

# ANCHORAGE EQUAL RIGHTS COMMISSION

# AERC

Anchorage Equal Rights Commission  
*Ensuring Equality*

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*Ensuring Equality*

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## 2014 ANNUAL REPORT

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**2014 COMMISSION MEMBERS**

Robert Churchill, Chair  
Wanda Laws, Vice Chair  
Darrel Hess, Secretary  
Cassie Atwell, Member  
Edith Bailey, Member  
Lucy Hansen, Member  
Marie Husa, Member  
Herbert J. Turner, Member  
Shirley Tuzroyluke, Member

**2014 STAFF MEMBERS**

Pamela T. Basler, Executive Director  
Belinda A. Davis, Senior Investigator  
Eric M. McGhee, Senior Investigator  
Andrew B. Sundboom, Investigator  
John M. Main, Investigator  
Stephanie M. Horvat, Intake & Outreach Coordinator  
Dawnyale L. Bolds, Docket Clerk

**CONTACT INFORMATION**

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Anchorage, Alaska 99519-6650  
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Deaf and Hard of Hearing Persons:  
Dial 711 for Alaska Relay Services  
Website: [www.muni.org/aerc](http://www.muni.org/aerc)  
Facebook: [www.facebook.com/AnchorageEqualRightsCommission](http://www.facebook.com/AnchorageEqualRightsCommission)  
Twitter: [www.twitter.com/AnchorageERC](http://www.twitter.com/AnchorageERC)

**MEETING DATES AND LOCATIONS**

The AERC Commission regularly meets at 6:00 p.m. on the third Thursday of odd months (except July) in the Mayor’s Conference Room, Suite 830 in City Hall. The meetings are listed on the MOA website under Public Notices and on the Mayor’s Page at [www.muni.org/Departments/Mayor/Boards/events](http://www.muni.org/Departments/Mayor/Boards/events).



## II. A MESSAGE FROM THE CHAIR AND EXECUTIVE DIRECTOR

### **TO THE HONORABLE MAYOR DAN SULLIVAN, THE ANCHORAGE ASSEMBLY AND THE COMMUNITY OF ANCHORAGE.**

Herein we present the Anchorage Equal Rights Commission's (AERC) 2014 Annual Report. The report reflects the activities of the staff and the commissioners to achieve our mission to eliminate discrimination within the municipality.

The AERC staff focused on complaint processing, investigation, and settlement of cases. During 2014, approximately 406 new inquiries were made by individuals contacting the AERC and 107 of those became complaints. During 2014, a total of 105 cases were closed.

The Executive Director and staff were actively engaged in education, enforcement and counseling activities, and in serving as a resource for individuals, groups and businesses. The AERC also implemented an electronic recordkeeping system in 2014.

The commissioner's primary activities were outreach to individuals, cultural groups and organizations. We continued to work with the Anchorage School District, the UAA Native Student Services, the Chamber of Commerce and Federation of Community Councils within the Municipality. Contacts were made with non-profit organizations that provide services related to AERC's mission, such as Access Alaska, the Disability Law Center, and the Alaska Native Justice Center. The benefits of the connections made in the community was highlighted when one of our commissioners, Shirley Tuzroyluke, worked with the Alaska Federation of Natives (AFN) and the Chamber of Commerce to help create a more welcoming environment during the AFN's annual conference in Anchorage.

We also welcomed two new commissioners during 2014 with demonstrated records of exceptional service within our community. Marie Husa was appointed effective March 25, 2014. She has many skills and abilities that support outreach efforts and has been very active in cultural events within the municipality. Lucy Hansen was appointed effective June 24, 2014. She is an invaluable resource on committees and in organizing events. Both of these individuals added to our ability to work closely with a number of cultural groups within our community and have contributed significantly to the activities of the commission.

The commissioners remained focused on community outreach in 2014. In supporting the Commission's mission of eliminating discrimination, we hope to enhance the quality of life in our community and allow all individuals to participate and contribute to make this the healthy, thriving, and viable community it is and will continue to be.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Churchill'.

