

Kentucky Commission On Human Rights

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

Newsletter

Commission Rulings on Discrimination Complaints

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The Kentucky Commission on Human Rights Board of Commissioners in June and July ruled on discrimination complaints for the Commonwealth of Kentucky.

The board approved five conciliation agreements (similar to settlements), dismissed 61 cases with findings of no probable cause to prove that discrimination occurred, accepted one settlement withdrawal request, granting the right for the complainant to file a private civil suit, and accepted 11 settlements with private compensation dollar amounts and private terms. The board approved five mediation agreements.

Mediation details and the names of parties are confidential in accordance with the law. One mediation case resulted in \$42,000 for the complainant. One mediation case resulted in the complainant receiving his job back with back pay. Another mediation case resulted in a \$1,000 lump sum to the complainant and unemployment benefits for the complainant. Another mediation resulted in reemployment of the complainant. An additional mediation agreement resulted in \$150 for the complainant.

Conciliation Agreements:

Complaint Number 1583-H, Sara Henry and Anthony Johnson v. Garry and Dianne Milton in Lexington, Ky.: Henry and Johnson alleged the property owners discriminated against them based on the protected class of race in the area of housing. This would be a violation of the U.S. and Kentucky Civil Rights acts. Henry and Johnson said the Miltons treated them differently than white tenants and evicted them because of their race, African American. The Miltons asserted they evicted the tenants for non-payment of rent and property damage. The respondents denied any illegal discrimination and maintained they comply with the Kentucky Civil Rights Act. Before

the commission staff investigation was complete, the parties agreed to resolve the matter with a conciliation agreement. The Miltons compensated the complainants in the amount of \$1,373.38. The respondents agreed to undergo civil rights law compliance training and undergo compliance monitoring for one year.

Complaint Number 1595-H, Scott Swansegar v. Penny Wood in Bardstown, Ky.: Scott Swansegar alleged Penny Wood discriminated against him based on disability in housing. This would be a violation of the U.S. and Kentucky Civil Rights acts. Swansegar alleged Wood denied him the reasonable accommodation of having a service animal should he rent property from the respondent. Wood asserted the complainant became irate when she explained she does not allow pets at the rental property and asserted she did not get an opportunity to say she would allow a service animal. The respondent denied any illegal discrimination and maintained she complies with the Kentucky Civil Rights Act. Before the commission staff investigation was complete, the parties agreed to resolve the matter with a conciliation agreement. Wood agreed to undergo civil rights compliance training and undergo compliance monitoring by the commission for three years.

Complaint Number 1596-H, Scott Swansegar v. Murray Properties LLC, James Murray, owner, in Harrodsburg, Ky.: The complainant alleged James Murray discriminated against him based on disability in the area of housing. This would be a violation of the U.S. and Kentucky Civil Rights acts. Swansegar alleged Murray denied him the reasonable accommodation of a service animal when he inquired about rental property. The landlord asserted the complainant disconnected the call before the respondent could discuss permitting the complainant to have his service animal in a rental. Murray denied any unlawful allegations and maintained he complies with civil rights laws. Before the commission



investigation was complete, the parties agreed to resolve the matter in a conciliation agreement. Murray agreed to undergo civil rights compliance training and undergo compliance monitoring by the commission for three years.

Complaint Number 1577-H, Fontella Dorsey v. Mid America Apartment Communities in Florence, Ky.: Fontella Dorsey alleged she was discriminated against based on the protected class of race in the area of housing. This would be a violation of the U.S. and Kentucky Civil Rights acts. She alleged her landlord evicted her because she allegedly had a fire in her home, and that when a white neighbor also had a fire in a property owned by the respondent, that tenant was not evicted or the lease terminated. Therefore, Dorsey said she believed she was the victim of different treatment based on her race, African American. Mid America Apartment Communities denied any allegations of unlawful discrimination and asserted it evicted Dorsey because she violated the terms and conditions of her lease agreement. Prior to completion of the commission's investigation, the parties agreed to resolve the matter with an agreement. Mid America agreed to waive any rent owed by the complainant. The company agreed to satisfy the judgment against Dorsey entered in the underlying eviction. The company agreed to remove any negative credit it placed on the complainant's credit report within 30 days of the conciliation agreement and to provide confirmation of this to the complainant.

