



**LEXINGTON-FAYETTE URBAN COUNTY
HUMAN RIGHTS COMMISSION**

FY2021 Annual Report
The Virtual Year



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It is the mission of the Lexington-Fayette Urban County Human Rights Commission to safeguard the legal rights of individuals regarding discrimination and to promote mutual understanding and respect among the people of Lexington-Fayette County, Kentucky.

Letter from Chair



LEXINGTON-FAYETTE URBAN COUNTY HUMAN RIGHTS COMMISSION



Barbara Ellerbrook, Chair

It has been my honor to have served the Lexington-Fayette Urban County Human Rights Commission (HRC), as Chair from July 1, 2020 – June 30, 2021. This was an extremely difficult year as the country suffered under the COVID-19 pandemic, virtually locking us down through this entire period. The HRC staff stepped up to the challenge and immediately took steps to maintain the office, provide services to clients, and work with the Commission to ensure that a limited impact on services occurred. Procedures called for one staff person only to be in the office at a time, and staff alternated days so that someone was continuously in the office to answer phones, take complaints and ensure the continuation of mandated services. Staff not scheduled for a day in the office continued to work from home.

The Commission met virtually via Zoom, for regular monthly Commission meetings as well as regularly scheduled committee meetings. Various in-person community activities were placed on-hold through the year, due to Covid restrictions. However, Mayor Linda Gorton did form a Committee on Racial Equality and appointed the HRC Executive Director, Ray Sexton, as a member. These meetings were scheduled via Zoom but did not prohibit the Racial Equality Commission from continuing their work. A final report was issued by the Commission and delivered to the Fayette Urban County Government.

Mayor Gorton signed an ordinance that charged the HRC with the investigatory authority when alleged “conversion therapy” may be being conducted in Fayette County. Again, the staff stepped up and developed necessary “tools” that provided for a fair investigation to occur. This ordinance presented a new challenge to the HRC, as we were now being charged with investigating areas outside of our original statutory work in safeguarding individuals against discrimination because of race, color, religion, sex, age, national origin, disability, familial status or sexual orientation/gender identity in connection with housing, employment and public accommodations. Even with severe staff shortages, the HRC staff took steps to include the additional charge of investigating future complaints of the practice of conversion therapy.

Through the years, the HRC celebrated work-related anniversaries of key staff members: Raymond Sexton – Executive Director, 24 years; Ed Dove – Attorney, 25 years, and Tami Reed – Senior Office Manager, 30 years. We are deeply appreciative of these three staff who have continued to serve the Human Rights Commission for decades, and have assumed many roles outside of their normal work-related activities, to ensure that the HRC is able to continue in its work to provide services to persons in Fayette County.

Letter From Executive Director



LEXINGTON-FAYETTE URBAN COUNTY HUMAN RIGHTS COMMISSION



Raymond A. Sexton, Executive Director
rsexton@lexhumanrights.org

The Honorable Mayor Linda Gorton
Urban County Council Members
200 East Main Street
Lexington, KY 40507

Re: FY 2021 Annual Report

Dear Mayor Gorton and Council Members:

On behalf of the Commission, I proudly submit the FY 2021 annual report of the Lexington-Fayette Urban County Human Rights Commission. While light on substance, this report highlights our compliance and outreach activities of the last year.

It has been said that during the most challenging times you'll find the greatest opportunity to redefine yourself. FY 2021 has been a challenge to everyone. Despite the challenges and mandates, the Commission made the adjustments to have one rotating staff member in the office at all times. During this period, a staff member was always available to answer the phone or return an e-mail. We had to redefine customer service, community relations and compliance, all while maintaining our federal contracting obligations with both EEOC and HUD.

FY 2021 gave us some pivotal moments such as our involvement with the Mayor's Commission on Racial Justice and Equality, navigating a nation-wide eviction crisis, and receiving a new investigative mandate, the conversion therapy ban. Zoom meetings became the norm and the phrase "you're still on mute" has been uttered more times than I can count. Through it all, the Human Rights Commission has persevered and continued to provide the quality customer service that our community expects.

We humbly solicit your continued support in our efforts, including the necessary funding and support for our programs.

