

*Enforcing Civil Rights  
Leading the March for Equality*

2014 Annual Report  
July 1, 2013 to June 30, 2014

# Kentucky Commission on Human Rights



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*Enforcing Civil Rights*

*Leading the March for Equality*

*Cover photograph by Rikka Wallin of the 50<sup>th</sup> Anniversary Civil Rights March on Frankfort held on March 5, 2014*

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## Greetings

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

The Kentucky Commission on Human Rights is pleased to submit its annual report for 2014. The document highlights the commission's activities during the state fiscal reporting period of July 1, 2013, to June 30, 2014.

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 commission was honored to help lead the planning and production of the 50<sup>th</sup> Anniversary (Civil Rights) March on Frankfort in honor of the 1964 March on Frankfort. We were proud to help found the Allied Organizations for Civil Rights, which led in drawing thousands of people to the event. The march culminated into the largest civil rights gathering in the state since the first march, a half-century ago.

During the reporting period, the commission filed 315 discrimination complaints for the people of the Commonwealth and closed 362 cases. The number of new complaints based on race was higher than any other basis, followed by sex, race or color, disability and retaliation, age, national origin, religion, then smoking status. Complaints based on race and color in the area of employment surpassed other new complaints, which is reflective of the majority of the agency's annual statistics. Most new complaints, regardless of their basis, were in the area of employment, followed by the areas of housing, and then public accommodations.

Clearly, discrimination exists within Kentucky; the enforcement of civil rights by the Kentucky Commission on Human Rights, and the public awareness and education provided by the agency are essential for the safety, well-being, and success of all Kentuckians.

The Board of Commissioners is privileged to serve the public by ruling on discrimination complaints. The commissioners and executive director thank our staff members; they work with dedication, determination and effectiveness to eradicate discrimination from the Commonwealth of Kentucky.

Sincerely,

*George W. Stinson*

George W. Stinson, Chair

*John J. Johnson*

John J. Johnson, Executive Director





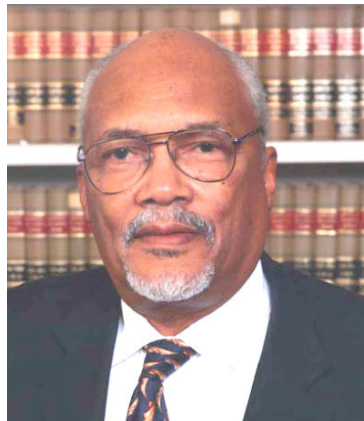
Robert Asseo  
Florence  
6<sup>th</sup> Supreme Court District



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



Sandra D. Moore  
Richmond  
State At Large



Carol L. Jackson  
Ashland  
7<sup>th</sup> Supreme Court District



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

# 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 54 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 people. 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, based on the person's color, disability, familial status (whether one lives 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 because 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.

*Enforcing Civil Rights*

*Leading the March for Equality*



## Filing a Complaint

A person who believes he or she has been illegally discriminated against may contact the commission by phone, mail, email, 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.

