EXECUTIVE DIRECTOR

IVIN B. LEE

CHARLESTON, WV 25301-1400
ROOM 108 A
1321 PLAZA EAST
HUMAN RIGHTS COMMISSION
WEST VIRGINIA

ANNUAL REPORT
endeavor to maintain respect for the dignity and lawful rights of others.
our sincere pledge to cultivate an appreciation for our differences in our constant
state in participating in the continuing fight against all forms of discrimination. It is
The Commission encourages active involvement from all sectors of this great
provide the best possible services to the citizens of the State of West Virginia.
rights for the Millennium, the Commission remains its commitment and goal to
Virginians in their pursuit of full and productive lives. The course for human
commitment of guaranteeing equal opportunity to every resident of the State of West
The West Virginia Human Rights Commission steadfastly retains its
administrating the West Virginia Human Rights Law.
§ 5-3.1 of 1961. This Commission is designated with the responsibilities of
Virginians legislation in 1961 under the West Virginia Human Rights Act (W.Va. Code
West Virginia Human Rights Commission was created by the West

Dear Legislators:

January 1999

Preface Letter from the Executive Director
Office in resolving any questions or concerns.

Human Rights Commission and pledge to continue our commitment to serve as a resource to your office in resolving any questions or concerns.

We stand ready and most willing to discuss any part of the work of the West Virginia Human Rights Commission to present to you our 1998-1999 Annual Report. We have worked diligently during the past year to formulate the fundamental goals of the Human Rights Commission to present to you our 1998-1999 Annual Report. We have worked diligently during the past year to formulate the fundamental goals of the Human Rights Commission to present to you our 1998-1999 Annual Report.

Given this mandate, it is the pleasure of the appointed Board of Commissioners and the Executive Director to ensure the vision of a just and inclusive society.

The West Virginia Human Rights Act guarantees that every individual within the State of West Virginia enjoys equal opportunity to enjoy all and productive life. The Human Rights Act assures protection to our citizens in the insulations of employment, housing, and public accommodations. The West Virginia Human Rights Commission exists to administer and enforce our Human Rights Law to ensure the vision of a just and inclusive society.

Dear Governor Underwood:

Charleston, West Virginia 25305
1900 Kanawha Blvd., East
State Capitol Complex
Governor, State of West Virginia
The Honorable Ceci L. Underwood

November 30, 1999

TOLL FREE: 1-800-667-5566
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Charleston, WV 25301-1400
Room 108A
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STATE OF WEST VIRGINIA HUMAN RIGHTS COMMISSION
HISTORY

The West Virginia Human Rights Act (W.Va. Code § 5-11) was enacted in 1961 and is administered and enforced by the West Virginia Human Rights Commission.

Employment Discrimination and Harassment

W.Va. Code § 5-11-9(1)

"It shall be an unlawful discriminatory practice . . . for any employer to discriminate against an individual with respect to compensation, hire, tenure, terms, conditions or privileges of employment . . ."

Public Accommodations Discrimination

W.Va. Code § 5-11-9(6)(A)

"It shall be an unlawful discriminatory practice . . . for any person to . . . refuse, withhold from or deny to any individual because of his . . . color, national origin, ancestry, sex, age, blindness or handicap, either directly or indirectly, any of the accommodations, advantages, facilities, privileges or services of such place of public accommodations . . ."

Reprisal Related to Employment or Public Accommodation

W.Va. Code § 5-11-9(7)(A)(C)

"It shall be an unlawful discriminatory practice for any person to . . . engage in any form of threats or reprisal . . . or otherwise discriminate against any person because he . . . filed a complaint, testified or assisted in any proceeding under this article . . ."

Housing Related Reprisal and Intimidation

W.Va. Code § 5-11A-16

"It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections four, five, six or seven . . . of this article . . ."
accommodation, in employment, housing, and places of public Human Rights Act, which prohibits discrimination, the investigation, mediation, and adjudication, the ensure adherence to, through education, or disability. The Commission will administer and their race, gender, religious persuasion, ethnicity, among all citizens of West Virginia regardless of respect, tolerance, and mutual understanding. will encourage and endeavor to bring about.

The West Virginia Human Rights Commission

MISSION STATEMENT

Human Rights Commission
West Virginia
The Fair Housing Act protects each person's right to personal dignity and freedom from humiliation, as well as the individual's freedom to live up to residence wherever the act of discrimination is alleged. The act also prohibits any discrimination of other terms and conditions of employment.