Sincerely,

A handwritten signature in blue ink that reads "Raymond A. Sexton".

Raymond A. Sexton
Executive Director

PURPOSE

It is the purpose of the Lexington-Fayette Urban County Human Rights Commission to safeguard all individuals within Lexington-Fayette Urban County from discrimination because of race, color, religion, national origin, sex, age, disability, familial status and sexual orientation/gender identity in connection with housing, employment and public accommodations and to effect the provisions and purposes of the Kentucky Civil Rights Act (K.R.S. Chapter 344), Urban County Ordinance 199-94 and 201-99, provision 7.17 of the Lexington Fayette Merger Charter of 1974, and any other laws enacted by the Lexington-Fayette Urban County relating to the Lexington-Fayette Urban County Human Rights Commission.

The Lexington-Fayette Urban County Human Rights Commission shall act to encourage and effect the guarantee of equal rights to all citizens, which rights are assured by the Constitution and the Laws of the United States, of Kentucky, and of Lexington-Fayette Urban County and to serve as an investigative, consultative, educational, persuasive, and enforcement agency in order to guarantee equal opportunity for all people of the City of Lexington and Fayette County.

Equality

for

all—

it's a

right,

not a

privilege



UNIQUENESS

The Lexington-Fayette Urban County Human Rights Commission is an independent chartered agency of the Lexington-Fayette Urban County Government, with three (3) specific functions: (1) to receive complaints, conduct investigations, hold hearings and have such studies made as will enable the Lexington-Fayette Urban County Human Rights Commission to carry out the purpose of the Ordinance; (2) to promote and secure a mutual understanding and respect among all ethnic groups in Fayette County; and (3) to act as conciliator in controversies involving inter-group and inter-racial relations.

VALUES

The Lexington-Fayette Urban County Human Rights Commission stands for equal rights, equal opportunity, justice and fair enforcement of the ideals. To carry out this belief, we must strive to follow through on our commitments, maintain objectivity and fairness and provide prompt, responsive and patient attention to all those who seek our assistance. We must respect differences in values and behaviors, support one another, and seek alternatives to divisive conflict. We must commit to meet and exceed contractual, service, and mission related requirements by setting clear expectations and maintaining measurable standards. In addition, we must serve all people in an impartial and fair manner.

Equality for all - it's a right, not a privilege.

Executive Committee



Barbara Ellerbrook
Chair
Appointed Nov. 2017



Brenda Mannino
Vice Chair
Appointed Sept. 2013



Jim Dickinson
Secretary
Appointed Feb. 2015



Vibert Forsythe
Treasurer
July–December
Appointed Nov. 2010



Christian Adair
Treasurer
January–June
Appointed Aug. 2019

Commissioners



Jitana Benton-Lee
Appointed June 2021



Allison Connelly
Appointed Aug. 2020
Resigned Apr. 2021



Dr. Jamil Farooqui
Appointed Nov. 2017



Mindy Haas
Appointed May 2021



Courtney Han
Appointed July 2016
Resigned Mar. 2021



Jason Hope
Appointed Dec. 2017



Josh Mers
Appointed Feb. 2016



DeVon Peterson
Appointed Jan. 2020



Lance Poston
Appointed June 2017
Resigned Sept. 2020



Melanie Tyner-Wilson
Appointed Feb. 2016



Dan Wu
Appointed Jan. 2020



Janice Wyatt-Ross
Appointed Feb. 2020

Staff



Raymond A. Sexton
Executive Director
Employment Date: 12/22/1997



Tami J. Reed
Senior Office Manager
Employment Date: 04/26/1991



Carrie Salter
Investigator I
Employment Dates:
04/1/2019–01/28/2021



Marissa Webb
Investigator II
Employment Date: 03/20/2017



Edward E. Dove
Commission Attorney (Contract)
Employment Dates: 02/05/1990 –
08/25/2010; 06/01/2015–

30 Years—Tami J. Reed



FY 2021 was an important year with respect to a couple of staff milestones. On April 26, 2021, Tami Reed, Senior Office Manager celebrated her 30th year of employment with the Human Rights Commission. Tami began her employment with the Commission on April 26, 1991 as Receptionist / Case Monitor. On June 14, 1993, Tami assumed the additional duties of Computer Systems Administrator. On June 30, 1996, Tami was promoted to position of Office Manager. Tami has also performed various other capacities at the Commission such as Commission Clerk and Liaison to the Lexington Urban County Government. Over the years, Tami has undergone extensive training in the areas of human resources, law, computer information systems, employment and housing discrimination issues. Tami is an August 3, 2007 graduate of the National Fair Housing Training Academy. In 2000, Tami was promoted to Senior Office

Manager, the position she holds to this day.

