The agency negotiated 12 conciliation agreements while the complaints were still in the investigative phase, resulting in \$23,900 for complainants.

All conciliation agreements resulted in a total of \$218,300.

## Mediation

The commission mediated 49 cases, with 23 being successfully resolved. The remainder were assigned to go through the regular investigation process. The total mediation settlement amount for the fiscal year was \$112,886.00. There were other settlement terms such as job and policy changes, training, salary increases, and reasonable accommodations.

The Mediation Unit was formed in 2007 and successfully

impacts the service of the commission. Mediation is an informal and confidential process through which opposing parties meet face to face to discuss the perceived problems that resulted in the filing of a discrimination complaint. The complainant and respondent negotiate a voluntary resolution of the dispute under the guidance of a commission mediating attorney. Settlement is voluntary in mediations, and mediation results, which are protected by privacy clauses, result in closure of a case.

## Private Settlements

There were 44 complaint withdrawals once all parties were informed a complaint investigation was underway. Complainants were then able to negotiate private settlements with their respondents. Parties preferred to privately settle the complaints rather than undergo a commission investigation and a possible ruling. As these are private, it is of course unknown to the commission or the public the dollar amounts that may have been part of the terms of these 44 settlements.

**\$365,310.00 in total  
Monetary Awards  
& Compensation  
(excluding private  
settlement amounts)  
for Complainants**



# Case Statistics

## 10-YEAR COMPARISON Discrimination Complaints Filed

AREA	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Employment	230	274	246	297	343	320	228	262	229	212	260
Housing	43	34	52	30	37	47	47	25	53	41	45
Public Accommodations	25	30	45	56	43	54	47	42	51	33	56
Financial Transactions	0	0	0	0	0	0	0	0	0	0	0
Total	298	338	343	383	423	421	322	329	333	286	361

**361 complaints filed in 2013**

## Discrimination Complaints Filed 2003 to 2013 - 10 Year Totals

**EMPLOYMENT = 2,901**

**HOUSING = 454**

**PUBLIC ACCOMMODATIONS = 482**

**FINANCIAL TRANSACTIONS = 0**

**TOTAL = 3,837**

# 10-YEAR COMPARISON

## Discrimination Complaint Closures

2003 to 2013

Rulings by Commission	2003	2004	2005	2006	2007
No Probable Cause	294	263	257	209	300
Conciliation during Investigation	52	40	26	45	6
Withdrawal w/Right to sue	17	27	20	38	65
Withdrawal w/Settlement	11	15	8	25	26
Final Ruling Judgement	0	1	0	2	1
Probable Cause & Pre-PC Conciliation	0	12	8	10	25
Sucessful Mediation	N/A	N/A	N/A	N/A	N/A
<b>Total</b>	<b>374</b>	<b>358</b>	<b>319</b>	<b>329</b>	<b>423</b>

**\*4,046 complaints closed 2003 to 2013**

*\*The number of cases closed is higher than number of cases filed for the 10 year period since several cases filed previously carried over.*

**345 complaints closed 2013**

Rulings by Commission	2008	2009	2010	2011	2012	2013
No Probable Cause	263	244	252	337	186	209
Conciliation during Investigation	11	19	10	15	12	12
Withdrawal w/Right to sue	60	26	39	23	34	40
Withdrawal w/Settlement	22	52	42	37	32	44
Final Ruling Judgement	4	0	2	0	0	1
Probable Cause & Pre-PC Conciliation	16	7	4	10	14	16
Sucessful Mediation	19	27	34	17	28	23
<b>Total</b>	<b>395</b>	<b>375</b>	<b>383</b>	<b>439</b>	<b>306</b>	<b>345</b>

# Complaints Filed by Basis 2003 to 2013

Basis	2003	2004	2005	2006	2007	2008
Race	143	141	160	164	193	158
Sex	70	98	91	90	91	93
Age (40+)	35	26	34	56	47	38
Religion	14	7	3	7	4	9
Disability	46	61	56	85	86	99
National Origin	22	20	28	30	30	13
Retaliation	56	55	56	27	39	39
Familial Status	3	11	10	5	6	9
Smoking	0	0	3	0	0	9
Totals	389	419	441	464	496	467

Note: There are more bases than number of complaints filed each year because some complaints list more than one basis.

Basis	2009	2010	2011	2012	2013	Totals
Race	125	128	143	97	123	1575
Sex	67	63	38	119	65	885
Age (40+)	34	38	35	26	37	406
Religion	9	9	9	4	6	81
Disability	73	68	94	76	84	828
National Origin	24	24	23	17	17	248
Retaliation	28	40	27	29	42	438
Familial Status	8	2	6	11	5	76
Smoking	1	1	0	1	1	16
Totals	369	373	375	380	380	4553



# Case Highlights

## Commission negotiates \$52,000 in probable cause conciliation

Cathy Rhoden complained to the Kentucky Commission on Human Rights in 2008 that a new principal at Knox Central High School in Barbourville, Ky., where Rhoden had taught for close to 20 years, began to deny her reasonable accommodations she had previously been receiving for her disability. She said she thought the accommodations were simple requests for someone with limited mobility due to a progressive neurological condition. Rhoden claimed she was also ultimately denied a promotion based on her disability and believed that she was forced into resigning in 2010. (According to a news report by WYMT Mountain Television, Knox County has since hired a different principal at the school.)

