

**ANNUAL REPORT**

**FISCAL YEAR 1999-2000**

**West Virginia Human Rights Commission  
1321 Plaza East, 108 A  
Charleston, West Virginia 25301-1400**

**WEST VIRGINIA HUMAN RIGHTS COMMISSION**

**ANNUAL REPORT  
FY 1999-00**

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## **PREFERENCE LETTER FROM THE EXECUTIVE DIRECTOR**

**January 2001**

**Dear Legislators:**

**The West Virginia Human Rights Commission was created by the West Virginia Legislature under the West Virginia Human Rights Act (W.Va. Code § 5-11) of 1961 to ensure equal protection of the civil and human rights of the citizens of West Virginia in the areas of employment, housing and public accommodations. The Commission is mandated with the responsibility of enforcing the West Virginia Human Rights Act and the West Virginia Fair Housing Act which prohibit discrimination based on race, religion, color, ancestry, national origin, color, age, sex, religion, blindness, disability and familial status.**

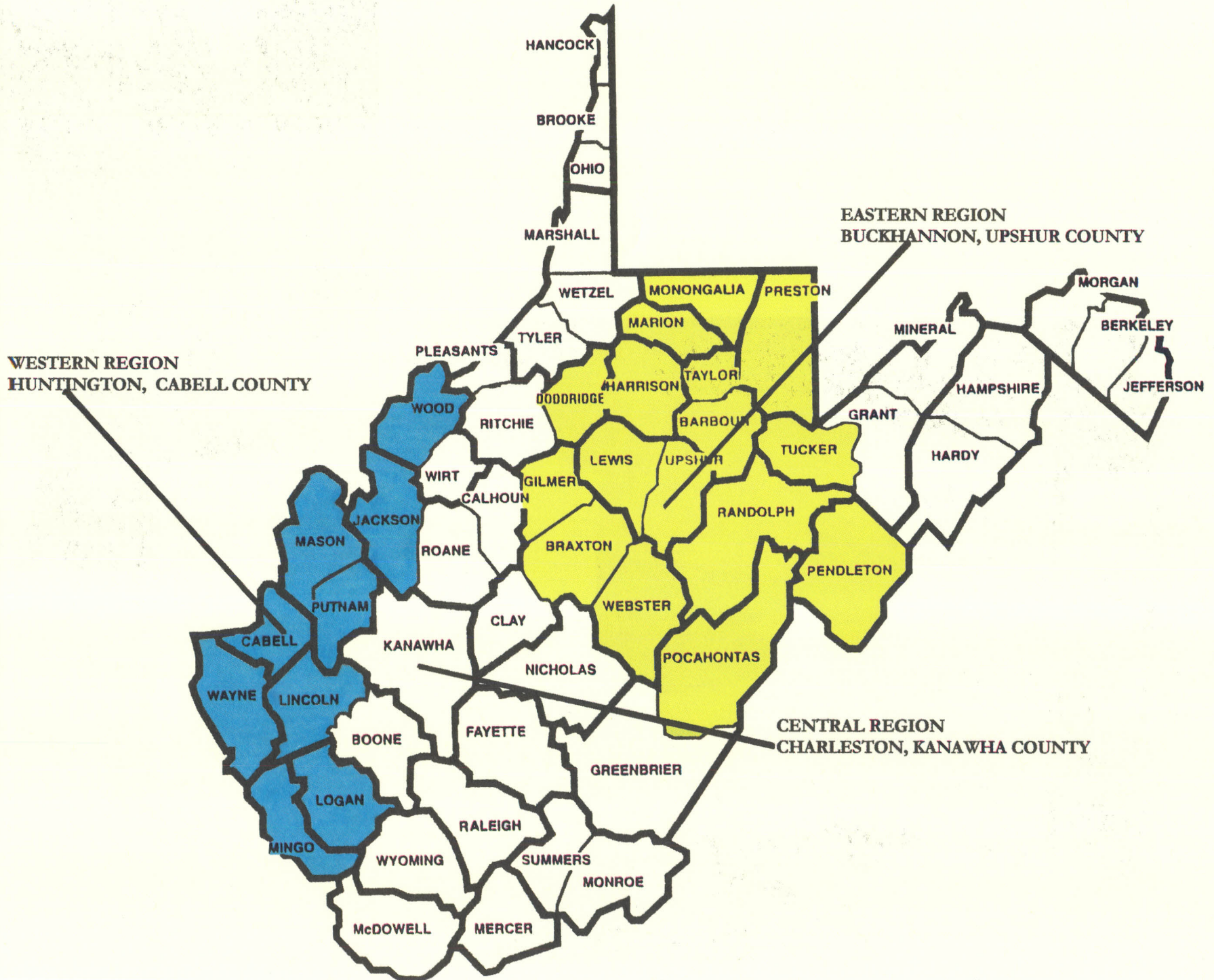
**The West Virginia Human Rights Commission remains steadfast in its commitment to guarantee equal opportunity to every resident of the State of West Virginia in their pursuit of full and productive lives. The Commission's goal is to provide the best possible services to the citizens of West Virginia.**

**The Commission believes that it is the responsibility of all West Virginians to become involved in the continued fight to eliminate all forms of discrimination in order to achieve the respect deserved by every citizen of this state. The Commission pledges to encourage appreciation of our diversity, mutual respect for each other and the dignity of equal opportunity provided by law.**

**IVIN B. LEE  
EXECUTIVE DIRECTOR**

**IBL/bw**

# WEST VIRGINIA HUMAN RIGHTS COMMISSION REGIONS



252



**Ivin B. Lee**  
**Executive Director**



**Norman Lindell**  
**Deputy Director**

# **Administrative Report**

## **My Vision**

**It is my hope to continue to motivate and inspire the staff to process and bring cases to a timely closure. In doing this, it is believed the people in the State of West Virginia will be better served.**

**Believing education is the key to eliminating all forms of discrimination, we will continue to set up dialogue with understanding between this Commission and all West Virginians. By having a better public awareness, we are able to promote and develop a team effort, earning respect and thereby will reduce the level of intolerance among our diverse cultures. A bridge has been constructed to promote credibility between the public and our Commission and has facilitated a team effort among the staff.**

**We have expanded our investigative team and with additional investigators, have been able to reduce the burden on the investigators, thereby expediting handling of case loads.**

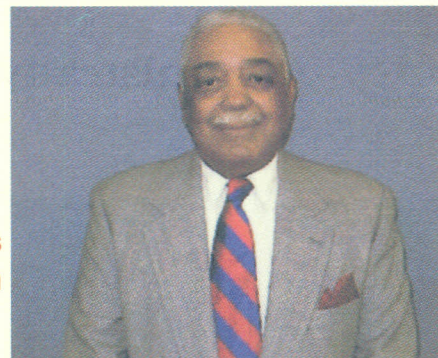
**Mediation is an effective tool—its effect is that it is less time consuming and less expensive than adjudication. Our continued goal is to process cases in a timely fashion without jeopardizing the quality of our investigations. Utilization of the mediation tool has facilitated the processing of cases and has proved to be another of this Commission's success stories.**

