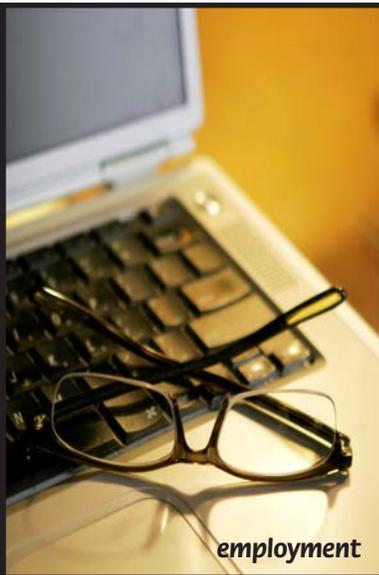


---

# PHRC

Pennsylvania Human Relations Commission

---



**annual  
report**

**2006 - 2007**

# Mission Statement

---

The mission of the Pennsylvania Human Relations Commission is to administer and enforce the Pennsylvania Human Relations Act and the Fair Educational Opportunities Act of the Commonwealth of Pennsylvania through investigation, identification and elimination of unlawful discrimination and the promotion of equal opportunity for all persons.

It is agreed that it is Commission policy that staff should carry out the mission in a courteous, responsive and professional manner.

## Contents

---

	Work At A Glance
1	Introduction
2	The Commissioners
3	Message from the Chairperson
4	Commissioner Workload
6	Message from the Executive Director
7	PHRC Caseload
15	Outreach and Initiatives
15	Legal Activities
18	Education and Community Services
24	Housing and Commercial Property
25	Legislation
27	Protected Class Statistics

---

# WORK AT A GLANCE

July 1, 2006 - June 30, 2007

<b>PHRC cases pending on 7/1/2006</b>	<b>4,569</b>
Lukus cases pending on 7/1/2006	3,550
<b>Total cases pending on 7/1/2006</b>	<b>8,119</b>

<b>PHRC cases docketed in 2006-2007</b>	<b>4,301</b>
<b>Total Caseload</b>	<b>12,420</b>

2006-2007 Lukus filings	2,738
-------------------------	-------

<b>TOTAL CASELOAD ACTIVITY BY PHRC</b>	<b>15,158</b>
--	---------------

<b>PHRC cases closed in 2006-2007</b>	<b>4,236</b>
•Employment	3,082
•Housing	450
•Commercial Property	8
•Public Accommodation*	665
•Education (Post Secondary)*	31

Lukus filings closed in 2006-2007	<b>3,817</b>
-----------------------------------	--------------

<b>Total cases pending on 6/30/2007</b>	<b>7,105</b>
---	--------------

<b>Number of PHRC Inquiries</b>	<b>27,360</b>
<b>Website: Hits</b>	<b>5,894,741</b>
<b>Website: Visitor Sessions</b>	<b>130,722</b>
<b>Website: Downloads</b>	<b>126,673</b>

## IMPACT

Total Number of Persons Benefited	<b>22,318</b>
Monetary	6,807
Non-Monetary	15,511

Total Financial Impact (in dollars)	<b>\$9,326,208.87</b>
Monetary	\$9,313,683.87
Non-Monetary	\$12,525.00

\*Education is higher education only; basic education is included in public accommodation.

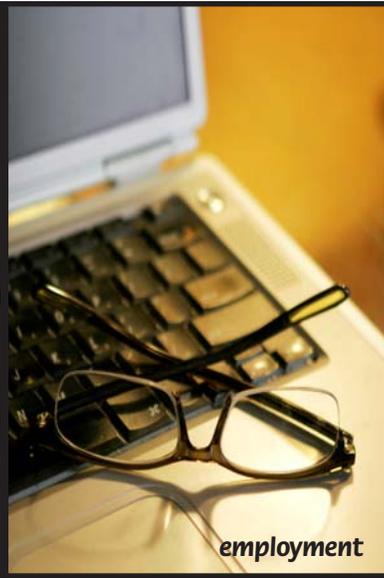
**Pennsylvania is proud to be an equal opportunity employer supporting workforce diversity.**

The Pennsylvania Human Relations Commission is strongly committed to the principles of equal opportunity and affirmative action. This commitment extends to the Commission's function as a civil rights agency in providing service to the public and to its role as an employer. The Commission provides equal opportunity in its employment practices including recruitment, selection, promotion, training and all terms and conditions of employment.

---



housing and commercial property



employment



education



public accommodation

# introduction

Under Section 7(k) of the Pennsylvania Human Relations Act, the Pennsylvania Human Relations Commission (PHRC) is required to report annually to the Governor and General Assembly on the caseload statistics and details of the Commission's work on discrimination investigation and its response to bias-related incidents. The data contained in this annual report is based on case investigations and community outreach and technical assistance completed during the fiscal year that dates July 1, 2006 to June 30, 2007.

The two laws the Commission is required to enforce are: the Pennsylvania Human Relations Act and the Pennsylvania Fair Educational Opportunities Act that prohibit discrimination because of:

*race, color, religion, ancestry, age (40 and above), sex, national origin, disability, known association with a person with a disability, use of guide or support animals because of the blindness, deafness or physical disability of the user or because the user is a handler or trainer of support or guide animals, possession of a diploma based on passing a general education development test, retaliation, familial status or refusal or willingness to participate in abortion procedures.*

The Commission's jurisdiction covers employment, housing and commercial property, public accommodation, education and monitoring of community tension situations.

There are two key methods the Commission uses to implement the law: (1) the receipt, investigation, resolution, conciliation and litigation of formal discrimination complaints filed by harmed individuals, the Pennsylvania Attorney General or the Commission itself; and (2) the publication of regulations and guidelines as well as the provision of community outreach and technical assistance to organizations or individuals to promote and encourage voluntary observance with the law and to promote positive intergroup relations.

Unlawful discrimination poses serious problems for the entire Commonwealth. PHRC programs are designed to meet the needs these problems create.

---

PHRC Commissioners are responsible for representing and enforcing the Pennsylvania Human Relations Act and the Fair Educational Opportunities Act. When implementing this role, Commissioners perform four major functions: 1) policy making; 2) oversight; 3) adjudication; and, 4) public liaison.

The officers for the Commission in 2006-2007 were: Chairperson Stephen A. Glassman of New Oxford, Adams County; Vice Chairperson Raquel Otero de Yiengst of Sinking Spring, Berks County; Secretary Dr. Daniel D. Yun of Huntingdon Valley, Montgomery County; and, Assistant Secretary Toni Gilhooley of Harrisburg, Dauphin County. The remaining Commissioners were: S. Kweilin Nassar, David A. Alexander and Rev. James Earl Garmon, Sr. of Pittsburgh, Allegheny County; M. Joel Bolstein and J. Whyatt Mondesire of Philadelphia, Philadelphia County; Timothy Cuevas of Bethlehem, Northampton County; and Daniel L. Woodall, Jr. of Pottstown, Montgomery County.

# commissioners

---



Stephen A. Glassman  
Chairperson



David A. Alexander  
Commissioner



J. Whyatt Mondesire  
Commissioner



Raquel Otero de Yiengst  
Vice Chairperson



M. Joel Bolstein  
Commissioner



S. Kweilin Nassar  
Commissioner



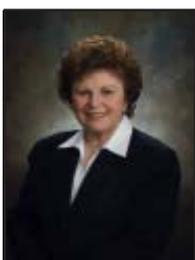
Daniel D. Yun  
Secretary



Timothy Cuevas  
Commissioner



Daniel L. Woodall, Jr.  
Commissioner



Toni Gilhooley  
Assistant Secretary



Rev. James Earl Garmon, Sr.  
Commissioner

# chairperson's message

Dear Governor Rendell and Members of the General Assembly:

This has been a year of both great challenges and significant accomplishments for the Pennsylvania Human Relations Commission and the residents of Pennsylvania. Minorities and women continue to see themselves stereotyped and mythologized which leads to continuing acts of discrimination.

There is still a glass ceiling in the workplace for women, people of color, people with disabilities, Hispanics, Asians, Moslems, Sikhs, and Jews. Older Pennsylvanians suffer from age discrimination and bias. Immigrants, particularly Latinos, are living under great duress as the national debate on immigration reform continues to polarize those who favor more or less restrictive laws dealing with undocumented individuals in this country. Lesbian, Gay, Bisexual, and Transgender (LGBT) individuals are still fighting for equality and inclusion in our state civil rights statutes, the Pennsylvania Human Relations Act (PHRA) and the Pennsylvania Fair Educational Opportunities Act.



*Stephen A. Glassman*

But this year has also seen the first historic hearings in the House State Government Committee on HB 1400 (concurrent with SB 761), amendments to the PHRA which would add “sexual orientation and gender identity or expression” as protected classes to our state statutes. Pennsylvania needs to join the 20 other states in protecting the rights of LGBT people to work and live in this state as equals. We have continued our work with elected officials in local jurisdictions to pass fully inclusive non-discrimination ordinances this year, and Pennsylvania now has 14 counties, cities, or boroughs with such protective laws in place.

The Hazelton ordinance was overturned in court this year declaring that immigration is, indeed, an issue to be addressed by the federal government. Unfortunately, the courts also overturned an amendment to Pennsylvania’s “hate crimes” law based not upon its substance but upon the process by which it was enacted. It remains to be seen whether the appeal that has been filed by the Governor will be sustained or if the Legislature will have to re-enact the same law once again to include the many additional protected classes that have been successfully covered by this important legislation for the last five years.

PHRC became the first state agency in the country to pass a resolution in support of the United Nations Convention on the Rights of People with Disabilities. As our Disability Stakeholders Taskforce has expanded its work and the Governors Cabinet on the Rights of People with Disabilities has been established, PHRC continues to advance the state’s recognition of the important contributions being made by people with disabilities.

We struggle to achieve equal educational opportunity across the Commonwealth even as we continue to see the growth of segregation by race and class in our neighborhoods and in our schools. Demographic changes have created school districts in which dramatic shifts in enrollment are impacting the level of service being offered to all students. Achievement gaps, inconsistent teacher training, unacceptable dropout rates, a lack of ESL programs, and reduced expectations of minority children all contribute to our most serious challenge to equally educate every young person regardless of their protected status.

Finally, we are more than ever a state of many cultures, backgrounds, and life experiences. We must learn to celebrate these differences which truly enrich our lives every day. We are improved by the many contributions of those whose languages, customs, and talents offer us opportunities to learn from one another while we share our own traditions and history with those who are coming here to work or to live. We must rise above “tolerance” to a level of respect for others in this Commonwealth.