Rhoden's discrimination complaint against the Knox County Board of Education was based on the protected class of disability in the area of employment, a violation of the Kentucky Civil Rights Act and the Americans with Disabilities Act (ADA).

Based on its investigation findings, the commission issued notice to Knox County Schools that probable cause existed to believe that the school system discriminated against Rhoden. Before the commission held a final hearing in the case, Rhoden and the Knox County School Board chose to resolve the matter with a conciliation agreement, which the commission then negotiated. The board of commissioners ruled to approve the agreement and case closure on Aug. 3, 2012. The Knox County Board of Education denied any allegations of violations of the law. In addition to the \$52,000 compensation paid to Rhoden, the school system agreed to require school officials to undergo civil rights compliance training, and agreed to undergo compliance monitoring by the commission for one year.

Rhoden sent a message to the commission thanking the staff for its work in investigating her complaint and for negotiating her agreement.

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*Cathy Rhoden , left, received \$52,000 from Knox Co. School Board as part of a conciliation agreement.  
Commission attorney Alysia Robbins stands at right.*

“I hope everyone at the commission knows that I will never forget their kindness and help during one of the darkest periods of my life...I came out with such a good outcome, thanks to everyone’s hard work and faith in me...I hope the message resonates with others.”

Cathy Rhoden, complainant

# Case Highlights

## Hearing result in ruling of unlawful discrimination based on race in housing

Harold Norman complained to the Kentucky Commission on Human Rights that Kaye Spears discriminated against him based on his race in the area of housing. This is a violation of the Kentucky Civil Rights Act (including the Kentucky Fair Housing Act) and the United States Fair Housing Act.

The commission final order said that Norman and his wife Freada (she is now deceased) rented a home located at 411 Denham St. in Somerset, Ky., from Spears from about September 2007 to March 2008. Freada Norman, who was white, entered into an oral lease with Kaye Spears in September 2007. Harold Norman, who is black, did not take part in those discussions. The couple and their minor child, who is black, moved into the property.

Beginning in December of that year, Spears began taking steps to evict the Normans, alleging nonpayment of rent, though she in fact owed them money, according to Norman's affidavit. According to testimony, she made a racist comment during this period to Freada Norman and referred to her with a racial slur. She made racial comments about Harold Norman's race and about the couple to a neighbor, according to testimony, which said she claimed she was going to get Harold Norman out of her property, the final order said.

The commission on February 21, 2013, found Kaye Spears in violation of the Kentucky Civil Rights Act in a default order. Spears had failed to comply with orders issued by the hearing officer in the matter, Kentucky Human Rights Commissioner Duane Bonifer, and pursuant to Norman's Memorandum of Points and Authorities in Support of Award of Damages, filed on Dec. 29, 2011. Spears was permitted to respond to the complainant's evidence and argument concerning damages within 10 days after service of the memorandum, but she failed to do so. Therefore, the facts as presented by Norman were undisputed and adopted by the hearing officer.

The Kentucky Human Rights Board of Commissioners ruled to adopt the hearing officer's recommended order. The commission ordered Spears to (1) cease and desist from the unlawful practice of housing discrimination on the basis of race; (2) compensate Howard Norman the sum of \$20,504.74 for injury of humiliation and embarrassment caused by the unlawful practices; (3) pay a civil penalty of \$5,000; and (4) pay Norman's attorney reasonable attorney fees incurred in litigation in the amount of \$8,620.





*Commissioners rule on discrimination cases during a meeting in March 2013. Left to right are Doris Clark-Sarr, Timothy Thomas, Duane Bonifer, Executive Director John Johnson, Chair George Stinson, Richard Brown, Millie Diehl, Robert Asseo, and Samuel Coleman.*

## \$45,000 in sexual harassment, retaliation probable cause conciliation

On Sept. 9, 2010, Jennifer Vermillion of La Grange, Ky., alleged to the commission that Process Equipment Company Inc., in La Grange, doing business as Proheat Inc., discriminated against her based on the protected class of sex in the area of employment. This would be a violation of the Kentucky Civil Rights Act and the U.S. Civil Rights Act.

Vermillion claimed the employer discriminated, harassed and retaliated against her based on her gender.

After staff investigation, the commission issued a determination of probable cause, which indicates there is evidence to believe discrimination may have occurred. Prior to holding a final hearing in the case, the parties decided to resolve the matter with a conciliation agreement. The commission negotiated the agreement and the board of commissioners ruled to approve it on Jan. 17, 2013.

Proheat denied any violation of the law.

The company agreed to compensate Vermillion in the amount of \$45,000, revise its written policy describing the prohibition of discrimination of any kind and to implement serious disciplinary actions if discrimination occurs. The company agreed to undergo employment civil rights compliance training and submit for two years to compliance monitoring by the commission.