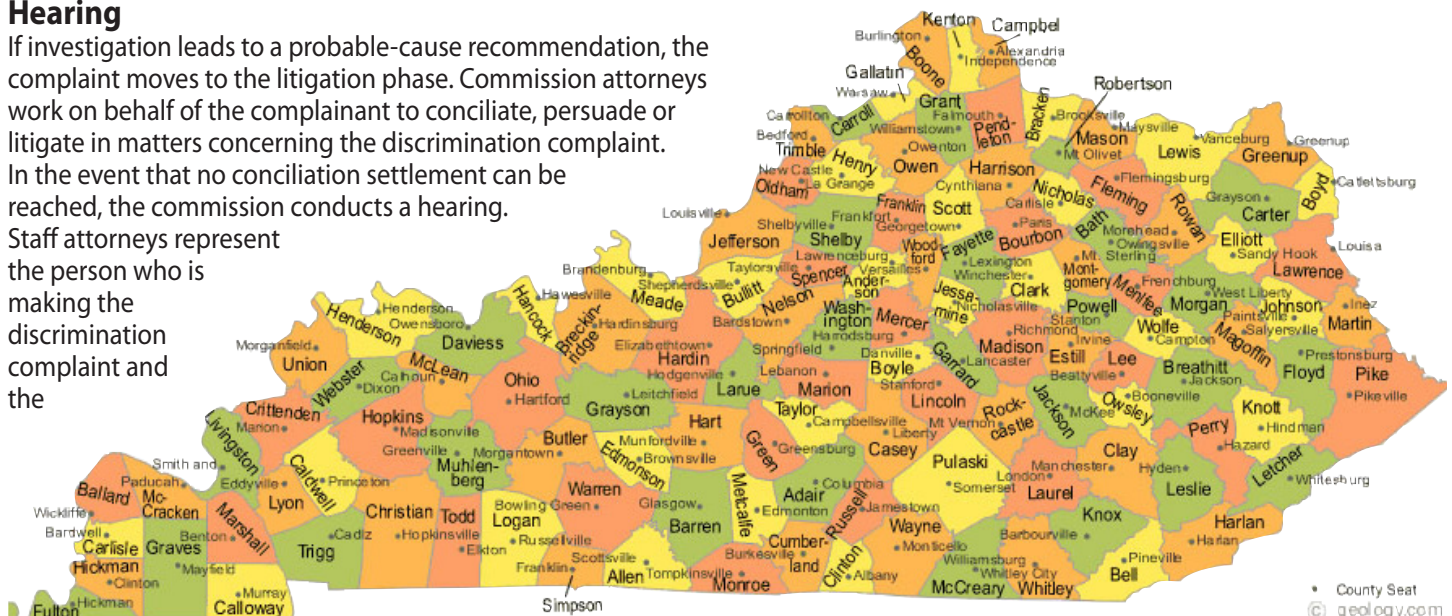
## Hearing

If investigation leads to a probable-cause recommendation, the complaint moves to the litigation phase. Commission 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.





# Case Information



*Commission enforcement officers like Chad Stratton (at left, and above) investigate discrimination complaints. Part of their job entails conducting interviews with complainants, respondents, witnesses and other pertinent parties. When needed, they perform on-site inspections such as the one depicted, above. Here, the officer measures a curb for compliance to disability equal access civil rights laws. The officers, also known as investigators, also work, where possible, to settle cases with conciliation agreements. These settlements can help bring faster resolution to discrimination complaints, and, therefore, relief for complainants.*

**T**he Kentucky Commission on Human Rights processed approximately 3,200 inquiries between July 1, 2013 and June 30, 2014. Each of these individuals contacted the commission because they believed they were victims of illegal discrimination in Kentucky or because they sought further information about civil rights.

## Number of Cases Filed

From the inquiries, the commission filed 315 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, from filing to resolution, was 218 days for employment complaints. This marks an improvement from 230 days for employment case age in 2013.

Case age for public accommodations complaints increased from 230 days to 265 days. This is a reflection of a rise in public accommodations complaints this year and continuing enforcement staff shortages. The commission has not been able to fully staff the investigative unit over the last few years due to state budget woes and resulting budget cuts to the

commission and most state offices. The numbers reflect a positive mark in light of these factors. The numbers compare 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 104 days, longer than the 88-day case age of 2013, again, due to necessary understaffing of enforcement officers and an increase in housing complaints this year. The case age reflects the dedication of staff and also falls within the requirements of the U.S. Dept. of Housing and Urban Development, a contractual partner of the commission that provides authority to the commission to enforce the U.S. Fair Housing Act.

## Cases Closed Summary

The agency closure rate slightly improved over last year. The commission closed 362 cases in 2014, compared to 345 in 2013. There were three more cases closed by conciliation agreements, 15 compared to 12 in 2013. The agency experienced fewer cases closed this year than last with dismissals based on findings of no probable cause to evidence that discrimination had occurred; this year 196 cases were dismissed for this reason compared to 209 in 2013. There were fewer cases this year closed with conciliations that resulted after findings of probable cause to believe discrimination occurred. This year, nine such conciliations were reached, compared to 16 last year. Successful mediation settlements increased by two from last year, with 25 successfully closed this year compared to 23 in 2013. Cases withdrawn where parties reached private settlements stayed roughly the same compared to last year, and those withdrawn with a right to file private suits saw a fairly significant increase, 76 this year over 40 in 2013.