A handwritten signature in black ink that reads "Stephen A. Glassman".

Stephen A. Glassman  
Chairperson

---

# commissioner workload

---

During the 2006-07 fiscal year, the Commissioners issued the following final orders.

**Leonard E. Williams v. Dr. Cary A. Davidson (Case No. 200100977) and Pocono Mountain School District (Case No. 200100979)**

In this case, the Mr. Williams applied to become a school bus driver with the Pocono Mountain School District. Dr. Davidson was the School District's School Transportation Physician. Mr. Williams had alleged that Dr. Davidson had influenced the School District's decision not to hire him to be a school bus driver and separately alleged that the School District failed to hire him because of his race, national origin, and disability, diabetes and a right arm impairment. The case against the School District proceeded on the disability claim only.

In the case against Dr. Davidson, PHRC found that Dr. Davidson did not incite, compel or coerce the School District regarding the School District's decision not to hire Mr. Williams. Accordingly, the case against Dr. Davidson was dismissed. In effect, the PHRC found that the School District was responsible to assess Dr. Davidson's medical report and make an independent judgment regarding whether Mr. Williams's disability disqualified him from driving a school bus.

In the case against the School District, PHRC found that Mr. Williams was qualified to drive a school bus and that it was unreasonable for the School District to have acted on a medical report that the PHRC found to be lacking in several respects. Rather than make an objectively reasonable informed and considered decision based on appropriate criteria, the School District was found to have made an unreasonable assumption without a good-faith assessment of Mr. Williams's actual abilities. Mr. Williams had previously driven school busses and had taken the School District's preparatory course and successfully passed both the written and practical driving portions of the School District's course.

Furthermore, the School District automatically accepted the medical report of its physician without affording Mr. Williams the opportunity to attempt to secure a waiver from the PA Department of Transportation. Although the School District knew there was the possibility of individuals securing such waivers, they never adequately advised Mr. Williams of the chance for a waiver.

In ruling for Mr. Williams, the PHRC ordered the School District

to cease and desist from failing to make individualized assessments of applicants with disabilities and also awarded \$28,811.12 in lost back pay, plus interest.

**Donald W. Martin v. Lower Frederick Township. Case No. 200306413**

Mr. Martin alleged that he was terminated from his position as a police officer because of his age. The Township presented a variety of reasons for Mr. Martin's termination, however, PHRC found each of the Township's reasons to be a pretext for age-based discrimination. In effect, PHRC found the Township had engaged in a course of conduct that was designed to systematically gather negative evidence against Mr. Martin to support his termination. PHRC found that without an independent investigation of purported discrepancies, the Township simply allowed its chief of police to purge the police department of an older officer so a younger officer could be hired.

After finding the Township liable for the alleged age-based termination, PHRC ordered the Township to cease and desist from age-based discrimination in termination decision, and awarded the Complainant \$55,065.81 in lost

back pay plus interest. PHRC also ordered the Township to reinstate Mr. Martin into the next available police officer position. The PHRC also awarded Mr. Martin \$248 in certifiable travel expenses and ordered the Township to train both its Chief of Police and its Board of Supervisors regarding their responsibilities to comply with the PHRA.

**Tamara Morant (Case No. 200507570) and Pamela Patterson (Case No. 200507568) v. Associated Cleaning Consultants and Service**

After Associated Cleaning Consultants and Service failed to answer Ms. Morant’s and Ms. Patterson’s complaints and after PHRC’s Rule to Show Cause process, this case resulted in liability findings in both of these cases. The cases were heard together at a public hearing on the limited issue of what were the appropriate damages.

The PHRC’s liability findings declared that both Ms. Morant and Ms. Patterson had been terminated in retaliation for having complained of racial discrimination in the workplace. After consideration of Ms. Morant’s and Ms. Patterson’s individual efforts at mitigation of their damages, PHRC awarded Ms. Morant \$3,970.92 in lost back pay plus interest, and awarded Ms. Patterson \$290.46 in lost back pay. Both Ms. Morant and Ms. Patterson were also awarded minimal certifiable travel expenses.

<b>Category</b>	<b>2006-07</b>
Monthly Investigative Case Activity Sessions	12
Commission Meetings	12
Consent Orders/Decrees and Conciliation Agreements	23
Review of staff action in making disposition of complaints	4,225
Review and determination of petitions	229
Number of motions	135
Cases closed on motion	8
Cases placed on public hearing docket	58
Cases settled after public hearing approval	17
Final Orders approved after public hearing	9
Total Rules to Show Cause resulting in liability and subsequently settled	4
* Pre-hearing conferences and public hearings conducted	60
Number of days of pre-hearing conferences and public hearings	62

*\* Includes those pre-hearing conferences and public hearings conducted by Commission hearing panels and Hearing Examiners.*

**Lucrecia L. Taylor, Lynn Poindexter, Individually and on behalf of all others similarly situated v. McGlawn & McGlawn and Reginald McGlawn, 200027668 and 200201787**

The Commissioners approved a Final Order focused on the recalculation of damages per complainant in the Commission’s original October 26, 2004 Order. All other components of the remedy ordered by the October 2004 Final Order remain in effect.

---

# executive director's message

---

Dear Governor Rendell and Members of the General Assembly:

Education and enforcement continue to be critical components of the Pennsylvania Human Relations Commission's daily work. Although individual case investigations were the predominant enforcement focus for the Commission, staff worked proactively on the education component as well. Training sessions and seminars reached 6,000 individuals statewide. Staff assisted schools with student conflicts that arose from changing demographics. Informative educational pieces were distributed to the media and key interest groups in an effort to better communicate the current state of discrimination laws. PHRC participated in hundreds of meetings involving housing, education, disability issues and law enforcement to provide insight into the work of the Commission.



*Homer C. Floyd*

However, despite the aggressive proactive educational efforts the Commission has been making, this annual report reflects the continuing problems of discrimination in the Commonwealth.

Staff has shown considerable progress in achieving our goals of reducing the case backlog, reducing case processing time, increasing the quality of our investigations and increasing community outreach activities. At the beginning of the fiscal year, PHRC had 4,569 cases pending, 3,550 Lukus – dual-filed federal – cases pending and received 4,301 new complaints for a total working caseload of 12,420. Staff closed 4,236 cases that resulted in securing over \$9.3 million in lost wages and other benefits for over 22,000 individuals.

We remain painfully aware of the many forms of discrimination that have yet to be eradicated. Although much of the overt discrimination has been eliminated, far too many people hold onto the fears and prejudices that motivate discrimination. These fears and prejudices simply show themselves in subtler forms that are more difficult to detect and abolish.

Dr. Martin Luther King Jr. said it best: *“Injustice anywhere is a threat to justice everywhere. .... Whatever affects one directly, affects all indirectly.”* This tells us that the Commission's work is not yet done and it is not time to rest on our laurels, but rather report on them.

Therefore, pursuant to Section 7(k) of the PHRAct, I am proud to submit to you the 2006-2007 Annual Report of the Pennsylvania Human Relations Commission. The Commission continues to undertake the tough challenges of discrimination today, as it has in the past, and we continue to ask you for your support of our mission. Thank you.

A handwritten signature in black ink that reads "Homer C. Floyd". The signature is fluid and cursive.

Homer C. Floyd  
Executive Director



In fiscal year 2006-2007, the preponderance of the Commission's workload focused on the investigation of unlawful discrimination complaints.

# phrc caseload

## Inquiries

Throughout the fiscal year, each of the four Commission offices are contacted either by phone, by an in-office visit, by mail or by Email. Pennsylvania citizens who need to file a complaint with PHRC make many of the contacts. Others are citizens in need of services that are not within PHRC's jurisdiction, while others are simply calling with questions about their civil rights. PHRC refers to these types of contacts as Inquiries.

INQUIRIES					
July 1, 2006 - June 30, 2007					
Type	Pittsburgh	Harrisburg	Philadelphia	Central	Total
In Office	488	258	1,666	0	2,412
Mail	1,420	523	833	0	2,776
Fax/Email	252	410	19	0	681
Telephone	6,575	8,888	3,964	2,064	21,491
<b>Total</b>	<b>8,735</b>	<b>10,079</b>	<b>6,482</b>	<b>2,064</b>	<b>27,360</b>
Website: Hits				5,894,741	5,894,741
Website: Visitor Sessions				130,722	130,722
Website: Downloads				126,673	126,673

## Lukus Filings

On an annual basis, the Commission maintains a federal government contract with the federal Equal Employment Opportunity Commission (EEOC). Each fiscal year, the Commission must process and track all paperwork on the cases where EEOC is conducting the active investigation, but the Commission has a supporting role. These types of cases are referred to as Lukus cases. PHRC does not investigate the complaint, however, staff time is required to oversee these complaints. PHRC must reserve the right to docket, serve and require an answer if necessary. This chart details the Commission's Lukus complaints that were processed and monitored during the fiscal year.

<b>Lukus Activity</b>	
July 1, 2006 - June 30, 2007	
<b>Activity</b>	<b>Total</b>
<b>Filings</b>	2,738
<b>Closings</b>	3,817
<b>Total</b>	<b>6,555</b>

## Cases vs. Counts

Commission staff must file and docket the complaints related to unlawful discrimination it receives. A complaint is filed on the date a verified complaint is received. A complaint is docketed with PHRC when it is placed into active investigation.

In CMS, one complaint is referred to as a case – each may contain multiple counts. A count consists of one act of harm (*ie. discharge, failure to promote, etc.*) and one protected class (*ie. race, religion, disability, etc.*). CMS complaints are still distinguished by jurisdictional area: employment, education, housing, commercial

property and public accommodations.

For every one complaint that is received by the Commission, over 54 percent of those complaints involve two or more individual counts of discrimination. This adds to the complexity of the case investigation as each individual count must be investigated.

Complex cases require a large volume of staff time and extraordinary resources to complete. For example, a woman alleges she was sexually harassed and then terminated because of her gender (female) and age (47). In order to conduct a thorough investigation,

each individual allegation or count must be investigated. This means the Commission's investigator must examine both counts. S/he must examine the issue of sexual harassment and whether the age of the woman played a factor in her discharge. The woman may not be able to substantiate an age-based discharge, but evidence may exist to support her claim of sexual harassment. Either way, both elements in this one case must be investigated, documented and analyzed in order to complete the investigation to determine if one – or both – counts have value in the case.