# Case Highlights

## Louisville mall and road improvements for disabled

On behalf of an unnamed complainant, then Commissioner Priscilla Johnson on Feb. 1, 2007, alleged the Kentucky Transportation Cabinet, the City of St. Matthews and the Mall of St. Matthews discriminated based on the protected class of disability in the area of public accommodations.

Johnson claimed the respondents failed to comply with the accommodation provisions of the Kentucky Civil Rights Act and the U.S. Civil Rights Act. She said the respondents failed to provide sidewalks and wheelchair-accessible curbing along a portion of Shelbyville Road in front of the St. Matthews Mall between Ten Pen Lane and (then) Sherburne Lane.

The commission issued in July 2007 a finding of probable cause to believe discrimination may have occurred. The parties chose to resolve the matter with a conciliation agreement. The board of commissioners approved the agreement on Sept. 26, 2012.

The respondents denied any violation of the law. They affirmed they will comply with civil rights laws and will not discriminate. They agreed to complete the installation of the sidewalk and curb ramps along Shelbyville Road in front of the Mall St. Matthews between the above intersections, which incorporate the current bus stop and sidewalk and crosswalks to the commercial enterprises on the opposite side of Shelbyville Road near or at the corner of Ten Pin Lane.

The respondents agreed to make these installations compliant with U.S. Americans with Disabilities Act specifications. They agreed the construction would be complete by March 30, 2013, and would provide the commission with confirmation that the job was complete. In addition, the mall repaved its parking lot bordering Shelbyville Road and installed a curb ramp improving accessibility to the parking lot and to the Transit Authority of River City (TARC) bus stop.

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# Conciliation Agreements

Conciliation agreements are reached through commission staff negotiations between complainants and respondents in consideration for the full and complete resolution of claims of alleged discrimination. The agreements do not represent admission by respondents of violations of the law. Dollar amounts represent compensation received by complainants from respondents with one exception below. In the large majority, respondents agreed to other stipulations such as changing policies or practices or properties in order to comply with civil rights laws, and undergoing compliance training and compliance monitoring by the commission for specified periods. All respondents agreed to comply with federal and state civil rights laws.

## August 2012

*Cathy Rhoden v. Knox County in Barbourville: disability/employment - \$52,000*

## September 2012

*In two complaints, Kentucky Commission on Human Rights then Commissioner Priscilla Johnson et al v. the Kentucky Transportation Cabinet, the City of St. Matthews and the Mall of St. Matthews, in St. Matthews: disability/public accommodations - dollars spent and completion of sidewalks, wheelchair-accessible curbing, repaved parking lot, crosswalks*

*Michael Clark v. Venita Bright in Frankfort: race/housing, - \$3,900*

*Johnna French v. Georgetown Housing Authority in Lexington: disability/housing - \$15,000*

## October 2012

No conciliation agreements

## November 2012

No meeting

## December 2003

No meeting

## January 2013

*Lexington Fair Housing Council v. Meadowview Apartments LP in Highland Heights: disability/housing - \$2,500 and funding for construction*

*Community Options Inc. v. City of Benton in Benton: disability/housing: compliance by acknowledging complainant right to operate residential care facility in the city*

*Lexington Fair Housing Council v. Glenwood Apartments in Cave City: disability/housing - \$1,000*

*Tamara Durham v. Popp Brothers Inc. (Kentucky Fried Chicken or KFC) in Henderson: sex/employment - compliance by rescinding mandatory leave policies for pregnant women and agreeing to hire qualified women who are pregnant*

*Tonya Merida v. Franklin American Mortgage Company and Star Mortgage LLC in Richmond: disability/housing - \$11,000*

*Jennifer Vermillion v. Process Equipment Company Inc. (Proheat Inc.) in La Grange: sex/employment - \$45,000*

## February 2013

*Darrell Gossett v. Corpus Realty Company in Crofton: familial status/housing - \$5,000*

*Lisa Gossett v. Corpus Realty Company in Crofton: familial status/housing \$5,000*

*Carleen Buschmann v. Eye Associates of Danville in Danville: disability/public accommodations - \$1,000*

*Tony Merida v. Bank of America and mortgage loan officer Jason Crouch in Berea: disability/fair housing - \$11,500*

*Paige Windhman v. Lee and Dee Summerfield in Prospect: familial status/housing - \$8,500*

*Kelly and Rick Wine v. Lee and Dee Summerfield in Prospect: familial status/housing - \$8,500*

## March 2013

*Robert Schroeder v. Barbara Helm in Independence: disability/housing - complainant reimbursed respondent with \$1,300 to bring apt. back to pre-rented condition*

*Deborah Hale v. Housing Authority of Harlan in Harlan: disability/housing - \$2,000*

## April 2013

*Kentucky Commission on Human Rights Chair George Stinson v. City of Greensburg in Greensburg: disability/employment - compliance by not asking medical questions of candidate until after conditional job offer*

*Shawna Jones v. Rob Feldman in Coldwater: sex/housing - \$5,000*

*Angela Burnett v. National College of Business and Technology in Louisville: disability/public accommodations - \$20,000*

## May 2013

*Lexington Fair Housing Council v. Motobi LLC in Parks Hill: disability/housing - \$250*