Bob Churchill, Chair

A handwritten signature in black ink, appearing to read 'Pamela T. Basler'.

Pamela T. Basler, Executive Director



### What is the Anchorage Equal Rights Commission?

The Anchorage Equal Rights Commission (AERC) was established in the Anchorage Charter in 1975 and is the municipal civil enforcement agency charged with preventing and eliminating unlawful discrimination under Title 5 of the Anchorage Municipal Code. The AERC also enforces the Americans with Disabilities Act of 1990 and Title VII of the Civil Rights Act of 1964 through a work-share agreement with the federal Equal Employment Opportunity Commission.

### How does the AERC enforce the law?

The AERC and its staff enforce the law by impartially investigating complaints alleging illegal discrimination or harassment based on:

- Race
- Religion
- National origin
- Color
- Sex
- Pregnancy
- Parenthood
- Physical disability
- Mental disability
- Marital status
- Age
- Retaliation

It is unlawful to discriminate in:

- Employment
- Housing
- Public accommodations
- Educational institutions
- Financial institutions
- Practices of the Municipality of Anchorage

### What constitutes discrimination?

Discrimination means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal or denial or any other act or practice of differentiation or preference in the treatment of a person because of race, color, religion, national origin, age, sex, marital status or physical or mental disability, or the aiding, abetting, inciting, coercing, or compelling thereof.

AMC 5.20.010

### What is the AERC complaint process?

If you feel that you are being treated differently, call our office and a staff member will listen to your concerns. If the AERC determines that it has jurisdiction over your complaint, an Intake Interview will be scheduled. Please see the complaint process flow chart for more information on the complaint process.

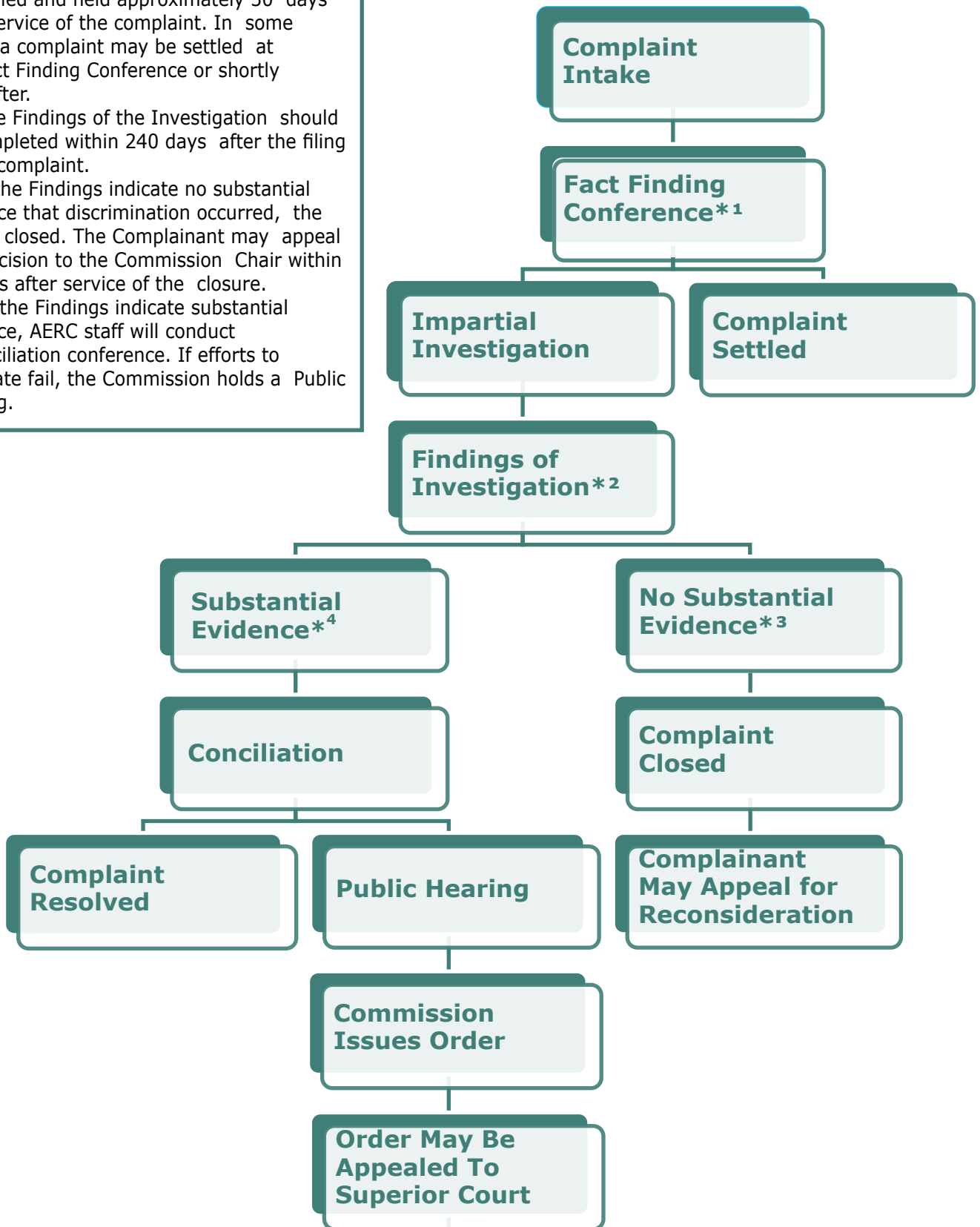
If the AERC does not have jurisdiction over your complaint, a staff member will refer you to the appropriate agency.