**IVIN B. LEE  
EXECUTIVE DIRECTOR**

**WEST VIRGINIA HUMAN RIGHTS COMMISSION  
COMMISSIONERS**



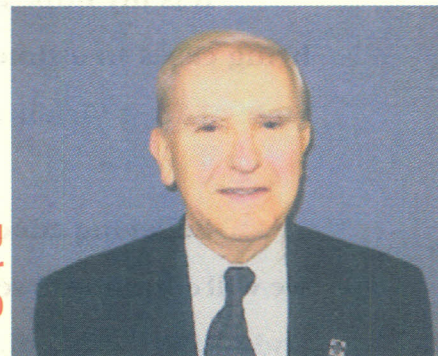
**Robert M. Morris  
Chairperson**



**William L. Williams  
Vice Chairperson**



**Marion J. Capehart  
Commissioner**



**Robert T. Goldenberg  
Commissioner  
Resigned 7-1-00**



**Betty A. Hamilton  
Commissioner  
Elected Vice Chairperson  
7-1-00**



**Charlene Marshall  
Commissioner**



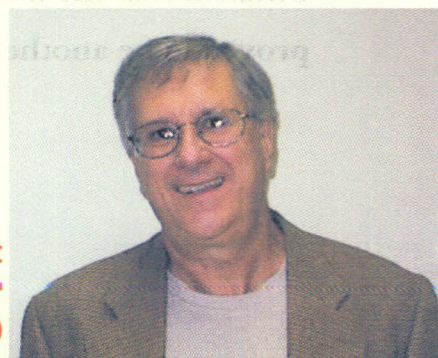
**William A. Peddicord  
Commissioner**



**Lew G. Tyree  
Commissioner  
Elected Chair 7-1-00**

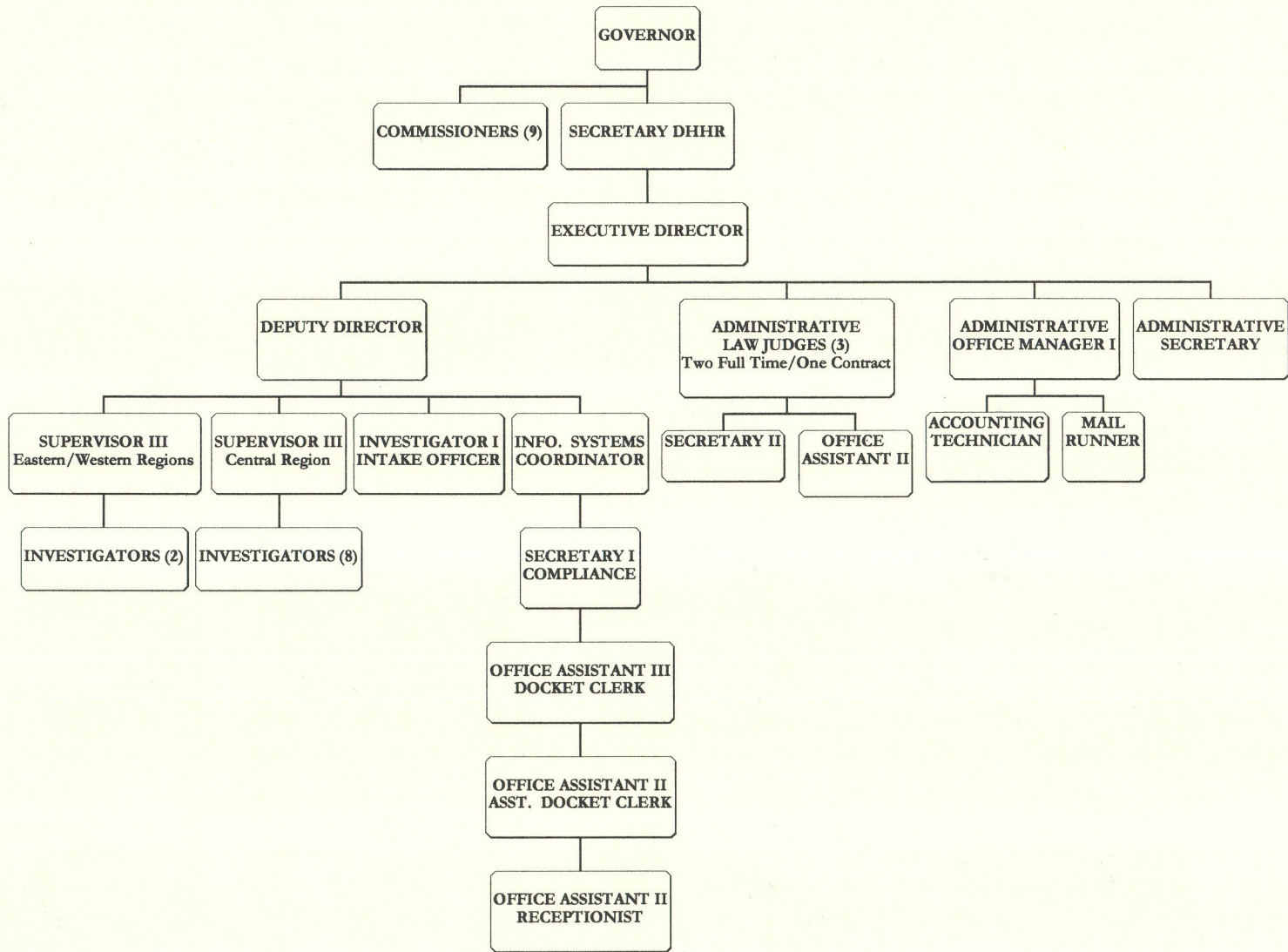


**Elizabeth Brown  
Commissioner  
Appointed 1-10-00**



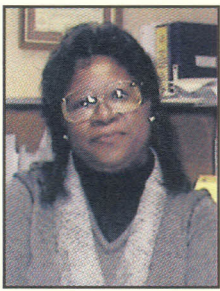
**Kenneth Gilbert  
Commissioner  
Appointed 7-19-00**

# WEST VIRGINIA HUMAN RIGHTS COMMISSION ORGANIZATION CHART



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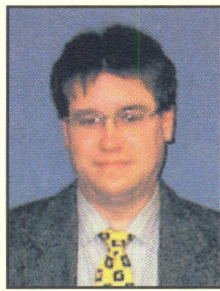




**Deborah K. Robinson**  
Acct. Tech



**Gail Ferguson**  
Administrative  
Law Judge



**Robert B. Wilson**  
Administrative  
Law Judge



**Bette F. Wilhelm**  
Administrative Secretary  
Mediation Coordinator



**Edna L. Martin**  
Administrative  
Service Manager I



**Mary C. Buchmelter**  
Deputy Attorney General  
Civil Rights Division



**Paul W. Cook**  
Information Systems  
Coordinator



**Richard R. Ashwell**  
Investigator I



**Sally L. Brown**  
Investigator I-Intake



**J.L. Johnson**  
Investigator I



**Thomas A. Lee**  
Investigator I



**Carolyn K. Smith**  
Investigator I



**Tausha Stigall**  
Investigator I



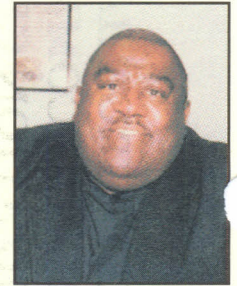
**Yodora Booth**  
Investigator II



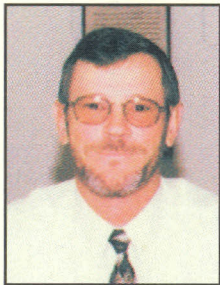
**Linda L. Bowers**  
Investigator II



**David Gillespie**  
Investigator II



**Jackie Heath**  
Investigator II



**Don Raynes**  
Investigator II



**Kenneth Bailey**  
Mail Runner



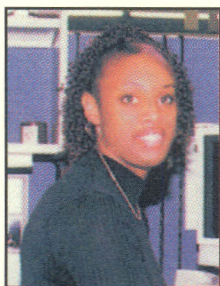
**Penny McGill**  
Office Assistant II



**Kaye P. Vealey**  
Office Assistant II



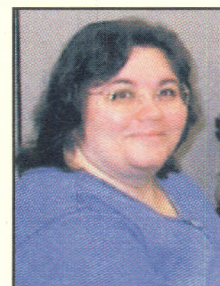
**Leona Chupick**  
Office Assistant III



**Lisa Parks-Gist**  
Office Assistant III



**Joyce E. Knotts**  
Secretary I



**Monia S. Turley**  
Secretary II



**Paul Hamilton**  
Supervisor III



**William D. Mahan**  
Supervisor III

**WEST VIRGINIA  
HUMAN RIGHTS COMMISSION**

**CENTRAL OFFICE STAFF**

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\* For employee e-mail, ADD: @wvhrc.state.wv.us to e-mail name

NAME	POSITION	E-MAIL*	EXTENSION
Ashwell, Richard	Investigator I	ashwellr	211
Bailey, Kenneth	Mail Runner	baileywk	220
Booth, Yodora	Investigator II	booth	226
Bowers, Linda***	Investigator II	bowersll	557-5823
Brown, Sallie	Investigator I	browns1	215
Buchmelter, Mary Kaye	Dep. Atty. Gen.	marykay	214
Chupick, Leona	Office Assistant III	chup	221
Cook, Paul	IS Coordinator	cookpw	205
Ferguson, Gail	Admin. Law Judge	fergusongm	202
Gillespie, David	Investigator II	gillesp	225
Hamilton, Paul***	Supervisor III	hamilton	557-5798
Heath, Jackie	Investigator II	heathjl	208
Jacquet, M. K.	CRT Proj. Coord.	jacquetmk	201
Johnson, J. L.	Investigator I	johnsonjl	210
Knotts, Joyce	Secretary	knottsje	216
Lee, Ivin B.	<i>Executive Director</i>	leeib	230
Lee, Thomas	Investigator I	leeta	213
Lindell, Norman	<i>Deputy Director</i>	lindelln	206
Martin, Edna	Admin. Svcs. Mgr.I	martinel	204
Mahan, William D.	Supervisor III	mahanwd	209
McGill, Penny	Office Assistant II	mcgill	223
Parks-Gist, Lisa	Office Assistant III	parksgister	227
Raynes, Don	Investigator II	raynesdr	212
Robinson, Deborah	Acct. Technician I	robinsondk	217
Smith, Carolyn K.	Investigator I	smithck	222
Stigall, Tausha**	Investigator I	stig	557-4282
Turly, Monia	Legal Secretary	turleym	218
Vealey, Kaye	Office Assistant II	vealeykp	200
Wilhelm, Bette	Admin. Secretary	wilhelmbf	203
Wilson, Robert	Admin. Law Judge	wilsonrb	224

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## **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 being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodations to: (A) Refuse, withhold from or deny to any individual because of his race, religion, 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 . . . (A) Engage in any form of threats or reprisal, . . . or otherwise discriminate against any person because he has . . . 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 exercised or enjoyed, 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.”

## DECLARATION OF POLICY

It is the public policy of the State of West Virginia to provide all citizens equal opportunity for employment, equal access to places of public accommodations and equal opportunity in the sale, purchase, lease, rental and financing of housing accommodations or real property. Equal opportunity in the areas of employment and public accommodations is hereby declared to be a human right or civil right of all persons without regard to race, religion, color, national origin, ancestry, sex, age (40 and above), blindness or disability. Equal opportunity in housing accommodations or real property is hereby declared a human right or civil right of all persons without regard to race, religion, color, national origin, ancestry, sex, blindness, disability or familial status.