On April 28, 2021, commissioners and staff held a formal reception to honor Tami and celebrate her many years of dedicated service to the Commission. Tami was presented with a gift on behalf of the Commission, as well as a formal resolution commemorating her 30 years of service and her “pearl” anniversary. Tami was also presented with a resolution from Mayor Linda Gorton’s office proclaiming April 26, 2021 as Tami Reed day in Lexington. In addition, Tami was also presented with acknowledgements from several partner agencies commemorating her many years of service. Some of the other agencies acknowledging Ms. Reed’s 30 years of service



included the Lexington Apartment Association, Lexington Fair Housing Council, the Equal Employment Opportunity Commission and the United States Department of Housing and Urban Development.

We congratulate Tami Reed on her 30 years of service to the Commission and appreciate her dedication to this agency. As what was written in Tami’s resolution presented to her by the Commission:

“the pearl is the oldest known gem and is considered to be the most valuable and are of the highest regard. Furthermore, pearls take many years to grow, adding layers over time, growing stronger and more durable. Like the pearl whose value is cultivated over time, the service of Ms. Reed to the Commission and the citizens of Fayette County for the past thirty (30) years is unmeasurable.”

Thank you for your service and continued contributions to the Commission.

25 Years—Edward E. Dove



FY2021 marked another long-term anniversary of an “employee”. Edward Dove serves as the Commission Attorney, which is a contract position with the Commission. While he may not be an actual employee of the Commission, he is truly considered one by all employees who work with him. Ed began his tenure with the Commission on February 5, 1990. He retained the position until August 20, 2010. The Commission lost a valuable asset when he resigned from the Commission. The Commission was lucky and thankful when he returned to his position as Commission Attorney on June 1, 2015.

As Commission Attorney, Ed consults, advises and represents the Commission on all legal matters as requested, including presentation of cases in administrative hearings and Circuit and appellate courts. He is very knowledgeable on fair housing laws and employment discrimination laws and continues to add to his knowledge as often as possible.

Ed played an integral role in the litigation of Aaron Baker and Gay & Lesbian Services Organization vs. Hands on Originals taking the case all the way to the Kentucky Supreme Court. Though the Commission lost this case, though no fault of Ed’s, it was his determination and resilience that

kept the case in the public eye nationwide.



At the Commission’s September 21, 2020 meeting Ed was virtually presented with a token of appreciation thanking him for his tenure with the Commission. We are thankful he returned and hopeful that he stays with the Commission for a long time to come.



Thank you Ed!



Compliance

FY2021 began in the midst of the COVID-19 pandemic. While the Commission never closed, it was closed to walk-in traffic and we limited the number of staff members to one per day and worked on a rotating basis. Employees worked from home on the days they were not in the office. This ensured keeping the employees safe and kept the case processing moving. However, we had to change some of our procedures. Previously, meeting with people one-on-one conducting interviews and conducting onsite to go to the place of business the complaint was filed against to interview witnesses and gather information were the norm. Suddenly, everything became electronic. Emailing and Zoom meetings became the norm and became an adjustment for staff, as it did with many across the United States.

At the beginning of the year, the Commission's Compliance staff consisted of two (2) Investigators to conduct its investigations. Halfway through the year, the Commission parted ways with one (1) of its investigators. Due to the decrease in cases filed and the lack of additional funding, the Commission finished the year with one (1) investigator.

To ensure the investigators stay up to date on federal procedures and case law updates, they attend training throughout the year. This year all the trainings were conducted via Zoom or Microsoft Teams, which made it more beneficial to staff because more could attend a training, which in the case of the Commission with its extremely small staff was everyone.