Complaint Number 1590-H, KaJuan Kennedy v. Franklin Asset Mgt. as Willow Creek Apts. in Radcliff, Ky.: The complainant alleged she was discriminated against on the basis

of race, African American, and familial status, a pregnant female. This would be a violation of the U.S. and Kentucky Civil Rights acts. Kennedy said Willow Creek sent her undeserved eviction and lease termination notices. She alleged the respondent and a white resident had a conversation in which disparaging remarks about her race were made. She believed she was treated differently than white residents in similar circumstances who were not given notices. The respondent alleged it served the notices to Kennedy because her lease application was deceptive and for disturbing the peace. The respondent denied any unlawful conduct. Before the investigation was complete, the parties agreed to conciliate the matter. The complainant was moved from a one to a two bedroom apartment. The respondent agreed to undergo civil rights compliance training and monitoring.



How mediation works

The Kentucky Commission on Human Rights Mediation Unit was created in 2007 according to the standards set by federal civil rights agencies. Mediation presents an alternative to the official investigation and ruling process. With the investigation method, commission investigators and attorneys work to reach conciliation agreements between the parties, which are similar to settlements. When an agreement cannot be reached, the investigation is completed, then a recommendation based

on the evidence found in the investigation is made to the commission board. The board may dismiss the case with findings of no probable cause to believe discrimination occurred based on lack of evidence. If the recommendation is one of probable cause and the parties still cannot reach a conciliation agreement, the case moves into a litigation phase. Hearings are held and the board makes a ruling with the authority of a court of law.

Mediation offers the complainant and respondent the opportunity to negotiate face-to-face in a more relaxed atmosphere. They can address the problems surrounding the complaint and try to create solutions. A commission mediator guides the discussion as a neutral party. No investigation is conducted, and no dismissal or ruling of discrimination is made.

If mediation is unsuccessful, the complainant can still choose to proceed with an official investigation and ruling by the board.

Come to the 2011 KY Hispanic & Immigrant Networking Summit

The Kentucky Commission on Human Rights is hosting its sixth Kentucky Hispanic and Immigrant Networking Summit on October 6, 2011. Please mark this date on your calendar. We have had over 140 participants in our previous summits.

We are proud to announce our cosponsors, the Kentucky Department of Education Division



of Next Generation Professionals and the Lexington Fair Housing Council.

The event will be held from 9 a.m. to 3:30 p.m. (EST) at the University of Kentucky Cooperative Extension Office, 1117 Frankfort Road, Shelbyville, Ky., 40065. Registration is free and lunch will be provided.

The purpose of the summit is to celebrate National Hispanic Heritage Month (September 15 - October 15) and to use the opportunity to foster collaboration and communication between federal and state governments and the immigrant community.

Kentucky has more than 30 Hispanic centers and international civic organizations, and 10 immigrant media outlets.

The summit offers an opportunity to learn about the needs and potential of the growing immigrant population and to find ways to work with the credible Latino media, Hispanic/Latino Centers and other immigrant centers.

Speakers for this summit will be directors from Kentucky refugee agencies, immigrant non profit organizations, Latino centers, Hispanic educators and entrepreneurs, and members of the Hispanic media in Kentucky. They will discuss their experience working with immigrants and Hispanics in their area. Also we will have speakers from federal, state and local agencies to discuss their initiatives designed to meet the needs of the immigrant population.

This state-wide immigrant

networking summit has proven very successful and beneficial to participants. Many immigrant centers have established solid working relationships with federal and state agencies. Also, the summits have created an opportunity for leaders from the immigrant community to learn from their counterparts.

You won't want to miss this networking summit. Participants are also encouraged to display their organization information at the exhibit booths.

If you are interested in attending, please send an email to juan.pena@ky.gov or call Juan Pena at 1.800.292.5566. Please send all your contact information (name of organization, address, phone number, email address, website, etc).

We look forward to seeing you at this event.

