

**34TH ANNUAL REPORT**  
**OF**  
**THE OHIO CIVIL RIGHTS COMMISSION**





George V. Voinovich  
Governor

# Ohio Civil Rights Commission

June 1993

The Honorable George V. Voinovich  
Governor, State of Ohio

The Honorable Stanley J. Aronoff  
President of the Ohio Senate

The Honorable Vernal G. Riffe  
Speaker of the Ohio House of Representatives

**CENTRAL OFFICE**  
20 Parsons Ave.  
Columbus, OH 43266-0543  
(614) 466-2785  
TTY (614) 466-9353  
FAX (614) 644-8776

**AKRON REGIONAL OFFICE**  
Akron Government Center  
161 S. High St., Suite 205  
Akron, OH 44308  
(216) 379-3100  
Voice-TTY  
FAX (216) 379-3120

**CINCINNATI REGIONAL OFFICE**  
200 Goodall Complex  
324 W. 9th St.  
Cincinnati, OH 45202  
(513) 852-3344  
Voice-TTY  
FAX (513) 852-3357

**CLEVELAND REGIONAL OFFICE**  
Frank Lausche Building  
615 W. Superior Ave., Suite 885  
Cleveland, OH 44113  
(216) 787-3150  
Voice-TTY  
FAX (216) 787-4121

**COLUMBUS REGIONAL OFFICE**  
220 Parsons Ave.  
Columbus, OH 43266-0543  
(614) 466-5928  
Voice-TTY  
FAX (614) 466-6250

**DAYTON REGIONAL OFFICE**  
800 Miami Valley Tower  
40 W. 4th St.  
Dayton, OH 45402  
(513) 285-6500  
Voice-TTY  
FAX (513) 285-6606

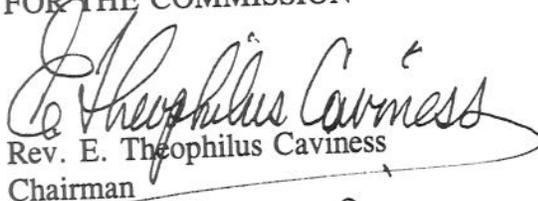
**TOLEDO REGIONAL OFFICE**  
One Government Center  
Jackson & Erie Sts., Rm. 936  
Toledo, OH 43604  
(419) 245-2900  
Voice-TTY  
FAX (419) 245-2668

Gentlemen:

Pursuant to Section 4112.04 (A) (8) of the Ohio Revised Code, The Ohio Civil Rights Commission respectfully submits this 34th Annual Report.

Respectfully,

FOR THE COMMISSION

  
Rev. E. Theophilus Caviness  
Chairman

THE OHIO CIVIL RIGHTS COMMISSION  
34TH ANNUAL REPORT  
FISCAL YEAR 1993

TABLE OF CONTENTS

LETTER OF TRANSMITTAL

TABLE OF CONTENTS

INTRODUCTION

HISTORY OF OHIO'S LAWS AGAINST DISCRIMINATION

COMMISSIONERS

MESSAGE FROM THE EXECUTIVE DIRECTOR

TABLE OF ORGANIZATION

CENTRAL OFFICE

REGIONAL OFFICES

COMPLAINT PROCEDURE

STATISTICS

ALLEGED BASES OF DISCRIMINATION

ALLEGED ISSUES OF DISCRIMINATION

TYPES OF CHARGES CLOSED

CASE DISPOSITIONS

SUMMARY OF CHARGES FILED WITH REGIONAL OFFICES

MONETARY BENEFITS COLLECTED

FINANCIAL DATA

APPROPRIATIONS AND EXPENDITURES

## INTRODUCTION

The Ohio Civil Rights Commission (OCRC) was established July 1959 by the Ohio Legislature. The powers, duties, jurisdiction, practices and procedures of the Commission are specified in Section 4112 of the Ohio Revised Code.

The primary function of The Ohio Civil Rights Commission is to enforce state and federal laws against discrimination. OCRC receives and investigates charges of discrimination in employment, public accommodations, housing, credit and higher education on the bases of race, color, religion, sex, national origin, disability, age, ancestry or familial status. The Commission has statutory authority to:

- initiate investigations of discriminatory practices
- formulate policies to effectuate the purposes of sections 4112.01 to 4112.11 of the Ohio Revised Code, and make recommendations to agencies and officers of the state or local subdivisions of government to effectuate such policies
- make periodic surveys of the existence and effect of discrimination because of race, color, religion, sex, national origin, handicap, age, ancestry or familial status on the enjoyment of civil rights by persons within the state
- receive progress reports from agencies, instrumentalities, institutions, boards, commissions, and other entities of this state or any of its political subdivisions and their agencies, instrumentalities, institutions, boards, commissions, and other entities regarding affirmative action programs for the employment of persons against whom discrimination is prohibited
- prepare a comprehensive educational program, in cooperation with the Ohio Department of Education, for the students of Ohio's public schools and for all other residents of Ohio that is designed to: eliminate prejudice on the bases of race, color, religion, sex, national origin, handicap, age, ancestry or familial status, further good will amongst those groups and emphasize the origin of prejudice against those groups and its harmful effects

Anyone who lives or works in Ohio and feels he/she has been discriminated against can file a charge with one of OCRC's regional offices located in Akron, Cincinnati, Cleveland, Columbus, Dayton or Toledo; or with OCRC's Middletown or Springfield satellite offices. There is no fee for OCRC's services.

The Commission consists of a five-member board of Commissioners and approximately 210 employees. By contract or established relationship, OCRC has linkages with a variety of private, state and federal organizations or agencies, such as the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD).

## HISTORY OF OHIO'S LAWS AGAINST DISCRIMINATION

**JULY 29, 1959**

Enactment of Ohio's Fair Employment Practices Law prohibiting discrimination by reason of race, color, religion, national origin or ancestry

The Ohio Civil Rights Commission was established by the Ohio Legislature as the state agency responsible for enforcing the laws against discrimination

**OCTOBER 24, 1961**

Enactment of law prohibiting discrimination in places of public accommodation

**OCTOBER 30, 1965**

Enactment of law prohibiting discrimination in housing

**NOVEMBER 12, 1969**

Housing discrimination law amended and broadened

Enactment of law prohibiting discrimination in burial lots

**DECEMBER 19, 1973**

Enactment of law prohibiting discrimination by reason of sex

**JANUARY 14, 1976**

Enactment of law prohibiting discrimination in credit

**JULY 23, 1976**

Enactment of law prohibiting discrimination by reason of handicap

**AUGUST 18, 1976**

Enactment of law prohibiting discrimination by reason of age in credit

**NOVEMBER 13, 1979**

Law prohibiting discrimination by reason of age broadened

**JULY 26, 1984**

Enactment of law prohibiting discrimination by institutions of higher education by reason of handicap

**SEPTEMBER 28, 1987**

Housing discrimination law further amended and broadened

**MAY 31, 1990**

Discrimination by reason of age limit from ages 40 to 70 changed to 40 and above

**JUNE 30, 1992**

Familial status added as a protected class in housing discrimination; housing discrimination law amended to bring state law into conformity with Title VIII of the Fair Housing Act of 1968, as amended

State law brought into conformity with federal Americans With Disabilities Act

## COMMISSIONERS



REV. E.T. CAVINESS



LAWRENCE BOLDEN



JOHN H. BURLEW III



GRACE RAMOS



NIRMAL K. SINHA

The five-member board of Commissioners is the final arbiter in the Ohio Civil Rights Commission's internal process. They are appointed to staggered five year terms by the Governor with the advice and consent of the Senate. By law, no more than three Commissioners can be of the same political party. The Governor designates one of the Commissioners to serve as the Chairperson.