The denial of these rights to properly qualified persons by reason of race, religion, color, national origin, ancestry, sex, age, blindness, disability or familial status is contrary to the principles of freedom and equality of opportunity and is destructive to a free and democratic society.

Unlawful discrimination damages both the individual and society in a myriad of ways, not the least of which is shame and humiliation experienced by the victim—feelings that diminish the person's ability to function in every area of life. Society is damaged by the unwarranted and foolish refusal to accept an individual's talents and efforts merely because of race, sex, religion, age, color, ethnicity or disability. With regard to housing, discrimination strikes at the dignity of the individual. It says to the victim that "No matter how much money you have," "No matter what your social position, you cannot live here." The victim is denied basic necessities of life (shelter) and fundamental freedom (the right to live where one chooses).

Specifically, the West Virginia Human Rights Act prohibits discrimination by any employer employing 12 or more persons based on race, color, religion, national origin, ancestry, sex, age (40 and above), blindness or disability in the selection, discharge, discipline or other terms and conditions of employment. The Act also prohibits any advertisement of employment that indicates any preference, limitation, specification or discrimination based on race, religion, color, national origin, ancestry, sex, age blindness or disability. Lastly, it is unlawful under the Act to retaliate or discriminate in any manner against a person because the person has opposed a practice declared unlawful by this Act or because the person has made or filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing concerning an unlawful practice under the Act.

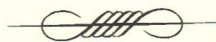
The Fair Housing Act protects each person's right to personal dignity and freedom from humiliation, as well as the individual's freedom to take up residence wherever the individual chooses. This Act prohibits discrimination in housing based on race, religion, color, sex, national origin, ancestry, disability and familial status (the presence of children under the age of 18 years of age in the household). Wide ranges of discriminatory practices are prohibited, affecting a variety of persons and businesses. Realtors, brokers, banks, mortgage lenders, insurance companies, developers, real estate buyers and sellers, landlord and tenants are all affected by the Fair Housing Act. It is important that all those covered by the Act know their rights and duties under the Act.

# **THE WEST VIRGINIA**

## **HUMAN RIGHTS COMMISSION**

### **MISSION STATEMENT**

**The West Virginia Human Rights Commission will encourage and endeavor to bring about respect, tolerance and mutual understanding among all citizens of Virginia, regardless of their race, gender, religious persuasion, ethnicity or disability. The Commission will administer and ensure adherence to, through Education, Investigation, Mediation and Adjudication, the Human Rights Act, which prohibits discrimination in employment, housing and places of public accommodation.**



## COMMUNITY OUTREACH

The Executive Director of the Human Rights Commission has stressed the importance of community outreach. The first of two community workshops was held February 20, 2000 at the New Covenant Baptist Church in Charleston and the subject covered was **RESOURCES** for minority individuals. This workshop was designed to familiarize minorities with resources that are available to them of which they may not be aware. The theme was **"All those things you always wanted to ask, let us answer!"** The workshop was sponsored by:

- ◆ West Virginia Human Rights Commission and its Commissioners
- ◆ Hillary Chiz  
American Civil Liberties Union
- ◆ Debbie Hart  
Governor's EEO Director
- ◆ Dallas Staples, Former Chief of Police  
"Driving While Black"
- ◆ Rev. Matthew Watts  
Grace Memorial Church
- ◆ Rev. James Ealy  
New Covenant Baptist Church

On May 21, 2000, a second community workshop was held at the New Covenant Baptist Church in Charleston. The focus of this workshop was **"RESOURCES—Helping Hands."** Presenters were:

- ◆ Mary Snow, Retired Educator  
AARP
- ◆ Linda Rhodes, Director for Sr. Svcs.  
Kanawha Valley Senior Services
- ◆ Robert Jeffries, Public Affairs Specialist  
Social Security Administration
- ◆ Pat White, Administrator  
West Virginia Health Right
- ◆ Lew G. Tyree, Esquire, Ex. Director  
WV Housing Dev. Fund

In addition to the above-named presenters, a panel discussion was held on **"Dangers and Trauma of Weapons as it Relates to the Community."** Those serving on the panel were:

- ◆ Reverend Homer Davis, President  
Charleston NAACP
- ◆ Reverend Lloyd Hill  
Liberty Baptist Church
- ◆ Reverend Matthew Watts
- ◆ Carl Lee, III, Football Coach  
West Virginia State College

Both of these workshops were extremely well attended with 127 attending the first and 117 attending the second.

In adhering to the WV HRC's Mission Statement's promise of encouraging and endeavoring to bring about respect, tolerance and mutual understanding among all citizens of West Virginia," many other community outreach projects occurred, some of which include:

A presentation of the 2000 WV HRC Award to the Fair Shake Network, accepted by Shirley Klein and John Brumfield, co-chairpersons of the Fair Shake Network.

The Commission hosted a luncheon for members of WV Black Law Enforcement United (WV BLEU). The purpose of the meeting was to bring to the table any issues or areas of concern the members may have with which the WV HRC could offer assistance.

In October 2000, the Human Rights Commission co-sponsored a "Stop-the-Hate" Interfaith Vigil Against Hate

Violence with the Kanawha Valley Stop-the-Hate Committee in Charleston. Approximately 150 persons attended this spiritual gathering.

Throughout the past year the Executive Director and Deputy Director have participated in numerous workshops and given many speeches on behalf of the Commission.

### ***Commission Annual Retreat***

The WV HRC's annual retreat took place in August 2000 at Harper's Ferry, West Virginia. The retreat coincided with the 56<sup>th</sup> Annual NAACP Conference at that same site.

The facilitator at this very successful event was David Harris, Director of Equity Programs of Marshall University. He reviewed the Goals and Objectives from the previous year and reported the majority have been met and exceeded.

The Executive Director's "My Vision" was adopted as the Previous year's Strategic Plan and as a result two additional offices have been opened throughout the state. The focus of the plan is on education, team work, exposure, staffing, and mediation, all of which are occurring.

Other community workshops will take place throughout the state and will be hosted by the Commissioners.

The first goal adopted was to continue to enforce the statutes to prevent discrimination by remaining visible, available and supportive and to have the staff be more interactive.

A second goal was to develop a manual to describe job descriptions, procedures, background and

functions of the Commission and Commissioners. Team work, training and exposure were emphasized. It was decided that the ensuing year was to be "The Year of the Employee," by becoming fully staffed and trained.

Goal No. Three was to continue data collection improvement for the Commission's reporting system, explore creating an operational center for race relations and to take a firm stance against hate crimes.

# **WEST VIRGINIA HUMAN RIGHTS COMMISSION COMPLAINT PROCESS**

## **Step One:**

**Y**ou must act quickly! A person may call, write or visit the office of the West Virginia Human Rights Commission to report an incident of discrimination. The complaint must be filed within 365 days of the most recent incident.

## **Step Two:**

**A**fter all facts have been examined, an investigator makes a recommendation as to a finding. The finding will either be that there is not enough evidence to support the allegation(s) of discrimination (no probable cause) or that there is reason to believe that discrimination did occur (probable cause).

## **Step Three:**

**F**ollowing a probable-cause determination, conciliation is attempted. In this stage, the Commission or the complainant may agree to a settlement with the parties against whom the complaint is filed (the respondent). If a settlement cannot be reached, a public hearing will be held.

## **Step Four:**

**A**n 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 Five:**

**T**he judge's decision may be appealed to the West Virginia Human Rights Commission. The appeal is reviewed by the nine Commissioners who are appointed by the Governor. The party aggrieved by the Commissioners' decision may then seek judicial review in the courts.



## AN OVERVIEW OF INVESTIGATION AND COMPLIANCE PERFORMANCE

The following statistical report has been prepared to provide a picture of the investigation and outcome of cases filed before the West Virginia Human Rights Commission. In order to provide a context for these statistics, a summary of the investigation and compliance operation is included.

The central charge of the West Virginia Human Rights Commission is to enforce compliance with the provisions of the West Virginia Human Rights Act. To this end, allegations of discrimination in employment, housing or public accommodations due to membership in any of the nine protected categories are subjected to a three-part process:

### **Step One: Intake**

The intake process is the initial step in filing a complaint with the Commission. Each prospective complainant is required to provide sufficient information on which the Commission may draft a complaint. This information should include the complaining party's name and address, the name and address of the party against whom the complaint is being filed, a synopsis of the alleged act of discrimination, and be willing to sign a verified complaint.

### **Step Two: Investigative Process**

Once the signed verified complaint is received by the Commission, it is served upon the accused

party (the respondent) and assigned for investigation. The respondent must provide a response to the complaint called a "position statement." The position statement provides the respondent's rationale for the action(s) taken in relation to the allegations raised in the complaint.

The investigator does not represent either party during the investigative process. Rather, the investigator is a fact finder. First, the investigator reviews the position statement and forwards a copy of it to the complainant, requesting a rebuttal. The investigator then reviews the material and determines what other information will be needed to ascertain all the relevant facts. The investigator will then request the appropriate information from both the complainant and the respondent. The investigator may interview individuals who have been identified as having pertinent information relating to the complaint.

In some instances, the case is administratively dismissed because the investigation revealed that the complaint was not jurisdictional, the complainant has withdrawn its complaint, or the complainant fails to cooperate with the Commission's investigation.

During this process, a pre-determination settlement is possible. In pre-determination settlements, the conciliator does not propose the terms of settlement. The investigator facilitates the exchange of offers and responses. If the parties reach a resolution, an agreement is prepared which specifies the terms of the resolution. The agreement

protects the interests of each party, as well as that of the Commission.