## Mediation Settlements

The commission mediated 39 cases, with 25 being successfully resolved. The remainder were assigned to go through the regular investigation process. The total mediation settlement amount for the fiscal year was \$128,200. 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 43 complaint withdrawals once all parties were informed a complaint investigation was underway, and 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 43 settlements.

## Conciliation Agreements

The commission negotiated a total of 16 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.

## Probable Cause Conciliations

It was not necessary this year for the commission board to hold any quasi-judicial hearings or judicial trials in order to close cases. This was due to the rate of success in resolving complaints with staff-negotiated conciliation agreements in nine cases where the commission found that probable cause existed to believe discrimination may have occurred. The total compensation through these probable cause conciliations was \$50,000.

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 agency negotiated six conciliation agreements while the complaints were still in the investigative phase, resulting in \$12,800 for complainants. All conciliation agreements resulted in a total of \$62,800.

# Case Statistics

## 10-YEAR COMPARISON Discrimination Complaints Filed

AREA	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Employment	274	246	297	343	320	228	262	229	212	260	213
Housing	34	52	30	37	47	47	25	53	41	45	55
Public Accommodations	30	45	56	43	54	47	42	51	33	56	47
Financial Transactions	0	0	0	0	0	0	0	0	0	0	0
Total	338	343	383	423	421	322	329	333	286	361	315

**315 complaints filed in 2014**

## Discrimination Complaints Filed 2004 to 2014 - 10 Year Totals

**EMPLOYMENT = 2,884**

**HOUSING = 466**

**PUBLIC ACCOMMODATIONS = 504**

**FINANCIAL TRANSACTIONS = 0**

**TOTAL = 3,854**



# 10-YEAR COMPARISON

## Discrimination Complaint Closures

2004 to 2014

Rulings by Commission	2004	2005	2006	2007	2008
No Probable Cause	263	257	209	300	263
Conciliation during Investigation	40	26	45	6	11
Withdrawal w/Right to sue	27	20	38	65	60
Withdrawal w/Settlement	15	8	25	26	22
Final Ruling Judgement	1	0	2	1	4
Probable Cause & Pre-PC Conciliation	12	8	10	25	16
Successful Mediation	N/A	N/A	N/A	N/A	19
Dismissal without Prejudice	N/A	N/A	N/A	N/A	N/A
<b>Total</b>	<b>358</b>	<b>319</b>	<b>329</b>	<b>423</b>	<b>395</b>

**\*4,063 complaints closed 2004 to 2014**

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

**362 complaints closed 2014**

Rulings by Commission	2009	2010	2011	2012	2013	2014
No Probable Cause	244	252	337	186	209	196
Conciliation during Investigation	19	10	15	12	12	6
Withdrawal w/Right to sue	26	39	23	34	40	76
Withdrawal w/Settlement	52	42	37	32	44	43
Final Ruling Judgement	0	2	0	0	1	0
Probable Cause & Pre-PC Conciliation	7	4	10	14	16	9
Successful Mediation	27	34	17	28	23	25
	N/A	N/A	N/A	N/A	N/A	7
<b>Total</b>	<b>375</b>	<b>383</b>	<b>439</b>	<b>306</b>	<b>345</b>	<b>362</b>

# Complaints Filed by Basis 2004 to 2014

Basis	2004	2005	2006	2007	2008	2009
Race or Color	141	160	164	193	158	125
Sex	98	91	90	91	93	67
Age (40+)	26	34	56	47	38	34
Religion	7	3	7	4	9	9
Disability	61	56	85	86	99	73
National Origin	20	28	30	30	13	24
Retaliation	55	56	27	39	39	28
Familial Status	11	10	5	6	9	8
Smoking	0	3	0	0	9	1
Totals	419	441	464	496	467	369

