

ANNUAL REPORT

2020

FISCAL YEAR



OUR MISSION

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

OUR VISION

A Commonwealth united against discrimination. A Commonwealth united for equality.

OUR MANDATE

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.

OUR 60TH ANNIVERSARY



Alma L. Randolph
Chair



Reverend Dr. Frank M. Smith, Jr.
Vice Chair

Dear Governor Andy Beshear, Kentucky Legislators, and the Citizens of the Commonwealth of Kentucky,

We are pleased to present the Fiscal Year (FY) 2020 Annual Report for the Kentucky Commission on Human Rights (KCHR). The KCHR is the state government authority that enforces the Kentucky Civil Rights Act, U.S. Department of Housing and Urban Development (HUD), U.S. Equal Opportunity Commission (EEOC), U.S. Civil Rights Act, U.S. Fair Housing Act, U.S. Americans with Disabilities Act, and other federal civil rights acts.

The enclosed information highlights activities during the state reporting period of July 1, 2019 - June 30, 2020.

Also, this year we are commemorating the KCHR's 60th Anniversary.

As Chair and Vice-Chair, it is our honor to serve in this capacity. We have a committed bi-partisan group of Commissioners who take, very seriously, our charge to fulfill our responsibilities according to the statutes. We have a dedicated Executive Director and team of staff who work diligently each day to advance the capacity of the agency by developing best practices, sharpening efficiencies, and confronting any matters that need continuous improvement in all efforts of the agency. We desire to be accessible to the citizens of the Commonwealth of Kentucky.

Sincerely,

INTRODUCING OUR EXECUTIVE DIRECTOR

I believe in fairness. I believe that each of us, every single person in Kentucky, is entitled to a life free from discrimination. Growing up, my family was no stranger to discrimination. As I got older, some of the discrimination increased as I was constantly reminded of what others like me were facing on a daily basis. I have been denied housing, I've been denied a job, I've been profiled and not served in a place of business. I get it.

Sometimes, when you grow up in a marginalized population or as a protected class, it is easier to spot discrimination and to be moved to challenge it. I have devoted my life to improving the lives of people like me, looked down upon in society and facing barriers simply due to facts they cannot change. I have dreamt of the opportunity to make a difference, and to be that helping hand I always wished existed for me and my family. I went to law school intent on being a part of the process of healing while fighting for the rights of all people to live a life free of the encumbrances of discrimination.

As the Executive Director of the Kentucky Commission of Human Rights, I plan to do just that. I hope that if you see something unjust in our Commonwealth that you let us know. If there is discrimination, our team will be there to help you along the way as we move toward a more accepting society.

My dream is to one day make this office moot, to exist in a space where we are treated with the civility and respect we so rightfully deserve. Until that day, however, I want you to know that we are here, and we are here for you.



Terrance A Sullivan, J.D.





The Kentucky Governor appoints the 11-member Kentucky Commission on Human Rights Board of Commissioners. The members represent the state population by the seven Kentucky 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.

YOUR PROTECTIONS

The law grants protection from discrimination based on specific classes. The following are protected classes under the Kentucky Civil Rights Act. Not all protected classes are covered in every listed area: age, color, disability, familial status, national origin, race, religion, sex, and tobacco-smoking status.

The law protects people in the following areas: housing, employment, public accommodations, and 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.

OUR BOARD

Timothy W. Thomas
1st District

Chair Alma L. Randolph
2nd District

Lisa Anne Chaney
3rd District

Vice Chair Rev. Frank M. Smith
4th District

Debbie A. Cole
5th District

Rebecca V. Cuzick
6th District

Vacancy
7th District

Kem Delaney-Ellis
State-at-large

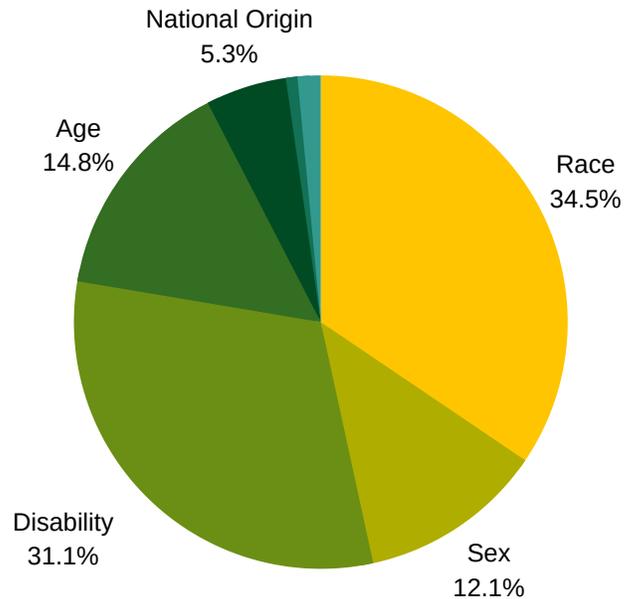
David Fuentes
State-at-large

Rabbi Shlomo Leib Litvin
State-at-large

Garnetta Sweeney Smith
State-at-large

COMPLAINTS SUBMITTED

This chart represents classes by which complaints were submitted to intake and is based on the total number of cases by protected class, including those that are filed under single and dual basis. There were 411 complaints submitted. Retaliation is also involved in approximately 13.5% of cases.