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 the evidence. If probable cause is found, the case is assigned to an Administrative Law Judge and begins to move toward a hearing.

However, several intervening events may occur prior to hearing:

- ✓ First, a settlement may yet be reached.
- ✓ At the pre hearing stage, the probable cause finding stands, but a settlement agreement between the parties and the Commission may avert a hearing.
- ✓ The complainant may choose to withdraw the case to circuit court.
- ✓ The parties may be ordered to mediation.
- ✓ If mediation fails, the case continues to hearing.

### **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 \$5,000.00 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.

## INVESTIGATIVE DIVISION REPORT

The Investigative Division of the West Virginia Human Commission has a total of eleven (11) investigators who are responsible for investigations and case recommendation preparation.

Since 1992, the Human Rights Commission's inventory of cases has steadily decreased from a high of 1048 cases to the present level of 659 cases (end of Fiscal Year 1999-00). This has resulted in more manageable investigator caseloads.

The Commission's performance in case resolution for the Fiscal Years 1997-98, 1998-99 and 1999-00 is summarized as follows:

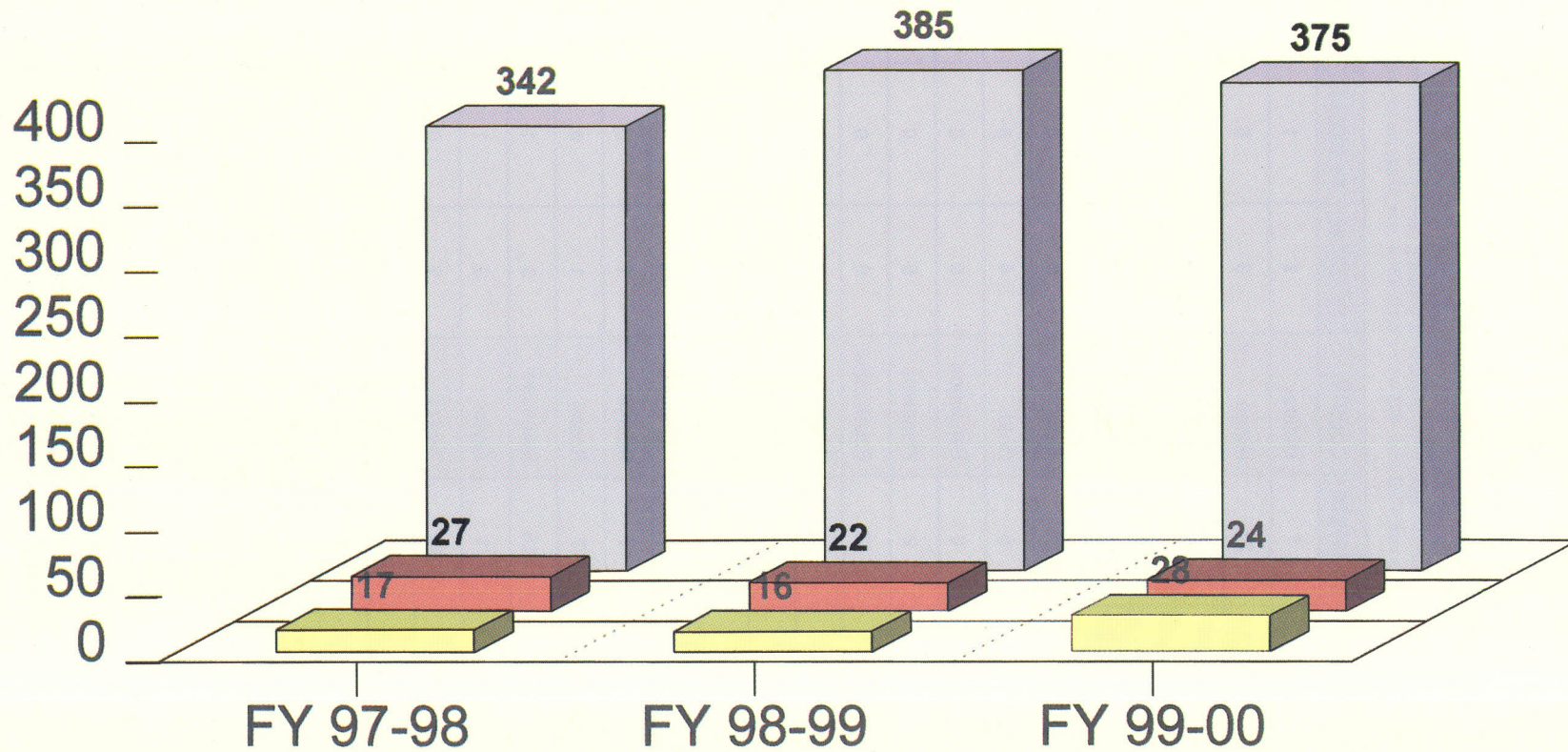
<b>Fiscal Year</b>	<b>Complaints Closed</b>	<b>No-Probable Cause</b>	<b>Administrative Closures</b>	<b>Probable Cause Determination/Settlement</b>	<b>Monetary Benefits to Complainants</b>
1997-98	478	68%	19%	13%	\$ 1,061,362.12
1998-99	440	62%	19%	19%	\$ 594,841.87
1999-00	403	50%	30%	20%	\$ 1,331,428.57

## CASE LOAD MANAGEMENT

The West Virginia Human Rights Commission has continued to reduce the number of pending cases while maintaining high quality investigative processes. In Fiscal Year 1999-00, **427** new charges were filed while **403** were closed. These new filings are set out below by county:

COUNTY	FY 1997-98	FY 1998-99	FY 1999-00	COUNTY	FY 1997-98	FY 1998-99	FY 1999-00
Barbour	0	2	1	Mineral	2	1	2
Berkeley	11	27	21	Mingo	3	6	5
Boone	4	4	1	Monongalia	10	16	13
Braxton	0	2	4	Monroe	0	0	0
Brooke	11	0	0	Morgan	1	0	1
Cabell	27	24	24	Nicholas	5	4	5
Calhoun	0	1	0	Ohio	4	6	5
Clay	1	1	0	Pendleton	0	0	2
Doddridge	0	0	2	Pleasants	0	0	0
Fayette	13	8	11	Pocahontas	0	0	3
Gilmer	0	0	1	Preston	2	1	0
Grant	1	3	1	Putnam	7	11	11
Greenbrier	5	5	11	Raleigh	22	39	16
Hampshire	0	0	1	Randolph	4	8	8
Hancock	28	8	7	Ritchie	1	0	0
Hardy	0	5	7	Roane	1	0	0
Harrison	7	14	16	Summers	3	1	2
Jackson	4	8	1	Taylor	2	1	2
Jefferson	7	4	12	Tucker	2	0	0
Kanawha	141	145	152	Tyler	3	0	1
Lewis	1	0	2	Upshur	0	2	1
Lincoln	1	1	0	Wayne	6	3	0
Logan	9	8	7	Webster	0	0	2
McDowell	3	3	9	Wetzel	3	2	0
Marion	8	10	11	Wirt	0	0	0
Marshall	2	2	3	Wood	9	17	26
Mason	0	4	5	Wyoming	2	0	4
Mercer	10	16	9	<b>TOTAL</b>	<b>386</b>	<b>423</b>	<b>427</b>