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

Basis	2010	2011	2012	2013	2014	Totals
Race or Color	128	143	97	123	93	1525
Sex	63	38	119	65	53	868
Age (40+)	38	35	26	37	30	401
Religion	9	9	4	6	13	80
Disability	68	94	76	84	35	817
National Origin	24	23	17	17	16	242
Retaliation	40	27	29	42	35	417
Familial Status	2	6	11	5	0	76
Smoking	1	0	1	1	3	19
Totals	373	375	380	380	278	4445

# Case Highlights

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## Commission negotiates \$15,000 in pre-default order conciliation

Mike J. Young complained to the Kentucky Commission on Human Rights that in May 2011, Comprehensive Neurological Services PLLC of Paducah, Ky., said it refused to provide an American Sign Language Interpreter for an appointment that his sister attempted to schedule for him; he claimed that due to a hearing disability, he needed the interpreter to be able to participate and understand communication during his appointment.

Young's discrimination complaint against the company was based on the protected class of disability in the area of public accommodations. This would be a violation of the Kentucky Civil Rights Act and the Americans with Disabilities Act (ADA). Providers of public accommodations such as medical offices are required to provide qualified American Sign Language interpreters to patients or clients with deafness or hard-of-hearing issues. The above civil rights laws protect the right to equal access and equal opportunity for people with disabilities to fully enjoy the services of public accommodations providers such as the respondent named in the complaint.

The commission issued a determination of probable cause, which indicated there was sufficient evidence to believe discrimination may have occurred. Comprehensive Neurological Services did not appear for a hearing that was held on the matter. As a result, the hearing officer entered an order of default in favor of Young in June 2013.

However, before the case proceeded to a final recommended order, the parties decided to resolve the matter with a conciliation agreement. The commission ruled to approve the agreement on Aug. 15, 2013.

The company denied any violation of the law and asserted it did not discriminate against Young. It affirmed that it does and shall comply with civil rights laws and agreed to provide to individuals who are deaf or hard of hearing appropriate auxiliary aids and services including qualified interpreters. It also agreed to place civil rights compliance practices in its written policy for members and employees.

The company agreed to compensate Young in the amount of \$15,000, undergo compliance training, and submit to compliance monitoring by the commission for three years.

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*Leading the March for Equality*



# Complainant claimed a KY bar said, ‘no blacks allowed this evening’

In April 2012, it came to the attention of the Kentucky Commission on Human Rights that an incident was captured on a digital recorder in which a number of African Americans appeared to be denied access to Susie’s Bottoms Up Bar and Grill in Raywick, Ky.

On April 30, 2012, George Stinson, chair of the Kentucky Commission on Human Rights, initiated a commissioner complaint against the establishment and its then owner Susan M. Riggle.

In July 2012, Naquan Thurman, an African American man who was allegedly denied access to Susie’s during the incident, also filed a complaint against the establishment and Riggle.

In his complaint, Thurman claimed: “I am a black male residing in Hodgenville, LaRue County, Ky. On April 5, 2012, the respondent’s door attendant denied me entrance into the respondent’s establishment and told me that ‘no blacks’ were being allowed in that evening.”

Later, after Susie’s was sold, Thurman amended his two complaints to include the new purchasers, Chris Gribbins and Broken Spoke Bar and Grill LLC as potentially liable parties.

As the result of the commission investigation, it was determined that probable cause existed to believe that unlawful discrimination may have occurred at Susie’s against Thurman. The cases were set for an administrative hearing in September 2013. Since all three cases arose out of the same basic facts and circumstances, they were consolidated for purposes of further litigation.

Before the hearing, the parties decided to resolve the matters with a conciliation agreement. The commission ruled to approve the agreement on Aug. 15, 2013.

The respondents affirmed they will not discriminate against any individual based on race, color or any protected class and shall comply with the Kentucky and U.S. Civil Rights acts. They agreed to compensate Naquan Thurman in the amount of \$10,000.00 for damages, including embarrassment and humiliation. (This compensation was paid by Riggle.)