## Cases and Counts by Jurisdiction

July 1, 2006 - June 30, 2007

<b>Jurisdiction</b>	<b>Pittsburgh</b>		<b>Harrisburg</b>		<b>Philadelphia</b>		<b>Central</b>		<b>Total</b>	
	<b>Cases</b>	<b>Counts</b>	<b>Cases</b>	<b>Counts</b>	<b>Cases</b>	<b>Counts</b>	<b>Cases</b>	<b>Counts</b>	<b>Cases</b>	<b>Counts</b>
<b>Commercial Property</b>	5	5	0	0	7	8	0	0	12	13
<b>Education</b>	6	9	16	30	12	16	0	0	34	55
<b>Employment</b>	648	1,229	1,111	2,412	1,310	2,234	1	1	3,070	5,876
<b>Housing</b>	154	203	66	95	117	146	0	0	337	444
<b>Public Accommodation</b>	56	68	724	778	68	85	0	0	848	931
<b>Total</b>	<b>869</b>	<b>1,514</b>	<b>1,917</b>	<b>3,315</b>	<b>1,514</b>	<b>2,489</b>	<b>1</b>	<b>1</b>	<b>4,301</b>	<b>7,319</b>

## Protected Class Types in Alleged Complaints

The Commission is able to provide in-depth details about the types of allegations that are made in each of the individual complaints PHRC receives during the fiscal year. Because of the many areas of jurisdiction that PHRC has, the volume of statistics is also large as well. To review the detailed protected class statistics for fiscal year 2006-2007, they are located on the back pages of this annual report.

<b>Protected Class of Complaints by Jurisdiction</b>						
July 1, 2006 - June 30, 2007						
<b>Jurisdiction</b>	<b>Protected Class</b>	<b>Pittsburgh</b>	<b>Harrisburg</b>	<b>Philadelphia</b>	<b>Central</b>	<b>Total</b>
<b>Commercial Property</b>	Disability - Has	5				5
	Multiple Class			2		2
	Race			4		4
	Sex			1		1
<b>Education</b>	Age		1			1
	Ancestry		2	1		3
	Color		1			1
	Disability - Has		6	3		9
	Disability - Is related to		3			3
	Multiple Class	1				1
	National Origin			1		1
	Race	3	6	5		14
	Retaliation	1	1	2		4
	Sex	3	2	3		8
<b>Employment</b>	Age	163	326	245		734
	Ancestry	6	78	90		174
	Color	2	19	2		23
	Disability - Has	104	191	213		508
	Disability - Record of	3	15	5		23
	Disability - Regarded as	8	55	21		84
	Disability - Related to	7	9	12		28
	Disability - Related to, Record of		1			1
	GED	2	2			4
	Multiple Class	37	1	13		51
	National Origin	14	55	72		141
	Other	1	1			2
	Race	192	274	420		886
	Religious Creed	12	20	41		73
	Retaliation	162	270	410	1	843
	Sex	157	332	323		812

## Protected Class of Complaints by Jurisdiction

July 1, 2006 - June 30, 2007

Jurisdiction	Protected Class	Pittsburgh	Harrisburg	Philadelphia	Central	Total
<b>Housing</b>	Age	5	3	2	0	10
	Ancestry	0	8	3	0	11
	Disability - Has	38	20	43	0	101
	Disability - Regarded as	2	0	0	0	2
	Disability - Related to	0	2	2	0	4
	Familial Status	9	7	13	0	29
	Multiple Class	0	0	2	0	2
	National Origin	4	4	10	0	18
	Race	87	23	44	0	154
	Religious Creed	1	1	0	0	2
	Retaliation	13	5	8	0	26
	Sex	32	9	8	0	49
<b>Public Accommodation</b>	Age	1	0	0	0	1
	Ancestry	0	2	4	0	6
	Color	1	5	0	0	6
	Disability - Has	19	12	22	0	53
	Disability - Regarded as	0	3	2	0	5
	Multiple Class	3	0	3	0	6
	National Origin	2	1	4	0	7
	Race	30	699	34	0	763
	Religious Creed	1	0	1	0	2
	Retaliation	1	2	6	0	9
	Sex	5	6	5	0	16
	Trainer of Guide/Support Animal	0	0	1	0	1
Use of Guide/Support Animal	0	1	1	0	2	

### Cases Docketed by County

During the fiscal year, Commission staff also document how many complaints are filed in each Pennsylvania county and in what areas of jurisdiction the complaints are made. Of note this fiscal year, a large number of public accommodation cases were docketed against a respondent who, at the time the cases were docketed, was ascertained to be located in Pennsylvania. However, after the initial investigative process began, it was determined that the respondent only had offices in New York and Massachusetts and no office locations in Pennsylvania. Therefore, these cases were closed administratively. The chart follows on the next page.

## Docketed Cases by County

July 1, 2006 - June 30, 2007

County	Employment	Housing	Commercial Property	Public Accommodation	Education	Total
Adams	9	1		5		15
Allegheny	337	69	3	22	4	435
Armstrong	6	2				8
Beaver	26	3		6		35
Bedford	3					3
Berks	59	5		1	1	66
Blair	24	1		1		26
Bradford	2					2
Bucks	100	16		9		125
Butler	5			9		14
Cambria	30	1		1		32
Cameron	2					2
Carbon	5					5
Centre	17			2	7	26
Chester	96	10		78		184
Clarion	3					3
Clearfield	15					15
Clinton	5					5
Columbia	11	1				12
Crawford	5	4				9
Cumberland	86	6		3	1	96
Dauphin	259	10		11	1	281
Delaware	163	10	3	7		183
Elk	3					3
Erie	34	32				66
Fayette	17	2		4	1	24
Forest	1					1
Franklin	15			4		19
Fulton	2					2
Greene	2	1				3
Huntingdon	3					3
Indiana	11	5			1	17
Jefferson	4	2		1		7
Juniata	3					3
Lackawanna	37	4		78		119
Lancaster	178	4		7	2	191
Lawrence	19	2		1		22
Lebanon	22			1		23
Lehigh	49	6		4	1	60

## Docketed Cases by County

July 1, 2006 - June 30, 2007

County	Employment	Housing	Commercial Property	Public Accommodation	Education	Total
Luzerne	108	6		1		115
Lycoming	25	1				26
McKean	8		1	1		10
Mercer	18	3				21
Mifflin	9	2				11
Monroe	16	4		4	3	27
Montgomery	303	34		17	1	355
Montour	4					4
Northampton	40	1		2	2	45
Northumberland	12	1				13
Perry	5					5
Philadelphia	547	41	4	28	8	628
Pike	8	2				10
Potter	4					4
Schuylkill	19			1		20
Snyder	5			1		6
Somerset	9	1				10
Susquehanna		1				1
Tioga	6	1				7
Union	5					5
Venango	5			1		6
Warren	3					3
Washington	35	3		1		39
Wayne	3					3
Westmoreland	49	9		3		61
Wyoming	2					2
York	79	7		3	1	90
Out-of-State*	75	23	1	530	0	629
<b>Total**</b>	<b>3,070</b>	<b>337</b>	<b>12</b>	<b>848</b>	<b>34</b>	<b>4,301</b>

\*Indicates respondents with parent company/address outside of Pennsylvania

\*\*If a county is not listed, no cases were reported for the fiscal year.

	Counties covered by the Pittsburgh Regional Office
	Counties covered by the Harrisburg Regional Office
	Counties covered by the Philadelphia Regional Office

## Cases Closed

The Commission closes cases in a number of different ways. The case can be closed after a voluntary settlement is reached between the complainant and respondent. The case can be closed as no cause, which means that based upon all of the documents and witness testimony collected during an investigation, substantial proof of discrimination was not found. Or, the case can be closed administratively, because the complainant withdraws his/her allegations or opts to go into state or federal court. Cases are also closed after a decision is reached after a public hearing.

<b>Case Closures by Jurisdiction and Type</b>						
July 1, 2006 - June 30, 2007						
<b>Closure Type</b>	<b>Jurisdiction</b>	<b>Pittsburgh</b>	<b>Harrisburg</b>	<b>Philadelphia</b>	<b>Central</b>	<b>Total</b>
Settled After a Probable Cause Finding	Commercial Property				1	1
	Education				3	3
	Employment	2	44	25		71
	Housing	1	4	5	2	12
	Public Accommodation		8	1	4	13
<b>SUB-TOTAL</b>		<b>3</b>	<b>56</b>	<b>31</b>	<b>10</b>	<b>100</b>
Settled Before a Probable Cause Finding	Commercial Property	2				2
	Education	2	3	1		6
	Employment	169	340	420		929
	Housing	52	52	19		123
	Public Accommodation	18	14	9	1	42
<b>SUB-TOTAL</b>		<b>243</b>	<b>409</b>	<b>449</b>	<b>1</b>	<b>1,102</b>
Administrative	Commercial Property		2			2
	Education	3	2	3		8
	Employment	126	148	171	4	449
	Housing	14	17	36	12	79
	Public Accommodation	12	521	10		543
<b>SUB-TOTAL</b>		<b>155</b>	<b>690</b>	<b>220</b>	<b>16</b>	<b>1,081</b>
No Probable Cause	Commercial Property	1	2			3
	Education	6	4	3	1	14
	Employment	519	513	599	2	1,633
	Housing	68	106	52	10	236
	Public Accommodation	20	21	24	2	67
<b>SUB-TOTAL</b>		<b>614</b>	<b>646</b>	<b>678</b>	<b>15</b>	<b>1,953</b>
<b>TOTAL CASE CLOSURES</b>		<b>1,015</b>	<b>1,801</b>	<b>1,378</b>	<b>42</b>	<b>4,236</b>

## Case Age

Through the use of CMS, staff has seen a reduction in the time it takes to file a complaint with PHRC as well as a reduction in the age of PHRC's overall caseload. The following statistics show the age of cases closed during the fiscal year and include the time period from when the complaint was docketed to the final resolution of the complaint.

<b>Age of Cases Closed from the Beginning of a Complaint to Final Resolution</b>			
July 1, 2006 - June 30, 2007			
<b>Time Period</b>	<b>Cases Closed</b>	<b>Percentage of Total</b>	<b>Cumulative Percentage</b>
0 to 90 days (3 months)	862	20	20
91 to 182 days (4-6 months)	870	21	41
183 to 365 days (6 months to 1 year)	835	20	61
366 to 730 days (2 years)	952	23	84
731 to 1,096 days (3 years)	440	10	94
1,097 days to ??? (4 years+)	266	6	100
<b>Total</b>	<b>4,225</b>	<b>100</b>	

## Financial Impact of Case Investigation

At any time during a case investigation by the Commission, a settlement can be reached between the complainant and the respondent. There are two basic types of settlement: those with a monetary impact – or actual dollar amount – that the complainant receives and non-monetary impact, which covers any benefits that are gained, but are not received directly by the complainant. Examples of a monetary impact are: lost wages, insurance contributions or a cash settlement that is received directly by the complainant. An example of non-monetary impact is a building that is remodeled to be accessible to wheel chair users.