Under the act, any manner or any investigation, proceeding or hearing concerning an unlawful practice under the act is unlawful unless the person has received a notice of right to participate in the act by the act of discrimination.

Under the act, any manner or any investigation, proceeding or hearing concerning an unlawful practice under the act is unlawful unless the act of discrimination is prohibited by this act. The act also prohibits any discrimination of other terms and conditions of employment.

Specifically, the West Virginia Human Rights Commission provides discrimination by any employee employing 12 or more persons based on race, color, religion, national origin, sex, age, disability, sexual orientation, gender identity, or marital status.

The principle of freedom of the individual and society. The denial of these rights is property, to property qualified persons by reason of race, religion, national origin, ancestry, sex, blindness, disability, or familial status.

Declaration of Policy
all those covered by the Act know their rights and duties under the Act.

sellers, landlords and tenants are all affected by the Fair Housing Act. It is important that
banks, mortgage lenders, insurance companies, developers, real estate buyers and
practices are prohibited. A variety of persons and businesses, Realtors, brokers,
under the age of 18 years or age in the household). Wide ranges of discriminatory

-7-
Executive Director

Lee B. Jane

Promotes practicality.
Improving the quality of our investigations. Utilization of mediation whenever possible.

Mediation is an effective tool and its effect is that it is less time consuming and less expensive than adjudication. Our goal is to process cases in a timely manner without expensive than adjudication. Our goal is to process cases in a timely manner without.

and this will facilitate expediting the handling of cases.

additional investigators, we will be able to reduce the burden on the current investigators. We believe that with the additional investigators, we will be able to reduce the burden on the current investigators.

We are working toward hiring additional investigators. We believe that with the additional investigators, we will be able to reduce the burden on the current investigators.

Commission in order to bring forth a team effort with respect.

We are striving to build credibility between the public and our among all cultures. We are striving to build credibility between the public and our.

and develop a team effort, earning respect, and thereby will reduce the level of intolerance.

By having a better public awareness, we will be able to promote respect.

West Virginia. By having a better public awareness, we will be able to promote respect.

we intend to set up dialogue with understanding between this Commission and all people of West Virginia.

Believing education is the major key to eliminating all forms of discrimination, we will be better served.

In doing this, it is believed that the people in the State of West Virginia.

It is my hope to continue to motivate and inspire the staff to process and bring cases.

MY VISION

ADMINISTRATIVE REPORT
Community Outreach

When first appointed to the position of Executive Director, a foremost goal was set by Ms. Lyn B. Lee to expand awareness of the West Virginia Human Rights Commission to include an Outreach Program designed to meet with community leaders and organizations which had expressed concern for representation. A series of meetings were held and well attended by many organizations. The first Community Outreach meeting consisted of members of the minority community. Those attending and their affiliations are listed:

- Rev. Homer Davis, NAACP
- Ms. Donna Campbell, Kanawha-Charleston Neighborhood Watch
- Ptl. Marie Creed, Charleston Police Department
- Dr. Erwin Griffin, West Virginia State College
- Ms. Geneva A. Foster, Parents of Murdered Children
- James L. Johnson, West Virginia Black Law Enforcement United
- Dallas Staples, Charleston Urban Renewal Board
- Edward Clark, Jr., Civilian Review Board
- Orlando Lewis, West Virginia State College
- Rev. Aaron Harris, Metropolitan Baptist Church
- Costen Davis, West Virginia National Guard
- Rev. Ron French, Ferguson Memorial Church

The second Community Outreach meeting consisted of representatives from the West Virginia Lesbian and Gay Coalition and the Commission. These representatives were Chuck Smith of West Virginia State College, Sue Julian, Scott Britton and Linda Bode.

The third Community Outreach meeting consisted of representatives from the Bahá'í faith listed below:

- Gretchen Boder
- Bahiyeh F. Nazhad
- Lynda Tae Reed
- Minu Sabet
- Laurence W. White
- Winifred W. White

A Minority Awareness Workshop is scheduled to be presented on February 20, 2004 at the New Covenant Baptist Church in Charleston to cover the subject of RESOURCES for minority individuals. The workshop is designed to have minorities become familiar with the resources that are available. The theme of the workshop is "All those things you always wanted to ask but didn't answer!" The workshop is sponsored by:
Those who advocate discrimination take a position of leadership to dissuade all kinds of discrimination and continue to enforce the statites to prevent discrimination in housing.