1.\* A Fact Finding Conference will be scheduled and held approximately 30 days after service of the complaint. In some cases, a complaint may be settled at the Fact Finding Conference or shortly thereafter.

2.\* The Findings of the Investigation should be completed within 240 days after the filing of the complaint.

3.\* If the Findings indicate no substantial evidence that discrimination occurred, the case is closed. The Complainant may appeal this decision to the Commission Chair within 15 days after service of the closure.

4.\* If the Findings indicate substantial evidence, AERC staff will conduct a conciliation conference. If efforts to conciliate fail, the Commission holds a Public Hearing.





# ANCHORAGE EQUAL RIGHTS COMMISSION STRATEGIC PLAN

## Five-Year Plan for 2014-2019

### DOCUMENT CONTROL

#### Prepared by

#### Commission Members

Robert Churchill, Commission Chair 2014

Wanda Laws, Vice-Chair 2014

Darrel Hess, Secretary 2014

Cassie Atwell, Member

Edie Bailey, Member

Herbert J. Turner, Member

Shirley Tuzroyluke, Member

Wa Kou Yang, Member

#### Staff

Pamela T. Basler, Executive Director

Belinda A. Davis, Investigator

Eric M. McGhee, Investigator

Andrew B. Sundboom, Investigator

Stephanie M. Horvat, Intake and Outreach Coordinator

Dawnyale L. Bolds, Docket Clerk

#### Distribution control

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#### Document location

Anchorage Equal Rights Commission

632 W. Sixth Avenue, City Hall, Suite 110 - Anchorage, Alaska 99501

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2014-019\Strategic Plan 20140317.doc



**Mission** The Anchorage Equal Rights Commission enforces municipal and other anti-discrimination laws on behalf of all citizens and visitors to Anchorage. The Commission also educates the public about anti-discrimination laws and seeks to increase voluntary compliance with such laws and to uphold the vision of equal opportunity for all.

**Vision** To support and maintain a community in which each person values the rights of others to live, work and play in peace and dignity, and all persons have equal opportunity to realize their full potential both as individuals and as members of society.

**Commission Goals**

**Goal One**

Continue to develop our outreach and marketing plan to improve ways to inform the community about the Commission’s services via technology.

**Goal Two**

Review Title 5 annually and make revisions if necessary to ensure code is accurate, facilitates staff work, and is responsive to the community.