Cases filed with the Commission are confidential, unless the case goes to a Public Hearing.

The Complaint Process

Beginning the complaint process can be done in several ways: 1) in person at the Commission office; 2) calling the Commission and/or 3) through the Commission's website. First, an intake questionnaire will need to be completed. This gives us the basic information on the complaint to determine if it is jurisdictional with the Commission. If the complaint is jurisdictional with the Commission, an investigator will schedule an intake appointment to refine the particulars of the complaint and a formal charge will be drafted in which the complaining party (charging party) will sign. The complaint will then be sent to the individual or company the charging party is alleging discriminated against them. From there, an investigation will be conducted by the investigator. The investigator will attempt to resolve the complaint early by conciliating the case, the result may or not be monetary, that is satisfactory to both parties. If a case is not conciliated, the case will be submitted to the Executive Director with a recommended final determination by the investigator. After reviewing the investigative file, the Executive Director will issue a final staff determination. The full investigative process can be seen on the chart on page 12.

Employment

The Commission has a Workshare Agreement with the Equal Employment Opportunity Commission (EEOC) to conduct employment discrimination investigations in Lexington-Fayette County. When all jurisdictional requirements have been met, a case will be dual-filed with the EEOC. If a complaint is jurisdictional with Local Ordinances 199-94 and 201-99, the Commission will investigate a complaint even if it is not jurisdictional with the EEOC.

During the fiscal year, the Commission received 34 new employment cases and closed 33. A case is considered received after it goes through the intake process and the case is formally filed. During the intake process, the investigator will determine if the case is jurisdictional with the Commission. If the case is jurisdictional, then a charging party may file a formal complaint which is notarized.

Housing

The Commission has a Cooperative Agreement with the United States Department of Housing and Urban Development (HUD) to investigate housing discrimination complaints in Lexington-Fayette County. If a complaint is jurisdictional with HUD, we will file a dual filed complaint. As with employment, if a complaint is jurisdictional with Local Ordinances 199-94 and 201-99, the Commission will investigate a complaint even if it is not jurisdictional with HUD.