## June 2013

*Kristine Galligan v. Hillview Terrace Apartments in Greensburg: disability/housing - \$7,500*

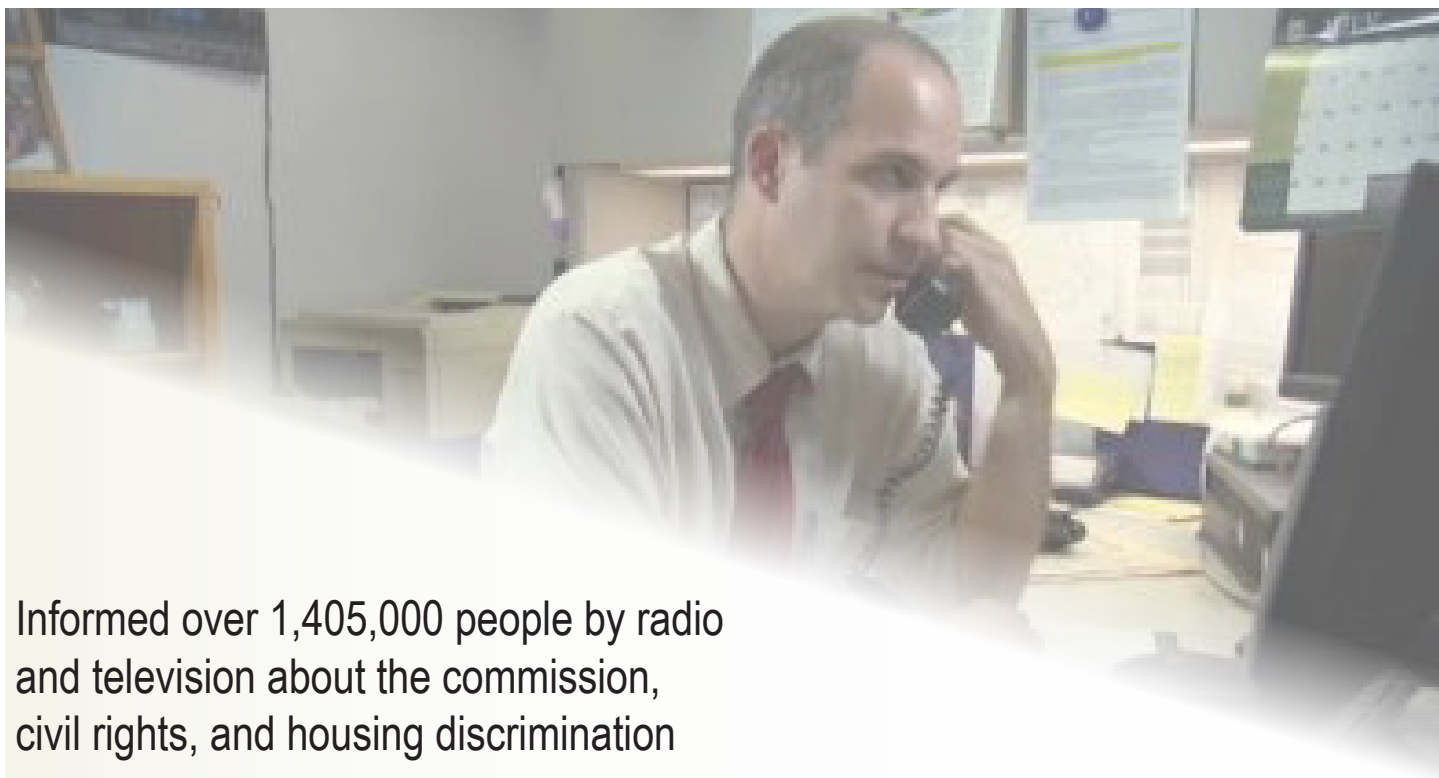
*Lexington Fair Housing Council v. Long's Trailer Park in Morehead: familial status/housing - compliance with familial status by accepting families with children under age 18 in household*

*Lexington Fair Housing Council v. R. Simpson Properties, Sandy Boshears and Burlington Woods Properties LLC (Burlington Woods Apartments) in Burlington: disability/housing - \$350*

*Erica Leiva v. the Mt. Sterling Housing Authority and Ron Clark in Mt. Sterling: sex and national origin (Hispanic)/housing - apology of respondent to complainant and acknowledgement of fair housing rights to victims of Violence against Women Act, and complainant agreement to abide by lease terms*

*Leisa Riley v. Sue Salyer and David and Kathy Bates in Nicholasville: disability/housing - \$6,000*





Informed over 1,405,000 people by radio and television about the commission, civil rights, and housing discrimination

*Television Public Service Announcement demonstrating housing discrimination*

## Media Presence

### Radio Advertising Campaign

#### **Partnership**

- U.S. Dept. of Housing and Urban Development (provided funding)
- KY News Network (KNN), (80 stations reaching all 120 Kentucky counties)
- African American-audience stations WLOU in Louisville and WGVN in Lexington
- Spanish-speaking stations WTUV-AM/FM in Louisville, (reaching west to Owensboro and east to Lexington, and WYGH-AM in Paris, Ky., (reaching Bourbon, Fayette, Scott, Clark, Harrison, Woodford, Jessamine, Madison, Montgomery, Nicholas, Bath, Rowan, Fleming, Mason, Franklin, Estill, and Powell counties) Each radio partner assisted the commission and HUD by donating thousands of bonus commercials as public service announcements