**Goal Three**

Develop and maintain Commission Development Committee to ensure qualified Commission members are timely appointed.

**Staff Goals**

**Goal One**

Respond to inquiries in a timely manner.

**Goal Two**

Respond to complaints and timely investigate allegations of discrimination.

**Goal Three**

Eliminate discriminatory practices by providing outreach and education in our community.

**Goal Four**

Advance staff professionalism by creating and implementing individualized professional development plans.

**The Principles & Values that Guide Our Work**

Honesty and Integrity

Respect

Commitment to Excellence

Teamwork is How We Do Business



### Community Outreach

In 2014, AERC staff and commissioners continued their outreach and education efforts by attending, tabling, and sponsoring events and outreach campaigns and by presenting information on AERC's services and its complaint process to community organizations. The AERC also strove to increase its online presence by posting information relevant to the office on its Facebook and Twitter accounts. Highlights from outreach and education efforts in 2014 include the following:

- **The AERC has a work-share agreement with the Equal Employment Opportunity Commission (EEOC)** to enforce Title VII of the Civil Rights Act and Title I of the Americans with Disabilities Act. Each year, the federal contract mandates training for its Fair Employment Practice Agencies, which the AERC Executive Director attended in San Diego, California from August 12 to August 14, 2014. The AERC and EEOC also partnered to run a joint advertising campaign on People Mover buses. Beginning in December 2014, each of People Mover's 52 buses had either a poster related to pregnancy discrimination or employment discrimination with the contact information for the AERC.
- **The AERC sponsored or co-sponsored several events throughout 2014.** In recognition of Stand Against Racism Day (SAR), the AERC sponsored a banner signing and social media campaign in partnership with the Municipal Ombudsman and NAACP Anchorage. The SAR banner was displayed at the Loussac Library for the public to sign and the social media campaign included photos of individuals holding their favorite racial or social justice quote. The AERC reached over 4,000 people with these posts. The AERC also co-sponsored two community forums with the Anchorage Community Police Relations Task Force.
- **The AERC staff and commissioners tabled at various community events** and distributed AERC informational materials.
- **AERC staff provided free training** on issues involving AERC's jurisdiction and its complaint process for several community organizations, including the Municipal Public Transportation staff, Alaska Legal Services Corporation, Wayland Baptist University and the Alaska Municipal Attorneys Association.
- **The AERC continued to increase its online presence** on its Facebook and Twitter accounts. These social media accounts provide information on discrimination issues, AERC jurisdiction and case processing procedures as well as information on upcoming community events. The sites are intended to be educational and provide users with information relevant to the AERC's work.

### AT-A-GLANCE

262	Number of events attended by AERC staff or commissioners
7	Number of events the AERC tabled
4	Number of events where AERC staff presented information on AERC jurisdiction and case processing procedures
4	Number of events sponsored or co-sponsored by the AERC

**The Anchorage Community Police Relations Task Force (ACPRTF)**, formerly known as the Minority Community Police Relations Task Force, was established in 1981 after lengthy community discussions took place following a police use of deadly force incident involving Cassel Williams, a young African American male. Today the Task Force serves as a liaison between the Anchorage community and local law enforcement agencies. Since its formation, the AERC has served as an advisory member and provided administrative support to the Task Force.

The Task Force meets on the second Friday of each month at 12:00 p.m. at the Fairview Recreation Center and provides a forum for input and constructive dialogue between Anchorage community members and the Anchorage Police Department (APD). The ACPRTF also investigates complaints lodged by citizens regarding their contacts with the APD. Complaint forms are available at the AERC office located in City Hall or online at [www.muni.org/aerc](http://www.muni.org/aerc).