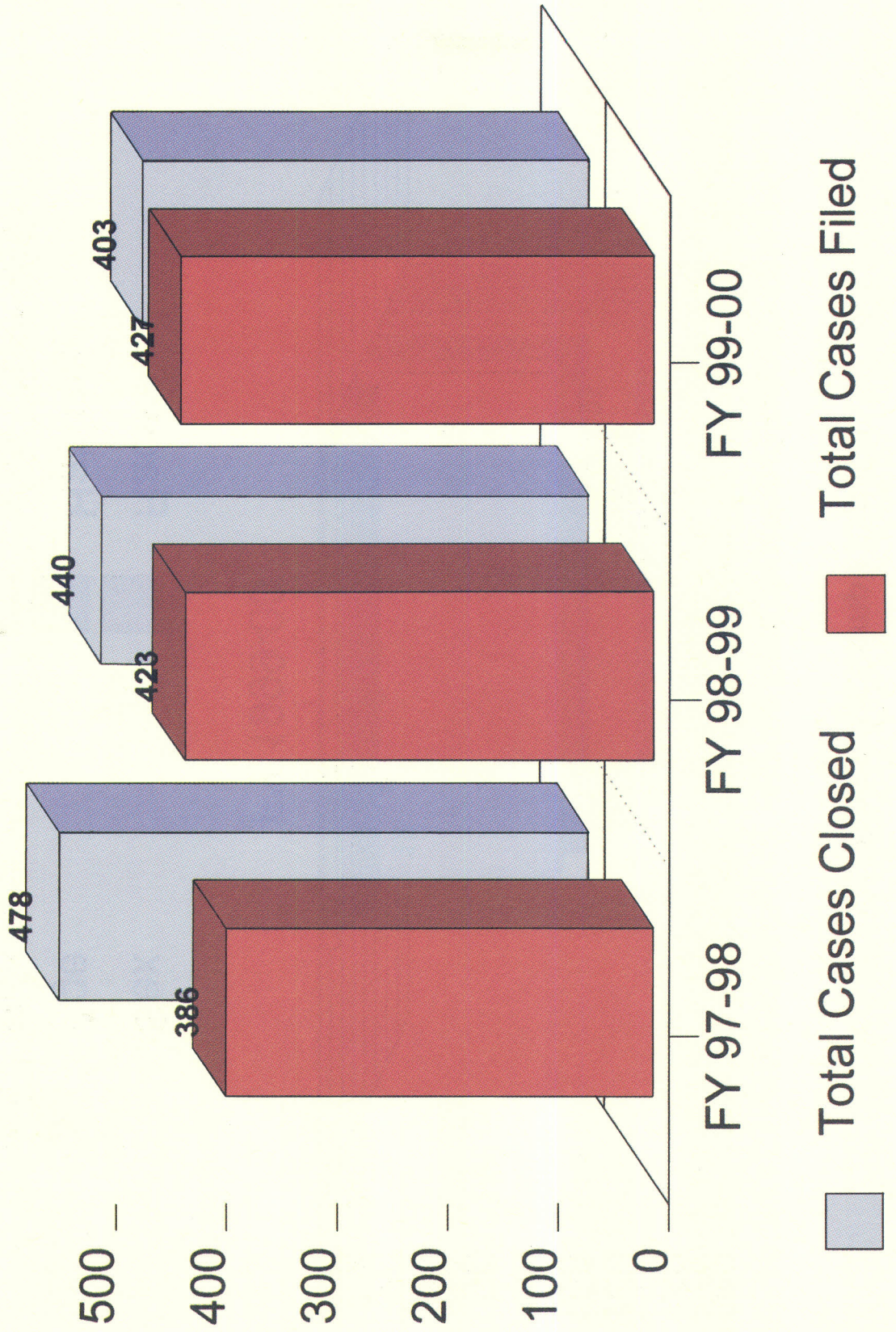
### Breakdown of Total Cases Filed



~ 22 ~

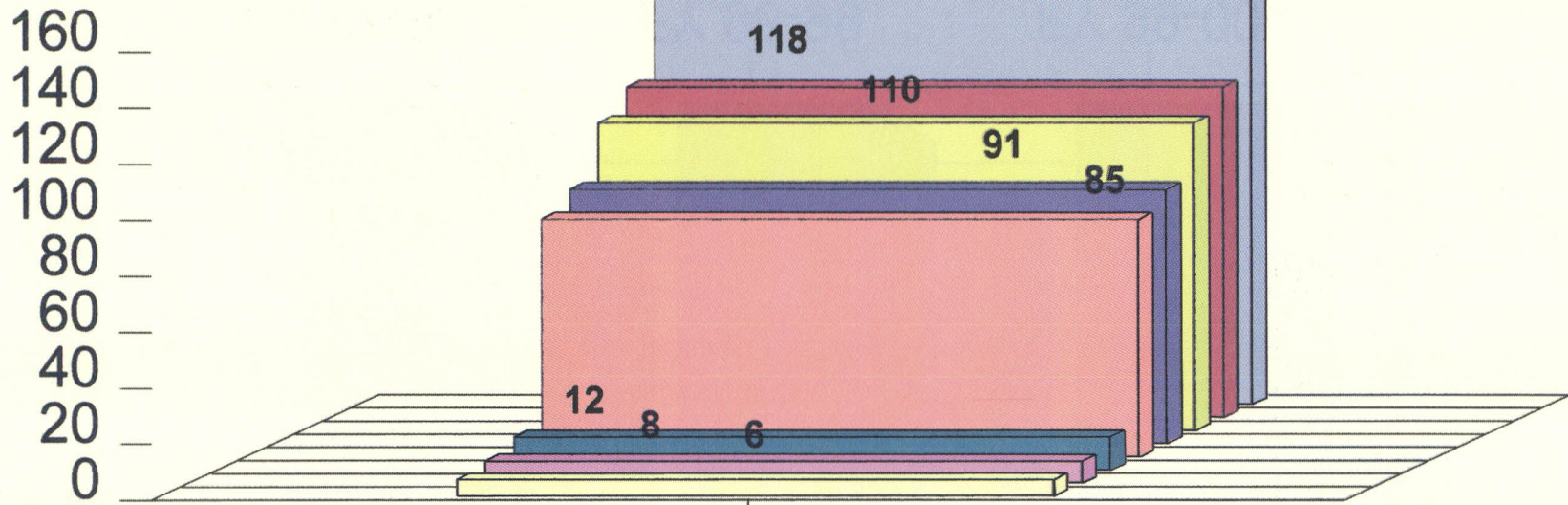
- Employment
- Public Accommodations
- Housing

### Breakdown--Filed & Closed











### Bases for Complaints

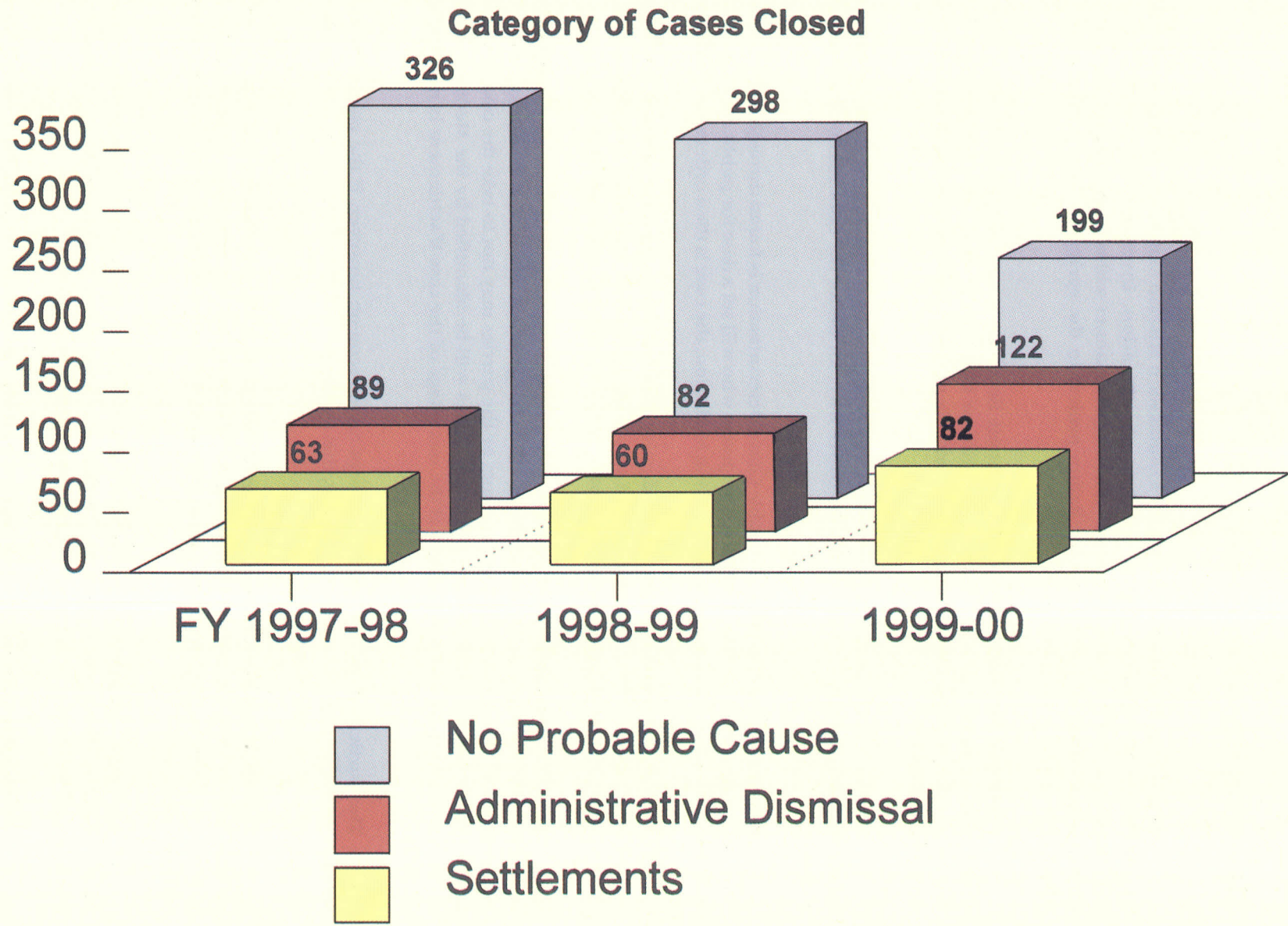
159



FY 1999-00

- |   |          |   |                 |
|---|----------|---|-----------------|
|  | Sex      |  | Race            |
|  | Age      |  | Handicap        |
|  | Reprisal |  | National Origin |
|  | Ancestry |  | Religion        |

~ 25 ~





## **MEDIATION REPORT OF SPRING 2000**

In the West Virginia Human Rights Commission Mission Statement, a pledge was made to administer the Human Rights Act through education, investigation, mediation and adjudication. In order to process every case in a timely manner without jeopardizing the interest of any of the involved parties, the mediation project in the spring of 2000 proved to be an effective tool in reaching that goal.

Mediation is a form of Alternative Dispute Resolution, now offered as an efficient and time-and-money saving alternative to the hearing or litigation process. This has proved to be a fair and confidential process through which settlement agreements were reached on a mutually accepted resolution.