Farewell and thanks to employees Patricia Nipper and Gary Wathen

Kentucky Human Rights Commission Intake Officer Patricia Nipper and Information Technology Manager Gary Wathen have recently resigned to take other posts. Gary Wathen left in May after nine years to take a post with the federal government. Patricia Nipper left in July after five years of service to take a nursing position. The commission thanks Ms. Nipper and Mr. Wathen for their dedicated service to the commission and to the people of

Kentucky. We offer best wishes to them both.

Town of Berea working to establish human rights commission

The Berea City Council will vote on August 2 on a proposed ordinance to establish a Berea Human Rights Commission and to give the local commission civil rights enforcement power in its region.

The Richmond Register newspaper said the council gave a first reading of the ordinance during the week of July 20 to a packed house of more than 70 people.

If passed, the ordinance would create the commission and give it authority to investigate cases of discrimination based on race, sex and seven other categories, but not sexual orientation, the Register said.

The Kentucky Commission on Human Rights approached the city at the beginning of the year to inquire of the town council about its interest in establishing a commission. Since then, the state commission has been assisting the city throughout the process.

The community has held public meetings to discuss the issue. Many residents want one of the protected classes in such an ordinance to include sexual orientation while others do not. This would protect people who are gay, lesbian, or transgendered, for example, from discrimination.

The state commission supports the addition of sexual orientation

Board of Commissioners



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

to the Kentucky Civil Rights Act, the state law that the Kentucky Commission enforces, but thus far, such a protected class has not been added to the state anti-discrimination law.

Louisville, Covington and Lexington have sexual orientation as a protected class in their local ordinances and the cities enforce their civil rights ordinances.

Berea Mayor Steve Connelly said a rights commission, once created, could monitor and document complaints that go beyond the categories protected by existing state and federal statutes.

The city could then evaluate whether its jurisdiction should be extended beyond already protected categories, Connelly said.

If expanded protection were enacted, city government would have sole responsibility to investigate complaints and enforce the ordinance, the mayor said. The local government also would have to fund that process, he said. The council said its first priority is to get an ordinance passed that will establish the commission. A decision to possibly add a sexual orientation or other additional protected classes can be taken up at a later time.



At left, Juan Pena of the state commission, has been one of the agency representatives assisting the Berea City Council as it works to establish its local commission.

Covington offers home ownership programs for middle to low income people

Rhonda Wood, the Grants Administrator for the Covington Community Development Department has asked the Kentucky Commission on Human Rights to share that the city in Northern Kentucky has various programs for home ownership for middle-and low-income people.

The programs could help members of various protected classes including immigrants, people with disabilities, older people and others that the Covington Human Rights Commission and Kentucky Human Rights Commission serve.

Rhonda Wood's number at the Covington Community Development Department is 859.292.2148. Her e-mail address is rwood@covingtonky.gov.

Or, at the Kentucky Commission on Human Rights, contact Juan Pena, 1.800.292.5566, ext. 47. His e-mail address is Juan.Pena@ky.gov.

Latino Human Rights Forum in Covington

The Covington Human Rights Commission and the Kentucky Commission on Human Rights held the first Northern Kentucky Latino Human Rights Forum for 70 residents who had questions about citizenship, obtaining driver's licenses, housing, and how to work with police departments. The event was held in May at the Church of Our Savior in Covington.

There was a panel discussion, which included Covington Police Chief Lee Russo. Mary Richie of the Women's Crisis Center spoke about human trafficking. Cincinnati attorney Thomas Geygan Jr. spoke about immigration. Leo Calderon, director of Latino Affairs at Northern Kentucky University, also spoke. At the time of this newsletter publication, another Latino Forum was being produced on July 28 at 7 p.m. at Covington City Hall.

More training and outreach

The state commission held a Kentucky Speak Up and Speak Out Listening Tour in May in Radcliff, Ky. The meeting yielded several concerns about the disproportionate number of African American young people in foster care and the actions of officials in the local court system. The commission promised to look into these concerns. The commission presented Radcliff City Councilman Stan Holmes with an Unbridled Spirit for Justice Award, which the commission gives to people who work for human and civil rights in their communities.

The state commission this summer conducted training to members of one of our local partners, the Franklin Simpson Human Rights Commission. The local commissioners learned ways to raise public awareness of civil rights in their communities. They also received guidance about commissioner responsibilities and functions, as well as tips on partnership building.