**Significant accomplishments by the Task Force during 2014 include:**

**Community Forum: Review of Police Use of Force Procedures:** Following the Anchorage Police Department's (APD) Use of Force incidents in 2012, the ACPRTF created a Use of Force subcommittee, which completed an APD Use of Force Policy Review Brief and Recommendations in December 2013. In February 2014, after receiving approval from the Mayor, the ACPRTF held a community forum in partnership with the AERC, UAA Justice Center and APD on releasing the APD Use of Force Policy Review Brief to the public. It is available to read on AERC's website at [www.muni.org/aerc](http://www.muni.org/aerc).

**Community Forum:** On November 5, 2014, the ACPRTF, AERC, and other community partners co-sponsored a community forum on police stop issues. The forum was open to the public and was held at the University of Alaska Anchorage. The community forum featured presentations by the Anchorage Police Department and the American Civil Liberties Union. The forum also included a public question and answer segment where attendees were given the opportunity to ask the presenters questions about police stop issues.

**Incident Reports:** The ACPRTF addressed two incident reports made by citizens regarding their contacts with law enforcement agencies.



### **TOO MUCH INFORMATION!**

A male college admissions advisor filed a complaint alleging that he was terminated because of his sex. The admissions advisor stated that he was scheduled to fly on a morning flight to Kodiak, Alaska to attend a career and college fair and meet with businesses and alumni. He acknowledged that while he intended to leave work early the day before his trip, he was unable to do because of workload issues. The admissions advisor stated that "this threw his schedule off" so he had to finish his laundry and pack the morning of the flight and instead took a Friday afternoon flight the same day. He stated that he was only able to attend the career and college fair and meet with alumni because although he attempted to visit some businesses many of them were closed because the next day of his trip (Saturday) was the weekend.

During the course of the impartial investigation, the employer stated the trip was scheduled way in advance and that when management met with the male admissions advisor to discuss the matter, he refused to fully accept responsibility regarding the incident and was seemingly unable to grasp the seriousness of the issue as other departments were depending upon business contacts he was supposed to make for job placements of students. Evidence showed that the admissions advisor voiced concerns about his salary and benefits and also advised the Director of Admissions that he was seeking employment elsewhere. The admissions advisor said that he told his employer that he was looking for a new job because he thought "it was a nice thing to do and that he tried to give his employer a heads up." Evidence showed that after the admission adviser divulged that he was seeking employment elsewhere, the employer made the decision to terminate him because of his discontent with his job and his lack of job commitment. Evidence showed that the admissions advisor was then not hired by another employer as he had anticipated and was out of work. Evidence showed that the college advertised for the admissions advisor's replacement and received four applications, two female and two male. Evidence showed that the employer was unable to reach one male applicant and the other male applicant failed to return the employer's telephone messages. Evidence showed that the employer hired one of the female applicants. Evidence showed that the employer had previously terminated a female admissions advisor who also had disclosed that she was seeking new employment. The impartial investigation resulted in a Determination of No Substantial Evidence.

### **PAST RECORD!**

An air ramp employee filed a complaint alleging that his employer discriminated against him because of his race when he was not promoted to a supervisor position. The air ramp employee stated that he met the company's management assessment promotion process criteria and was qualified for the position, that he had interviewed with the appropriate management staff, and he was advised that he was selected for the supervisor position. Shortly after the selection, the air ramp employee received notification from the employer's out-of-state human resources department that his background check was not cleared and therefore his promotion was rescinded. The air ramp employee stated that he was introduced to staff as the new supervisor, gave up his union affiliation and seniority, and was humiliated and devastated after the notification.

Evidence showed that the air ramp employee had a criminal conviction when he was initially hired. However, because he applied for a different position, company policy required a new background check be completed. Based on the nature of his conviction, the company's district human resources manager was required to complete an individual assessment of the ramp employee's conviction and make her best judgment as to whether or not the ramp employee should be selected for the supervisor position based on the specific facts relating to the nature and timing of the conviction and the nature and responsibilities of the position filled. Evidence showed that the district human resources manager was on vacation when the air ramp employee was notified in error that he had been selected for the supervisor position. Upon her return from vacation, the district human resources manager reviewed the assessment and determined that the ramp employee's conviction prevented him from holding that particular supervisor position due to the nature and timing of the conviction. Staff found no substantial evidence to support the air ramp employee's allegation of race discrimination, and the company verbally apologized to the air ramp employee for the screening and communication error.