The decision to Mediate can be voluntarily requested by the parties, or it may be ordered by the Administrative Law Judge or the Executive Director under the Commission's Procedural Rules.

After a charge is filed and a Probable Cause Determination is found through investigation, the case is assigned to an Administrative Law Judge who will set a date for public hearing. If the ALJ determines that the case could benefit from Mediation, the case is then ordered to Mediation.

The process involves a neutral third party, the Mediator, who is trained and listed with the West Virginia State Bar Association, and serves on a *pro bono* basis. The Mediator acts as a facilitator for the participants in an attempt to arrive at a negotiated resolution.

This fair and confidential process averts time-consuming and unnecessary litigation and is provided fee-free to the participants. If a charge is not resolved at Mediation, the case will proceed to the scheduled public hearing, or the parties may opt to take the case to Circuit Court. With consent of the parties, pertinent issues will be identified by the Mediator which could facilitate settlement possibilities at the next stage of the case if settlement is not reached at Mediation.

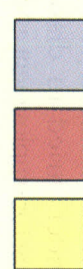
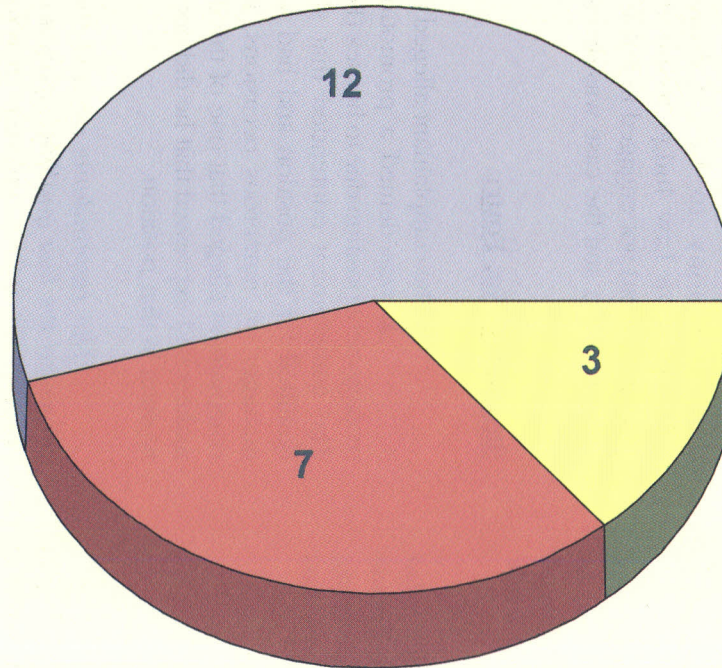
The parties are never forced to accept an agreement; however, if the parties reach a settlement and execute a written agreement, this agreement is enforceable in the same manner as any other written contract.

Mediation has been increasing dramatically during the past several years in the legal system in West Virginia and the Human Rights Commission is proud to be a leader in utilizing this tool in order to give the parties an opportunity to resolve differences in an effective and efficient manner.

A second Mediation Project is scheduled for the week of September 18 through 22, 2000. The Commission plans to take the Mediation process throughout the state to accommodate parties who would find it inconvenient to travel to Kanawha County.

Following is a chart reflecting the results of the Commission's spring Mediation Project:

## Spring 2000 Mediation Project Final Results



Settled--54%

To Administrative Hearing--32%

To Circuit Court--14%

**Monetary settlement figure to Complainants was \$220,900.00.**

**Of the 22 cases mediated, 15 (68%) were processed, and seven (32%) will proceed to public hearing.**

## SELECTED SUMMARIES OF PUBLIC HEARING CASES

### Summary No. One:

The complainant alleged that he was denied the opportunity to rent a car from the respondent due to his race (Black) and national origin (Ghana, West Africa). Respondent stated that the complainant was denied a rental car because he could not provide proof of insurance. Additionally, he was denied a rental car because his credit card was rejected when attempts to charge the rental fee to the card were denied. When the complainant was informed that he would not be allowed to opportunity to rent a car, an argument ensued whereby the complainant was denied a ride back to his hotel.

*The Administrative Law Judge ruled that the respondent articulated a legitimate non discriminatory reason for denying complainant a rental car and the case was dismissed.*

### Summary No. Two:

The complainant alleged that he was denied employment by the respondent due to his race (Black) and national origin (Guyana, South America). Complainant contended that an agent of the respondent tried to dissuade him from applying for employment and when that failed he was informed the position in question was filled. Respondent stated that it filled the position prior to complainant's applying.

*The Administrative Law Judge ruled that the complainant was qualified for the position and the respondent had not hired anyone for the position prior to receiving the complainant's application. The Administrative Law Judge ordered the respondent to make the appropriate restitution to the complainant for its act of discrimination.*

### Summary No. Three:

The complainant alleged that he was denied a promotion to a Supervisory position due to his age (59). Respondent contended that the person hired, though younger than the complainant, was better suited for the position. The Administrative Law Judge, after listening to the testimony of the decision makers, found their testimony to be credible. The Administrative Law Judge found that the respondent had not engaged in unlawful age discrimination and the case was dismissed.

### Summary No. Four:

The complainant alleged that she was denied a promotion to a management position due to her sex (Female). The complainant contended that she was qualified for the position and had acted as manager on numerous occasions. Further, complainant alleged that one of the decision makers had expressed that he did not want a women in that position.

*The respondents argued that they promoted the best qualified applicant to the position. When the complainant was informed that she was not selected for the position, she told the senior managers about the decision maker's sexist comments. The senior managers investigated complainant's allegations and found them not to be credible. However, to ensure the selection process was fair, they re-interviewed all the candidates and once again selected the same applicant for the position. In an effort to demonstrate the superior qualifications of the successful applicant to the complainant, they designed a chart comparing her qualifications to those of the successful applicant. When this chart was presented at hearing, it demonstrated that the complainant's experience and education had been undervalued.*

*The Administrative Law Judge further found that the investigation conducted by the respondent regarding the complainant's allegation, that the original decision maker had made sexist remarks was not conducted appropriately and therefore not credible. The complainant also informed the senior managers that the decision maker was predisposed to exclude women from the managerial position. This allegation was also investigated by the senior managers and determined to be unfounded. The Administrative Law Judge found the conclusions of the investigation in this issue were not credible. The Administrative Law Judge found that the selection process was tainted by the views expressed by the original decision maker. Thus, the Administrative Law Judge found the respondent had considered an impermissible motive to affect the decision not to award the complainant the promotion. The Administrative Law Judge awarded the appropriate relief to the complainant.*

#### **Summary No. Five:**

**T**he complainant alleged that she was not allowed to return to work following surgery associated with her disability, even though her treating physician released her to return to full employment. The complainant was subsequently terminated. The respondent initially contended that they had never received the release. During the hearing it was proven that the respondent had in fact received the release. The respondent then alleged that the release was insufficient to allow the complainant to return to work. The Administrative Law Judge found that this defense was not credible and ruled that the complainant was the victim of unlawful discrimination due to complainant's disability. The Administrative Law Judge ordered the respondent to provide appropriate relief.

#### **Summary No. Six:**

**T**he complainant, an African-American minister, alleged that he was denied service by a taxi cab company due to his race. The respondent contended that its driver waited eight minutes for the complainant and his wife while they were engaged in conversation with another person.

*The complainant alleged that the driver complained about having to wait and began to curse at the complainant and his party. Complainant further contended that the driver used racially derogatory comments and told the complainant and his party to get out of the cab. The Administrative Law Judge upon hearing all the testimony found the incident as testified to by complainant and his wife was believable. The Administrative Law Judge found for the complainant and ordered the appropriate relief.*

## 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.

### 1. **West Virginia Hate Crime Statute**

W.Va. Code § 61-6-21 creates a separate criminal offense for bias-motivated violence or threats where they are motivated by race, color, religion, ancestry, national origin, political affiliation or sex. This statute also addresses conspiracies to commit hate crimes and calls upon courts to consider bias motive as an aggravation circumstance for sentencing with any criminal conviction.

### 2. **The Offense of Wearing a Mask, Hood or Face Covering**

W.Va. Code § 61-6-22 provides that it is a misdemeanor to use a mask or face covering in public to conceal one's identity. (There are some exceptions.)

### 3. **Unlawful Military Organizations**

W.Va. Code § 15-1F-7 makes it unlawful to organize or participate in a military company or organization other than the Armed Forces of the United States or the National Guard.

### 4. **Civil Rights Injunctions**

As a result of a statute enacted by the West Virginia Legislature in 1998, the State's Attorney General has the authority to seek a civil rights injunction against any person who intentionally interferes or attempts to interfere with another person by actual or threatened physical force, violence or destruction of property, when such interference is motivated

by race, color, religion, sex, ancestry, national origin, political affiliation or disability.

### 5. **Violation of Fair Housing (Civil Injunction and Civil Enforcement)**

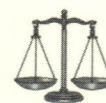
W.Va. Code § 5-11A-16 makes it unlawful for any person to coerce, intimidate, threaten or interfere with any person exercising or enjoying their rights to fair housing. Fair housing rights provide that persons may rent or lease homes without regard to race, color, religion, ancestry, sex, familial status, blindness, disability or national origin. W.Va. Code § 5-11A-16 can be enforced by the West Virginia Human Rights Commission, or by private enforcement. A related provision authorizes injunctive relief to stop violations of this section.