#### **Results**

- Over 83,500 commercials played from July 2012 to January 2013
- Over 1,402,500 people heard the commercials 38.7 times in seven months
- Calls from the public to the commission increased more than 30 percent

HELPING **PEOPLE**

**2013**  
**PUBLICIZING THE  
KENTUCKY CIVIL  
RIGHTS ACT**

Reached every county in Kentucky with over 83,500 radio messages sharing the good news about equality



WELCOME

# Kentucky Commission on Human Rights

It is against the law to discriminate against any person who seeks to rent or own housing in Kentucky. You have the right to the housing of your choice regardless of your race, color, religion, national origin, disability, sex and familial status (protects pregnant women and families with children under 18 years-old). It is illegal to retaliate against any person who makes a discrimination complaint to the Kentucky Commission on Human Rights.

**All Doors Are Open in Kentucky  
Live Free From Housing Discrimination**

For help with discrimination, contact the Kentucky Commission on Human Rights

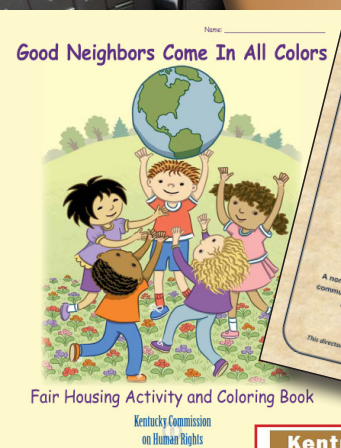
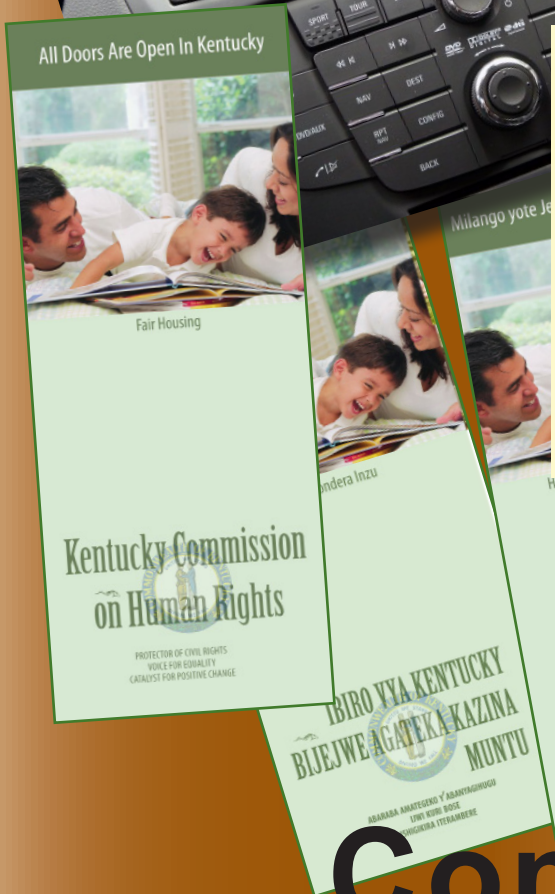
1.800.292.5566.

visit the website at [kchr.ky.gov](http://kchr.ky.gov)

John J. Johnson, Executive Director, George W. Stinson, Chair



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# Communications



# Media Presence



*Governor Steve Beshear tells public about civil rights and the right to fair housing in public service announcement*

## Television Public Service Announcements

- Partnered with Kentucky Government Creative Services Department, producing two television public service announcements
- Governor Steve Beshear was spokesperson in one public service announcement
- Housing discrimination examples shown in second public service announcement
- Public service announcements distributed to approximately 45 regional television stations for airing

## Social Media

- Facebook and Twitter following of over 1,400 people with average weekly readership of 200 to 400 people
- Home page website significantly expanded with publications and information. Site received 306,800 visits
- YouTube site created to publicize video public service announcements
- Press coverage of commission rulings and activities published by online media throughout the year
- Commission press releases published and stored on Kentucky.Gov

**HELPING PEOPLE**

## Press and Publications

- 55 press releases, editorials and opinion editorials
- 2 Brochures in English, English Braille, Russian, French, Arabic, Swahili, Kirundi
- 1 legal fair housing poster in Russian, French, Arabic, Swahili, Kirundi, and 1 Gallery of Great Black Kentuckians poster
- 3 Newsletters
- 25 print advertisements in newspapers and affiliated civil rights event programs
- Press coverage approximately 175 times in print, online, on television and on radio news
- Published Civil Rights Directory
- Published Children Fair Housing Coloring and Activity Book
- Published booklet of historic civil rights news highlights of 1963, "Lest We Forget"
- Out-of-print 1971 commission book, "Kentucky's Black Heritage," converted to online publication for free downloading

2013

## PROMOTING THE KENTUCKY CIVIL RIGHTS ACT THROUGH EDUCATION, OUTREACH, PARTNERSHIP

The Kentucky Commission on Human Rights through a fair housing grant partnership with the U.S. Dept. of Housing and Urban Development (HUD) has produced a large number of public affairs initiatives during the last two fiscal years designed to target protected class audiences with education and information about commission enforcement services and civil rights protections. Along with protected class and potential discrimination victims, the commission has strived on the same level to reach the majority audience about the necessity of complying with anti-discrimination law and about the benefits of equality for all people.