The respondents, Fifth Wheel Bar and Grill LLC and Susan M. Riggle, (Individually and doing business as Susie’s Bottoms Up Bar & Grill LLC) each agreed to submit to civil rights law compliance monitoring by the commission stating whether they are engaged in any business enterprise consisting of serving food or drink or providing entertainment to the public. If they are, or become so engaged, they must report any claims of discrimination and submit to anti-discrimination training.

*“I am a black male residing in Hodgenville...the respondent’s door attendant denied me entrance into the respondent’s establishment...”*

# Case Highlights

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## Commission negotiates conciliation agreement for employee claiming discrimination at work due to her pregnancy

Jessica Morris complained to the Kentucky Commission on Human Rights in March 2012 that her employer at the time, Lakeway Tobacco Shop, located in Tompkinsville, Ky., discriminated against her because she was pregnant.

Morris alleged she was the victim of unlawful discrimination based on sex (pregnancy) in the area of employment. This would be a violation of the Kentucky Civil Rights Act and the U.S. Civil Rights Act.

She claimed that while employed at the tobacco shop as a cashier, the store manager expressed concern about whether she would be able to do her job due to the fact that she was pregnant. She said when she later took leave for an unrelated illness, she was terminated.

She claimed other employees had been able to take leave because of illness without being terminated, and that she had received different treatment because she was pregnant.

After an investigation, the agency made a determination of probable cause to believe that unlawful discrimination may have occurred.

Before holding a final hearing, the parties chose to resolve the matter with a conciliation agreement. The commission approved the agreement on Oct. 17, 2013.

In the agreement, the respondent denied any violation of the law. Shop owner Joe Glass reported to the commission that he no longer owned or operated a business with employees. If, within the next three years he should come to do so with eight or more employees, he agreed to comply with civil rights law as it pertains to employment. He agreed that if he starts a business with eight or more employees, he will undergo compliance training as well as civil rights law compliance monitoring by the commission for a period of time.

He agreed to compensate Morris in the amount of \$4,000.



Above are some of the members of the Kentucky Commission on Human Rights Board of Commissioners along with the Kentucky Commission on Human Rights executive director and some managerial staff. The photograph was taken at the April 2014 commission meeting held in Cumberland, Ky. The commission holds meetings away from its headquarters in Louisville, Ky., when budget allows, to raise public awareness for people throughout the state of their civil rights and of the commission's authority to enforce the rights. From left to right, Commissioner Samuel Coleman Jr. of Middlesboro, Ky., Education and Outreach Director Mary Ann Taylor, Commissioner Timothy Thomas of Madisonville, Ky., Commissioner Milly Hudson Diehl of Ft. Mitchell, Ky., Executive Director John Johnson, Executive Staff Advisor Cynthia Fox, Managing Attorney Keith Duerr, Commissioner Doris Clark-Sarr of Murray, Ky., Commissioner Henry Curtis of Louisville, and Commissioner Duane Bonifer of Greensburg, Ky.

## Allegations based on familial status (having children in household) in housing

Kenya Lyles of Cincinnati, Ohio, complained to the commission in March 2012 that she was discriminated against by Roberta Criss in Fort. Thomas, Ky., based on familial status (Lyles is a mother with four children in the household under the age of 18) in the area of housing. This would be a violation of the U.S. and Kentucky Civil Rights acts and their respective Fair Housing acts.

Lyles claimed she called about a Northern Kentucky property for rent listed on the Craig's List internet site, that she called Criss to ask about renting the property, and that she was told by Criss that the 1,000 ft., 3-bedroom house was not large enough for an adult and four children. Criss asserted the advertisement incorrectly listed the rental property as a 3-bedroom rather than a 2-bedroom house.

After investigation, the Kentucky Commission on Human Rights made a probable cause determination, which indicates evidence exists to believe discrimination may have occurred.

Afterward, the parties chose to resolve the complaint with a conciliation agreement. The commission ruled to accept the agreement on April 17, 2014. Criss denied any violation of the law. She agreed to compensate Lyles in the amount of \$7,000 and to undergo fair housing law compliance training and three years of commission compliance monitoring.