The commission conducted sexual harassment and cultural diversity training sessions in June at the Friendship Manor Nursing Home in Louisville. Another sexual harassment training was conducted in July at the Todd County Health Department in Elkton, Ky.

The commission conducted Fair Housing training and participated in an education forum for Covington/Kenton County Section 8 property owners on June 7 at the Covington City Hall.

The commission participated in an exhibit at the Americana World Festival on June 4 at the Americana Community Center on Southside Drive in Louisville.

Commission officials trained 60 Western Kentucky Family Resource and Youth Services Center Coordinators on KRS 344, the Kentucky Civil Rights Act, and the functions of the state Human Rights Commission. The event took place in June at the Family Resource Youth Services Center Regional Coordinator Meeting in Hartford, Ky.

Commission officials on July 6 trained 400 Job Corps employees on the Kentucky Civil Rights Act and the function of the state commission agency in investigating and ruling on civil rights complaints. The event took place at the Earl Clements Job

Corps Center in Morganfield, Ky.

The commission has been working throughout the summer with schools and student organizations to create interest in forming local Youth Councils on Human Rights. The commission hopes to coordinate such student councils and train student council members to help educate and foster human and civil rights in their schools and communities. Several schools in Kentucky including administrators and students are showing an interest. For more information, contact Education and Outreach Supervisor Mary Ann Taylor at 1.800.292.5566.

Commission officials gave a civil rights workshop for a group of Hispanic immigrant youths in Winchester, Ky., on July 24. The event took place at Central Elementary School.

Commission urges Congress to posthumously promote Kentucky African American Colonel

The Kentucky Commission on Human Rights Board of Commissioners passed in June a resolution asking the U.S. Congress to posthumously promote an African American Kentuckian to Brigadier General. Colonel Charles Young was the highest ranking black U.S.

military officer at the time of his death in 1922.

Young was born in Mays Lick, Ky., in 1864. He rose above the prejudices of the period including the existence of slavery to excel as a student, a high ranking officer of the U.S. Army, and a U.S. Military Attaché to the country of Liberia, breaking racial barriers along the way.

Young was only the third black graduate of the U.S. Military Academy at West Point in 1889. He served as a U.S. Buffalo Soldier and was later promoted to Second Lieutenant while serving in the Ninth U.S. Cavalry. He served as a professor of Military Science at Wilberforce University in



At left is an early photo of Charles Young. Here, he is a cadet on his way to a stellar military career.

Wilberforce, Ohio, where he was promoted to First Lieutenant in 1896. He fought in the Spanish American War in 1898 and was promoted to the office of Major. He was promoted to Captain in 1901 and led the Ninth Cavalry in combat in the Philippines from 1901 to 1902. He served as Acting Superintendent of Sequoia National Park in 1903, becoming the first African American to hold the title. From 1912 to 1915, he served as U.S. Military Attaché to the country of Liberia, where he helped build roads and develop the Liberian Frontier forces. He was wounded during a rescue mission and later received the Spingarn Award from the NAACP. He was promoted to the rank of Colonel in 1917 after serving in Mexico with General Pershing, thus becoming the highest ranking African American in the United States. He later returned to active duty as Military



Attaché to Liberia in 1919. He served in this capacity until his death.

The National Veterans Coalition is leading the promotion effort with the help of several members of Congress and is raising funds to build a statue of the late soldier, which is proposed to be erected in Washington, D.C.

The coalition seeks to have Young's birthplace, a cabin in Mays Lick, and his home at the time of his death in Xenia, Ohio, registered as state and national landmarks. The group hopes Congress will designate National Trail Status to the route that Colonel Young and the U.S. Buffalo Soldiers traveled when they worked in Sequoia National Park in Visalia, Calif.

Commission asks Transportation Cabinet to deny Confederate License Plate

The Kentucky Commission on Human Rights Board of Commissioners in June also passed a resolution against any specialty license plate bearing images of the Confederate flag or other images.

It recently came to the attention of the Kentucky Commission on Human Rights through media reports that a group based in Tennessee called the Sons of Confederate Veterans is renewing a request for such a license plate that the group unsuccessfully applied for in 2007. The proposed plate would feature a Confederate battle flag and an image of Confederate President Jefferson Davis, with a slogan that says, "Honoring Our Heritage."