Commissioners meet regularly to rule on recommendations from OCRC's six regional offices regarding charges of discrimination. Commissioners also hear appeals from parties to charge(s) of discrimination who ask for reconsideration of Commission findings. Commissioners are responsible for selecting the Agency's Executive Director, who implements the policies and decisions of the Commission.

Rev. E. Theophilus Caviness of Cleveland is the Commission Chair. Serving as Commissioners and their home cities during fiscal year 1993 were Lawrence Bolden, Columbus; John H. Burlew III, Cincinnati; Grace Ramos, Beavercreek; and Nirmal K. Sinha, Columbus.

## MESSAGE FROM THE EXECUTIVE DIRECTOR

There were 6,211 new charges of discrimination filed with the Ohio Civil Rights Commission during fiscal year 1993 - an all time record high for our 34-year history. The increase in new charges is reflective not only of the status of civil rights in Ohio but of what is occurring throughout the United States. This issue of civil rights cuts across the breadth and depth of these United States.



JOSEPH T. CARMICHAEL

The character of discrimination in Ohio reveals itself most predominantly in the form of discrimination based upon race in employment, with 2,737 allegations. Discrimination based upon sex, disability or age gained ground during fiscal year 1993 with 1,724; 1,141 and 925 allegations, respectively. Also increasing are individual charges alleging more than one basis, i.e. discrimination based upon sex and race or based upon age and disability.

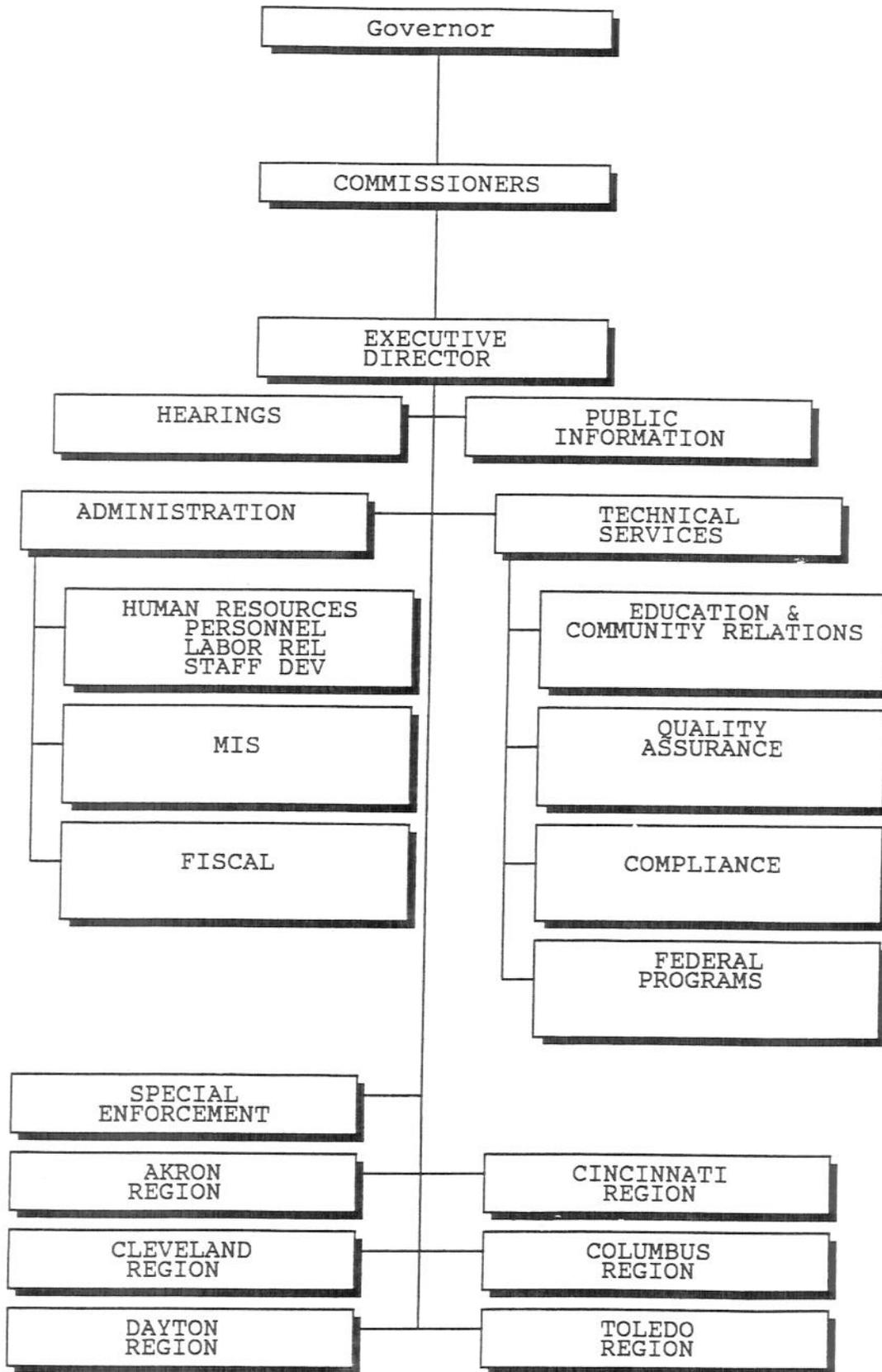
The Commission's primary responsibility - *to enforce the laws prohibiting discrimination on the bases of race, color, sex, religion, national origin, age, ancestry, disability or familial status (persons with children) in employment, public accommodations, housing, credit and higher education* - will continually expand to meet the needs of Ohio's citizens. Such was the case with the adding of familial status as a protected class in housing under our jurisdiction by the General Assembly a year ago.

OCRC's challenge is to meet legal deadlines for processing and ruling on the increasing number of charges without a corresponding increase in staff or budgetary allocations. While the commitment of approximately 210 employees in Central Administration, regional offices in Akron, Cincinnati, Cleveland, Columbus, Dayton and Toledo, and satellite offices in Middletown and Springfield has carried us thus far, it is hoped that the additional staff and resources needed to maximally serve the people of Ohio will be forthcoming.

The Commission has implemented a multi-faceted approach to counteracting discrimination. This approach includes speaking engagements; conducting training workshops or seminars; disseminating a human relations course of study called Valuing Diversity: Learning and Living Together for students in grades kindergarten through twelve; distributing Commission information brochures and literature; and holding Commission meetings around the state. These proactive activities augment OCRC's enforcement function.

This fourth report of our fourth decade of service documents who we are, what we do and what we have accomplished. It also presents data on discrimination charges filed with us, the resolution of those charges and monetary awards recovered.

TABLE OF ORGANIZATION



## OCRC COMMISSIONERS

As previously noted, the OCRC Commissioners are the final arbiters in OCRC's internal process. The Commissioners are an integral part of the Civil Rights Commission, rendering decisions on the recommendations coming from OCRC's six regional offices. They are a working board of Commissioners, having to be familiar with the cases presented as well as remaining abreast of state and federal civil rights laws. The Commissioners also help set the overall tone and direction of the Agency, in consultation with the Executive Director.