The Commission prides itself on its outstanding settlement rate each year. PHRC has Work-Sharing Agreements with the Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD). PHRC's settlement rate far exceeds the national average of state and local, as well as federal agencies.

<b>Total Monetary and Non-Monetary Impact</b>			
July 1, 2006 - June 30, 2007			
<b>Office</b>	<b>Type</b>	<b>Amount</b>	<b>People Benefitted</b>
<b>Pittsburgh</b>	Monetary	\$1,840,103.14	252
	Non-Monetary	\$8,100.00	381
<b>Harrisburg</b>	Monetary	\$2,970,948.73	4,871
	Non-Monetary	\$3,675.00	12,355
<b>Philadelphia</b>	Monetary	\$4,470,762.00	1,679
	Non-Monetary	\$750.00	2,674
<b>Central</b>	Monetary	\$31,870.00	5
	Non-Monetary	\$0.00	101
<b>Total</b>	Monetary	\$9,313,683.87	6,807
	Non-Monetary	\$12,525.00	15,511
<b>Grand Total</b>		<b>\$9,326,208.87</b>	<b>22,318</b>



housing and commercial property



employment

education



public accommodation

# outreach and initiatives

## Legal

The Pennsylvania Human Relations Commission's Legal Division provides the attorneys and legal expertise necessary for the Commission to fulfill its duties under the Pennsylvania Human Relations Act ("PHRA") and the Pennsylvania Fair Educational Opportunities Act ("PFEOA"). The Legal Division provides legal assistance during the investigation of complaints, prosecutes complaints that go to public hearing and to trial before Commonwealth Court (certain housing cases only) and otherwise upholds the Commission's interests in state and federal courts.

The Legal Division also provides general legal advice and assistance to the Commissioners and Commission staff. Legal Division attorneys routinely analyze relevant state and federal cases that may impact the Commission, either directly or indirectly. Similarly, legal analyses are provided for any proposed legislation which would either amend the Pennsylvania Human Relations Act or which could have an effect on the Commission's operations. These analyses include any appropriate recommendations for Commission action. The Legal Division drafts proposed amendments to the PHRA, regulations, policy statements and guidelines as requested by the Commissioners and staff. During the 2006-07 fiscal year, the Legal Division finished its review and

revision of all Commission policies, providing the legal advice necessary for the Commission to place its policy manual on its web site during the 2007-08 fiscal year.

The Legal Division provides legal support for the Commission during all phases of complaint investigation and adjudication. The PHRA requires that a respondent file an answer to any complaint that is filed against it. If a timely answer is not filed, the Commission's regulations allow a Rule to Show Cause to be issued. The Rule requires a respondent to either file an answer or risk having a finding of liability made against it. Legal Division attorneys provided legal support for Commission staff in 180 Rule to Show Cause proceedings during the past fiscal year. There were three

---

Rule to Show Cause hearings. These hearings each resulted in an award of damages to the Complainant. Additionally, Legal Division attorneys were asked to review some 668 cases that were under investigation. In each case, a written legal opinion was provided in answer to the specific staff request.

If a respondent believes that the Commission lacks jurisdiction over a complaint, a motion to dismiss may be filed. This motion may be filed at any time during the proceedings. Legal Division attorneys responded to 223 motions to dismiss. In keeping with the Commission's statutory duty to liberally interpret the PHRA, the responses provided the Commissioners with all good faith legal arguments in favor of maintaining the Commission's jurisdiction over the complaints.

The Commission always attempts to obtain needed information voluntarily. If a Commission investigator is unable to voluntarily obtain necessary information, from a respondent or other source, the investigator may request that the Commission issue a subpoena for the information. The request is forwarded to a Legal Division attorney for appropriate action. During the past fiscal year, Legal Division attorneys handled 116 of these requests. Most were satisfactorily resolved prior to reaching the enforcement stage. In two of these cases, Commission attorneys had to file subpoena enforcement actions in Commonwealth Court, due to

noncompliance with the underlying subpoena. Successful results were obtained in three subpoena enforcement actions, including one which was still pending at the end of the previous fiscal year.

In addition to handling internal subpoena requests, the Legal Division is responsible for complying with the large number of subpoenas for documents that are served on the Commission from private parties. These subpoenas are normally served in connection with a case that has been taken into court by the complainant, either before or after the Commission issued a finding. During the past fiscal year, Legal Division attorneys responded to 618 of these subpoenas.

Once the Commission completes its investigation, it will either dismiss the complaint or issue a finding of probable cause. A complainant has the right to request that the Commission reconsider the dismissal of the case. In cases that have settled, a party may request that the Commission determine if the settlement agreement has been breached. These requests are reviewed by a Legal Division attorney, who recommends that the Commission either grant or deny the request. The Legal Division provided recommendations for 241 of these requests during the past fiscal year. Of these, 15 were granted and 226 were denied. In ruling on these requests, the Commission may hold a preliminary hearing to determine whether probable cause exists in the case or whether a settlement agreement has been breached. The

Commission held no preliminary hearings during the past fiscal year.

If an investigation results in a proposed finding of probable cause, the proposed finding will be reviewed by a Legal Division attorney for legal sufficiency. Commission attorneys reviewed 310 requests for probable cause, approved 167 of the requests and denied 58 during the past fiscal year. Another 85 requests were returned for additional investigation prior to a final decision.

The Commission is statutorily required to achieve voluntary, reasonable settlements of complaints after service of the complaint. Settlement agreements may be expressly approved by the Commission as a consent order. This normally occurs after a finding of probable cause has been made. These orders have the force of a Commission final order. During the past fiscal year, Legal Division attorneys were involved in finalizing 81 consent orders.

Should settlement efforts fail, the case is placed on the Commission's public hearing docket. The case is then assigned to a Legal Division attorney for prosecution. Prosecution of cases involves engaging in the full range of legal discovery activity to prepare the case for the public hearing as well as the actual prosecution of the case. There were 21 cases on the public hearing docket at the beginning of the fiscal year. Another 68 cases were added during the year and 20 cases were removed from the

---

docket. Legal Division attorneys participated in 51 pre-hearing conferences and 13 public hearings during the past fiscal year.

Legal Division attorneys also provide the legal expertise necessary to assure that the Commission is in compliance with the Pennsylvania Right to Know Law. This is the law that regulates the release of public documents. The Commission resolved one formal appeal from a refusal to release documents during the past fiscal year. This case was resolved to the mutual satisfaction of the Commission and the requester without the need for a ruling by the Commission's Exceptions Official.

The Legal Division represented the Commission in a variety of court proceedings. The Commission began the past fiscal year with nine cases pending in Commonwealth Court. There were six cases filed in Commonwealth Court during the fiscal year. These included petitions for review of Commission public hearing decisions, housing discrimination cases filed by the Commission under the removal provisions of Section 9(d.1) of the PHRA (which allows either party to choose a trial in Commonwealth Court instead of a Commission public hearing), subpoena enforcement actions and various miscellaneous actions. Of the 15 pending cases, 12 were resolved and three were still on the Commonwealth Court docket as of June 30, 2007.

There were two appeals pending in the Pennsylvania Supreme Court at the beginning of the fiscal year.

Three new appeals were filed and two appeals were resolved. Three appeals were still pending at the end of the fiscal year.

In *Raya and Haig Hair Salon v. PHRC*, Commonwealth Court upheld the Commission's final order finding that Raya and Haig had unlawfully subjected Complainant to a hostile work environment which was serious enough to also justify her resignation as a constructive discharge. Commonwealth Court remanded the case to the Commission for a recalculation of her damages, which were complicated by the need to properly evaluate her self-employment income for purposes of mitigating her damages.

The Commission's ongoing litigation, involving school desegregation and educational equity within the School District of Philadelphia, continued under the Memorandum of Understanding ("MOU") between the Commission and the School District. The MOU was approved by Commonwealth Court in March, 2004. Under the terms of the MOU, the School District is required to submit annual status reports regarding its efforts to demonstrate compliance with the law. The Commission is required to analyze these reports and submit its assessment as to the School District's compliance.

The School District submitted its third and final annual Status Report on December 28, 2006. The

Commission filed its assessment of the Status Report on June 5, 2007.

The Commission is currently evaluating whether the District has achieved satisfactory compliance with the PHRA and the Court's Remedial Order issued in the case. This evaluation will be completed during the 2007-08 fiscal year.

In another long standing school equity case, filed by Advocates for African American Students and others against the School District of Pittsburgh, the Commission entered into a Conciliation Agreement with the School District. The Agreement was signed after a finding of probable cause had been made but before a public hearing on the merits had been held. It is being described here because of its importance, because it does not contain any confidentiality restrictions, and because it has already received widespread publicity in the Pittsburgh area.

The key requirements are the establishment of an Equity Advisory Panel to monitor the District's compliance with the Agreement, together with 94 stipulations in the form of action steps to be taken by the District. The District is required to submit requested statistical data within 60 days following the end of each semester and summer session. The Commission will analyze this data annually and provide the District with appropriate feedback. At the end of five years, the Commission will evaluate the District's total progress. If the Commission's finds this progress to be sufficient under

---

the Agreement, the Commission will notify the District that it has satisfied the Agreement. Otherwise, the Commission will attempt to negotiate a satisfactory plan for fully complying with the Agreement and may, if necessary, go into Commonwealth Court to obtain an enforcement order.

Attorneys made over 40 presentations to both Commission staff and the general public on a variety of legal topics. Legal staff,

in addition to providing periodic training to Commissioners on specific topics such as retaliation, harassment, advertising and the internet, for example, also participated in training for all investigative staff in each of the regional offices. Apart from this, Legal staff presented training to newly-hired investigative staff during the course of separate three week Basic Compliance Training sessions held in February and March. Training

topics included an overview of applicable laws, theories of discrimination, evidence, retaliation, harassment and probable cause. The Legal Division also provided training to a variety of advocacy groups, public and private employers, schools, universities and others that focused on areas such as practice and procedure before the Pennsylvania Human Relations Commission, bullying and cyber bullying, cultural competency, lending and predatory lending, among others.