**Issue No. One:**

The goals which were determined at the retreat are set out below:

1. Clarify the goals and objectives of the Virginia Human Rights Commission.
2. What, when, why, and who is responsible.

In addition to the above, one-year strategic plan was developed utilizing the

- Deputy Director
- Executive Director
- The Nine Commissioners

Job Descriptions for the following were drafted and approved.

- An Organizational Chart for the Commission was created and approved.
- A Mission Statement was developed and formally adopted.

The accomplishments achieved at the retreat:

- Commission Commissioners and Directors, many issues were confronted. Listed here are

**Annual Human Rights Commission Retreat**

As stated in the Mission Statement, about respect, tolerance, and mutual understanding among all citizens of Virginia, these community outreach meetings are intended to fulfill the promise of encouraging and assisting those before the Commission to express their concerns. These meetings before the Commission to express their concerns are invited to appear.

- Select members of the community, including representatives from West Virginia Human Rights Commission and its Commissioners.

- Rev. James Ealy, New Covenant Baptist Church
- Rev. Matthew Walls, Grace Memorial Church
- Rev. S. Stephens, Former Chief of Police, "Black White Driving"
- Debbie Rentze, EEO Director, Hilltop High School
- Hilltop High School American Civil Liberties Union
- West Virginia Human Rights Commission and its Commissioners
transfer two Central Office Investigators into Cabell County.

Office to the Upshur County vacancy and plans are presently being made to
Office in satellite offices. One Investigator has been transferred from the Central
Counties in satellite offices. The plan consists of placing Investigators in Cabell and Upshur
Strategic Plan. This plan consists of placing Investigators in Cabell and Upshur

The Executive Director's "My Vision" for the Commission was adopted as the

Action:

Strategic Planning.

Issue No. Four:

completed by January 1, 2000.
This position was posted. Interviews are being conducted and hiring will be

Action:

Community Relations staff needed to develop community programs.

Issue No. Three:

Position descriptions for Executive Director, Deputy Director, and Commissioners

Action:

Division of Labor

Issue No. Two:

1. Confidentiality of records and safety.
2. More active role by Commissioners.
3. Inadequate management information system to be addressed.
4. Organizational conflict of interest.
5. The annual Governor's and Legislative Report.
6. Achieve compliance with the Alien Decision.
7. Achieve compliance by the Commission with the admonition of the

Legislative and in the Review Report of December 6, 1995 by:
To reach a finding of probable cause, evidence must be provided by the

innocent during this phase of the complaint process. Supporting documentation of the position, however, the respondent has no burden to prove received. The investigator must obtain one. If helpful for the respondent to provide

If at this point a refusal to the position statement from the complainant has not been

Consensual plan is developed in this phase of the investigation. The investigator presents the case to the group. The case is reviewed until a

which require minimal investigation.

Newly received position statements are brought to a weekly "trage" meeting, along

Information of nondiscriminatory in the alleged case. This explanation is called a position

At this stage, the accused party (the respondent) must provide a rationale for

Step Two: Investigative Process

That illegal discrimination has occurred.

The intake process evaluates the allegation for investigation under the law and

Step One: Intake

membership in any of the nine protected categories are subjected to a three-part process:

allegations of discrimination in employment, housing or public accommodations due to

compliance with the provisions of the West Virginia Human Rights Act. To this end,

The central charge of the West Virginia Human Rights Commission is to enforce

investigation and compliance operation is included.

In order to provide a context for these statistics, a summary of the

investigation and outcome of cases filed before the West Virginia Human Rights

The following statistical report has been prepared to provide a picture of the

Compliance Performance

AN OVERVIEW OF INVESTIGATION AND
complainant or developed by the investigator showing the position statement to be a pretext.

An investigation is conducted by the investigator, and the investigator's role is to determine if evidence exists. The investigator's role is not to "prove the case" for either the complainant or respondent. It is to simply identify, obtain, and evaluate evidence which will allow the investigator to determine if evidence exists to believe that a violation of the West Virginia Human Rights Act has occurred.

During this process, administrative closure or predetermined settlement is possible. Administrative closures occur when new facts are brought forward by investigation to show that the complaint is in some way not jurisdictional, the complainant chooses to withdraw the complaint, or fails to cooperate with the Commission's investigation.