## EXECUTIVE DIRECTOR

The Executive Director is the driving force behind the Agency and is accountable to the Commissioners. The Executive Director has the responsibility for overseeing the implementation of the policies and decisions of the Commission; submits the Commission's budget to the Ohio Legislature and gives budget testimony before its committees. Additionally, the Executive Director represents the Commission in special projects or tasks as designated by the Governor or Chair and is frequently called upon for a variety of local, state and national speaking engagements or conference participation.

## CENTRAL OFFICE

OCRC's Central Office is located at 220 Parsons Avenue in Columbus, Ohio. The organizational structure for Central Office is the Executive Director; Administration, consisting of Human Resources (Personnel, Micrographics, Labor Relations and Staff Development/EEO); Management Information Systems (MIS); and Fiscal; and Technical Services, consisting of Education and Community Relations; Quality Assurance; Compliance; and Federal Programs. OCRC's Chiefs of Administration and Technical Services and the six Regional Office Directors report to the Executive Director, as do the Hearings, Special Enforcement and Public Information offices.

Housed within Central Office is the Commission on Socially Disadvantaged Black Males. OCRC was given oversight and coordination responsibilities for the Commission in fiscal year 1991. The focus of this Commission is on how state government and the private sector can address the needs of Ohio's African American males in employment, health, education and criminal justice.

## HEARINGS

The work of the Hearings Unit begins after the Commission issues a Formal Complaint in the disposition of a charge of discrimination. Issuance of a Formal Complaint means the Commission found probable cause (it is likely that an act of discrimination did occur) and conciliation efforts (attempts to reach a workable solution between the two parties) failed. The next step in the process is the holding of a public hearing, which is a quasi-judicial forum conducted by a Hearing Examiner. The Hearings Unit schedules the hearings; rules on pre-trial motions; holds pre-trial hearing conferences; notifies the parties regarding the status of the complaints; secures appropriate facilities in which to conduct the hearings; and maintains as well as preserves the files, case evidence and the case record.

## SPECIAL ENFORCEMENT UNIT (SEU)

The Special Enforcement Unit investigates systemic charges of discrimination that are initiated by the Commission and conducts special studies or inquiries as requested by the Commission or Executive Director. They also conduct periodic compliance reviews to monitor the implementation progress of conciliation agreements as well as investigate, monitor and make recommendations on Bona Fide Occupational Qualifications (BFOQ's). SEU complements the work of the regional offices by conducting investigations requiring specialized training and by providing case processing assistance.

## PUBLIC INFORMATION

Public Information is responsible for designing and implementing a multi-faceted statewide program that includes media relations, responding to requests for information from the various publics the Commission serves, special projects, and producing Agency publications such as annual reports, newsletters and brochures. This office also works closely with Education & Community Relations in addition to providing technical assistance to OCRC's Regional Offices.

## HUMAN RESOURCES

Human Resources' primary responsibility is to process all employment related documents for the Commission. Specific duties include processing and maintaining payroll records; providing information on personnel rules, regulations, and adherence to civil service law; updating all benefits information for union and exempt employees; and disseminating Commission and other state agencies' employment opportunities information. Micrographics is responsible for microfilming Regional and Central Office files.

## LABOR RELATIONS

Labor Relations assists management in the interpretation of collective bargaining agreements; trains staff in administration of labor contracts; oversees agency policies and procedures; and maintains and coordinates labor management committees. Labor Relations also handles union grievances and represents the Commission in grievance hearings.

## STAFF DEVELOPMENT/EEO

This office coordinates in-service and external training programs for staff including new employee orientation, management training, and specialized training for Commission investigators. The EEO function of this office is to monitor the Commission's own EEO practices, policies and procedures.

## MANAGEMENT INFORMATION SYSTEMS (MIS)

MIS maintains and stores Commission statistics and case data information, prepares statistical analysis, and disseminates reports to the regions and to other governmental agencies. MIS is also responsible for spearheading the automation of the Commission's regions and offices statewide and the implementation of a computerized information network system.

## FISCAL

Fiscal prepares, reviews and administers the Commission budget; administers fiscal matters as regulated by the State of Ohio's Office of Budget and Management; and oversees the work of Distribution and Central Office's copying services. Distribution receives, stores and maintains inventories of Commission equipment and supplies in addition to maintaining mail services.

**TECHNICAL SERVICES**  
**CHERYL L. JACKSON, CHIEF**

**EDUCATION AND COMMUNITY RELATIONS**

Education and Community Relations conducts on-going education programs to keep Ohio's communities informed and aware of civil rights laws; the Commission, its work, responsibilities and procedures; and the process for filing discrimination charges. This office also coordinates logistics and programs for Commission meetings held around the state; special events; displays, speaking engagements; educational programs for school students; and distribution of Commission publications.

**QUALITY ASSURANCE**

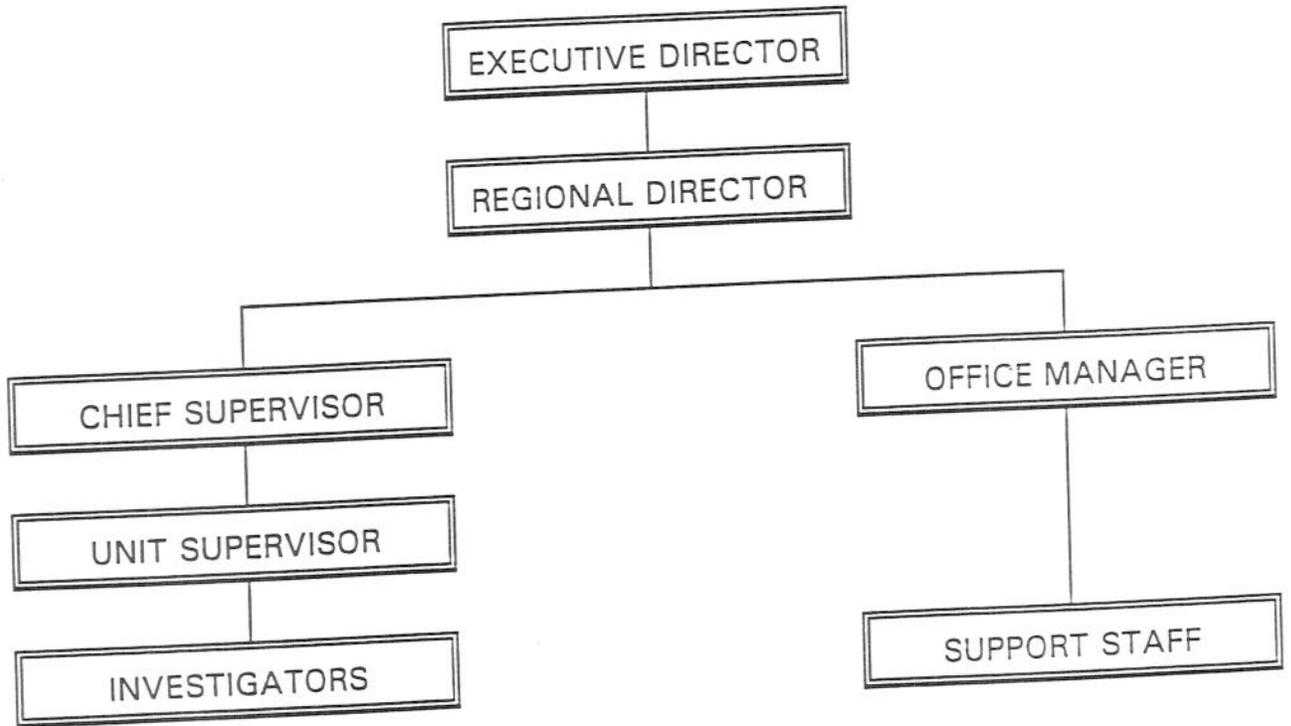
Quality Assurance prepares the case agenda for Commission meetings and receives all cases to be placed on the agenda. They are responsible for making sure the cases filed with the Commission have been properly submitted and follow designated format. Their technical level of monitoring is instrumental in improving and maintaining Commission case quality and productivity.