---

## Education and Community Services

### Informational Outreach and Training

The Division of Education and Community Services (DECS) continues to provide presentations, media interviews and training sessions on a variety of topics in order to fulfill the part of PHRC's mission that directs the agency to "promote equal opportunity for all persons." These services continued to be tailored to meet the needs and requests of a wide array of audiences throughout the Commonwealth.

This year, DECS staff conducted more than 70 presentations, interviews and training sessions. These outreach activities directly reached more than 6,000 Pennsylvanians, and thousands more were reached through media interviews. Strongest demand continued to be for information, presentations and intervention in response to racial and inter-group

tension, including responding to demographic change and organized hate group activity. However, DECS staff has experienced an increasing demand for trainings and presentations regarding bullying intervention and prevention and ways to effectively respond to harassment in schools. A need for more training regarding cultural awareness and diversity was also highlighted.

### PA Inter-Agency Task Force on Civil Tension

The single most significant way that PHRC fulfills its legislated mandate to prevent the escalation of racial tension is by convening and coordinating the PA Inter-Agency Task Force on Civil Tension (Task Force).

The Task Force consists of numerous local, state and federal agency representatives. Agencies represented on the Task Force are

law enforcement and administrative agencies, as well as some non-governmental agencies. What all of these agencies have in common are the knowledge, skills, and resources for the prevention and response to bias-related incidents, inter-group tension, and/or civil unrest.

The Task Force meets monthly to review the bias-related incidents reported during the previous month. Knowledge and resources are then brought to bear, especially for those incidents that have created, or will likely create, significant inter-group tension. Strategies for both prevention and response are developed and implemented, and relationships among Task Force members are strengthened in order to facilitate the exchange of information and counsel regarding inter-group problems and solutions. The Task Force also participates in the

development and presentation of training for law enforcement personnel, municipal officials and community leaders.

This year, PHRC staff convened and facilitated 12 meetings of the Task Force. In order to strengthen relationships among participating member agencies, the hosting of monthly meetings continues to be rotated among the agencies.

The largest issues addressed by the Task Force this year were immigration, police/community relations and inter-group tensions in schools. Specific issues that were reported to the Task Force included community inter-group tensions related to local immigration ordinances; hate graffiti in schools, on college campuses and at private residences; allegations of racial profiling by police; recruitment activities of White supremacist organized hate groups; hate mail regularly sent to the Council on American-Islamic Relations; as well as serious racial and ethnic tensions among high school students in schools where the district's demographics are changing.

Monthly meetings of the Task Force include special presentations that provide members with more details on a variety of problem areas as well as on relevant prevention/response resources. During this past year, Task Force members experienced a host of presentations given by a myriad of organizations and local and state

agencies, to include, South Central Assembly for Effective Governance, PA Commission on Crime and Delinquency, PA State Police, Office of Heritage Affairs, Gay and Lesbian Alliance against Defamation (GLAAD), Common Roads, Center for Safe Schools and Communities, Center for Rural Pennsylvania and Friends of Farmworkers. Subjects addressed included issues related to demographic change and immigration trends, LGBT (lesbian, gay, bi-sexual, transgendered) concerns and advocacy, police and minority community relations, Crime Victim's Compensation, and the Weed and Seed program.

### **Community Initiatives**

As in previous years, DECS staff continued to monitor issues surrounding Hazelton's Illegal Immigration Relief Act (IIRA). The ordinance required that all city government business be conducted in the English language and has provisions for the fining of businesses who hire illegal aliens and the fining of landlords for renting to undocumented persons.

In partnership with Task Force member agencies, PHRC staff communicated regularly with Hazelton's community leaders and local officials. DECS and other Commission staff also designed a bias incident report form in both English and Spanish in order to aid people in communicating their concerns. The Task Force has always maintained a goal to assist communities like Hazelton in

making a peaceful and just transition as their demographics change.

Also, in July of 2006, DECS staff facilitated a U.S. Justice program entitled "Responding to Allegations of Racial Profiling – Building Trust Between Police and Community." The free seminar was hosted by the Camp Hill Police Department and was presented by staff of Community Relations Service of U.S. Justice. Several other area municipal police departments and community leaders also participated in the training that is specifically designed to improve communication and trust between local law enforcement and minority communities

### **Civil Tension Prevention and Response**

Immigration and the false identification of minorities as "illegal aliens" continued to be a hot-button issue this past fiscal year. DECS staff worked closely with colleagues from the American Civil Liberties Union, United States Justice Department, PA State Police, the PA and the US Departments of Education, and PA Office of Attorney General to monitor incidents stemming from tensions in schools, neighborhoods and workplaces related to changing populations.

It is notable that more than half of the trainings given this year by DECS staff addressed the impact of changing demographics and the potential for, as well as promising

practices to prevent, related civil tension.

This past year also saw renewed public activity by the KKK which required staff's immediate attention. In September, along with Task Force partners from the PA State Police and the PA Office of Attorney General, staff spoke at a community seminar in Gettysburg prior to a KKK rally at the Gettysburg National Park.

The presentations provided examples of peaceful, effective ways of countering the KKK's message and urged the community to continue focusing on equality and nonviolence after the KKK rally. Gettysburg is one of numerous communities across the state that has formed

permanent unity coalitions in response to KKK activity.

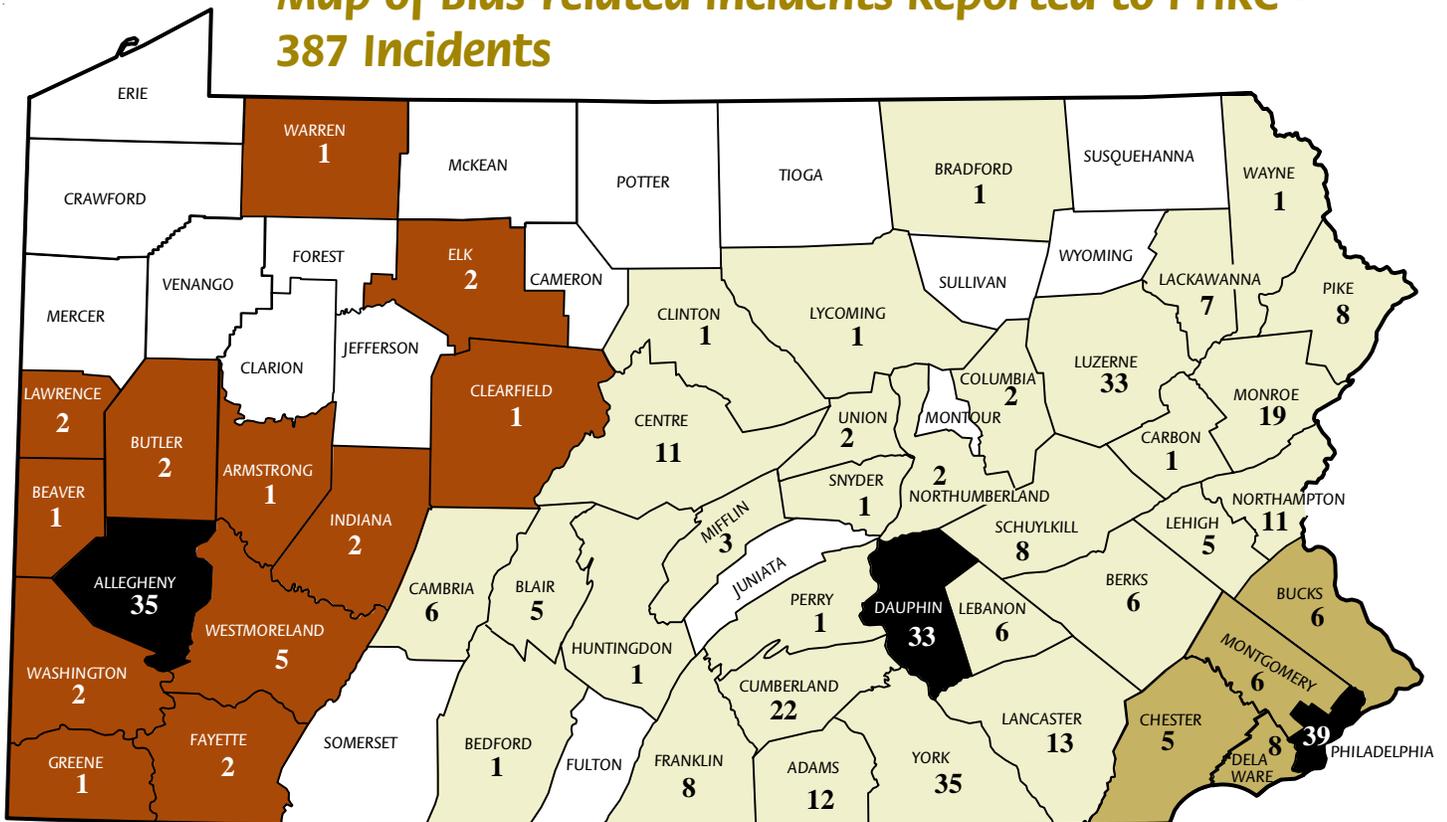
During the year staff was, and to date continues to be, highly involved in issues pertaining to the closing of Duquesne High School in Allegheny County. In June of 2007 PDE announced that, because of its assessment of the school's financial and academic troubles, the high school was being closed with students being transferred to neighboring school districts.

Duquesne parents raised a variety of issues with the transition plan, including concerns about the kind of reception the Black student body would receive at the primarily White neighboring districts. Concerns deepened as

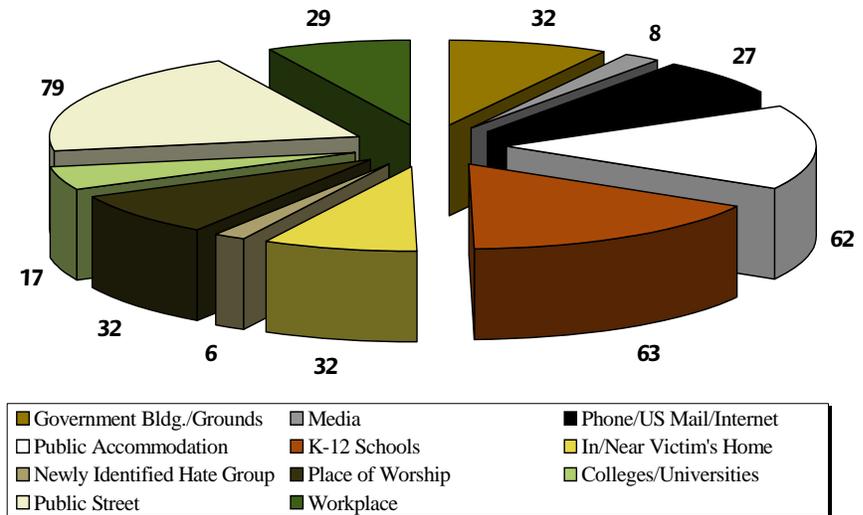
these neighboring communities publicly voiced their opposition to the student transfers. PHRC staff, along with Task Force partners, worked with NAACP leaders, community members, and a wide range of school officials to address the issues raised by all parties and to ensure a safe and equitable transition plan.