### 6. **Harassment in the Schools**

The West Virginia Board of Education has promulgated regulations (126CSR18) 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.

### 7. **Disturbance of Religious Worship.**

West Virginia Code § 61-6-13, enacted in 1849 and last modified in 1923, makes it a misdemeanor criminal offense to wilfully interrupt or disturb a worship service.



## THE IMPACT OF HATE CRIMES

Hate crimes, sometimes referred to as "bias crimes" are: (1) Criminal acts which are (2) motivated, in whole or in part, by the bias of the perpetrator. Hate crimes are acts of violence, intimidation or harassment, directed at particular persons or property because of the race, ethnicity, religion, sexual orientation or other characteristic of the victim. (See 28 U.S.C. 534)<sup>1</sup>

Hate crimes are acts of terrorism. These crimes victimize not only those directly harmed by the act, but because they create fear and insecurity for all those who share the targeted characteristic—these crimes victimize whole communities. A single act of vandalism, the burning of a cross in a yard, for example, can create enough fear and insecurity to cause groups of people to move from their homes and can shape housing choices for years to come. Hate crimes, when they occur, are serious events which have profound social consequences.

### The Frequency of Hate Crimes

#### ***National Problem: FBI Hate Crime Statistics Act Data***

In 1998, there were 7755 hate crime incidents reported to the FBI nationwide. Fifty-eight percent (58%) of these involved racial bias, 16% involved religious bias, 15.6% involved sexual orientation bias and 10% involved ethnicity bias. The remaining 0.4% involved disability bias or multiple bias.

#### ***West Virginia Problem***

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<sup>1</sup>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 "hateful incidents," but not hate crimes.

The available data on hate crimes in West Virginia clearly reflect a significant problem. The best estimates suggest that there are well in excess of 50 hate crimes per year within the state. While the direct harm of these incidents varies from murder and arson to vandalism and telephone threats, the social harm of each of these acts of terrorism is very significant.

#### ***West Virginia Uniform Crime Report Data***

In 1998, there were 21 hate crimes reported to the West Virginia Uniform Crime Reporting Office (UCR). This was the first year that a significant proportion of West Virginia's law enforcement departments reported hate crimes; however, it was still only 37% of all law enforcement departments in the state maintaining bias crime data. The incident per department rate in 1998 extrapolates to a statewide rate of 57 bias crimes in that year, listed as follows:

✓	Racial Bias	11	52%
✓	Sexual Orientation Bias	3	14%
✓	Ethnic Origin	3	14%
✓	Religious Bias	2	10%
✓	Other	2	10%

Of these 21 hate crimes, nine (53%) took place at or near a residence and three (14%) occurred at a school. Eight (38%) of these bias crimes reported involved simple assault, three (14%) involved aggravated assault, five (24%) involved vandalism, three (14%) involved intimidation and two (10%) involved theft.

These UCR bias statistics are very incomplete and certainly not a sufficient basis for any type of trend analysis. The seven to eight percent (7-8%) of 317 departments and detachments reporting in **1996** and **1997** are not large enough samples to make reliable predictions, so the actual state

count could be larger or smaller than previous small samples would reflect. Additionally, the 22 reporting departments and detachments in 1997 did not include any of the state's largest city departments or the departments in areas of the state with the largest minority populations. This fact would suggest that the actual state count may be significantly higher than the UCR data predict. Even in 1998, with 37% of departments and detachments reporting their hate crimes to UCR, the data reflect only a small part of the overall picture. There is reason to conclude that the actual number of bias crimes is under reported even by those departments and detachments which are nominally counting bias crimes. Until recently, police officers within the state had very limited, if any, opportunity for training on recognition of bias crimes, and it is clear that many bias crimes have gone unrecorded as such.

#### ***West Virginia Hate Crime Task Force Data***

Since 1992, the Hate Crime Task Force has been maintaining a data base of hate crimes and hate incidents. Included in the data base are incidents covered in the media or reported to the Human Rights Commission or the Hate Crime Task Force. At the end of 1997, the Task Force created a hate crime information and referral hotline which has been tied to this data base. Since that time, citizens have been encouraged to report hate crimes and hate incidents through the information and referral line. Nevertheless, most citizens are still unaware of the information and referral line, and reports to this system continue to be sporadic and incomplete.

Notwithstanding the very incomplete nature of this data base, the Task Force believes it to be as reliable as any source of information on hate crimes within the state. As incomplete as it is, the Hate Crime Task Force data on hate crime incidents also gives some evidence of the extent and nature of the problem.

Since the Task Force began keeping records of incident reports, a total of 120 suspected bias crimes have been reported to the Task Force. Although the Task Force also takes reports of incidents such as hate group rallies, hate message lines, hate group leafleting and other non-criminal hate related activities, these incidents are not included in this statistic. The 120 events referred to here are suspected bias crimes. It is also worth pointing out that there is minimal overlap between the hate crimes reported to the Task Force and those currently being reported to the State Police UCR Division. Of the 120 suspected bias crimes reported to the Task Force, 75 (63%) involved a racial bias, 27 (23%) involved a sexual orientation bias, 11 (9%) involved a religion bias, four (3%) involved an ethnic origin bias and two (2%) involved a disability bias.

Of these 120 reported bias crimes, 47 (39%) involved actual violence against one or more persons—six of these resulted in death. Of those that did not result in death, two involved kidnaping, eight involved arson and 17 involved weapons. Fifty-seven (48%) involved threats of violence. Thirty-four (28%) of these 120 reported bias crimes involved the destruction or defacing of property and six (5%) involved damage to places of worship or cemeteries. Twenty-seven (23%) occurred at a school or were related in some way to school activities. Twenty-eight (32%) related to the housing rights of the victims and seven (6%) of the 120 reported hate crimes involved the burning of a cross in front of a home.

#### ***Strategies for Addressing the Problem of Hate Crime***

The West Virginia Hate Crime Task Force is dedicated to the proposition that the most effective way to address the problem of hate crime is through a combination of strategies, pursued through broad-based collaboration. At

one level, this collaborative approach is reflected in the breadth of organizations and agencies represented on the Task Force. The Task Force includes: Public agencies and civil rights organizations; state, federal and local law enforcement agencies; police departments and human rights agencies; police officers and prosecutors; and government lawyers and educators. As a result, the Task Force initiatives are planned with the consideration of a variety of perspectives and they are implemented by people from opposite sides of some traditional dichotomies. In addition, Task Force initiatives have been pursued in a way which tries to maximize the involvement of other entities.

The strategies employed by the Hate Crime Task Force are aimed at responding to hate crimes and preventing them. They include efforts to improve the enforcement of laws, education to change attitudes and behaviors and services to assist victims. The activities of the Task Force make use of the variety of institutions described above.

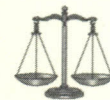
Over the past several years, a major part of the work of the Hate Crime Task Force has been in the area of law enforcement training. Effective and appropriate law enforcement response to hate crime depends upon police officers who recognize a hate crime when it occurs and know how to respond appropriately. Through the efforts of the Hate Crime Task Force, this type of training is currently offered at the State Police Academy and through in-service training which is made readily available to police officers throughout the state.

As it has become increasingly apparent that schools are an important context for addressing the problem of hate crime, the Task Force has directed an increasing amount of its energy toward school-based strategies. In 1997 and 1998, the Task Force assisted the West Virginia State Board of Education in enacting regulations addressed

at bias-motivated harassment and violence in schools. The Task Force has conducted training on how to implement these policies. In the school year 1999-2000, the Task Force will make available to secondary school faculties in-service training to address these problems in schools.

The Task Force has engaged in a variety of public education programs. Good public understanding of the problem of hate crime is an important component to addressing the problem effectively. Whether it is a state level conference or local community meeting, the Task Force welcomes every opportunity to talk with people about the problem of hate crime and about what people can do to address the problem.

In 1997, the Hate Crime Task Force initiated an Information and Referral Telephone Service. By calling the Human Rights Commission toll free at 888-676-5546, callers can report hate crimes and hate incidents and receive referrals for enforcement and support services.





# **SUMMARY OF RECENT WORK OF THE WEST VIRGINIA HATE CRIME TASK FORCE**

## **TECHNICAL ASSISTANCE**

The Hate Crime Task Force has offered technical assistance to law enforcement officials. In at least four separate cases, legal assistance was made available to county prosecutors regarding W.Va. Code § 61-6-21. In several cases, assistance has been provided directly to police officers.

The Task Force has developed a computerized protocol and a set of forms for responding to hate crimes with civil rights injunction petitions.

## **VICTIM ASSISTANCE**

### ***Human Rights Commission Information and Referral Program***

The Hate Crime Task Force, in collaboration with the West Virginia Human Rights Commission and the West Virginia State Police, has established an information and referral system for the reporting of hate crime and bias-related incidents. This system is making use of the new Human Rights Commission toll-free line (888-676-5546).

In 1998, the West Virginia Legislature added to the Human Rights Act a provision which allows the Attorney General to seek an injunction against those who engage in bias motivated violence or threats. For a variety of reasons, this civil proceeding can sometimes be a more useful tool than criminal charges. To date, three cases have been brought under this statute.

Referrals are being made directly from the Human Rights Commission to the West Virginia State Police and to the West Virginia Department of Education, if appropriate. Depending upon circumstances, other referrals are made to community and/or

advocacy organizations. Records of incidents are also being kept on file in order to facilitate follow up and accurate assessment of the hate crime problem.