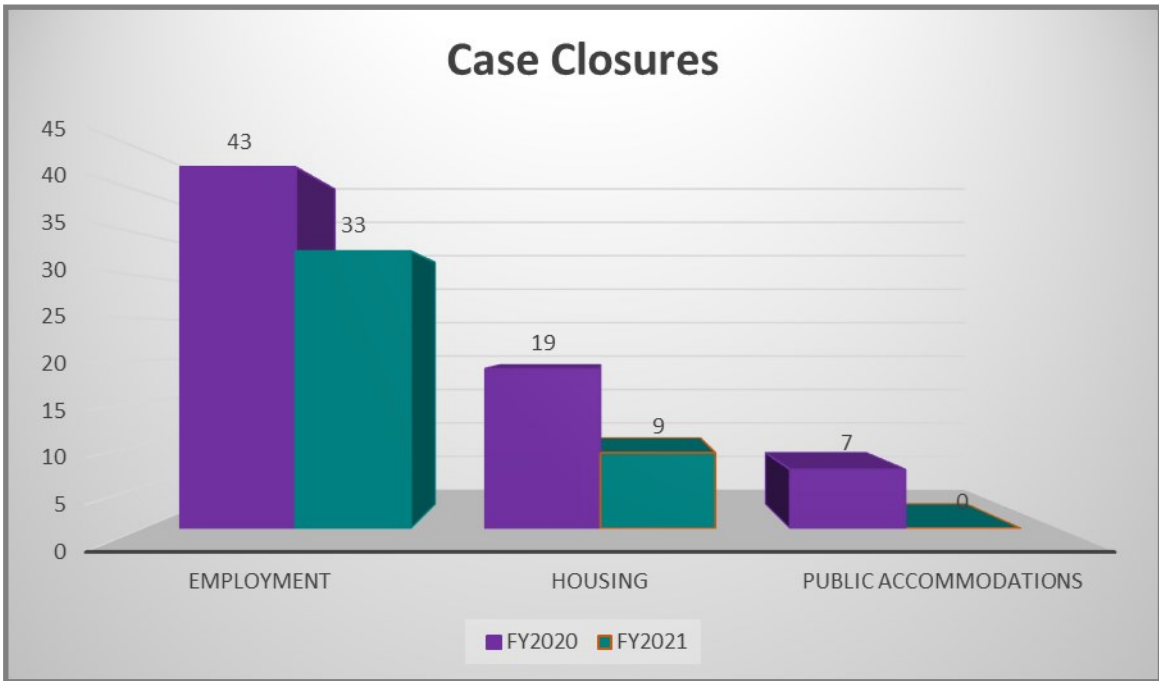
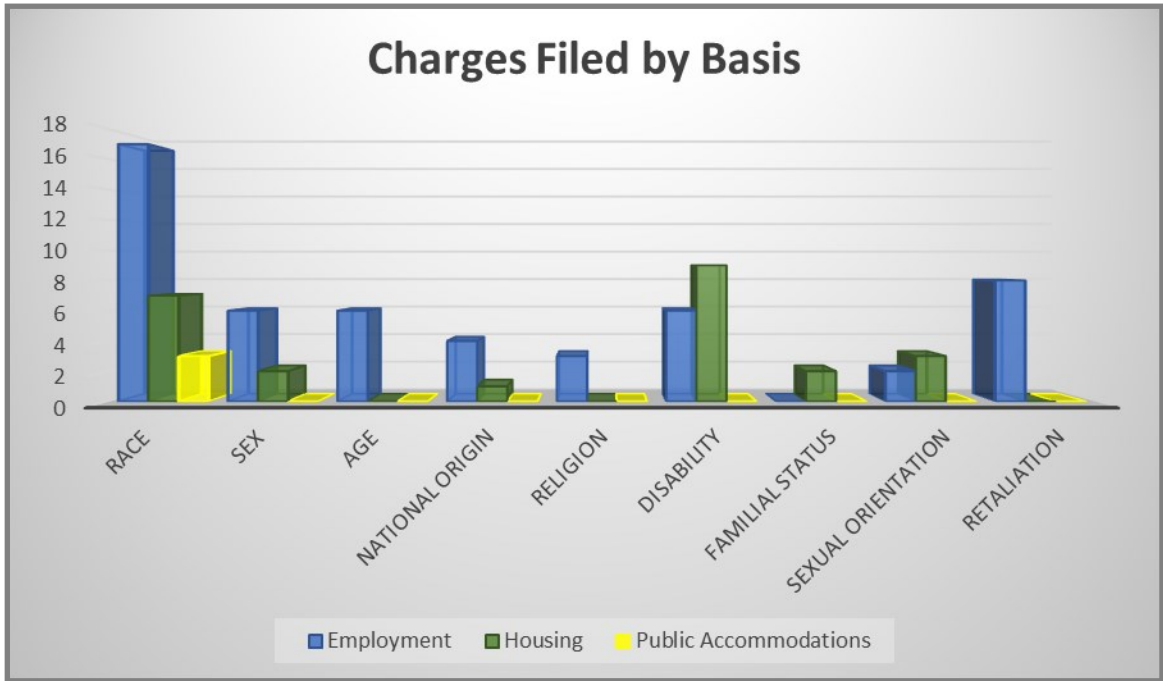
During the fiscal year, the Commission received 18 new housing complaints and closed nine (9). The intake process is the same for housing complaints as employment complaints. For the fourth straight year, disability is the leading basis of cases filed, unlike employment whose leading basis in cases filed is race.