An unfortunate sign of the times continues to be animosity directed towards people who are, or who appear to be, Muslim or Arab. In October unknown persons vandalized a billboard along Route 81 in Berks County that had been sponsored by the Sikh faith to explain Sikhism as one of many faiths in a diverse nation that all worship the same or similar God. The hate graffiti revealed that the

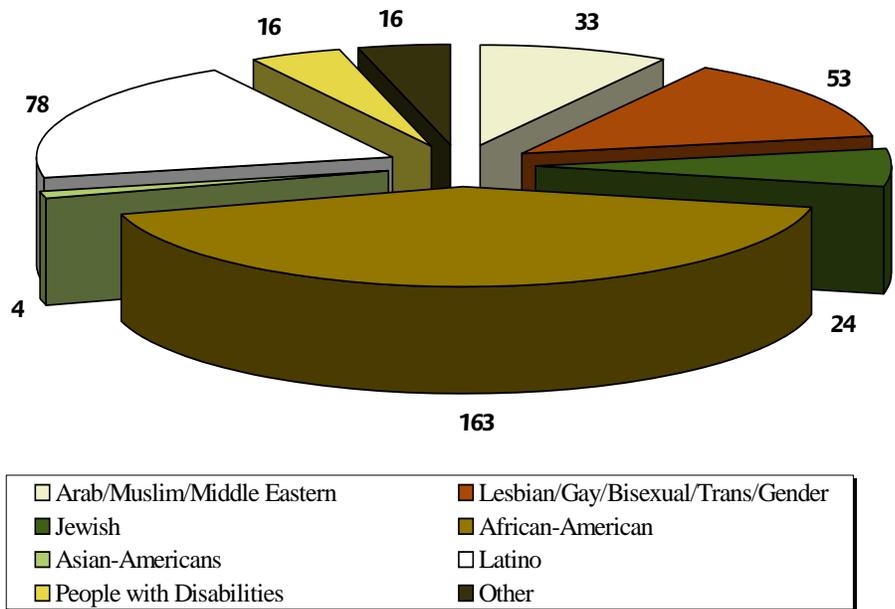
## Map of Bias-related Incidents Reported to PHRC - 387 Incidents



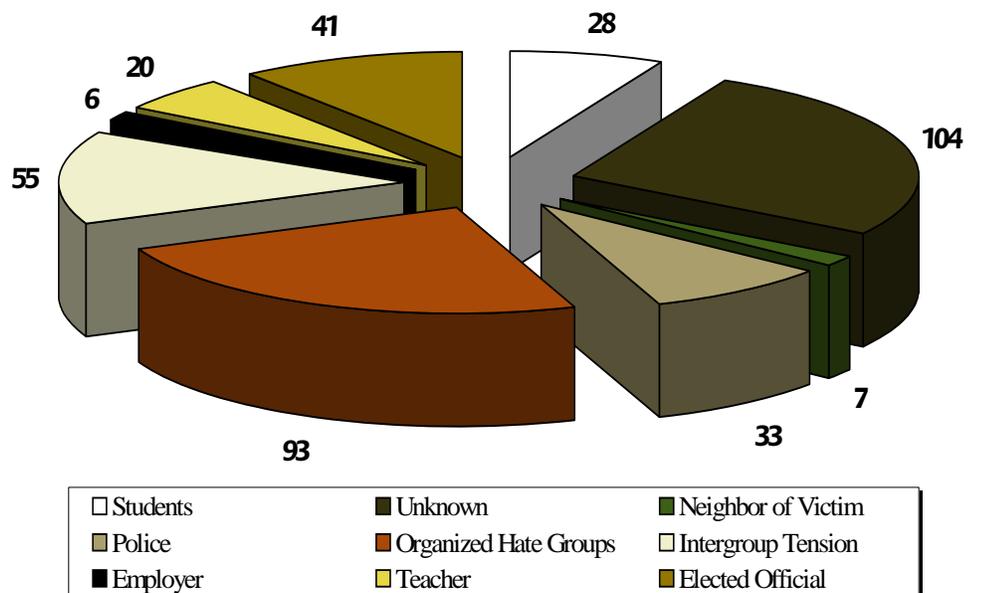
## Location of Bias-related Incidents



## Characteristics of People Targeted in Bias-related Incidents



## Identity of Alleged Offenders in Bias-related Incidents



perpetrators thought the Sikhs were Muslim; it included profanities about Allah and conveyed that Christianity was the only acceptable faith. The Task Force met with numerous Sikh leaders and members and assisted in public education about the incident and about the Sikh faith.

### **SPiRiT School Intervention**

SPiRiT is a school intervention model originally designed by the Community Relations Service of the U.S. Department of Justice. The acronym stands for “Student Problem Identification and Resolution of Issues Together,” and the model involves an intensive, two-day process in which students identify problems and develop potential, realistic solutions. A student advisory committee is formed to work with school administrators to implement some of the solutions proposed by the students.

These student advisory committees receive ongoing support from participating Task Force agencies and from local community members. The SPiRiT program continued to be a significant initiative for DECS staff and members of the Task Force this year.

In all, five SPiRiT programs were convened. Schools included the Lancaster Career and Technical Center, Mt. Joy Campus; the Dauphin County

Career and Technical Center; the York School of Technology; Dover High School; and New Oxford High School. The need for intervention came as a result of inter-group tensions in those schools, all of which have been experiencing a rapid increase in their populations of students of color.

### **Advisory Councils and Local Task Forces**

PHRC staff and others from the Task Force continued to encourage, support and facilitate the ongoing development of several regional task forces modeled after the statewide Tension Task Force.

For the first time in 20 years, the Harrisburg Region has a new Advisory Council in Monroe County. All of these new members are community leaders who are committed to civil rights and equal opportunity. They include persons involved in local unity coalitions and other community organizations, the NAACP, educators, private business owners/operators, advocates for the Latino community, law enforcement, and the law.

The Centre County Advisory Council has continued with its efforts to expand the State College Borough’s anti-discrimination ordinance to include employment and public accommodations, and to include sexual orientation, gender identity and expression, marital

status and familial status to the employment and public accommodations sections (the borough already has a housing discrimination ordinance). The Council held a public session on this topic in February and some members testified before Borough council in June.

Other notable events relating to Councils and Task Forces include:

- The York County Advisory Council took part in two school SPiRiT’s this fiscal year, one at York County School of Technology and one at Dover Area School District. Members of the Council are also part of the community effort to encourage the creation of a county-wide human relations commission for York County (one currently exists for York City).
- The Blair County Advisory Council sponsored its annual award dinner in October, recognizing and honoring people in the community for their civil rights work.
- The Johnstown Advisory Council was part of a successful community effort to encourage the Greater Johnstown School District to reinstate school resource officers (through the Johnstown Police Department), to ensure a safe school environment for the students.

---

- As a part of its effort to improve community-police relations, the Northampton County Advisory Council, welcomed a new member, a police officer for the Bethlehem City Police Department, to facilitate communication on police-community issues. The addition of this officer has improved community relations in the Bethlehem community.

- Berks County has continued effort to create a county-wide Human Relations Commission with enforcement powers.

### **Equal Education Opportunity**

This past year DECS staff continued to provide support and direction for prospective complainants and members of the public seeking information on equal opportunities throughout Pennsylvania's educational spectrum.

DECS staff worked closely with Regional Office staff and other related parties to ensure that appropriate guidance and feedback was given. Consultation provided was wide-ranging, from possible legal consequences of allegations that a teacher encouraged graduates to convert to conservative Christianity during the school's graduation/baccalaureate ceremonies, to information regarding Pennsylvania's Licensed Practical Nurse Regulations, to issues related to the recruitment of minority faculty and alleged discrimination occurring on school buses.

Other situations that emerged and required guidance included:

- a post-secondary self-described "East Indian" student who had not been placed in an allied health internship despite sterling credentials;

- a student with several disabilities who alleged that the college refused to allow her to drop two science courses as a reasonable accommodation; a state university professor seeking to clarify the extent of legal protection for LGBT educators in Pennsylvania;

- a college student alleging race-based financial aid disparity; a member of the public inquiring as to whether or not public school students are permitted by law to form a Latino club and deny membership to those students who are not Latino; and,

- a parent alleging that the school district discriminated against her African-American child by accusing him of cheating on his senior project and threatening to prevent him from graduating unless he completed another project, despite documentation showing he actually did the work.

DECS staff collaborated with PA Department of Education (PDE) staff to resolve issues surrounding allegations that a particular school district informed the parent of a biracial prospective kindergarten student that the child could not be

enrolled in school unless the parent selected only one racial category to describe the child. The school district's stance was that such information was needed for No Child Left Behind data collection purposes.

Other work included ongoing negotiations in case conciliations, and providing information and guidance pertaining to a number of complicated and multi-layered issues - the discriminatory use of school 'zero tolerance' policies and gender-based/gender-motivated hate crimes.

### **Other Education-Related Activity**

DECS staff continues to produce "Equal Educational Opportunity Profiles" on request, including statistical charts that monitor trends over time at the school district level with respect to various equal educational opportunity indicators, such as test scores, dropout and graduation rates, and personnel data.

This task has been facilitated by the increasing availability of PA Department of Education data via the Internet, including PSSA reading, math and writing test score data. This data is now readily available in a form that is disaggregated by race/ethnicity, limited English proficiency status, and special education status.

Staff also continues to be in great demand for professional development training to instructional staff and administrators in school districts and colleges and universities. Requests for

---

presentations at statewide conferences pertaining to education have also increased. To support these demands DECS staff has created new education-related materials and power points for use at trainings and for distribution to those seeking information.

The primary focus of trainings this year has been geared towards providing information pertaining to the need for and implementation of inclusive, equal opportunity programs in all educational realms and for this reason topics included

social and educational inequity, youth participation in hate crimes and hate groups, and cultural awareness.

However, throughout the year, specific attention and training was given to addressing issues surrounding the legalities of bullying and cyberbullying. Using newly developed outlines on the subject matter and which are on PHRC's website, DECS legal staff made 13 presentations, which reached more than 600 people, to include not only school personnel

but also law enforcement representatives and community church members. In addition to the work legal staff has done on bullying, there has also been an emphasis on topics like "Cultural Competency and The Achievement Gap: A Legal Perspective".