In predetermined settlements, the investigator does not propose or negotiate settlement terms. The investigator facilitates the exchange of offers and responses and will prepare a Predetermined Settlement Agreement which protects the interests of each party and the Commission in a contract.

If an administrative closure or settlement does not occur, the investigation must continue until a determination of No Probable Cause or Probable Cause can be supported by evidence. If Probable Cause is found, the case begins to move forward a hearing.

However, several intervening events may occur prior to the hearing:

- First settlement may be reached.
- At the pre-hearing stage, the cause determination is made, but a settlement agreement to the parties and the Commission may aver at a hearing.
- Mediation may be ordered for cases determined to have a likelihood of successful resolution by this process.
- If mediation fails, the case continues to a hearing.
- Finally, the complainant may choose to withdraw the case to circuit court. This ends the Commission's involvement in the matter.
Step Three: A Hearing is Held.

If a hearing is held, evidence will be presented before an Administrative Law Judge who will render a judgment.

The judge's decision may be appealed to the West Virginia Human Rights Commission Commissioners. In turn, the Commissioners' decision may be appealed to the West Virginia Supreme Court of Appeals or to the Kanawha County Circuit Court. The Kanawha County Circuit Court may be utilized only if the Commission has awarded damages in excess of $50,000.00 or back pay in excess of $30,000.00, or by agreement of the parties. Cases on appeal to the courts remain on the active docket until the court issues its determination.

-14-
$694,441.87

$1,061,362.12

$594,441.87

Monetary benefits to complainants totaled:

100.00%
19.60%
18.60%
61.80%

Probable Cause Determination or Settlemetn
Administrative Closures
No-Probable Cause

During Fiscal Year 1998-99, 440 cases were closed as follows:

Fiscal Year 1998-99

Monetary benefits to complainants totaled:

100.00%
19.20%
18.60%
62.20%

Probable Cause Determination or Settlement
Administrative Closures
No-Probable Cause

478 complaints with the following rates:

During Fiscal Year 1997-98, the West Virginia Human Rights Commission closed

Fiscal Year 1997-98

the fiscal years of 1997-98 and 1998-99 is summarized as follows:

The West Virginia Human Rights Commission's performance in case resolution for

resulted in more manageable investigator caseloads.

Since 1992, the West Virginia Human Rights Commission's inventory of cases has

steadily decreased from a high of 1,498 cases to the present level of 637 cases. This has

resulted in more manageable investigator caseloads.

The investigative division of the West Virginia Human Rights Commission has a

INVESTIGATIVE DIVISION REPORT
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decision may then seek judicial review in the courts.

The appeal is reviewed by the State Appellate Commission. The appeal may be appealed to the West Virginia Human Rights Commission. The judge's decision may be appealed to the West Virginia Human Rights Commission.

An Administrative Law Judge will conduct a public hearing which is similar to a trial. After the judge hears all the evidence, a decision is issued by the judge on behalf of the West Virginia Human Rights Commission.

Step Four:

If a settlement cannot be reached, a public hearing will be held. Thereafter, the parties agree when the complaint is filed (the respondent). If a settlement cannot be reached, the Commission or the complainant may agree to a settlement with the respondent. The settlement agreement will be submitted to the West Virginia Human Rights Commission and the respondent.

Step Three:

Following a probable-cause determination, consultation is attempted. In this case, (probable cause) or that there is reason to believe that discrimination did occur, enough evidence to support the allegations (probable cause) of discrimination (no probable cause) to a finding. The finding will either be that there is not a finding.

After all facts have been examined, an investigator makes a finding.

Step Two:

The complaint must be filed within 365 days of the most recent incident. The complaint must be filed with the West Virginia Human Rights Commission if an incident of discrimination.

You must act quickly. A person may call, write or visit the office of the West Virginia Human Rights Commission.

Step One:

COMPLAINT PROCESS
WEST VIRGINIA HUMAN RIGHTS COMMISSION
The complaint alleged that he was denied the opportunity for employment as a heavy-equipment operator due to his disability. The respondent alleged that he was denied the opportunity for employment with the special license.

Summary No. Three:

The administrative law judge ruled that the respondents policy of having to be ambulatory. On occasion he used a wheel chair, at other times relied on crutches to ambulate. The complaint alleged that he was denied a special license due to his disability. This special license is reserved for persons who have mobility impairments of the lower extremities. The complainant had a diagnosed mobility disability due to his disability. This special license is reserved for persons who have mobility impairments of the lower extremities. The commission ordered the order and issued a cease and desist order and ordered the respondent to provide the complainant with the special license.