Public Accommodations

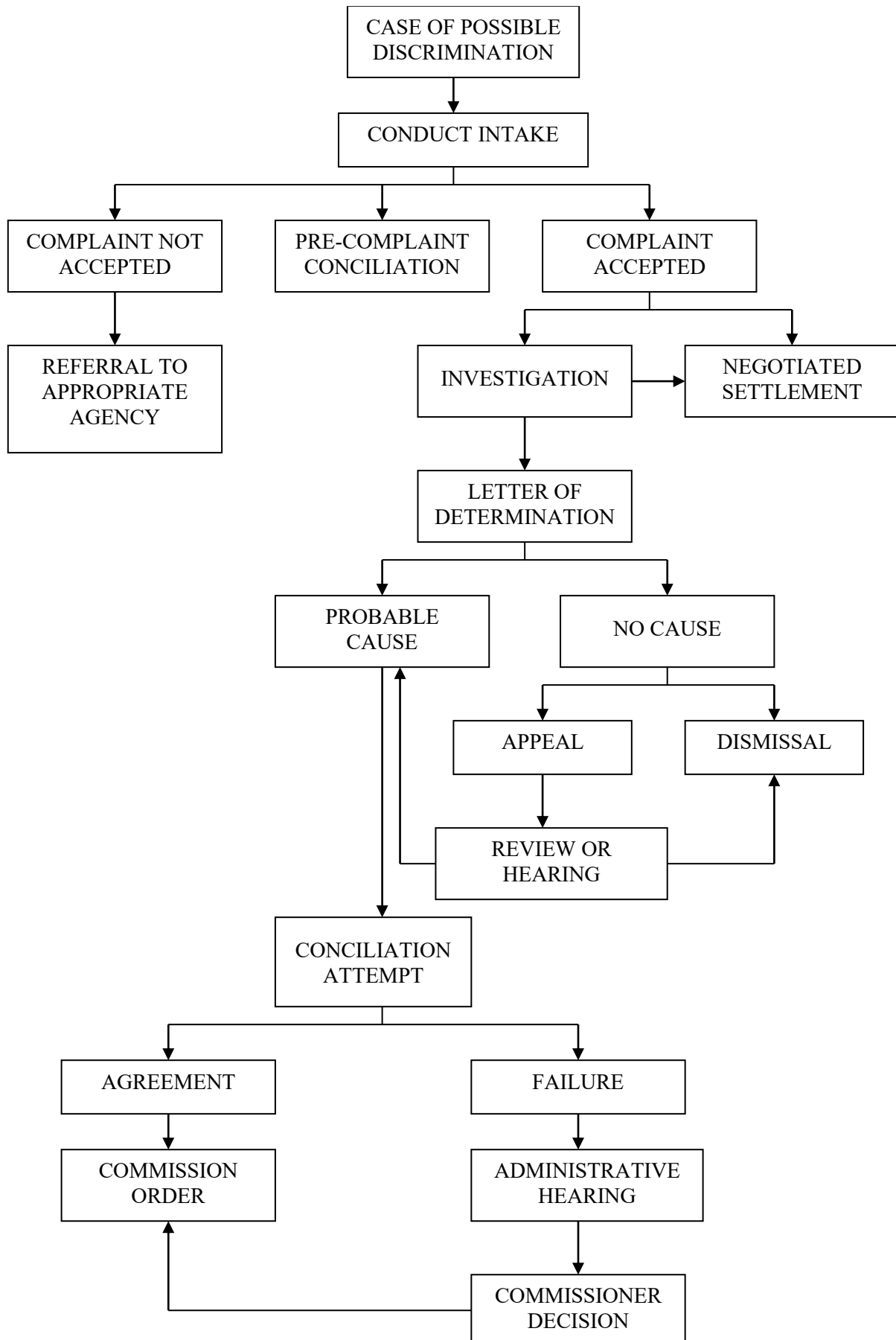
The most underused complaint type is public accommodations. A place of public accommodation includes any place, store or other establishment which supplies goods or services to the general public. It is unlawful practice for a person to deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation on the basis of race, color, religion, national origin, disability, sexual orientation and/or gender identity. During FY2021, the Commission received three (3) and closed zero (0) complaints of public accommodations.

When is a case closed as a Conciliation?

Both parties and the Commission have reached a mutually satisfactory agreement. (Settlements do not necessarily mean an admission of guilt on the part of the Respondent.)



Case Processing Flowchart



Fair Housing Virtual Training Academy



The pandemic presented the Commission with many challenges, especially with respect to the community relations program. Beginning in mid-March of 2020, many of the traditional community relations activities such as meetings, trainings, events and presentations became non-existent. The Commission realized that since the pandemic was not going anywhere soon, adaptation was key in continuing to promote the services of this organization. In addition, many of the critical training opportunities needed by community stakeholders were few and far between.