In response to public inquiries, DECS staff was also highly involved with the community by conducting legal discussions and meetings.

## Housing and Commercial Property

---

Housing and Commercial Property (HCP) staff also mirrored the education and enforcement efforts of PHRC staff this fiscal year.

### Training

HCP staff participated in a predatory lending training for county level housing providers, lenders, brokers, advocates and/or county and other local elected officials. Based on statistics and actual PHRC cases, this training demonstrated to these key county officials that predatory lending was occurring in their county. Follow-up training was conducted for this same group to meet local county victims and to provide resource materials to the group at large.

A fair housing and equal opportunity seminar was conducted in a large university town for senior managers of a major rental

investment firm with buildings in Pennsylvania, New Jersey and New York to discuss how the federal, state and local fair housing laws impacted college students.

Staff participated in an HIV/AIDS fair housing conference to discuss legal ramifications of this particular disability in housing and commercial property. A presentation was made on diversity in the community as it relates to housing and commercial property issues.

Various "train the trainer" programs were conducted by HCP staff in order to allow private housing consultants to teach voluntary compliance under the Pennsylvania Human Relations Act.

April is nationally recognized as "Fair Housing" month each year. HCP staff was involved in

numerous seminars and training sessions on the jurisdiction of the PA Human Relations Commission and the fair housing acts and ordinances state-wide. Promotion of the Commission's accessibility website was also done.

Regional office HCP staff also conducted a two-day training program for the staff of a city human relations commission that focused on case investigation and legal updates.

### Predatory Lending

The issue of predatory lending is complex – and unfortunately becoming a national epidemic. For the past few years, PHRC has been on the cutting edge on this issue because of some early cases that it investigated and successfully prosecuted.

In recognition of the ever-changing laws because of court decisions coupled with the complexity of the predatory lending issue itself, PHRC took an entire week and devoted it to the re-education of HCP staff and attorneys about the issue of predatory lending. The session focused on a legal update, elements needed during case investigation and conducting analyses. Presentations were also made by PHRC staff and experts in the fields of data gathering, demographics and lending. The training teamed together all state-wide HCP staff and attorneys and by weeks end, four cases were completely investigated from start to finish and staff achieved 28 settlements in cases already docketed.

For its work in trying to reverse predatory lending practices in the Commonwealth, PHRC was asked to present a predatory lending session at the bi-annual conference of the Pennsylvania Housing and Finance Agency in which 800 people attended. At this same conference, PHRC was praised for its “aggressive prosecution” against predatory lenders in Pennsylvania.

## Enforcement

Housing and commercial property cases comprise approximately eight percent of the entire PHRC caseload. This past fiscal year, 12 commercial property cases and 337 housing cases were docketed and 450 housing cases and eight commercial property cases were closed. HCP staff was able to close a third of the oldest open cases that were pending typically because of delays in court action or decisions.

## Key Issues

HCP staff worked with officials at a university to organize an advisory council on racial profiling for their faculty involved in conducting studies on the subject. In conjunction with Education and Community Services staff who addressed the issue of traffic stops, an extensive amount of time focused on racial profiling in retail stores. The study hopes to identify the extent to which racial profiling and/or “racial stalking” are involved. Racial “stalking” refers to the practice of closely following and/or paying inordinate attention and/or security stops or other incidents where race is a factor.

Commission staff participated in a working session on housing needs in a rural Pennsylvania County, where current low-income families and the elderly were being denied housing because of an increased amount of higher income families seeking the lower housing costs outside of the “big” city.

Immigration reform was a hot button topic during the fiscal year. One of the areas affected by many of the proposed “immigration ordinances” affected landlords and housing providers as potential penalties faced them for any violations. HCP staff met with fair housing councils across the state to discuss the legal ramifications of these ordinances. Additionally, HCP staff distributed a high volume of resource materials that addressed fair housing issues.

In conjunction with the Diversity Committee of the PA Association of Realtors, HCP staff distributed numerous pieces of fair housing literature and focused on the increased need for more accessible facilities and housing for returning veterans with disabilities.

## Legislation

In the first six months of the fiscal year (July to December), the Commission focused its legislative attention on English-only legislation and the growing immigration debate in the Commonwealth.

During this time frame, the Commission opposed **House Bill 1959, P.N. 4423**, which provided for the English language as the official language of the Commonwealth and of official acts and **House Bill 2761, P.N. 4220**, which would have limited the expenditure of public moneys on illegal aliens and provided for requests for reimbursement of public moneys expended on illegal aliens.

Additionally, testimony was provided at a hearing on immigration held by the PA House of Representatives Republican Majority Policy Committee in Whitehall (Lehigh Valley) on July 26, 2006. During his testimony, Chairperson Glassman stated: “The Commission’s assessment of various legislative initiatives and, more pointedly,

---

our assessment of the tone and tenor of much of the public debate, suggests that the impetus for action comes from the same type of prejudice and fear that has had such demonstrable and unfortunate consequences in the past.

Much of the proposed legislation and public debate is centered on punishing both those who are here illegally and those who provide them with employment, food and housing. Inevitably, these laws will unfairly ensnare many individuals who are living here legally and will encourage aggressive behavior against anyone perceived to be an illegal immigrant. Legitimate concerns about immigration reform ought to be addressed. But they should be discussed in an environment that is founded on shared democratic principles of respect and inclusion.”

Additionally, as the legislative session concluded, two bills supported by the Commission languished: **House Bill 3000, P.N. 4854**, which would amend the Pennsylvania Human Relations Act (PHRA) to prohibit discrimination on the basis of sexual orientation and gender identity or expression in employment, housing and commercial property, and public accommodations and **House Bill 2848, P.N. 4380**, or the “Housing Pennsylvania’s Working Families Act” that would have provided incentives for employers to encourage employees to live near their worksites and establishing a tax credit program for employers.

As the new 2007-08 legislative session got underway, a number of bills received Commission attention and support:

**House Bill 51, P.N. 76**, which would establish the “Prevention of Hate Activity Act” and appropriate \$1,000,000 to the PHRC.

**House Bill 280, P.N. 312**, which would add familial status and marital status to all areas of jurisdiction in the PHRA.

**House Bill 1400, P.N. 1926 and Senate Bill 761, P.N. 838**, would amend the PHRA to prohibit discrimination on the basis of sexual orientation and gender identity or expression in employment, housing and commercial property and public accommodations.

**Senate Bill 250, P.N. 286**, or the Mortgage Property Insurance Coverage Act, would regulate the amount of property insurance coverage required by certain lenders. When properties are appraised, in addition to the building structure, the value of the land the structure is sitting on is also calculated into the total worth of the property. In the event of damage, only the replacement of the actual structure is available from the homeowner’s insurance. In the past the insurance coverage would be based on the total worth amount. Eliminating the land value would lower the cost of insurance coverage, being especially beneficial for first-time mortgage holders.

**House Bill 540, P.N. 610**, would amend Title 18 by adding “certain symbols of hatred to intimidate” (such as a burning cross) and if enacted, such acts would be a 3<sup>rd</sup> degree felony.

**Senate Bill 71, P.N. 18**, would amend the Public School Code of 1949, further providing for Office for Safe Schools and would require the establishment of policies related to bullying.

**House Bill 434, P.N. 502 and House Bill 486, P.N. 542: HB 434** would amend the PHRA to add “genetic information” to the list of protected categories in employment, housing and public accommodations. It would include a definition of “genetic information.” **HB 486** would amend the PHRA to add “genetic information” to the list of protected categories in employment. Unlike HB 434, it would not add it to the list of protected categories in housing and public accommodations. It would also include a slightly different, and somewhat more detailed, definition of “genetic information.” Commission passage preference is HB 434 because it is more inclusive.

**House Bill 435, P.N. 50** proposes to enact the Genetic Information Nondiscrimination in Health Insurance Act. It would prohibit discrimination in the provision of health insurance on the basis of genetic information or the use of genetic services. It would also regulate the collection, use and dissemination of genetic information by insurers.

# Protected Class Statistics

## Race-based Cases

Race	E	H	CP	PA	ED	Total
African American	742	129	4	742	10	<b>1,627</b>
African American Female*	33	2	2	6	1	<b>44</b>
African American Male*	18					<b>18</b>
American Indian	4					<b>4</b>
Arabic or Middle Eastern	3					<b>3</b>
Asian	9					<b>9</b>
Bi-Racial	3	9		7	1	<b>20</b>
Black	63	4		10	1	<b>78</b>
Caucasian	60	2		3	2	<b>67</b>
Complainants race and the known association with another person	5	10		1		<b>16</b>
<b>TOTAL</b>	<b>940</b>	<b>156</b>	<b>6</b>	<b>769</b>	<b>15</b>	<b>1,886</b>

## JURISDICTION KEY

E: Employment  
H: Housing  
CP: Commercial Property  
PA: Public Accommodation  
ED: Education

\*This category is called Multiple Class. The category definition occurs when discrimination is not solely because of race Black or sex female, but a combination of race and sex.