**COMPLIANCE**

Compliance performs case reviews and assessments, completes notification to all parties of Commission findings, and performs selected quality control assessments in case submissions. Compliance also reviews block grant project requests for civil rights complaint activity. Within Compliance is the Commission's Affirmative Action Unit, which receives affirmative action plans and progress reports from agencies, instrumentalities, institutions, boards, commissions and other entities of the state or any of its political subdivisions, and submits a summary report to the General Assembly. This unit also provides technical assistance upon request for the development of affirmative action plans.

**FEDERAL PROGRAMS**

Federal Programs administers and monitors the Commission's contracts with the U.S. Equal Employment Opportunity Commission and the U.S. Department of Housing and Urban Development. The Commission maintains work sharing agreements with both of these agencies, who defer charges of discrimination filed with them to OCRC for processing and investigation.



The primary functions of OCRC's six regional offices are to (1) receive and investigate charges of discrimination and submit recommendations of finding to the Commission and (2) conduct community outreach services to the specific geographical areas they serve.

AKRON REGIONAL OFFICE  
Oliver R. Ocasek Government Center  
161 S. High Street, Suite 205  
Akron, Ohio 44308  
(216) 379-3100 (VOICE/TTY)  
(216) 379-3120 (FAX)  
**Harold D. Ware**  
Regional Director



The Akron Regional Office services eight (8) counties with its staff of 25 persons. Summit and Mahoning Counties provide the bulk of charges filed with this office. There were 1,335 new charges filed during fiscal year 1993, a slight decrease from the 1,379 new charges filed during fiscal year 1992. Monetary awards recovered by the Akron Regional Office were \$450,744. Of particular note is an award of \$45,000 recovered for a female police officer who filed a charge of discrimination based on sex and retaliation for filing a previous charge against a township police department. In addition to the monetary award, the officer was reinstated to her job. Akron continues to experience a high intake of housing discrimination charges.

Akron's outreach efforts included presentations made to the Bureau of Vocational Rehabilitation Services' Job Service; Lorman Business Institute; Central Hower High School; Akron Barristers' Association; Kent State University; Black Data Processors' Association; Akron Board of Education Youth Motivation Task Force; and the Manufacturing Association of Eastern Ohio & Western Pennsylvania.

CINCINNATI REGIONAL OFFICE  
200 Goodall Complex  
324 W. 9th Street  
Cincinnati, Ohio 45202  
(513) 852-3344 (VOICE/TTY)  
(513) 852-3357 (FAX)

Margaret Moran  
Regional Director



★ Indicates the County location of Regional Office.

The Cincinnati Regional Office services five (5) counties and has a staff of 25 employees. Cincinnati is also responsible for OCRC's Middletown satellite office. Hamilton County generates the majority of charges filed with this region. The office received 851 new charges of discrimination during fiscal year 1993, an increase from the 812 new charges filed during fiscal year 1992. Cincinnati recovered \$926,777 in monetary awards for aggrieved individuals.

The staff provided training or presentations to the Ohio Work Programs (Hamilton County Department of Human Services), Cincinnati Employment & Training Network, and Cincinnati Career Education Academy (a partnership of government and community agencies whose mission is to enhance the quality of life for people with low income). The staff also participated in several community service programs.

## CLEVELAND REGIONAL OFFICE

Frank J. Lausche State Office Building

615 W. Superior Avenue, Suite 885

Cleveland, Ohio 44113

(216) 787-3150 (VOICE/TTY)

(216) 787-4121 (FAX)

**Gregory J. Vincent**

Regional Director



The **Cleveland Regional Office** has jurisdiction over five (5) counties and has a staff of 32 persons. Cuyahoga and Lorain Counties generate the most charges for this region. The office received 1,098 new charges of discrimination, an increase from the 872 new charges filed in fiscal year 1992. Cleveland recovered \$559,494 in monetary awards. The office produced a record number of 1,585 cases for the fiscal year and led the state in total cases processed, highest weekly production rate per investigator and the lowest total processing time.

The Cleveland Regional Office responded to over 50 outreach and training requests, particularly for presentations on sexual harassment, the Americans With Disabilities Act and Ohio's Fair Housing Law. The City of Cleveland, Cleveland Area Board of Realtors, Children's Hospital, A. Phillip Randolph Institute, Elyria Country Club, Lorain County JVS, Cleveland Bar Association, U.S. Probation Officers, Ohio Attorney General's Office and the Ohio Fair Housing Conference were all part of Cleveland's outreach activities. One particular highlight was a Housing 'Mock Trial' held at Cleveland Marshall Law School.

COLUMBUS REGIONAL OFFICE  
220 Parsons Avenue  
Columbus, Ohio 43266-0543  
(614) 466-5928 (VOICE/TTY)  
(614) 466-6250 (FAX)  
**Rebecca Haley Ross**  
Regional Director



The Columbus Regional Office has jurisdiction over 35 counties and has a staff of 25 employees. Franklin and Licking Counties generated the most charges filed. There were 1,245 new charges filed with this office, an increase from the 1,202 new charges filed with this office during fiscal year 1992. Monetary awards recovered by the Columbus Office were \$823,076.

The Columbus Region's outreach efforts were in facilitating training programs or speaking engagements primarily on sexual harassment and the Americans With Disabilities Act.

## DAYTON REGIONAL OFFICE

800 Miami Valley Tower

40 W. 4th Street

Dayton, Ohio 45402

(513) 285-6500 (VOICE/TTY)

(513) 285-6606 (FAX)

**Marguerite T. Walker**

Regional Director



The Dayton Regional Office services nine (9) counties with its staff of 16. Montgomery County generates the most charges for the Dayton office. There were 579 new charges filed with this region, a slight decrease from the 605 new charges filed in fiscal year 1992. Dayton recovered \$529,123 in monetary awards. Staff were the highest producers of closed cases on a weekly average basis, holding their processing time down to 112 days while increasing their production and caseload. OCRC's Springfield satellite office, opened in the fall as a joint venture with the City of Springfield's Human Relations Services Department, is under Dayton's authority.