The complaint alleged that the respondents policy of having to be ambulatory. On occasion he used a wheel chair, at other times relied on crutches to ambulate. The complaint alleged that he was denied a special license due to his disability. This special license is reserved for persons who have mobility impairments of the lower extremities. The commission ordered the order and issued a cease and desist order and ordered the respondent to provide the complainant with the special license.

Summary No. Two:

The administrative law judge ruled that the complaint was dismissed due to the age (55) factor. No evidence of the complainant was introduced. The administrative law judge determined, based on the credibility of the witnesses, that the respondent concluded that the complaint was dismissed.

The respondent concluded that the complaint was dismissed for insubordination. The administrative law judge ordered the order and issued a cease and desist order and ordered the respondent to provide the appropriate relief to the complainant. The complaint was dismissed for insubordination due to the age (55) factor. No evidence of the complainant was introduced. The administrative law judge determined, based on the credibility of the witnesses, that the respondent concluded that the complaint was dismissed for insubordination. The administrative law judge ordered the order and issued a cease and desist order and ordered the respondent to provide the appropriate relief to the complainant.

The respondent concluded that the complaint was dismissed for insubordination. The complaint was dismissed for insubordination due to the age (55) factor. No evidence of the complainant was introduced. The administrative law judge determined, based on the credibility of the witnesses, that the respondent concluded that the complaint was dismissed for insubordination. The administrative law judge ordered the order and issued a cease and desist order and ordered the respondent to provide the appropriate relief to the complainant. The complaint was dismissed for insubordination due to the age (55) factor. No evidence of the complainant was introduced. The administrative law judge determined, based on the credibility of the witnesses, that the respondent concluded that the complaint was dismissed for insubordination. The administrative law judge ordered the order and issued a cease and desist order and ordered the respondent to provide the appropriate relief to the complainant.

Summary No. One:

Summaries of Selected Public Hearing Cases
The Administrative Law Judge found the medical evidence persuasive and ruled that the complainant had not been the victim of discrimination. Due to the nature of the condition, both physicians believed the complainant presented a serious risk to both himself and others.

Summary No. Four:

The complainant alleged she was the victim of constructive discharge due to her sex (female) from her employment as a flag person for the respondent. The respondent contended the complainant voluntarily resigned her position. Testimony at the hearing revealed that the complainant had been the victim of sex discrimination. The evidence indicated that respondent's foreman denied complainant bathroom privileges and continually spoke to her in derogatory terms.

Summary No. Five:

The Administrative Law Judge ruled that complainant was the victim of sexual discrimination and ordered appropriate reinstatement and ordered a Cease-and-Desist Order.

Summary No. Six:

The respondent refused to reinstate her employment following a medical leave-of-absence. Respondent contended that it had changed policies to include a nepotism policy, thus disqualifying the complainant from returning to employment. The evidence at hearing failed to corroborate the respondent's defense.

The Administrative Law Judge found that the nepotism defense was a pretext and ordered the appropriate relief.

Summary No. Six:

The complainant alleged that he was discharged from employment due to his race (African-American) and reprisal for complaining to the respondent's EEO representative of discriminatory treatment. The complainant further alleged that he was the victim of racial harassment. The respondent contended that the complainant was discharged due to his low call-out rate.

The nature of the respondent's business required that its employees make themselves available for overtime work as needed, referred to as "call-out." Respondent averred that complainant had a very low call-out rate and had been the subject of numerous disciplinary actions in the past due to this and other purported violations of the respondent's work.
ordered the appropriate relief. The judge

ruled that the complainant had been the victim of unlawful discrimination. The judge

allowed for such documentation, offered no written documentation to corroborate its defense, even though the policies

concerned with these alleged shortcomings, recognized her position. The respondent

stated that the complainant's work performance was unsatisfactory and when

had sexually harassed her.

hearing also revealed another female employee who testified that the same supervisor

sexual favors and when she resisted, he began to criticize her work performance. The

respondent for two and one-half years. The respondent alleged her supervisor requested

complainant worked for the respondent due to sexual harassment by her supervisor. The complainant worked with the

Summary No. Seven:

relief.

The Administrative Law Judge did not believe this testimony to be credible. The judge

found the complainant to be in violation of the Human Rights Act and ordered the appropriate

complainant with the complainant's supervisors.