# Media Presence

Informed an estimated 500,000 people about civil rights and the historic 1964 state march that pushed for an end to segregation

Drew thousands of people to the 50<sup>th</sup> Anniversary March on Frankfort, making it the largest KY civil rights gathering in 50 years

Press Campaign for the 50<sup>th</sup> Anniversary March on Frankfort held on March 5, 2014

## Partnership

- The Allied Organizations for Civil Rights of which the commission is a member provided media personnel and funding.
- University of Kentucky produced two radio public service announcements to promote the 50-Anniversary March on Frankfort of March 5, 2014, and raise awareness of civil rights.
- Radio stations throughout the state aired the public service announcements.
- Paid radio advertising campaigns on two radio stations based in Louisville
- Radio interviews in Lexington and surrounding cities in Central Kentucky
- Television and radio interviews featuring Executive Director John Johnson, Louisville/Jefferson County Metro Human Relations Commission Carolyn Miller Cooper, Carolyn Tandy, who is district director for the office of U.S. Congressman John Yarmuth, and featuring other officials and media personnel acting as members of the Allied Organizations for Civil Rights
- AOCR, including the commission, issued press releases approximately 15 times on a statewide basis surrounding the event and its history

## Results

- The Associated Press Wire Service, major newspapers in the state, and many small-town newspapers of Kentucky published information for their readerships leading up to and on the day of the event.
- Several local and regional television news stations aired coverage of the march leading up to and on the day of the event
- An estimated 500,000 people were exposed to the event and civil rights through radio, television, print press, or Internet.
- Telephone contact with the commission increased by an estimated 25 percent from January through March 2014



50<sup>th</sup> Anniversary March on Frankfort  
Photograph by Rikka Wallin

## Commission Press and Publications

- Issued 45 press releases statewide and opinion editorials covering commission activities and business
- Produced brochure explaining civil rights in the area of public accommodations (such as businesses, hotels, theatres, stores, etc.)
- Redesigned KY Equal Employment Opportunity Legal Poster required by law to be posted by employers for employees and employee candidates
- Published newsletter and issued through email lists and online
- 25 print advertisements in newspapers and affiliated civil rights event programs
- Received press coverage approximately 170 times in print, online, on television and on radio news (including the march where it mentioned the commission or its leadership)

## Social Media

- Published commission business, announcements and activities, civil rights and protected class news, and civil rights partner organization news and announcements on the commission Facebook and Twitter sites an average of three times per week. The Facebook site drew over 400 new "likes" from visitors and Twitter gained over 100 new followers. The Twitter site contains over 1,100 "tweets" (posts)
- Began production of a new Home website for the commission as have other state agencies to make the sites more effective and more disability accessible.
- Press coverage of commission rulings and activities published by online media throughout the year
- Commission press releases published and stored on Kentucky.Gov



# Communications

# 50<sup>th</sup> Anniversary March on Frankfort draws thousands, brings civil rights to the spotlight



Above left: Leading the marchers several blocks up Capital Avenue to the Kentucky State Capitol steps for an inspiring rally was the banner of the march planning association, the Allied Organization for Civil Rights. Among those in the photo are at far left, Kentucky Commission on Human Rights Board of Commissioners Chair George Stinson. Positioned in the center just behind the banner is Kentucky Governor Steve Beshear. At his right is Commission Executive Director John Johnson, who was also chair of the Allied Organizations for Civil Rights. Above right: Civil War Re enactors of the U.S. Colored Troops.

Photographs by Rikka Wallin

The 50<sup>th</sup> Anniversary Civil Rights March on Frankfort, Ky., held on Wednesday, March 5, 2014, was attended by thousands of people, according to press from all over the state.

The event commemorated a pivotal moment in the nation's history, the 1964 Civil Rights March on Frankfort, when 10,000 people in a southern state walked in mass to the capitol to push for the end of segregation.

The 1964 march was one of several benchmarks that ultimately helped lead the nation and the state to end legal segregation and to establish civil rights laws making discrimination illegal. Later in 1966, during the next legislative session after that march, Kentucky became the first state in the south to establish a state Civil Rights Act.

The anniversary march celebrated Kentucky's historic role and brought to public attention, as well, current-day civil rights issues that concern the citizenry.