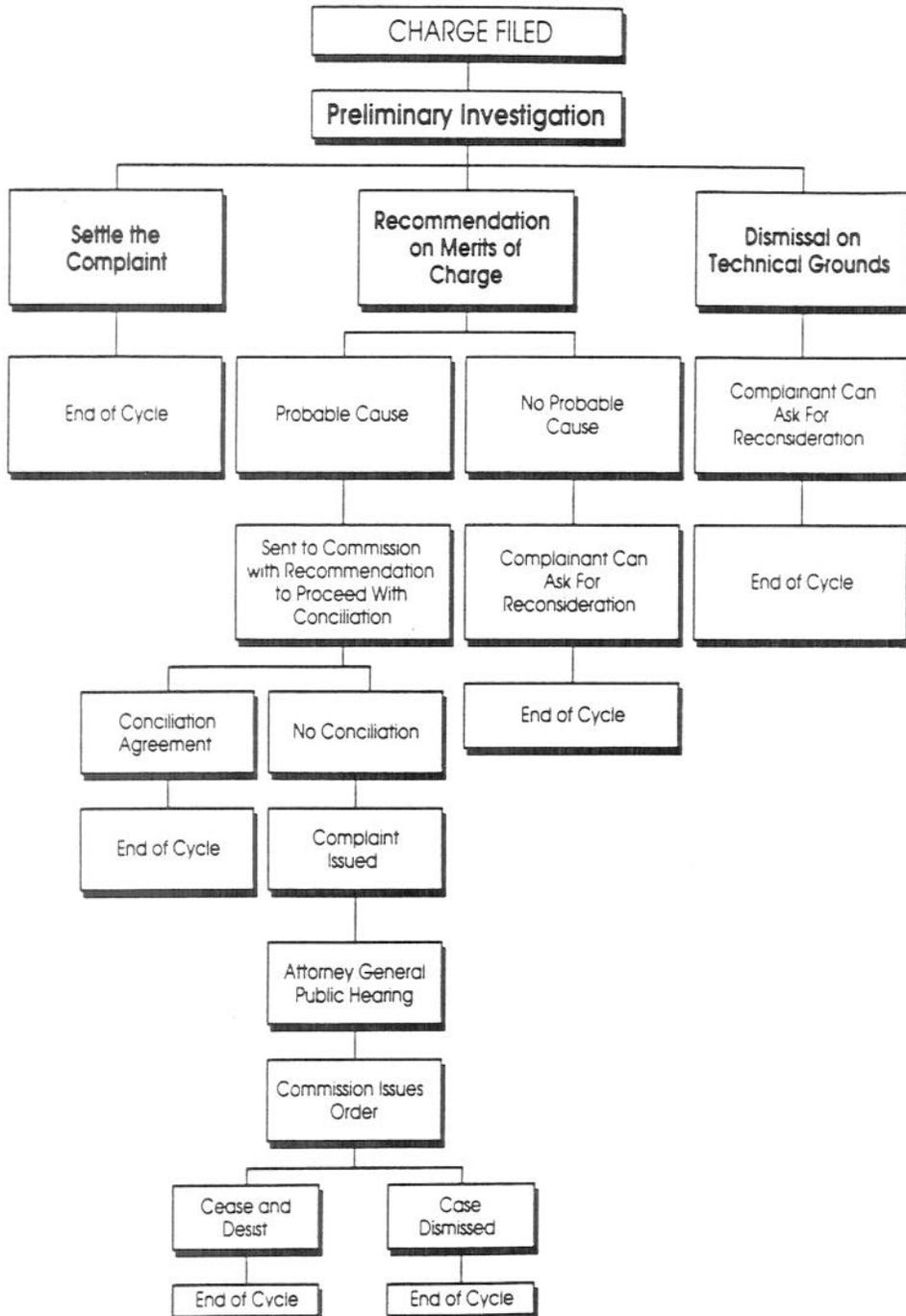
The Dayton staff's media efforts focused on sexual harassment and the Americans With Disabilities Act, appearing on several local television programs, including cable tv, and radio shows. The staff conducted numerous training programs for students or staff at Wilberforce University, Central State University, Sinclair Community College, Wright State University and the Ohio Education Association. Training was also provided to such public or private employers as Aqua Sun Resorts, General Motors, Dayton Job Corps, Emery Air Freight, Xenia City Council, Springfield City Council and the National Librarian Association (Mid West Region).

TOLEDO REGIONAL OFFICE  
 Michael V. DiSalle Government  
 Center  
 One Government Center  
 Jackson & Erie Streets, Room 936  
 Toledo, Ohio 43604  
 (419) 245-2900 (VOICE/TTY)  
 (419) 245-2668 (FAX)  
**Ronald G. Pettaway**  
 Regional Director



The Toledo Regional Office services 26 counties with its staff of 28. Lucas and Allen Counties generated the most charges filed. The Toledo office received 1,103 new charges of discrimination in fiscal year 1993, an increase from the 1,085 new charges filed the previous fiscal year. Toledo recovered \$971,824 in monetary awards.

Toledo's training and outreach efforts included the University of Toledo, Ohio Department of Rehabilitation and Correction, Mansfield Correctional Institution; Lourdes College; Ohio Educational Association; Ohio Job Service Employer Committee; and Lucas County Children Services. Staff also participated in a panel discussion presented by the Toledo Bar Association and appeared on a local community service television program.



## THE CHARGE

An individual (Charging Party) who feels he or she has been discriminated against in employment, public accommodations, credit or higher education must file a charge of discrimination with OCRC within **six (6) months** of the alleged act of discrimination. Upon contacting the Commission's regional office located nearest to them, a staff member (Charge Taker) discusses the complaint and determines if the allegations fall within the Commission's jurisdiction. The Charge Taker helps the individual draft the wording of the Charge Affidavit, and prepares it in legal form for the individual to review, approve and sign under oath.

## THE INVESTIGATION

The responsibility for investigating a charge or charges is assigned to a Civil Rights Field Representative (Investigator). During the investigation, the Investigator contacts the Respondent (the person(s) or company/entity responsible for the alleged act of discrimination). The Investigator also contacts the Charging Party and any identified witnesses to discuss the allegations in detail. The Investigator determines if there is sufficient evidence to conclude that it is probable Ohio's Laws Against Discrimination have been violated. The Investigator will attempt to negotiate a voluntary settlement prior to making any determination on the merits of the charge(s).

Once enough evidence to support a recommendation has been accumulated, the Investigator discusses the recommendation with the Charging Party, and answers any questions. Generally speaking the recommendation will be either **NO PROBABLE CAUSE** or **PROBABLE CAUSE**. The recommendation is then submitted in written form to the Investigator's supervisor, then to the Regional Director and finally to the Commissioners, who must approve the report before it becomes the official finding of the Commission.

If the preponderance of evidence is insufficient to substantiate charge(s) of discrimination, the Commissioners must make a finding that it is **NOT PROBABLE** a violation of the law has occurred and dismiss the charge(s) with a finding of **NO PROBABLE CAUSE**.

If the preponderance of evidence is sufficient to substantiate that discrimination has occurred, the Commissioners make a finding that it is **PROBABLE** a violation of the law has occurred, and issue a **PROBABLE CAUSE** finding.

## REQUEST FOR RECONSIDERATION

After a formal **LETTER OF DETERMINATION** concerning a charge has been issued, each side (Charging Party and Respondent) has the right to ask the Commissioners to reconsider their decision. The **LETTER OF DETERMINATION** contains a form explaining the method for making such a request. As per OCRC rules, the request for reconsideration must be submitted within fifteen (15) days of the date on the **LETTER OF DETERMINATION**. No one has the authority to extend this deadline, or to grant any party an exception to this rule.

If the request for reconsideration is received within the time limit, Commissioners review the request and the case file to decide whether to grant the request. If the Commissioners decide to grant the request, the case is returned to the regional office where the charge was filed for further investigation. Once the investigation is completed, the original recommendation could be upheld or a new recommendation submitted to the Commission. If the Commissioners vote to deny the request, no further action is taken.

Each side to a charge of discrimination is entitled to only one request for reconsideration.

## CONCILIATION

If the investigation of the charge(s) reveals that it is probable discrimination occurred, staff must attempt to negotiate a settlement between the parties. The types of remedies available through OCRC are explained to the Charging Party. When settlement is possible, the terms offered by the Respondent are discussed with the Charging Party and he/she must agree to them before they can be accepted. The Charging Party is asked to sign an agreement showing acceptance of the offer and understanding that the matter has been settled to his/her satisfaction.