Respondent conceded that the EEO Representative had not discussed the call from the

Representative complained that the EEO Representative had not discussed the call from the

the Human Resources Department's EEO Representative. The complainant called the

that it had installed a hotline to the regional office to report concerns of discrimination to

complainant had also been accused of having alleged himself with a co-worker who

that was harsher than white employees with similar or lower call-out rates. The complainant received discipline

and lower than other employees, call-out rates. The complainant received discipline

complainant's call-out rate compared to other employees at this facility was higher than

respondent had no policy regarding what was an acceptable call-out rate. The

complaints made by both co-workers and management personnel. In addition, the

Testimony at the hearing revealed that complainant had been the victim of racial

rules.
This Summit also included a Youth Track. Approximately 90 high school students from around the state participated in a specially designed track for youths. The track included: Diversity, Issues; Peaceful Partners; Teaching Tolerance in Pre-school and Elementary Students: ADA Ten Years--Where Are We Now; Hate Crimes in West Virginia.

In addition to these speakers, approximately 19 workshops were presented by experts in their individual areas of interest. Workshop topics at this year's Summit included: service organization; gender; violence; rights of women; new employment for women; a non-profit organization; and more.

The 1999 West Virginia Human Rights Commission award was presented to Miss. Joan Harrison, a well-known civil rights activist of Logan County, West Virginia. Ms. Harrison once served as the Executive Director of the New Employment for Women, a nonprofit organization; and will endeavor to measure our diversity.

The address at the Commission's luncheon was given by Jan Lilli-Stewart, the address of the Commission and its purpose. The audience is based on love and compassion for all citizens in the United States. The movement is based on love and compassion for all citizens.

The Summit's opening address was given by Curt Gooch, Senior Deputy Director for Human Rights Education, served as the keynote speaker during the Summit. Approximately 200 people from throughout the state came to share interests and concerns related to civil rights.

The Fourth Annual Civil Rights Summit was held at the Charleston Civic Center on October 18 and 19, 1999. The theme of the summit was "The Road to Equality: New Century, Familiar Problems, Action Ahead."

1999 West Virginia Civil Rights Summit
chairperson of the Civil Rights Summit Planning Committee.

We ask for your continued support and welcome your participation in this virtual Summit.

Special Recognition:

challenges of the next century.

Virginia is a state with a strong commitment to racial equality. Governor Underwood has stated: "My administration is dedicated to creating a state where every Virginia has equal opportunity to succeed. It is our belief that the Civil Rights Summit provides a dynamic forum for open dialogue among the varied constituent groups of the Commonwealth of Virginia. This summit is a critical tool for achieving a more just society. We are grateful for the support of Governor Underwood and the Civil Rights Summit Planning Committee and the Virginia Human Rights Commission.

Employment Opportunity Office

The summit is a cooperative effort between the West Virginia Human Rights Commission and several agencies and organizations committed to the enforcement of the Civil Rights of All Act and the Virginia Human Rights Act.

The Commission would like to thank the State Department of Education for its support in arranging for the youth track.
The Civil Rights Planning Committee was fortunate to secure the services of Cindy Kopper to serve as the coordinator for the Civil Rights Summit.
GOALS OF THE CIVIL RIGHTS SUMMIT

Integrate policy makers into the planning process and program when appropriate.

Transmit the reflected concerns of the Summit participants to people who can initiate change.

Connect people (including youth) in the state who want to be involved in Civil Rights "strategizing" for future action.

Create a forum for people to express experiences and concerns in pursuing Civil Rights in West Virginia.

Work to keep Civil Rights issues and concerns before the public.

Inspire, invigorate, and energize participants.

Provide participants with tools and resources for action.
Legal Aid Services
Adrienne Worley, Executive Director
Debbie Smith, Charleston Human Rights Commission
Chuck Smith, West Virginia Lesbian and Gay Coalition
Office of the Attorney General, Civil Rights Division
Paul Sheridan, Senior Assistant Attorney General
John Rogers, West Virginia State College
Marshall Moss, Charleston Human Rights Commission
Sally Lind, Huntington Human Rights Commission
John Johnson, West Virginia Developmental Disabilities Planning Council
Sallie Harrington, West Virginia Department of Education
Henry Hale, First Baptist Church
Geneva Foster, Parents of Murdered Children
Hilary Chiz, West Virginia Civil Liberties Union
Susan Allen, National Council of Jewish Women

West Virginia Human Rights Division

Nan Taylor, Deputy Director
Jackie Switzer, Coordinator

PLANNING COMMITTEE
1999 CIVIL RIGHTS SUMMIT
WEST VIRGINIA
In order to be a hate crime, an event must be a criminal act. Hateful acts which are not criminal acts, such as the expression of hateful views, which are protected by the First Amendment of the U.S. Constitution, are "hate incidents." Hate incidents, but not hate crimes.