## **COMMUNITY TRAINING AND ACTION**

(1) In May 1999, the Task Force co-hosted a Hate Crime Prevention Training of Trainers in Charleston, a program conducted by the National Center for Hate Crime Prevention. Approximately 40 West Virginia professionals from various disciplines received the training and are currently providing hate crime prevention training in their communities.

(2) Over the last several years, the Task Force has given hate crime related presentations for various groups including: Association of Chiefs of Police, West Virginia State College Violence Conference, West Virginia Association of Social Workers, Elkins Civil Rights Group, Center for Democratic Renewal (Atlanta, Georgia), State Volunteer Conference, YWCA, West Virginia Council of Churches, West Virginia State EEO Conference, Marshall University, Civil Rights Summit and State Victim Symposium.

(3) On the eve of the 1997 Civil Rights Summit, the West Virginia Human Rights Commission declared a "Not in Our Town" campaign, calling upon the communities of the state to actively stand against hate and intolerance. This campaign, based upon the inspiring example set by the Town of Billings, Montana, is designed to be an umbrella for some of the efforts of the Hate Crime Task Force. The story of what happened in Billings is told in a documentary entitled "Not in Our Town." Upon our request, the West Virginia Library Commission and several libraries around the state have recently obtained copies of the "Not in Our Town" documentary. The tape can be obtained from the West Virginia Library Commission through inter-library loan from any

local library within the state. "Not in Our Town" has been shown in town meetings and gatherings all over the state.

### **SCHOOLS**

(1) As it has become increasingly apparent that schools are an important context for addressing the problem of hate crime, the Task Force has directed an increasing amount of its energy toward school-based strategies. In 1997 and 1998, the West Hate Crimes Task Force assisted the West Virginia State Board of Education in enacting and implementing regulations addressed at bias motivated harassment and violence in schools. The Task Force has also conducted training on how to implement these policies. In the school year 1999-2000, the Task Force made available to secondary school faculties in-service training on addressing these problems in schools.

(2) The National Associations of Attorneys General Bias Crime Commied and the U.S. Department of Education Office of Civil Rights have cooperated in the development of an anti-harassment guide for school officials which was published in February 1999, entitled *Protecting Students from Harassment and Hate Crime: A Guide for Schools*.

(3) The National Associations of Attorneys General Bias Crime Committee and the U.S. Department of Education Office on Civil Rights have cooperated in the development of an anti harassment guide for school officials which was published in February 1999, entitled *Protecting Students from Harassment and Hate Crime: A Guide for Schools*. **West Virginia's anti-harassment regulations are used as a model in the handbook.** The anti-harassment guide is currently available at the following website: <http://www.ed.gov/pubs/edpubs>.

(4) In May 1999, the Task Force co-hosted a Hate Crime Prevention Training of Trainers in Charleston, a program conducted by the National Center for Hate Crime Prevention. Approximately 40 West Virginia professionals

from various disciplines received the training and are currently providing hate crime prevention training in their communities. Many of those who attended this program have in turn designated and conducted programs on hate crime prevention.

### **FEDERAL-STATE COORDINATION IN ADDRESSING HATE CRIME**

(1) 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.

(2) In January 2000, a delegation from the West Virginia Hate Crime Task Force participated in a multi-jurisdictional symposium on hate crimes sponsored by the Museum of Tolerance at the Simon Wiesenthal Center in Los Angeles. The symposium was designed to promote greater creativity and collaboration among criminal justice professionals in their response to hate crimes.

(3) 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.



## LISTING OF WEST VIRGINIA HATE CRIMES AND HATE INCIDENTS

Following is a list of suspected bias crimes and bias incidents which have been reported to the West Virginia Hate Crimes Task Force for Fiscal Year 1999-2000. Some of the incidents were reported via the Hate Crime Information and Referral telephone line operated by the West Virginia Human Rights Commission. The Hate Crime Task Force has not independently investigated these reported incidents, although some of them have been investigated by state or local police and some of these were reported in the news media.

This is a list of those incidents which have been called to the attention of the Hate Crime Task Force, and since there is no requirement for reporting to the Task Force, this is at best a list of examples of the types of hate crimes and hate incidence which occur in West Virginia.

Some of the reported "incidents" were single events occurring on a particular date and time; others were actually patterns of events which occurred over weeks or months. For the sake of simplicity, these patterns have been reported as a single incident.

Most, but not all of these events, constitute violations of law. Where an incident of free speech activity evidences a clear message of hate, the incident has been included here as evidence of a climate which is conducive to bias motivated crime.

### **Bias Crimes/Incidents by Month and Year:**

#### **June 2000**

An African-American man had a swastika carved into the paint of his car and other damage to his vehicle while visiting his Caucasian girl friend in Kanawha County.

#### **May 2000**

The Invincible Empire Knights of the Ku Klux Klan held a rally and "cross lighting ceremony" on private land near Alderson, WV. Citizens from the area held a Unity Rally in that town on the same day.

#### **April 2000**

On April 5, in Kanawha County, a fight between five black youths and three white adults led to gunfire in which one of the black youths was seriously wounded.

#### **March 2000**

In Huntington (Cabell County), an Episcopal minister, her daughter and her bi-racial granddaughter were assaulted and threatened by neighbors who shouted racial epithets and threatened to kill them.

On March 3, a man wearing a "gay pride" T-shirt was assaulted and struck in the face by a group of eight to ten youths, just outside his home in Charleston. The group also threw a brick through his front window. The next day, after he had reported the incident to police, his house was vandalized again.

#### **January 2000**

A hate letter was received at West Virginia State College in Kanawha County. The letter which was addressed "To all you niggers," threatened that in the "year 2000 the war escalates on all niggers. . .we promise!"

On January 24, a 38-year-old man was brutally attacked, beaten and robbed outside a gay bar in Wood County.

#### **December 1999**

A cross was burned in front of the home of a mixed race couple who recently moved to a Fayette County Home. A note was left on their screen door which read "KKK. We're back. Go home."

### **November 1999**

Someone left a racially threatening message on the answering machine of a Randolph County African-American woman.

A Klan Rally was held in downtown Clarksburg. In response to this rally and one scheduled, but canceled in Fairmont, Unity Rallies were scheduled and held in Clarksburg, Fairmont and Morgantown.

A Charleston man was assaulted and attacked by a neighbor who shouted homophobic slurs.

Hate graffiti was painted on the outside of the Islamic Center Mosque in South Charleston.

### **October 1999**

An African-American and Kanawha County woman found a telephone cable tied into the shape of a hangman's noose at her place of employment.

The Grafton city manager resigned after the mayor accused her of hiring the Grand Dragon of the state's Knights of the White Kamellia of the Ku Klux Klan.

### **September 1999**

An African-American woman from Ohio County, her two daughters (ages 12 and 8) and her 7-year-old son were subjected to racial epithets and threats by their neighbors.

On September 17, a plastic doll which had been spray painted black with a noose tied around its neck, was left in front of the door of a bi-racial family. Preceding the incident,

neighbors had engaged in name calling, calling the 6- and 7-year-old children "half breeds" and "nigglettes."

### **August 1999**

Someone placed literature, attributed to the "Aryan Nationalist" on the windshield of a parked car in Kanawha County.

Four African-American women were attacked in Cabell County by two white men. All four women were physically assaulted and struck with fists by the men who also hurled racial epithets.

In Kanawha County, two middle school youths, one black and one white, were stalked and threatened by two older white youths who called themselves the "East Bank Nigger Killers."

### **July 1999**

A predominately African-American church in Wheeling was vandalized with eggs. The same church was vandalized the previous year with graffiti saying "nigger worship" and had its youth center burned to the ground under suspicious circumstances before that.

An African-American youth was called a "nigger" and chased down the street by a neighbor with a baseball bat. The incident followed several months of harassment, including a threat to burn down the home of the African-American.

In Fayette County, a lesbian and her partner were harassed by a local mayor and police force. The women lost their business and their home after being aggravated, followed and cited by the police officers because of their sexual orientation.



**WEST VIRGINIA  
HUMAN RIGHTS COMMISSION  
APPROPRIATIONS & DETAILED EXPENDITURES**

**FY1999-00**

<b>ACCOUNT NAME</b>	<b>APPROPRIATED</b>	<b>SPENT</b>
<b>PAYROLL</b>	<b>\$ 578,315.00</b>	<b>\$ 536,778.99</b>
<b>INCREMENT</b>	<b>\$ 12,112.00</b>	<b>\$ 12,111.00</b>
<b>BENEFITS</b>	<b>\$ 192,784.00</b>	<b>\$ 181,240.40</b>
<b>CURRENT EXPENSES</b>	<b>\$ 184,121.00</b>	<b>\$ 183,536.32</b>
<b>HATE CRIMES &amp; HUMAN RIGHTS SUMMIT</b>	<b>\$ 18,000.00</b>	<b>\$ 16,458.56</b>
<b>AUTOMATED MANAGEMENT*</b>	<b>\$ 13,172.75</b>	<b>\$ 13,172.75</b>
<b>GOVERNOR'S CONTINGENCY FUND</b>	<b>\$ 15,000.00</b>	<b>\$ 10,736.50</b>
<b>TOTAL STATE FUNDS</b>	<b>\$ 1,013,504.75</b>	<b>\$ 954,034.52</b>

**\*Money carried over from FY 1999 for computer needs.**