Participants and rally speakers of the 2014 march urged full voter participation, voter equality, and voter access in future elections. Several officials and civil rights leaders spoke during the rally about the historic 1964 march and current issues.

Groups marching together represented a wide variety of constituents and organizations. Throughout the wide river of people, onlookers could observe all kinds of banners being carried by participants that urged progress in equality-oriented matters.

Kentuckians who are immigrants or refugees carried banners urging equality and reform. Other banners urged the inclusion of sexual orientation and sexual identity as protected classes in the Kentucky Civil Rights Act. Many commissioners from the 25 local human rights commissions in Kentucky could be seen with their commission banners and were accompanied by members of their communities. Union members were represented, religious organizations, and people honoring loved ones who had participated in the 1964 march carried banners with photos of those individuals. Many college, high school and elementary students marched, and school buses lined the sides of the streets.

A large number of participants carried banners pushing for the passage of a bill that was being considered in the 2014 state legislative session that was occurring inside the capitol. The bill, which was passed by the state House of Representatives, later languished in a Senate committee. It would have restored voting rights to Kentucky citizens who



formerly served prison sentences for felonies and are afterward not allowed to vote.

Passage of the bill was adopted by the Allied Organizations for Civil Rights, the anniversary march planning organization, as a focus for the rally.

The chair of the AOCR was commission Executive Director John J. Johnson. The organization bore the same name as the planning group for the 1964 march.

Participants of the march and rally did well in demonstrating that Kentuckians support equal opportunity, equal treatment, and justice in the Commonwealth of Kentucky, and that it is a southern state leading the way for civil and human rights.

At the rally, Gov. Beshear, commission Executive Director Johnson, and other speakers expressed their appreciation to the crowd for making the march a success and a significant demonstration of Kentuckians' belief in equality.

## Allied Organizations for Civil Rights



The AOCR represented from around the state a range of professional, religious and advocacy organizations collaborating to host the commemorative and purposeful event.

AOCR reflected an unyielding commitment to civil rights by Kentucky organizations and their members. Tens of thousands of

Kentuckians were represented by the AOCR, a group united to celebrate and promote the advancement of civil rights in Kentucky.

AOCR participation included, but was not limited to, the following organizations:

- A. Phillip Randolph Institute
- American Association of University Women of Kentucky (AAUW)
- American Civil Liberties Union of KY
- Anne Braden Institute for Social Justice
- Capitol City Museum
- Coalition of Black Trade Unionists
- Delta Sigma Theta, Eastern Kentucky University
- Eastern Star Baptist Church
- Fairness Campaign
- Franklin Simpson Human Rights Commission
- Justice Resource Center
- Kentuckians for the Commonwealth
- Kentucky Advisory Committee to the U.S. Commission on Civil Rights
- Kentucky AFL/CIO
- Kentucky AFL/CIO AFSCME Council 62
- Kentucky African American Heritage Commission
- Kentucky Alliance Against Racist and Political Repression
- Kentucky Black Caucus - Local Elected Officials
- Kentucky Chapter of the National Association of Human Rights Workers (NAHRW)
- Kentucky Commission on Human Rights
- Kentucky Conference of NAACP Branches
- Kentucky Council of Churches
- Kentucky Protection and Advocacy
- Kentucky State University
- Lexington Branch NAACP
- Lexington Fair Housing Council
- Lexington Fayette Urban County Human Rights Commission
- Lexington Urban League
- Lindsey Wilson College
- Louisville Branch NAACP
- Louisville Showing Up for Racial Justice
- Louisville Urban League
- Louisville/Jefferson Metro Human Relations Commission
- Metropolitan Housing Coalition of Louisville
- National Association of Human Rights Workers
- Operation Turnout - Lexington
- Simmons College of Kentucky
- United Auto Workers Local 2012
- University of Louisville Dept. of Pan African Studies



Photograph by Rikka Wallin

See more photographs of the event on page 23.

# Education & Outreach

The Kentucky Commission on Human Rights produced a variety of educational programs and public affairs initiatives during the 2014 reporting period. These were designed to target protected class audiences with 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.