The Hate Crime Task Force reports incidents in that there are apparently no overlaps between the State Police UC reported incidents in this statistic. The 89 incidents are suspected bias crimes. It is also worth pointing out that 89 reported incidents are not included in this statistic. The Hate Crime Task Force, although the Task Force itself is not designated to collect hate crime data, works to disseminate accurate hate crime data to law enforcement and other noncriminal hate-related activities, these incidents are not included in hate crime statistics. The Hate Crime Task Force is not designated to collect hate crime data, although the Task Force itself is not designated to collect hate crime data, works to disseminate accurate hate crime data to law enforcement and other noncriminal hate-related activities, these incidents are not included in this statistic.

Since the Hate Crime Task Force began keeping records of incident reports, a total of 89 incidents have been reported.

The extent and nature of the problem is, in part, due to the limited availability of information on hate crimes. As a result, there are some sources of information on hate crimes within the state that are incomplete. The available information is not reliable, and there is some evidence that the data is incomplete. The available information is not reliable, and there is some evidence that the data is incomplete.

Notwithstanding the very incomplete nature of this database, we believe it to be as complete as possible. Clear trends are observable in the data. The available information is not reliable, and there is some evidence that the data is incomplete.

Since January 1992, the Hate Crime Task Force has been maintaining a database of hate crimes.

The Frequency of Hate Crimes

In the United States, hate crimes are among the most serious of crimes, and they are often committed by people who feel threatened by the actions of others, and who see the actions of others as a threat to their own identity or to their own way of life. Hate crimes are often committed by people who feel threatened by the actions of others, and who see the actions of others as a threat to their own identity or to their own way of life.

The Impact of Hate Crimes

Hate crimes are crimes against individuals who are members of a particular race, religion, national origin, or sexual orientation. Hate crimes are often committed by people who feel threatened by the actions of others, and who see the actions of others as a threat to their own identity or to their own way of life. Hate crimes are often committed by people who feel threatened by the actions of others, and who see the actions of others as a threat to their own identity or to their own way of life.
Strategies for Addressing the Problem of Hate Crime

Cross in front of a home — Crimes related to the housing rights of the victims. Five (6%) involved the burning of a cross in front of a home. Crimes related to the housing rights of the victims. Five (6%) involved the burning of a cross in front of a home.

Defacing of property — Twenty-four (2% of the 98 reported hate crimes reported to the Task Force) defaced the destruction of property.

Of these 88 suspected bias crimes reported to the Task Force, 4 (46%), 16 (18%), 7 (8%), 4 (4%), and 2 (2%) were reported as religious, racial, political, ethnic, and disability bias, respectively.

These 88 specific reported hate crime incidents in the state during this period.

1996 and 1997 (seven) and those reported to the Task Force, so there were at least
report hate crimes and hate incidents and receive referrals for enforcement and support

in 1997, the Hate Crime Task Force initiated an information and referral telephone

The problem of hate crime and about what people can do to address the problem.

The Task Force has engaged in a variety of public education programs. Good

services.

in schools.

make available to secondary school faculties in-service training to address hate crimes

Throughout the state, Academy and through in-service training which is made readily available to police officers

Hate Crime Task Force. This type of training is currently offered at the State Police

through the efforts of the Hate Crime Task Force. The Hate Crime Task Force has directed an increasing amount

Over the past several years, a major part of the work of the Hate Crime Task Force
COMMUNITY TRAINING AND ACTION

3.

Crime prevention training in their communities.

A variety of disciplines received the training and are currently providing hate

crime prevention training. Approximately 40 West Virginia professionals from

various organizations have participated in a program conducted by the National Center for

Hate Crime Prevention. In May 1999, the Task Force co-hosted a Hate Crime Prevention Training

Session.

The Hate Crime Task Force is collaborating with the West Virginia Human Rights

Commission to develop a Hate Crime Commission toll-free line (888-676-5546).

 system is making use of the new Human Rights Commission toll-free line (888-676-5546).