The commission sent the resolution along with a letter to Transportation Cabinet officials asking them to deny the application.

The Transportation Cabinet's policy is to deny any plate design that would discriminate or can be construed as an attempt to victimize or intimidate any

person due to the person's race.

Executive Director speaks at Morehead

"Whatever your long range plans," John J. Johnson recently told an audience of African American High School students, "the decision to go to college, to seek a higher education, is a good decision."

Johnson, who is executive director



At center is Commission Executive Director John J. Johnson at the Morehead event. His is pictured here with parents and students from Franklin, Ky., who attended. Franklin is the director's hometown.

of the Kentucky Commission on Human Rights, was the keynote speaker on Saturday, June 18, at the 24th Annual Academically Proficient African American High School Junior and Senior Conference.

More than 150 students and their families attended the conference held at Morehead University. The two-day event on June 17 and 18 was sponsored by the Kentucky Council on Postsecondary Education, the Kentucky Department of Education, and Morehead.

Johnson urged the students to make a decision to attend college or earn higher education certification regardless of the obstacles.

"Whatever financial or other challenges you may encounter, let nothing discourage or stop you," he said: "If you have to work a full-time job and go to school after hours, do

it. If you need to work long hours to make grades that will earn you grants or scholarships or loans, do it. If your grades thus far have not been what you would have hoped, keep going forward, anyway."

Johnson, who has worked in the arena of civil and human rights for over 50 years, reminded the conference attendees of the hardships African American students faced in the past in the pursuit of a high school or a college degree.

Born in Franklin, Ky., he became the youngest state NAACP president in the nation at the age of 18 when he led the Kentucky branch of the organization. He asked the teen-aged audience to be aware that their forbearers sacrificed much, some even their lives, to win today's minority students the right to seek a college degree.

"Be determined to go to college," Johnson said. "Let nothing stop you from attaining higher education because it will be one of the greatest foundations for the life you seek regardless of your dreams and goals," he said.

"When you have a college education, you have something of great value that no one can take away from you," he said.

The conference offered several activities. Students stayed Friday night in campus dormitories. They went on campus tours and had "A Taste of Morehead" dinner with university officials. They enjoyed an academic fair and fun night where they met with Morehead State University administrators and other scholars from across the state. Friday night ended with a fireworks display on the Nunn Hall Lawn on campus.

The historic Morehead State University was founded in 1887. Now, it is one of only four universities in the nation to offer a Bachelor's of Science degree in Space Science, and it was the first college in Kentucky to offer an accredited online Master's in Business Administration degree. The U.S. News and World Report named Morehead



one of the top 25 public universities in the South.

On Saturday of the conference, students attended a variety of sessions that dealt with going to college, such as, "Developing Coping Skills and Effective Communication," "Selecting a College and Career," and "Financial Aid and Scholarships."

Kentucky Growing More Diverse : Results from the 2010 Census

Written by Ron Crouch, director of Research and Statistics, Office of Employment and Training, Dept. of Workforce Investment, Kentucky Cabinet for Education and Workforce Development

The 2010 Census results were released the end of March 2011. They indicate Kentucky is becoming more diverse as a state. In 1990, Kentucky's population totaled 3,685,296 and in 2000, Kentucky's population totaled 4,041,769, a growth of 356,473 or 9.7%. For the last decade, 2000 to 2010, Kentucky's population total grew to 4,339,367, a growth of 297,598 or 7.4%. When broken down by Race and Hispanic Origin and age there are significant changes occurring in Kentucky.

Census Results by Race and Hispanic Origin

Between the 1990 and 2000 Census when broken down by race and Hispanic origin, Kentucky's Non-Hispanic White population grew by 229,991 or 6.8% and accounted for 64.5% of the state's population growth; our Black population grew by 33,087 or 12.6%; and our "official" Hispanic population grew by 37,955 or 172.6%. Hispanic is a national origin, not a race. Kentucky's Non-Hispanic White population declined from 91.7% of total population to 89.3% of total population.