This Year:

- 14 Civil Rights Workshops
- 22 Fair Housing Workshops
- 12 Sexual Harassment Workshops
- 7 Diversity Workshops
- 1 Disability Workshop
- 12 Local Human Rights Commission Trainings
- 5 Conciliation Agreement-Required Civil Rights Compliance Trainings
- The Annual Immigrant Outreach Summit
- The Annual Latino and African American Relations Summit
- The Annual LGBT College Fair Housing Forum
- 30 Fair Housing Exhibits, reaching thousands of people at public events
- 61 Public Awareness Presentations and Participation at Statewide, Community, Organizational, and Civil Rights Partner Events throughout Kentucky, Including those by the Executive Director and Commissioners
- Founding member of the 2014 Allied Organizations For Civil Rights for March on Frankfort Planning Purposes
- Central Production of the 50<sup>th</sup> Anniversary March on Frankfort, Ky.

In March 2014, the commission was charged with the administration of a Fair Housing Education Grant from the U.S. Dept. of Housing and Urban development (HUD). Implementation of the commission's resulting fair housing activities began in April.

In addition to concentrated fair housing events, the commission continued to conduct general and other area workshops, trainings and exhibits. It also provided local commission training and support.

In June 2014, we hosted an Advisory Council meeting on Hate Crimes and Hate incidents in Kentucky. It was the first meeting of council partners since 2011.

The agency publicly speaks about and urges, through state Dept. of Education committee involvement, the closing of the achievement gap among students in Kentucky. As a result, the next African American-Latino Summit will focus on the education of African American and Latino Students in public schools.

The commission is a member of the Kentucky Fairness Coalition and encourages cities and counties to adopt local anti-discrimination ordinances that include sexual identity and sexual orientation as protected classes. Seven Kentucky cities have passed local anti-discrimination ordinances that include these. This year, the agency consulted with five local governments about their interest in doing so. The commission hosted the 2<sup>nd</sup> LGBT College Fair Housing Forum during this period, an informational event for college faculty, administrators, housing directors and LGBT service coordinators.



# Education and Outreach Showcase



Photographs of speakers immediately above: 1. Gov. Steve Beshear; 2. Retired Senator Georgia Davis Powers who helped organize the 1964 March on Frankfort; 3. Kentucky Commission on Human Rights Executive Director John Johnson; 4. Kentucky House of Representatives Minority Floor Leader Jeff Hoover.

*Photographs by Rikka Wallin*

- **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**

## **25 Local Human Rights Commission Partners**

- **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**

## **Covington Commission makes fair housing recommendations to city**

The Covington Human Rights Commission met on March 27, 2014, to make recommendations to the City of Covington for the Covington Home Investment Partnership Program, which receives federal Housing and Urban Development (HUD) funding to improve the city's infrastructure and housing stock.

Natalie Gardner, the programs and strategic projects manager for the City of Covington, attended the Covington Human Rights Commission regular meeting on March 6, 2014, to discuss the program, which is a five-year plan to create affordable housing, reduce barriers for people with disabilities and improve streets and roads in the city.

The City of Covington has held public hearings about its five-year strategic housing plan. The city also worked with the Kentucky Commission on Human Rights to hold public hearings to allow residents to learn about their rights to obtain fair housing under federal and state programs.



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.

## 12 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.

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.

Cities and counties 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. Several of the commissions partner each year with the Kentucky Commission on Human Rights to provide fair housing trainings and fair housing educational workshops.

Local human rights commissions collaborate with the Kentucky Commission on Human Rights to provide educational programs on a variety of issues.



Photograph by Rikka Wallin

### *Enforcing Civil Rights*

### *Leading the March for Equality*



**WELCOME**

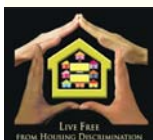
# Kentucky Commission on Human Rights

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



This publication is supported by funding under a grant from the U. S. Dept. of Housing and Urban Development. It is dedicated to the public. The author and publisher are solely responsible for its accuracy and interpretations, which do not necessarily reflect the views of the federal government.

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*Enforcing Civil Rights*  
*Leading the March for Equality*

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