This Year:

- 59 civil rights workshops
- 29 fair housing workshops
- 19 local human rights commission partner trainings
- 3 conciliation agreement-required trainings
- 1 Immigrant Outreach Summit
- 2 Latino and African American Relations Summit
- 53 Fair Housing exhibits, reaching 4,200 people
- 34 events participated in that were produced by community, public and civil rights partners
- Kentucky Civil Rights Hall of Fame inducted 14 members with attendance of 600
- Gallery of Great Black Kentuckian Poster of the late Blaine Hudson, Ph.D., at the African American History Month event in the Capitol

The commission reaches out and engages a wide range of people across cultural, racial and other lines. We work in several venues to raise awareness of issues affecting Kentucky Civil Rights protected class members. We educate about the right to equality in the Commonwealth of Kentucky. We encourage education, training, healthcare and improved lives for minorities such as African Americans, Hispanic Americans, Asian Americans, Eastern European immigrants, Middle Eastern immigrants, and other immigrants and refugees from several countries — all Kentuckians.

We collaborate and raise awareness for the second highest class listed in discrimination complaints, people with disabilities. We support women's education and outreach groups. We discuss related issues in venues such as meetings of the Kentucky Legislative Black Caucus and the Council on Post-Secondary Education. The commission constantly raises the issue of inclusivity and equal opportunity. We are one of the strongest voices, if not the strongest, for civil rights protected class members and groups vulnerable to discrimination.

In the last six years, the commission has set a precedent in state government of collaborating to promote equality for people who are lesbian, gay bisexual, and transgender (LGBT). The commission is an active member of the Kentucky Fairness Coalition. We give presentations about adding gender identity and sexual orientation to local government entities. We give fair housing training to help LGBT HUD housing program residents and their household members understand anti-discrimination protections HUD now offers. The commission supports adding gender identity and sexual orientation as protected classes to the Kentucky Civil Rights Act, Kentucky Revised Statutes Chapter 344.

This year we led the initiative to reactivate the Kentucky chapter of the National Organization of Official Human Rights Association (NAOHRA), which previously had not been active in Kentucky in several years. As a result, there is now an active Kentucky chapter. Louisville Human Relations Commission Executive Director Carolyn Miller Cooper is president, Lexington-Fayette County Human Rights Executive Director Ray Sexton is treasurer, and Kentucky Commission on Human Rights Managing Attorney Keith Duerr is parliamentarian.





**Photo 1:** Education and Outreach Director Mary Ann Taylor speaks to exhibit visitors at the August 2012 state fair. **Photo 2:** The 7<sup>th</sup> Annual Kentucky Hispanic, Immigrant and Refugee Networking Summit with panelists, Rev. Donzella Lee, Director of the Franklin Human Rights Commission; Isabel Gereda-Taylor, Multicultural Affairs Coordinator of the Lexington Fayette Urban County Government; Leyda Becker, International Community Liaison of the City of Bowling Green; Ray Sexton, Executive Director of the Lexington Human Rights Commission; and, Carolyn Miller Cooper, Executive Director of Louisville Metro Human Relations Commission. **Photo 3:** Unveiling on February 6, 2013, of the commission's 55<sup>th</sup> Great Black Kentuckians poster. Inducted was the late Blaine Hudson, Ph.D., University of Louisville Arts and Sciences dean. He died during this period and is greatly missed. The induction and unveiling was held at the Kentucky Legislative Black Caucus Black History Month event in the capitol. From left to right are University of Louisville President James Ramsey, State Rep. Reginald Meeks, Hudson's daughter Maya Hudson Kelly, and his widow Bonnie Hines Hudson. **Photo 4:** Immigrant outreach meeting in Louisville, June 30, 2013. **Photo 5 (above):** Field and Immigrant Outreach Supervisor Juan Peña along with Field Supervisor and Youth Human Rights Councils in Kentucky Schools expert Glenda Green as they prepare the exhibit for the Shawnee Park Festival in August 2012. **Photo 6:** Downtown in the City of Vicco, Ky., where the city council passed a local anti-discrimination local ordinance in January 2013 that includes the protected classes of gender identity and sexual orientation. It is the smallest town in America to pass an anti-discrimination law that includes these classes.



# Education and Outreach Showcase



*The commission display at the League of Cities Conference in 2013*

## Civil Rights Training

Designed for: Officials, professionals, community groups. Subject matter: the Kentucky Civil Rights Act and how it works; how to comply with the law; how to get help when discrimination occurs.