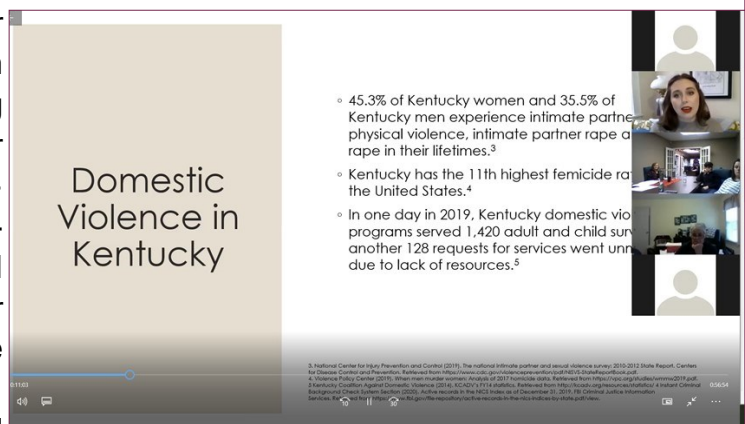
In August of 2020, the Commission began brainstorming the idea of offering a Virtual Fair Housing Training Academy for landlords, real estate agents, rental housing professionals and other interested individuals. With feedback from the rental housing community on the exact format of the virtual academy, the Commission embarked on providing the Virtual Fair Housing Training Academy consisting of six (6) separate fair housing sessions via Zoom. Each session consisted of a sixty to a ninety minute training session, each one exploring a different fair housing topic. Participants received an in-depth training session on a specific fair housing topic, the opportunity to ask questions and were provided a certificate of attendance after each session attended. There was no charge for the virtual training. In addition, training sessions were recorded and posted to social media to allow interested parties to attend the training session at a later time at their convenience. The training sessions were as follows:

- Session 1: October 8, 2020: General Fair Housing
- Session 2: October 22, 2020: National Origin Discrimination
- Session 3: November 5, 2020: Disability/Comfort Animals
- Session 4: November 19, 2020: Harassment
- Session 5: December 3, 2020: Domestic Violence
- Session 6: December 17, 2020: Familial Status Discrimination

In addition, due to a partnership grant with the U.S. Department of Housing and Urban Development, the Commission offered additional sessions of two of the topics covered:

- February 18, 2021: National Origin Discrimination
- March 25, 2021: Familial Status Discrimination

Collectively, over 100 people attended the training. The Commission received an abundance of positive comments and feedback regarding the Fair Housing Virtual Training Academy.



Working For and With the Community

Mayor's Commission for Racial Justice and Equality

On July 1, 2020, Mayor Linda Gorton appointed 70 citizens to the inaugural Commission for Racial Justice and Equality, which was tasked with seeking solutions that dismantle systemic racism in Fayette County. The Mayor's Commission for Racial Justice and Equality was divided into five (5) sub-committees, each with an area of concentration. The sub-committees consisted of: Racial Equity, Education and Economic Opportunity, Health Disparities, Law Enforcement, Justice and Accountability and Housing and Gentrification. The sub-committees were tasked with setting their own goals and objectives, but guided by the overall mission to identify systemic and systemic practices of racism in Lexington; assess the historic marginalization of African Americans in the community; and recommend and advocate the systemic changes that will protect and promote racial opportunity, diversity, equity, and justice. The Commission was tasked with working through and delivering a final report with recommendations by August 30, 2021.



Raymond Sexton, Executive Director of the Lexington Human Rights Commission was one of the individuals appointed to this newly formed Commission. In addition, Director Sexton was also asked to serve as a Co-Chair of the Housing and Gentrification sub-committee.

The Commission for Racial Justice and Equality worked diligently throughout the summer of 2020, holding virtual meetings, hearing testimony, conducting a virtual town hall meeting and reviewing countless documentation. In October of 2020, the Commission concluded their work and submitted their final report to the mayor. The 68 page report consisted of fifty-four (54) recommendations that “touch all corners of the community.” Work continues to this day by the Gorton administration on the implementation of the various recommendations.