COMPLAINTS FILED

Of 411 complaints, 251 were filed by the following types below. If you need help with discrimination or believe you may be a victim of illegal discrimination, contact the Kentucky Commission on Human Rights for help. Ask to make a discrimination complaint. Call us at 1.800.292.5566 or email kchr.mail@ky.gov.



THE PROCESS

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 gathers 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 mitigate 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 if serving as hearing officers.

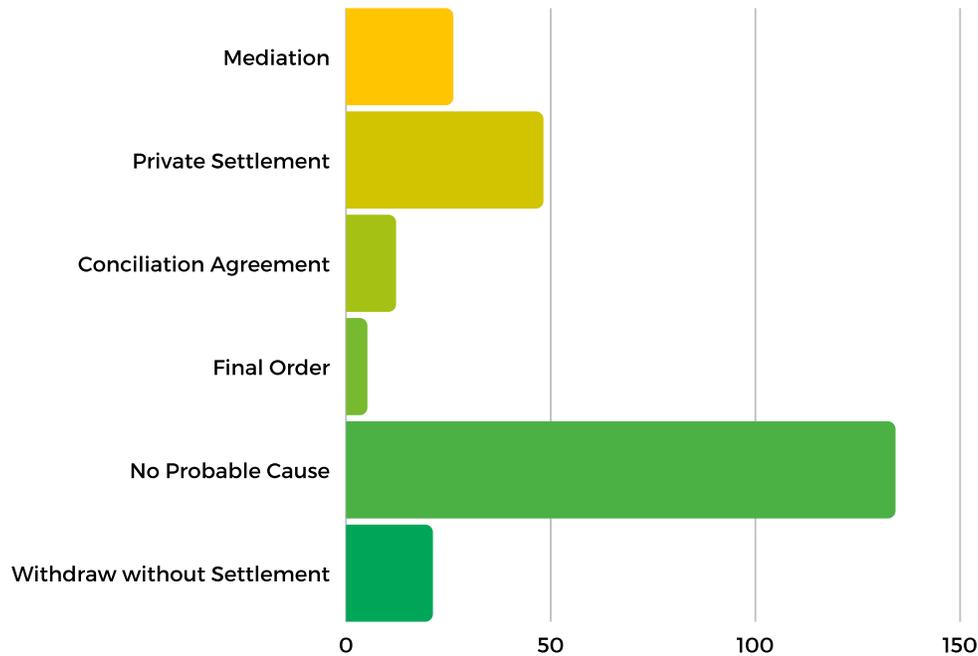
Enforcement

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 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.



THE FIGURES

This graph outlines how many vouchered actions or cases were processed and sorted by type.



FEDERAL WORKSHARE AGREEMENTS

For the fiscal year July 1, 2019-June 30, 2020, the mediation unit received 191 cases. Of these, 188 cases were sent to the Enforcement Unit, with 31 Complainants and Respondents choosing mediation. 26 cases were mediated, and 18 cases were successfully mediated. The total settlement amount for the fiscal year was \$86,500.38, alongside other accommodations that were offered.

Through our federal workshare agreements with the EEOC and HUD, KCHR is **able to voucher** at multiple parts of the investigative and case closing process for work completed. This past year, we were able to successfully voucher for 177 EEOC actions related to employment cases, and 182 actions with HUD related to our housing cases. These actions do not mean this many cases were completed in this fiscal year, but those actions were vouchered for in relation to our workshare agreements with federal partners.



EDUCATION AND OUTREACH

The Kentucky Commission on Human Rights publicizes our services and civil rights through media, and informs civil rights protected class members about their rights. We inform the public of the legal requirement to comply with anti-discrimination law and about the benefits of equality. We collaborate with stakeholders and advocates to expand public awareness, and initiate as much outreach as allowed by current funding.

This fiscal year we participated in:

- Corresponding and identifying prima facie amid **411** complaints at intake
- Providing **over 3 dozen** trainings and workshops, including:
 - Training on behalf of the Equal Employment Opportunity Commission (EEOC), Fair Housing (in compliance with HUD), and Sexual Harassment
 - Facilitating our 2nd annual Hispanic Heritage Month event
 - Exhibiting our Hall of Fame gallery unveiling
 - Presenting Civil Rights workshops across the state
- Education and Outreach team members, alongside our Executive Director, participated in **over 2 dozen** media interviews and announcements across radio and television broadcasts.
- Establishing a radio show & podcast, We&You, to address human rights issues. This broadcast is accessible via FORwardRadio.org, Apple podcast, and Spotify.



LOCAL COMMISSIONS

- 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 Commission
- Henderson- Henderson County Human Relations Commission
- Hopkinsville- Christian County Human Rights Commission
- Lexington- Fayette Urban County Human Rights Commission
- Louisville Metro Human Relations Commission
- Maysville Commission on Human Rights
- Versailles, Midway & Woodford County Human Rights Commission
- City of Murray Human Rights Commission
- Owensboro Human Relations Commission
- City of Paducah Human Rights Commission
- Paris Human Rights Commission
- Richmond Human Rights Commission
- Russellville- Logan County Human Rights Commission
- Shelbyville, Simpsonville, and Shelby County Commission on Human Rights

The Kentucky Commission on Human Rights works alongside city and county districts to assist in establishing local commissions. These commissions are created to assist in advocating against discriminatory practices at the local level. Three of these agencies, those noted with an asterisk by their name, are also investigative agencies and may address needs toward enforcing of KRS 344 in their area. Our Education and Outreach team assists these local commissions through providing education and training, including orientation of their board members.



KENTUCKY COMMISSION ON HUMAN RIGHTS

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