## Fair Housing Training

Designed for: Housing providers, realtor certification, financial lenders, advertisers, community groups. Subject matter: Fair housing rights; how to comply with the law; how to get help when discrimination occurs.

## Equal Employment Training

Designed for: Employers, employees, human resource professionals. Subject matter: Civil rights in employment; how to comply with the law; Equal Employment Opportunity Commission and Fair Employment Practice Agencies compliance standards; how to get help when discrimination occurs. Includes sexual harassment and diversity training.

## Diversity Training

Designed for: Businesses, community groups, police and government officials, human resource professionals. Subject matter: Value development; stereotypes; methods and principles of cultural awareness; methods for eliminating prejudice and discrimination; community relations; developing tools for inclusive communities; how to use differences as a strength.

## Sexual Harassment Training

Designed for: Employers, employees and human resource professionals.

Subject matter: How to comply with the law; how to promote a harassment-free, productive work environment; how to get help when discrimination occurs.

## Workshops

Designed for the public and tailored for audiences to ensure people in Kentucky know about their civil rights. The workshops cover fair housing, equal employment, diversity, sexual harassment, civil and fair housing rights for immigrants and refugees, HUD housing program protections for people who are lesbian, gay, bisexual or transgender and their families, and the commission produces workshops about police and community relations.

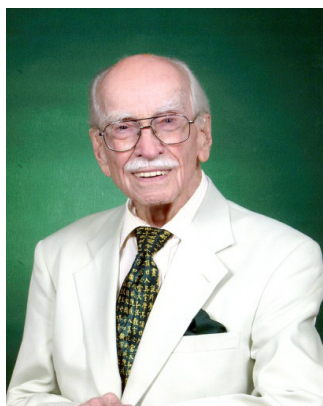
# KY CIVIL RIGHTS HALL OF FAME 2012 INDUCTEES

The Kentucky Civil Rights Hall of Fame inducted 14 members on Oct. 17, 2012, at the Lyric Theater in Lexington, Ky., with 600 people in attendance. Established by the commission in 2000, inductees have worked for civil rights and to improve the lives of members of protected class members.



*Photo taken at the 2012 Kentucky Civil Rights Hall of Fame features several of the inductees and others. From left to right, Philip Taliaferro III, who nominated former Gov. Collins, former Gov. Martha L. Collins, Jeanette Stephens, Robert Jefferson, George L. Burney, Carol Jackson, Rev. Charles Elliott, Commission Exec. Director John J. Johnson kneeling, Laken Cosby Jr. seated, Dr. Kevin Cosby, Priscilla Johnson, Edgardo Mansilla, Rev. Etolia C. White, Rev. Ronald Lee Holmes, Rev. Thurmond Coleman, and Richard Benn, who accepted the inductee award on behalf of his late father Louis Benn.*

## EQUALITY WORKS



Louis M. Benn,  
1912-2005  
Louisville

Richard E. Brown  
Owensboro

George L. Burney  
Louisville



Thurmond Coleman Sr.  
Louisville

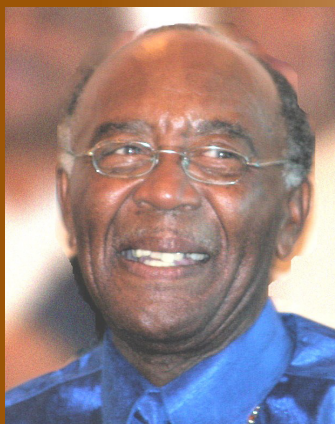
Martha Layne Collins  
Lexington

Laken Cosby Jr.  
Louisville





Dolores Delahanty  
Louisville



Rev. Charles Elliott Jr.  
Louisville



Audrey Louise Ross Grevious  
Lexington



Jesse Harris 1941-2012  
Louisville



Carol Jackson  
Ashland



Priscilla Johnson  
Lexington



Edgardo Nestor Mansilla  
Louisville



Marcellus L. Mayes  
Louisville

# Local Human Rights Commission Partners

- **Ashland Human Rights Commission**
- **Bardstown - Nelson County Human Rights Commission**
- **Berea Human Rights Commission**
- **Bowling Green Human Rights Commission**
- **Covington Human Rights Commission**
- **Danville-Boyle County Human Rights Commission**
- **Frankfort Human Rights Commission**
- **Franklin-Simpson County Human Rights Commission**
- **Hazard Human Rights Board**
- **Henderson County Human Rights Commission**
- **Hopkinsville Human Relations Commission**
- **Lebanon Human Rights Commission**
- **Lexington-Fayette Urban County Human Rights Commission**
- **Louisville-Jefferson County Metro Human Relations Commission**
- **Mayfield Human Rights Commission**
- **Maysville Human Rights Commission**
- **Mercer County Human Rights Commission**
- **Midway-Versailles-Woodford County Human Rights Commission**
- **Murray Human Rights Commission**
- **Owensboro Human Relations Commission**
- **Paducah Human Rights Commission**
- **Paris Human Rights Commission**
- **Richmond Human Rights Commission**
- **Russellville-Logan County Human Rights Commission**
- **Shelby County Human Rights Commission**

## New executive director for Bowling Green Human Rights



Alice Gatewood Waddell was selected as the new executive director of the Bowling Green-Warren County Human Rights Commission.