### **WHERE'S THE MONEY!**

A consumer filed a complaint alleging that a banking institution denied her mortgage re-finance loan application because of her age, race, skin color, and sex. The consumer stated she was a long-time customer of the bank, had substantial amounts of money deposited there, owned other real estate, and had income from her retirements, interest, and foster care payments. The consumer stated when she first submitted her loan application to a mortgage loan consultant at the bank's Anchorage location, the mortgage loan consultant appeared to be nice but later on the mortgage loan consultant's demeanor changed and she became frigid and cold and totally disengaged after the consumer wore an "Obama" jacket. The consumer stated that the mortgage loan consultant's behavior engendered a feeling that she had gotten all her life whenever she felt racial tension. The consumer further stated that the mortgage loan consultant did not advocate for her loan approval with the loan underwriting department.

During the impartial investigation, evidence showed that mortgage loan consultants are responsible to verify the identity of an applicant and obtain income and debt information from that consumer but they do not approve loan applications. The loan approval function resides with mortgage loan underwriters who are located in a different state. After receipt of the loan application, the information, which includes sources of income and debt obligations, are uploaded to a mortgage loan underwriter. Evidence indicated that the mortgage loan underwriter that reviewed the consumer's loan information had no knowledge of the consumer's ethnic background and had never met her. Evidence showed that the mortgage loan underwriter verified the consumer's stated sources of income and the continuance of the income in accordance with the bank's underwriting guidelines. Evidence showed that the consumer's re-finance loan was denied due to: (1) excessive obligations in relation to income, and (2) income insufficient for the amount of credit requested. Evidence further showed that the bank had denied re-finance loans due to debt to income ratio for a diversity of races, ages, and both sexes in the relevant time period.