Between the 2000 and 2010 Census when broken down by race and

Hispanic origin, Kentucky's Non-Hispanic White population grew by 137,642 or 3.8% and accounted for 46.3% or less than half of the state's population growth; our Black population grew by 41,526 or 14.0%; and our "official" Hispanic population grew by 72,897 or 121.6%. Kentucky's Non-Hispanic White population declined from 89.3% to 86.3%. Kentucky, although still a majority Non-Hispanic White population, is becoming more diverse.

Additional diversity would be found in the Asian, American Indian, and two or more races populations, etc.

Growing Diversity by Age

Kentucky, like most states is aging. When broken down by age Kentucky's population age 18 and over grew by 269,045 or 8.8% while our population under age 18 grew by only 28,553 or 2.9%. The 2010 Census data currently only provides age data for persons age 18 and over. The population under age 18 is then available by subtracting the population age 18 and over from the total population.

When broken down by age 18 and over, Kentucky's Non-Hispanic White population grew by 167,911 or 6.1%; our Black population grew by 37,009 or 17.9% ; and our Hispanic population grew by 41,826 or 102%.

When broken down by age under 18, Kentucky's Non-Hispanic White population declined by 30,269 or 3.5% ; our Black population grew by 4,517 or 5.1%; and our Hispanic population grew by 31,071 or 164.6%. All growth in our population age 18 and under was minority.

Although we do not have 2010 Census data by 5 year age cohorts yet, the 2009 Census American Community Survey, ACS, indicates all Kentucky's growth below the ages of 45 and over will be minority. The 2009 Census ACS also indicates almost all of Kentucky's population growth will be in our age cohorts, ages 55 and over and resulting in a workforce shortage for our state. It will require needed investments in education, training and workforce development for all our

citizens with a growing importance in investments in our growing minority population.

Mirroring National Trends

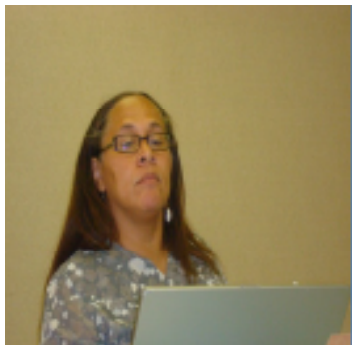
Kentucky is mirroring national population trends as we grow more diverse as a state. Nationally, the 2010 Census found the Non-Hispanic White population declined from 69% to 64% of the United States population. Nationally, the population grew by 27.3 million or 9.7% with 91.9% of total population growth, 25.1 million being minority population and with 8.1% or 2.2 million being Non-Hispanic White with a growth rate of 1.2%. More than half the growth in the United States was in the Hispanic population, 15.2 million or 43%, from 35.3 million to 50.5 million. The Black population grew by 4.3 million or 12.3%, from 34.6 million to 38.9 million.

New Demographic Realities for Kentucky and the United States

These education, training and workforce development issues for our minority and our overall population age 18 and under also are of growing importance across the United States. The Bureau of Labor Statistics, BLS, in their report on workforce projections states the workforce in the United States between 2008 and 2018 will grow by 12.6 million workers, but 12.0 million or 95% of workforce growth will be among the population ages 55 and over. There will be no room for "throwaways" among our minority or our younger workforce age populations, in fact all of our workforce, as Kentucky faces its future demographic opportunities and challenges and hopefully makes the needed investments for a prosperous future.



Kentucky Human Rights visits Franklin Simpson Local Commission Partner



TEAM BUILDING

Suzanne Joiner

On June 4, 2011, the Franklin – Simpson Human Rights Commission held a workshop that included two presentations.

The first led by Zella Pearson which dealt with the following topics:

- How are we perceived by the public
- Accountability
- Teamwork
- Trust
- Sensitivity

We were treated to some fun activities related to Team Building.

The last presentation was led by Mary Ann Taylor and Glenda Green from the Kentucky Commission on Human Rights, Louisville, Kentucky.

The topics of this presentation were:

- The need of more diverse group included in our commission
- Better communication of our purpose to the community
- How we deal with problems of discrimination
- How can we have a more positive perception of ourselves and present that to the community around us.
- Research grants that could be available to us for projects that we may be interested in.



Kentucky Commission on Human Rights

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