She was previously an art teacher for the 11<sup>th</sup> Street Alternative School in Bowling Green. She also conducted art programs for children at the Graham Drive branch of the Warren County Public Library.

The commission had been without an executive director since October 2012, when former Executive Director Linda McCray stepped down after several years of service.

Commission Chair Wathetta Buford said she welcomed the new director, and the state commission also welcomes her.

There are 25 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 work with local governments to form local human rights commissions.

All members of the Kentucky Human Rights Commission Board and the commission staff are committed to helping local commissions and related agencies thrive.

## 19 local human rights commission trainings this year

The Kentucky Human Rights Commission trains local commission members, meets with them to assist with issues, and attends local commission meetings to provide information to the public and local commission members.

## How Local Commissions work

Kentucky has a growing network of local human rights commissions. These partners promote peace, mutual respect, understanding, and quality of life in their regions. When necessary they forward complaints to our agency. These local commissions are vital to Kentucky and to work of the state commission. Because of budget constraints and our limited resources, their assistance in giving the state human rights commission a community presence in Kentucky's 120 counties is important.

They provide this local presence and the face-to-face contact so necessary to people across the state in order to uphold security in an increasingly diverse and growing commonwealth.

HELPING *PEOPLE*

Some local commissions, such as Lexington and Louisville, have their own staff and conduct their own discrimination investigations. Most refer discrimination cases to the Kentucky Human Rights Commission because they don't have full-time staff and are mostly volunteer agencies.

Local human rights commissions are allowed to adopt ordinances to enforce all of the civil rights laws that the Kentucky Human Rights Commission enforces. In fact, local commissions may enforce by city or local government ordinances protected classes not protected by the Kentucky Civil Rights Act and the U.S. Civil Rights Act.

Local human rights commissions may use their authority to promote equality, diversity and sensitivity toward others in their communities in a variety of ways.

For example, the Ashland Human Rights Commission sponsors forums to allow city commission candidates to meet the public and answer questions on how they would govern and help residents. The Bowling Green Human Rights Commission has sponsored police/youth forums to allow officers and teens to meet and air grievances in order to build lasting relationships. The Richmond Human Rights Commission each year honors the United Nations Universal Declaration of Human Rights by sponsoring a program that features people of different national and ethnic backgrounds performing songs, poetry, and other performing arts. The Louisville Commission has an annual forum to discuss local social justice and equality issues. The Covington Human Rights Commission has sponsored housing forums that have led its city commission to pass a resolution asking developers and landlords to include units for low-income and disabled residents.

Local human rights commissions may also sponsor educational programs with the Kentucky Commission on Human Rights on a variety of issues.

## Berea protects city workers from LGBT discrimination

Berea Mayor Steve Connelly in January 2013 signed an executive order prohibiting discrimination based on sexual orientation in hiring, firing and benefits for the city's 130 employees.

The Kentucky Commission on Human Rights and other members of the Kentucky Fairness Coalition have been encouraging the Berea Council for over a year to include in a local ordinance the protected classes of sexual orientation and sexual identity.

With the Kentucky Human Rights Commission's assistance, in 2011, the city council reestablished the Berea Human Rights Commission. It is one of 25 local human rights commissions in the state. The local commissions act as important partners to the Kentucky Commission on Human Rights.





**WELCOME**

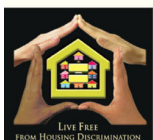
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# ***The Commission Team***

John J. Johnson, Executive Director

## **Administration**

Karen Crooks-Davis, Executive Secretary

Cynthia Fox, Executive Staff Assistant

Art Kaufman, Fiscal Manager

Paris Parada, Administrative Assistant and Receptionist

## **Communications**

Victoria Stephens, Communications Director

Talal Abugabal, IT Network Manager and Webmaster

## **Education and Outreach**

Mary Ann Taylor, Education and Outreach Director

John C. K. Fisher, Northern Kentucky Field Office Supervisor

Glenda Green, Education and Outreach Field Supervisor

Juan Peña, Immigrant Outreach Field Supervisor

## **Enforcement**

Sherita Davis, Enforcement Unit Manager

Aneeka Ferrell, Employment and Public Accommodations Enforcement Investigator

LiAndrea Goatley, Housing Enforcement Investigator

Peter Lendh, Employment and Public Accommodations Enforcement Investigator

Curtwand Lowther, Enforcement Administrative Assistant

Leslie Marlin, Employment and Public Accommodations Enforcement Investigator

Wanda Melvin, Employment and Public Accommodations Enforcement Investigator

Erin Spalding, Intake Officer

Chad Stratton, Employment and Public Accommodations Enforcement Investigator

Addie Williams, Employment and Public Accommodations Enforcement Investigator

## **Legal**

Keith Duerr, Managing Attorney

Alysia Robben, Attorney

Lisa Spencer, Paralegal

## **Mediation**

Alteata McWilliams, Attorney

**EQUALITY WORKS**

**HELPING PEOPLE**



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