If settlement is not possible, the Commissioners are informed that conciliation efforts failed and are asked to issue a **FORMAL COMPLAINT AND NOTICE OF PUBLIC HEARING**.

## PUBLIC HEARING

The charge(s) and evidence supporting the charge(s) are presented at the public hearing (a quasi-judicial forum) before a Hearing Examiner. The Ohio Attorney General's Office represents OCRC, and presents its case in favor of the decision. The Respondent presents its defense. Witnesses are called to testify under oath, documents and other written evidence is presented, and the attorneys for both sides offer legal arguments to the Hearing Examiner. After the hearing has been concluded, the Hearing Examiner issues

**FINDINGS OF FACT, CONCLUSIONS OF LAW, and RECOMMENDATIONS** to the Commission. Both sides have opportunity to file written objections to these.

The Commissioners review the **FINDINGS OF FACT, CONCLUSIONS OF LAW, and RECOMMENDATIONS**, any objections filed by the parties, and issue a **FINAL ORDER** in the case. This may be an **ORDER OF DISMISSAL**, which means that evidence does not substantiate that discrimination has occurred, or a **CEASE AND DESIST ORDER**, which means that discrimination has been substantiated. At that time, the Commission orders the Respondent to take certain remedial steps.

Should the Respondent fail to comply with the **FINAL ORDER** of the Commission, it can seek the enforcement of the order through the Court of Common Pleas.

### JUDICIAL REVIEW

The Charging Party or the Respondent can appeal the **FINAL ORDER** of the Commission by petitioning the Court of Common Pleas for a judicial review. The petition must be filed in the county where the act of discrimination occurred or in the county where the Respondent resides or transacts business. Either party can pursue appeals through the civil court system, up to and including to the U.S. Supreme Court.

### HOUSING DISCRIMINATION COMPLAINT PROCEDURE

There are several distinctions between the processing of housing discrimination charges and charges of discrimination in employment, public accommodations, credit and higher education.

As of June 1992, discrimination in housing on the basis of familial status was added as a protected class under OCRC's jurisdiction. Familial status means either (1) one or more individuals who are under eighteen years of age and who live with a parent or guardian having legal custody of that person, or who live with the designee of the parent or guardian having legal custody of that person, or (2) any person who is pregnant, or in the process of securing legal custody of any individual who is under eighteen years of age.

The familial status provision, with limited exceptions, prohibits a housing provider from denying housing to families with children; however, protection is not applicable if housing is intended for and to be occupied only by persons 62 years or older; or at least one person 55 years or older resides in each unit.

The federal Fair Housing Act of 1968, as amended, also prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, ancestry, or disability.

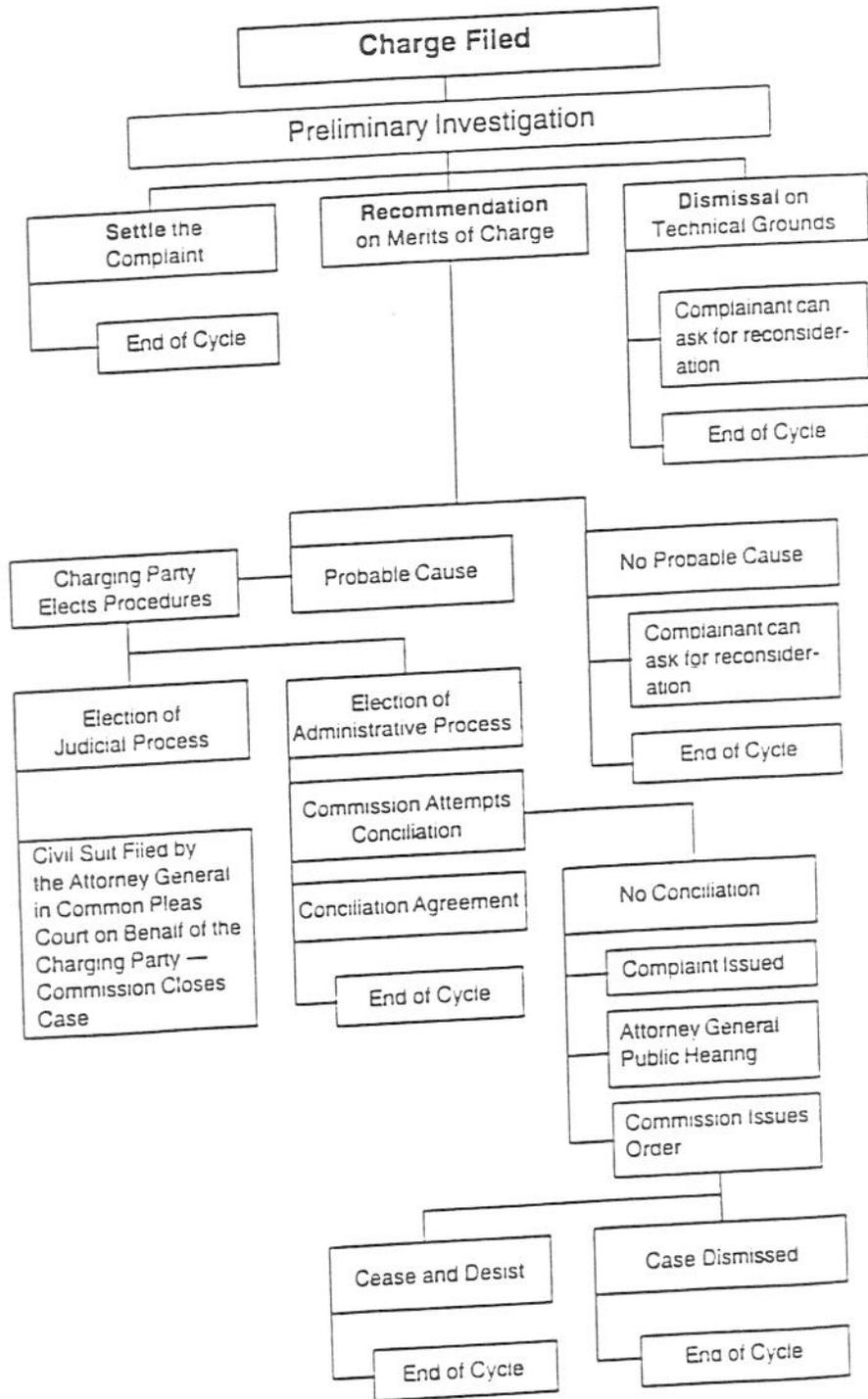
An individual who feels he or she has been discriminated against in housing must file a charge of discrimination with OCRC within **one (1) year** of the alleged act of discrimination.

The Commission must complete its investigation of the charge of discrimination within one hundred (100) days. During that time, the Commission will either negotiate a settlement of the charge, or make a finding as to whether or not the evidence substantiates that the law has been violated. If the evidence is insufficient to meet the legal standards of proof to show a violation of the law, the Commission will **DISMISS** the charge. If the evidence is sufficient to determine that a violation of Section 4112.02 (H) of the Ohio Revised Code has occurred, or is about to occur, the Commission **REFERS** the matter to the office of the Ohio Attorney General to obtain a temporary or permanent injunction, or a temporary restraining order, from a Court of Common Pleas and then proceeds with its investigation.