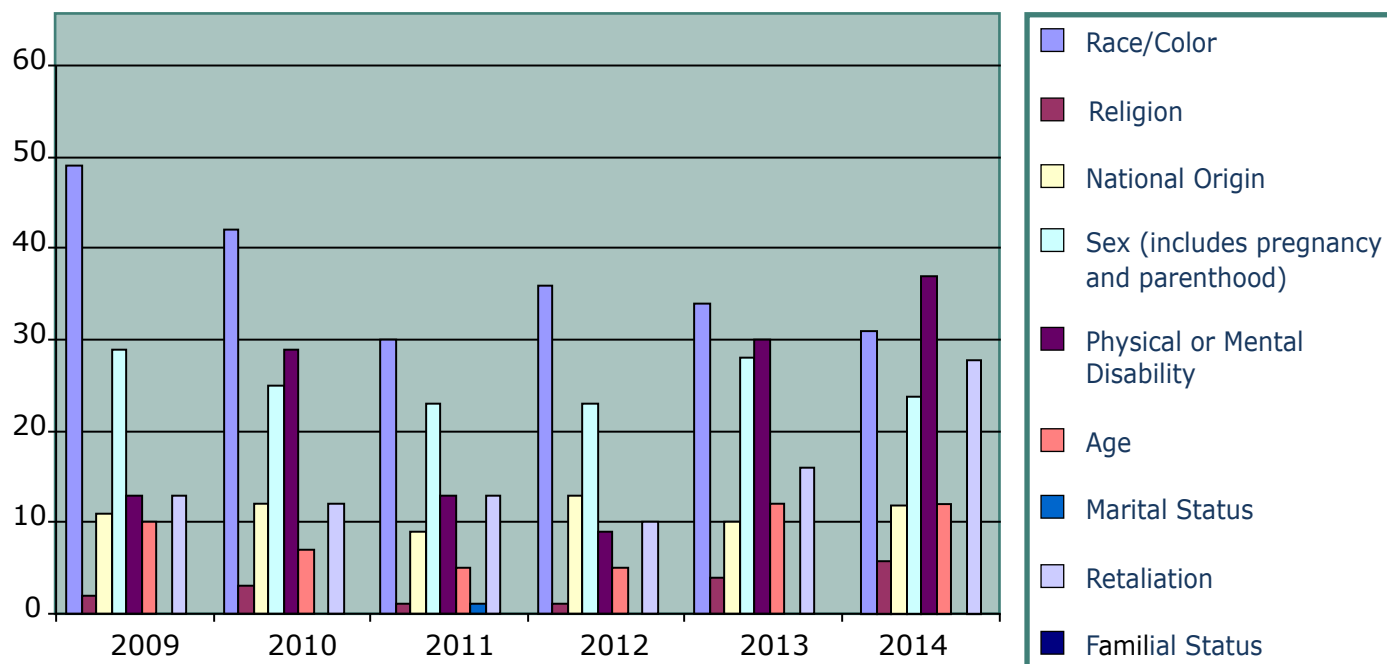
**Inquiries and New Complaints**

	2010	2011	2012	2013	2014
<b>Inquiries</b>	615	486	499	441	<b>406</b>
<b>New Complaints</b>	107	75	76	96	<b>107</b>
<b>Percentage of Perfected Complaints from Inquiries</b>	17.3%	15.4%	15.2%	21.5%	<b>26.4%</b>

**Complaint Filings By Area Of Discrimination**

	2010	2011	2012	2013	2014
<b>Employment</b>	102	66	65	81	<b>98</b>
<b>Housing</b>	5	3	5	4	<b>4</b>
<b>Public Accommodations</b>	0	4	6	7	<b>4</b>
<b>Financing</b>	0	0	0	1	<b>0</b>
<b>Educational Institutions</b>	0	1	0	3	<b>0</b>
<b>Practices of the MOA</b>	0	1	0	0	<b>1</b>
<b>TOTALS</b>	107	75	76	96	<b>107</b>

**Complaint Filings by Basis**



Case Age

		Current			Over 240			Total Cases	Total % over 240
		80 or less	81-190	191-240	241-320	321-400	400 or more		
<b>2010</b>	# of Cases	14	24	20	16	3	10	87	29
	% of Cases	16%	27.5%	22.9%	18.3%	3.2%	11.4%	100%	33.3%
<b>2011</b>	# of Cases	13	12	3	6	8	25	67	39
	% of Cases	19.4%	17.9%	4.4%	8.9%	11.9%	37.3%	100%	58.2%
<b>2012</b>	# of Cases	15	13	5	10	8	9	60	27
	% of Cases	25%	21.6%	8.3%	16.6%	13.3%	15%	100%	45%
<b>2013</b>	# of Cases	20	19	7	12	5	1	64	18
	% of Cases	31.7%	30.1%	11%	19%	8%	1%	100%	28.5%
<b>2014</b>	# of Cases	<b>17</b>	<b>17</b>	<b>6</b>	<b>13</b>	<b>7</b>	<b>7</b>	<b>67</b>	<b>27</b>
	% of Cases	<b>25.4%</b>	<b>25.4%</b>	<b>9%</b>	<b>19.4%</b>	<b>10.4%</b>	<b>10.4%</b>	<b>100%</b>	<b>40.3%</b>

Resolutions Providing For Elimination of Discriminatory Practices

	2010	2011	2012	2013	2014
Total Predetermination Settlements, Conciliations or Settlements that include remedial measures provided by Title 5	22/22	32/32	23/23	38/38	<b>53/53</b>
Total Dollars in Settlements	\$69,479	\$106,556	\$246,606	\$262,983	<b>\$975,722</b>

Determinations and Case Closures

	2010	2011	2012	2013	2014
Total Determinations and Case Closures	85	96	84	92	<b>105</b>

services  
Discrimination training referral  
prohibiting complaints Enforce  
laws investigating information  
Educate  
business discrimination  
Enforcement community Anchorage  
entities regarding law providing  
Eliminate Education  
public  
Provide



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