This system is used for the reporting of hate crimes and bias-related incidents. The

referral system for the reporting of hate crimes is designed to be a means of

communication between the West Virginia State Police and the West Virginia Human Rights

Commission.

VICTIM ASSISTANCE

2.

Responsibly to hate crimes with civil rights implications.

The Task Force has developed a comprehensive protocol for hate

offices.

cases has been provided directly to police officers.

officials. In at least four separate cases, legal assistance was made available to

The Hate Crime Task Force has offered technical assistance to law enforcement

TECHNICAL ASSISTANCE

1.

WEST VIRGINIA HATE CRIME TASK FORCE

SUMMARY OF RECENT WORK OF THE
4. Schools

The implementation of the regulations at the local level.

The Hate Crime Task Force has worked to increase the availability of resources and training for educators, and explored other ways to increase the awareness of these resources. Since then, the Task Force has assisted with materials for the good resources for this work within our state. During 1998 and 1999, the Task Force provided advice and comments on the regulations promoting sexual, racial or religious/ethnic harassment in schools, and which require procedures for investigating and responding to such incidents. The Hate Crime Task Force recommends that the regulations be included in the regulations adopted by the State Board of Education.

At the end of 1999, the West Virginia Department of Education established a task force of the Hate Crime Task Force. The work of the task force is designed to be an umbrella for some of the town of Billings' initiatives. This initiative, based upon the inspiring example set by the town of Billings, has been shown in town meetings and gatherings all over the state.

On the eve of the 1997 Civil Rights Summit, the West Virginia Human Rights Council of Churches, West Virginia State EEO Conference, Marshall University, Civil Rights Summit and State Victims Symposium...
In 1999, the Civil Rights Division of the West Virginia Attorney General's Office is initiating a pilot program with a select group of secondary schools to address the problem of bias-motivated harassment and violence in schools. The program will involve a team of students from each participating school, who will receive training and support for student-initiated activities. The program will also involve faculty training for each of the schools.

5. FEDERAL-STATE COORDINATION IN ADDRESSING HATE CRIME

(a) There have been calls for better state-federal coordination in response to increased concern at the federal level in the wake of the domestic terrorism such as the Oklahoma City bombing and the burning of African-American churches. The West Virginia Hate Crime Task Force has been in dialogue with federal officials and officials of other states on this subject.

(b) For several years, Paul Sheridan, Coordinator of the West Virginia Hate Crime Task Force of the National Association of Attorney General Janet Reno's Working Group on Hate Crime Training for State and Local Law Enforcement, pressed for these improvements in hate crime reporting and response.

(c) In 1999, the United States Department of Justice, the National Association of Attorneys General entered into a Memorandum of Understanding to improve cooperation regarding the prosecution of hate crimes.

(d) currently available at the following website:
Violation of Fair Housing (Civil Infraction and Civil Enforcement)

Political affiliation or disability;

Inference of race, color, religion, sex, ancestry, national origin, national affiliation or any other characteristic protected by law;

Unlawful discrimination or harassment;

Unauthorized entry or interference with property;

Theft of personal property;

Unauthorized entry or interference with property;

Unauthorized possession of a firearm;

Theft of personal property;

Unauthorized possession of a firearm;

Unauthorized entry or interference with property.

Civil Rights Infringements

Unlawful Military Organizations

The offense of wearing a mask, hood or face covering

Aggravation of criminal intent or committing a crime

Hate Crimes

Under the Virginia Hate Crime Statute, hate crimes are classified as felonies with enhanced penalties. This statute addresses crimes motivated by hate, including offenses motivated by race, color, religion, national origin, or sexual orientation.

Summary of State Hate-Crime Related Laws

Like most states, West Virginia has several statutes which specifically address hate-motivated offenses. They were enacted at various times in history and are directed at different hate-related problems.
Harassment in the Schools

The West Virginia Board of Education has promulgated regulations (12C2SR18) prohibiting all harassment in the schools based upon race, sex, religion, or ethnicity. The regulations also require County Boards of Education to have in place procedures for investigating and addressing incidents and discipline for those found to have engaged in such harassment.
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Law G. Tree, Esq.

Huntington, WV
William Pediord

Morgantown, WV
Charlene Marshall

Charleston, WV
Betty Hamilton

Parkersburg, WV
Robert T. Goldenberg, Esq.

Grafton, WV
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Welch, WV
Marion Caphart

Omar, WV
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Robert L. Morris, Esq., Chair

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