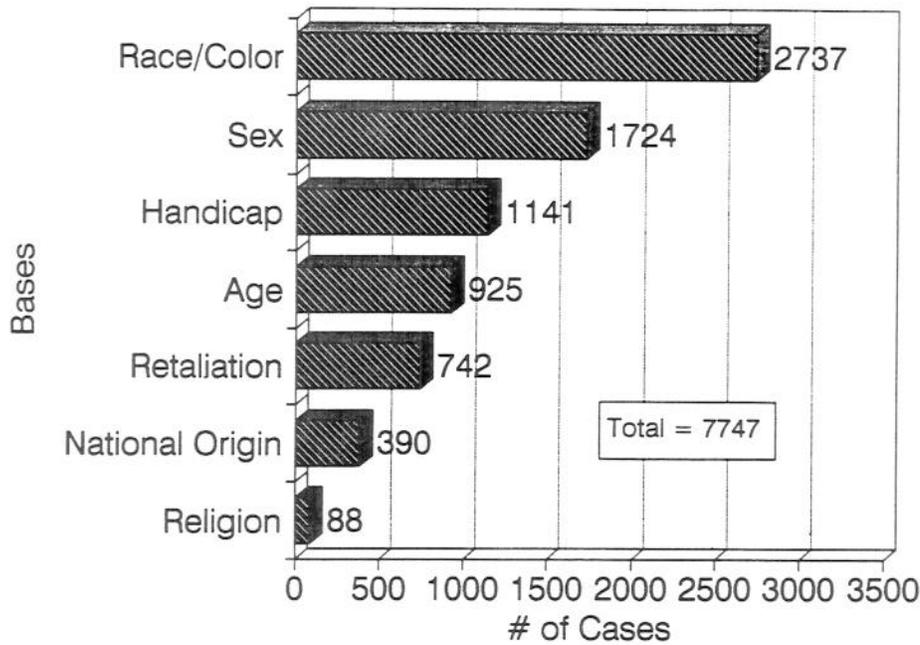
#### **ELECTION OF PROCEDURES**

Once the Commission has made a **PROBABLE CAUSE** finding in housing cases, the Charging Party must choose between the administrative procedures of the Ohio Civil Rights Commission or having the Ohio Attorney General file a private civil suit in the Court of Common Pleas on their behalf.

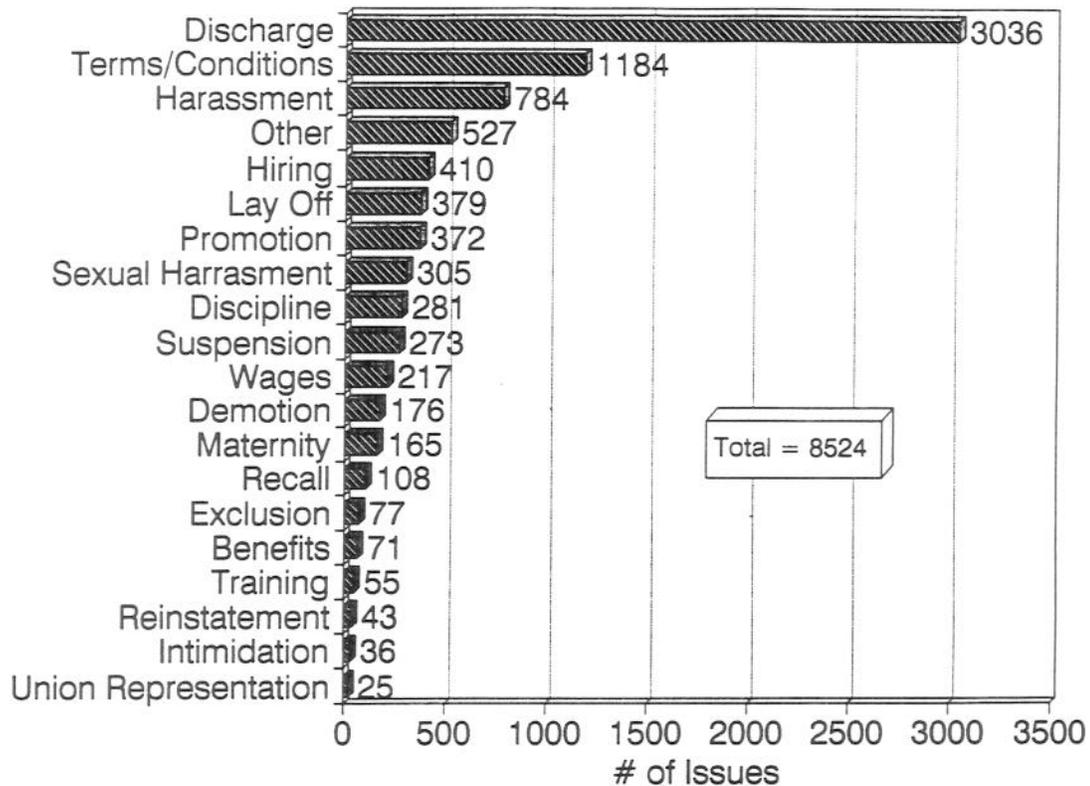
If the Charging Party selects the Commission's administrative procedures, the charge process follows the same steps as all other charges. The Commission will attempt to reach a conciliation agreement. If conciliation is not successful, the Commission issues a **FORMAL COMPLAINT** and the charge is referred to the Attorney General who holds a **PUBLIC HEARING**. After the Commissioners have reviewed the Hearing Examiner's report they will issue a **FINAL ORDER**, which can be an **ORDER OF DISMISSAL** or a **CEASE AND DESIST ORDER**. At that time the Commission can order the Respondent to pay actual damages, reasonable attorney's fees, and punitive damages up to fifty thousand dollars.



## Alleged Bases of Discrimination July 1, 1992 - June 30, 1993



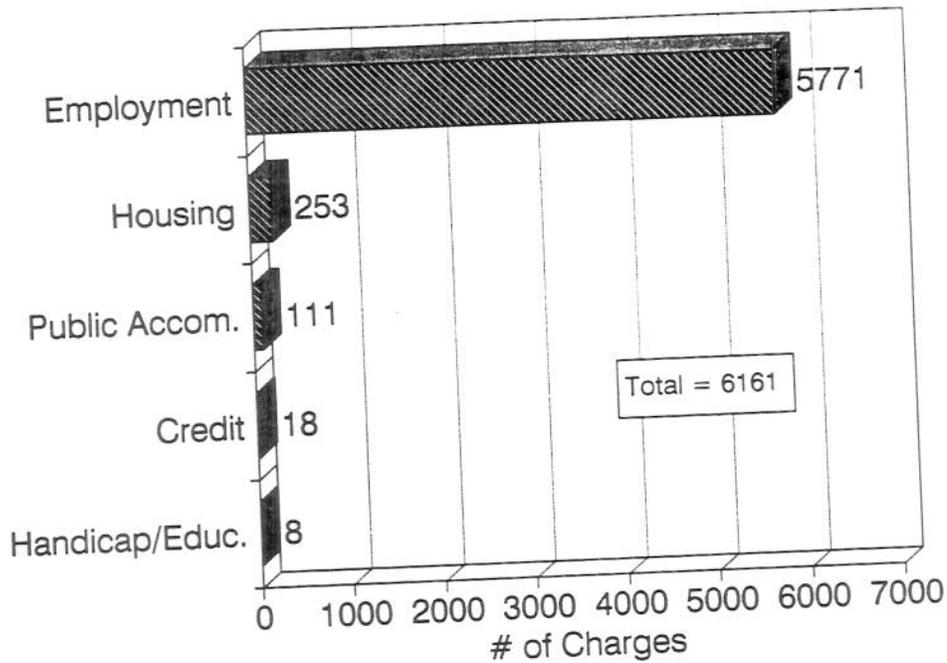
## Alleged Issues of Discrimination July 1, 1992 - June 30, 1993