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Conversion Therapy Ban

On May 6, 2021, Lexington became the third Kentucky city to ban conversion therapy for youth with the passage of Local Ordinance 32-2021. Under the conversion therapy ban, any state-certified provider is prohibited from offering any type of treatment that encourages a patient to change their sexual orientation or gender identity. The local ban does not apply to ministers or pastors, unless they also have state certification. LFUCG has tasked the Lexington Human Rights Commission as the investigative agency who will take complaints and be responsible with the enforcement of this new local ordinance. In October of 2020, LFUCG began a series of meetings and hearings involving the input of the Lexington Human Rights Commission regarding the investigative process, wording of the ordinance and how complaints would be handled. At the October 19, 2020 Commission meeting, the board discussed the ordinance and the implications for the agency. After a lively discussion regarding the potential ban, the Commission unanimously approved a resolution to support the conversion therapy ban and agreed to be the investigative agency for its enforcement. The local ordinance became effectively immediately upon passage.

Community Relations

In the spring of FY2021 in-person events slowly started resuming. Safety protocols were in place to keep everyone safe.



Douglass Park
Adopt-a-Park
Resource Fair
March 30, 2021



National Mission
Resource Fair
April 22, 2021



Gainesway Park
Adopt-a-Park
Resource Fair
April 22, 2021



Fatherhood Initiative
Resource Fair at
Douglass Park
June 19, 2021

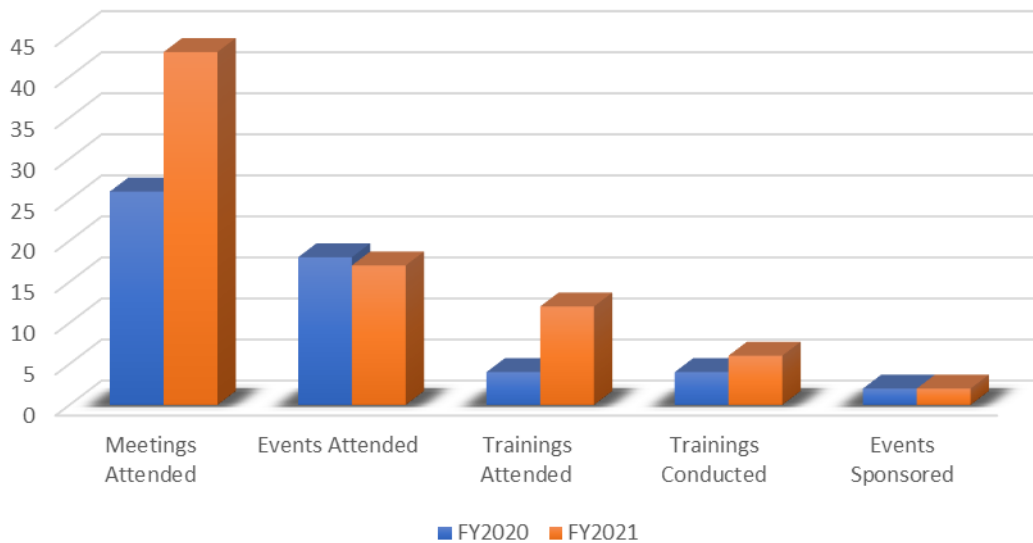




Valley Park
Adopt-a-Park
June 17, 2021



Community Relations





**Lexington-Fayette Urban County
Human Rights Commission**

342 Waller Avenue, Suite 1A

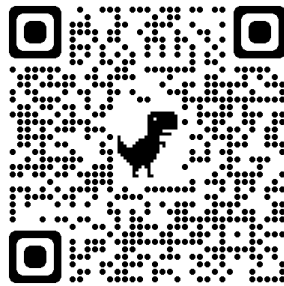
Lexington, KY 40507

Ph: 859.252.4931

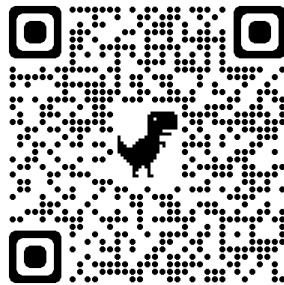
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