## Age-based Cases

Age	E	H	PA	ED	Total
40-42	72	4		1	77
43-45	39				39
46-48	72				72
49-51	83				83
52-54	111	1			112
55-57	95	1			96
58-60	100				100
61-63	77				77
64-66	35				35
67-69	27		1		28
70-72	15	1			16
73-75	11	1			12
76-78	4	1			5
82-84	2				2
85-87		1			1
<b>TOTAL</b>	<b>743</b>	<b>10</b>	<b>1</b>	<b>1</b>	<b>755</b>

## Sex-based Cases

Sex	E	H	CP	PA	ED	Total
Female	554	46		9	4	613
Female Pregnant	103				1	104
Male	165	3	1	6	3	178
<b>TOTAL</b>	<b>822</b>	<b>49</b>	<b>1</b>	<b>15</b>	<b>8</b>	<b>895</b>

## Religion-based Cases

Religion	E	H	PA	Total
Baptist	3			<b>3</b>
Christianity	16			<b>16</b>
Hinduism	2			<b>2</b>
Islam	26	2	2	<b>30</b>
Israelite	1			<b>1</b>
Jehovah Witness	2			<b>2</b>
Judaism	11			<b>11</b>
Methodist	1			<b>1</b>
Non-Catholic	1			<b>1</b>
Non-Christian	1			<b>1</b>
Non-Jewish	2			<b>2</b>
Pentecostal	1			<b>1</b>
Presbyterian	1			<b>1</b>
Protestantism	1			<b>1</b>
Roman Catholicism	2			<b>2</b>
Strongly-held Belief	1			<b>1</b>
Wiccan	1			<b>1</b>
<b>TOTAL</b>	<b>73</b>	<b>2</b>	<b>2</b>	<b>77</b>

# Protected Class Statistics

Ancestry-based Cases					
Ancestry	E	H	PA	ED	Total
American /United States	1	1			2
Arab	3				3
Asian	3	1			4
Bosnian	1				1
Canadian	1				1
Columbian	1				1
Cuban		1			1
Dominican	2				2
Dutch	1				1
English	1				1
Filipino	1				1
Haitian	1				1
Hispanic	118	3	2	3	126
Indian	3		2		5
Irish	2				2
Italian	3	1			4
Japanese	1				1
Korean	1				1
Latino	6	1			7
Mexican	1				1
Polish	1				1
Puerto Rican	19	3	1		23
Russian	1		1		2
Syrian	1				1
Taiwanese	1				1
<b>TOTAL</b>	<b>174</b>	<b>11</b>	<b>6</b>	<b>3</b>	<b>194</b>

## JURISDICTION KEY

E: Employment  
H: Housing  
CP: Commercial Property  
PA: Public Accommodation  
ED: Education

Familial Status-based Cases	
Familial Status	H
Designee Of Such Parent or Other Person Having Custody	5
Domiciled With	1
Individual Not Yet 18 Living With Parents or Guardian	3
Parent or Other Person Having Legal Custody	19
Process of Obtaining Legal Custody of Someone under 18	1
<b>TOTAL</b>	<b>29</b>

Retaliation-based Cases					
Retaliation	E	H	PA	ED	Total
Assisted	54	3		2	59
Filed a PHRC Complaint	172	11	3	1	187
Otherwise Opposed Unlawful Activity	619	12	6	1	638
Provided Information	8				8
Testified	6				6
<b>TOTAL</b>	<b>859</b>	<b>26</b>	<b>9</b>	<b>4</b>	<b>898</b>

Combined Classes* Cases			
Various Protected Classes	E	PA	Total
Other	2		2
GED	4		4
Trainer of Guide/Support Animal		1	1
Use of Guide/Support Animal		2	2

\*A number of protected classes have only one sub-category. These protected classes have been grouped together in one chart.

# Protected Class Statistics

## National Origin-based Cases

National Origin	E	H	PA	ED	Total
Afghanistan	1				1
Africa	4				4
Albania	1				1
Antigua and Barbuda	1				1
Bosnia and Herzegovina	7				7
China		1			1
Cuba	1				1
Dominica	1				1
Dominican Republic	5				5
Egypt	2	2			4
Ethiopia	2				2
Germany	5				5
Greece	1				1
Grenada	1				1
Guatemala	1				1
Guyana	2				2
Haiti	9		2	1	12
Honduras	1				1
India	11				11
Iran - Islamic Republic Of	1				1
Iraq	1				1
Ireland	1				1
Israel	2				2
Jamaica	5				5
Kenya	1	1			2
Lao Peoples Democratic	1				1
Liberia	3		1		4
Mexico	2				2
Monaco			1		1
Morocco	1				1
Nigeria	5	6			11
Palestinian Territory	1				1
Philippines	4				4
Poland	1				1
Puerto Rico	24	5			29
Romania	1				1
Russian Federation	4	1			5
Senegal	1				1
Sierra Leone	2				2
Spain	1				1
Sudan		2			2
Syrian Arab Republic	2		1		3

## National Origin-based Cases

National Origin	E	H	PA	ED	Total
Taiwan	1				1
Tanzania - United Republic	1				1
Trinidad and Tobago	1				1
Turkey	1				1
United States	13		1		14
Vietnam	3				3
US Virgin Islands	1				1
Yugoslavia			1		1
Zambia	1				1
<b>TOTAL</b>	<b>##</b>	<b>18</b>	<b>7</b>	<b>1</b>	<b>168</b>

### JURISDICTION KEY

E: Employment  
H: Housing  
CP: Commercial Property  
PA: Public Accommodation  
ED: Education

### DISABILITY KEY

D1: Has a disability.  
D4: Is related to someone who has a disability.

## Disability-based Cases

Education		
Disability	D1	D4
Anxiety Disorder	1	
Attention Deficit Disorder	1	
Crohn's Disease	1	
Heart/Cardiovascular		2
Obesity	2	
Vision	4	1
<b>TOTAL</b>	<b>9</b>	<b>3</b>

# Protected Class Statistics

## DISABILITY KEY

D1: Has a disability.

D2: Has a record of a disability.

D3: Is regarded as having a disability.

D4: Is related to someone who has a disability.

D5: Is related to someone who has a record of disability.

## Disability-based Cases

Disability	Employment					Total
	D1	D2	D3	D4	D5	
Agent Orange	4		1	1		6
Aids	1	1	1			3
Alcoholism	4		3			7
Allergies	1					1
Anxiety Disorder	13					13
Arthritis	19					19
Asthma	8					8
Attention Deficit Disorder	5					5
Autism	1					1
Back	55	5	16	1		77
Bi-Polar	15	1		1		17
Brain/Head Injury	4		2			6
Brain/Head Injury (Traumatic)	2	1				3
Cancer	20		2	4		26
Carpel Tunnel Syndrome	7	1	1			9
Cerebral Palsy	2					2
Cervical Discogenic Injury	2					2
Chemical Sensitivities			1			1
Chronic Fatigue	1					1
Chronic Sinusitis	3					3
Colitis	1					1
Crohn's Disease	7					7
Cystic Fibrosis				1		1
Depression	30	1	3	1		35
Diabetes	36	1	4	1		42
Disfigurement	1					1
Downes Syndrome				2		2
Drug Addiction	1		1	1		3
Dyslexia	1					1
Epilepsy	4	1				5
Extremities Impairment	13		4	2		19
Fibromialgia	6			1		7
Gastrointestinal	2	1				3
HIV	2					2
Hand Injury	7		2			9
Hearing	8		1			9
Heart/Cardiovascular	29	5	9	2		45
Hepatitis	6	1	2			9
Hernia	3					3
Hip Replacement	1					1
Immune System Impairment	1					1
Kidney	1			1		2

# Protected Class Statistics

## Disability-based Cases

Disability	Employment					Total
	D1	D2	D3	D4	D5	
Immune System Impairment	1					1
Kidney	1			1		2
Learning Disability	20		1			21
Liver Impairment	1					1
Lupus	4					4
Lyme Disease	1					1
Macular Degeneration	1					1
Manic Depressive Disorder	1					1
Menieres Disease			3			3
Mental - Other	3					3
Mental Retardation	2			1		3
Migraine	7					7
Missing Digits/Limbs	2					2
Multiple Sclerosis	13		3	1		17
Muscular Dystrophy	4					4
Nonparalytic Orthopedic	23	1	5			29
Obesity	2		2			4
Obsessive Compulsive Disorder	1					1
Obstructive Lung Disease	1					1
Other	62	3	11	2	1	79
Other Blood Disorder	2					2
Other Emotional/Psychological	1					1
Other Neurological	4					4
Other Respiratory/Pulmonary	3					3
Panic Disorder	3					3
Paralysis	2					2
Polio	1					1
Post Traumatic Stress	9					9
Psoriasis	1					1
Respiratory Pulmonary Disorder	2					2
Schizophrenia	1			1		2
Seizure Disorder	7		1			8
Shoulder Decrepitation	2	1	1			4
Shoulder Impairment	6					6
Sleep Apnea	4		3			7
Speech			1			1
Spinal Stenosis	4					4
Stroke	6		2	2		10
Tendinitis	5		1			6
Thyroid Disease	1					1
Vertigo			1			1
Vision	7		1	2		10
<b>Total</b>	<b>546</b>	<b>24</b>	<b>89</b>	<b>28</b>	<b>1</b>	<b>688</b>

### DISABILITY KEY

D1: Has a disability.

D2: Has a record of a disability.

D3: Is regarded as having a disability.

D4: Is related to someone who has a disability.

D5: Is related to someone who has a record of disability.

# Protected Class Statistics

## Disability-based Cases

Disability	Housing				Commercial Property
	D1	D3	D4	Total	D1
Agent Orange	1		1	2	
Alcoholism	5			5	
Anxiety Disorder	4		2	6	
Arteriosclerosis	1			1	
Arthritis	1			1	
Asthma	5			5	
Back	1			1	
Bi-Polar	2		1	3	
Cancer	1			1	
Cerebral Palsy	3			3	
Depression	7			7	
Diabetes	1			1	
Drug Addiction	2			2	
Fibromialgia	1			1	
Graves Disease	2			2	
Hearing	3			3	
Heart/Cardiovascular	1			1	
HIV	2			2	
Learning Disability	1			1	
Mental - Other	9	2		11	
Mental Retardation	4			4	
Multiple Sclerosis	1			1	
Muscular Dystrophy	1			1	
Nonparalytic Orthopedic	3			3	
Obstructive Lung Disease	1			1	
Other	20			20	2
Other Blood Disorder	2			2	
Other Respiratory/Pulmonary	1			1	
Paralysis	6			6	3
Parkinsons Disease	3			3	
Polio	1			1	
Post Traumatic Stress	3			3	
Schizophrenia	1			1	
Stroke	1			1	
Vision	1			1	
<b>TOTAL</b>	<b>102</b>	<b>2</b>	<b>4</b>	<b>108</b>	<b>5</b>

## DISABILITY KEY

D1: Has a disability.

D3: Is regarded as having a disability.

D4: Is related to someone who has a disability.

## Disability-based Cases

### Public Accommodation

Disability	D1	D3	Total
Aids	1		1
Alcoholism	1		1
Anxiety Disorder	2		2
Asthma	4		4
Attention Deficit Disorder	1		1
Bi-Polar	4		4
Brain/Head Injury	1		1
Cerebral Palsy	1		1
Depression	4		4
Diabetes	1		1
Dyslexia	1		1
Extremities Impairment	3	2	5
Fibromialgia	1		1
Gender Identity Disorder		1	1
HIV	1		1
Hearing	3		3
Heart/Cardiovascular	1		1
Learning Disability	3		3
Menieres Disease	1		1
Mental - Other	1		1
Nonparalytic Orthopedic	1		1
Other	7		7
Other Emotional/Psychological		2	2
Panic Disorder	1		1
Polio	8		8
Speech	1		1
<b>TOTAL</b>	<b>53</b>	<b>5</b>	<b>58</b>