NOTE: Individual charges can be filed alleging multiple bases/issues of discrimination

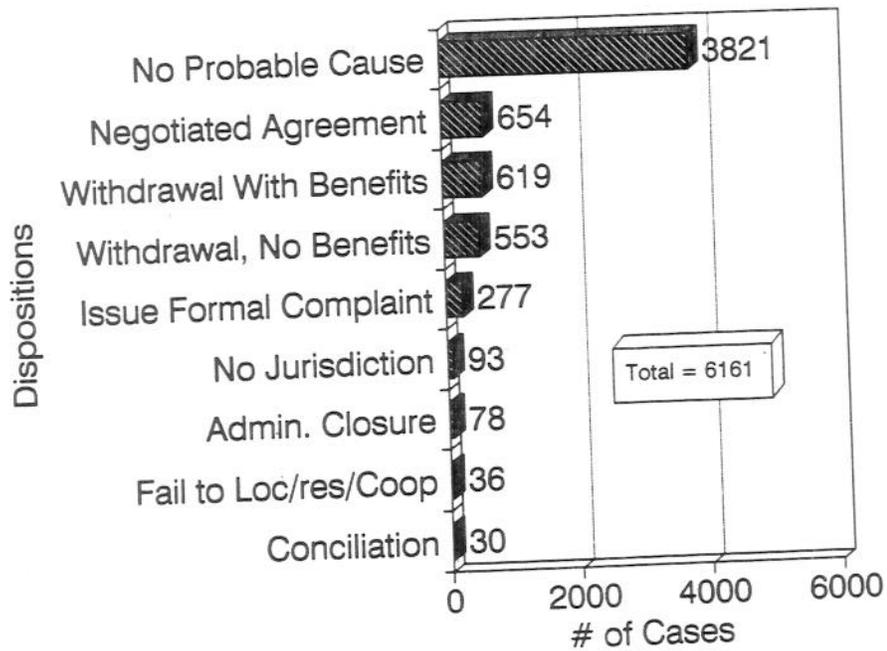
# Types of Charges Closed

July 1, 1992 - June 30, 1993



# Case Dispositions

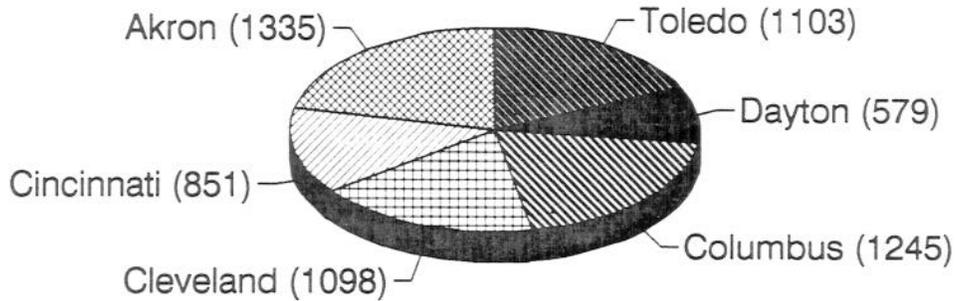
July 1, 1992 - June 30, 1993



Loc = Locate   Res = Respond   Coop = Cooperate

# Charges Filed by Region

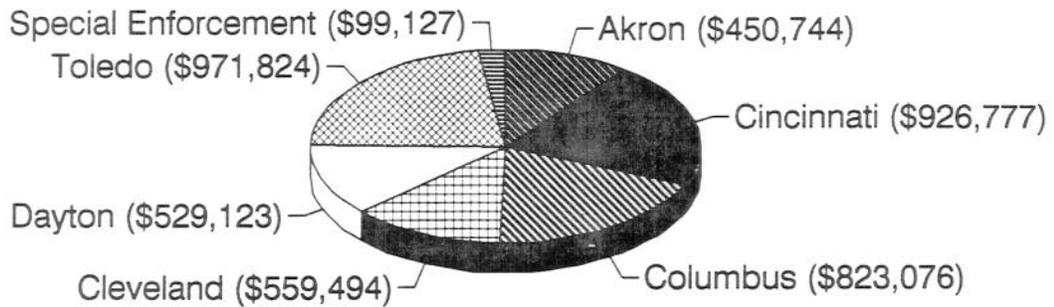
July 1, 1992 - June 30, 1993



Total # of Charges Filed = 6,211

# Monetary Benefits Collected

July 1, 1992 - June 30, 1993



Total = \$4,360,165

**NOTE:** The Attorney General's Office and OCRC's Special Enforcement Unit settle cases and recover monetary benefits but do not receive charges of discrimination

**GENERAL REVENUE FUND (GRF)**

The General Revenue Fund are monies appropriated to the Ohio Civil Rights Commission by the Ohio General Assembly.

Budget Appropriation	\$7,574,784.00	
OBM Spending Reductions	(760,050.00)	
<b>TOTAL GRF APPROPRIATIONS</b>		<b>\$6,814,734.00</b>

**EXPENDITURES**

Salaries and Wages	\$5,497,561.00	
Purchased Personal Services	250,565.00	
Supplies and Materials	78,546.00	
Motor Vehicle	23,305.00	
Travel	80,177.00	
Communications	189,606.00	
Utilities	22,880.00	
Equipment Maintenance	116,552.00	
Rentals	417,264.00	
Printing	21,597.00	
General Expenses	81,275.00	
Equipment	26,833.00	
Encumbrances	8,573.00	
<b>TOTAL EXPENDITURES</b>		<b>\$6,814,734.00</b>

## FUND 334

Fund 334 represents spending authority as a result of work sharing agreements with the U.S. Equal Employment Opportunity Commission, the U.S. Department of Housing and Urban Development and the Ohio Civil Rights Commission. These agencies defer charges of discrimination filed with them to the OCRC for processing and investigation.

EEOC/HUD Total Revenue	\$2,700,272.00
------------------------	----------------

### EXPENDITURES

Salaries and Wages	\$2,012,984.00
Purchased Personal Services	87,061.00
Supplies and Materials	28,731.00
Motor Vehicle	9,347.00
Travel	27,110.00
Communications	62,090.00
Utilities	2,893.00
Equipment Maintenance	6,168.00
Rentals	66,848.00
Printing	7,515.00
General Expenses	336,355.00
Equipment	36,761.00
Encumbrances	16,409.00

TOTAL FUND 334 EXPENDITURES	\$2,700,272.00
-----------------------------	----------------



**THE OHIO CIVIL RIGHTS COMMISSION  
220 PARSONS AVENUE  
COLUMBUS, OHIO 43266-0543  
614/466-2785  
614/466-9353 VOICE/TTY**

**COMMISSIONER E. THEOPHILUS CAVINESS  
CHAIRMAN**

**COMMISSIONER LAWRENCE BOLDEN  
COLUMBUS**

**COMMISSIONER JOHN H. BURLEW III  
CINCINNATI**

**COMMISSIONER GRACE RAMOS  
BEAVERCREEK**

**COMMISSIONER NIRMAL K. SINHA  
COLUMBUS**

**JOSEPH T. CARMICHAEL  
EXECUTIVE DIRECTOR**