

# SPECTRUM

## Agency Update from the Executive Director

“Eternal vigilance is the price of freedom.” That is the motto of the Kansas Human Rights Commission. It succinctly conveys the importance of everlasting, alert watchfulness to ensure the hard-won freedoms of yesteryear are not forgotten or frivolously relinquished.

In Kansas, we have a long history of civil rights achievements beginning even before the state came into existence. The Kansas-Nebraska Bill, passed in May 1854, provided the Kansas Territory could become a free state or a slave state, depending on how the people of Kansas voted. The Civil War began just a few months after Kansas entered the Union as a free state in 1861.

Milestones were also achieved after statehood. On May 17, 1954, the United States Supreme Court announced its decision in the *Brown vs. Board of Education* case that “separate education facilities are inherently un-

equal”. This decision upheld the 14<sup>th</sup> Amendment to the United States Constitution guaranteeing all citizens “equal protection of the laws” and effectively denied the legal basis for segregated classrooms in Kansas and twenty other states.

Human rights advancements were also made in the Kansas legislative arena. In 1953, the Kansas Act Against Discrimination was passed, making Kansas the twelfth state to have a law against discrimination.

Achievements on the legislative playing field continue to the present day: Substitute for Senate Bill 77, sponsored by Senators Donald Betts, D-Wichita, and David Haley, D-Kansas City, and overwhelmingly approved by the Kansas Legislature, prohibits racial and other profiling in conjunction with traffic stops effective July 1<sup>st</sup>. Governor Kathleen Sebelius signed the bill on April 18<sup>th</sup>.

This legislation is important public policy in many ways.



William V. Minner  
Executive Director

First, the legislative process responded to a public need. A racial profiling study, conducted by the Police Foundation and Lamberth Consulting in 2003, identified “that the State of Kansas is experiencing profiling of Hispanic and Black motorists.” Second, Kansas becomes only the twentieth state prohibiting racial profiling and/or requiring jurisdictions within the state to collect data on law enforcement stops and searches. In addition, just five states provide for some type of complaint reporting mechanism.

Furthermore, Kansas will be the only state providing for the filing and investigation, if nec-

essary, of complaints with an *independent* agency, the Kansas Human Rights Commission. It has long been held that victims of sexual harassment should not be required to report wrongdoings to the alleged perpetrator. Likewise, victims of racial and other profiling should not be mandated to report profiling misdeeds solely to the law enforcement agency that allegedly committed the wrongdoing. The significance of filing complaints with an organization independent of law enforcement, such as ours, cannot be understated.

“Eternal vigilance” implies more than safeguarding achievements of the past; it also expresses the importance of recognizing and responding to present and future needs. With that goal in mind, the Commission gladly accepts the responsibilities assigned to it by Substitute for Senate Bill 77 and stands ready to accept and investigate, if necessary, complaints of racial and other profiling.

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## KHRC Sets Date for Law Seminar

The Kansas Human Rights Commission is proud to announce the agency’s Employment Law Seminar has been set for September 13, 2005. The seminar will be a one day event that focuses on employment law. There will be six sessions that will cover such topics as “Gender Discrimination Under Title VII,” “ADA Employment

Issues,” “Intellectual Disabilities,” “Mediation: The Process,” and Age Discrimination in Employment.”

John Fultz, Employment Consultant will serve as the morning keynote speaker. Billie Ashton, Supervisory Investigator from the EEOC, will be the afternoon keynote speaker.

Employment Attorneys, Human Resource Personnel, Human Relations Personnel, and city, county, and private employers, should find the seminar extremely beneficial.

Please turn to pages three and four of this newsletter to find an agenda and registration form for this event.

## KHRC Commissioners

**James E. Butler**

*Chairman*

At Large, Manhattan

**David A. Hanson**

*Vice-Chairman*

Legal, Topeka

**Errol V. Williams**

Industry, Topeka

**Deborah A. Wheeler**

Industry, Emporia

**Brenda C. Jones**

Labor, Kansas City

**Beth Bradrick, Ph.D**

Labor, Pittsburg

**Lou Ann Thoms**

Real Estate, Topeka

*By law, the Commission must represent particular areas of the workforce and community. In addition, no more than four Commissioners may belong to one particular political party. The Governor of the State of Kansas appoints all seven Commissioners to serve the Kansas Human Rights Commission.*

## Governor Sebelius Signs Profiling Bill

On April 18, 2005, Governor Kathleen Sebelius signed Substitute for Senate Bill No. 77 into law. This bill states that “it shall be unlawful for any law enforcement officer or any law enforcement agency to engage in racial profiling.”

The bill was sponsored by Senator Donald Betts, D-Wichita and Senator David Haley, D-Kansas City.

“Senate Bill 77 is a baby step in tackling the inequalities in human rights,” Betts said.

When the law takes effect on

Kansas Human Rights Commission.”

The bill defines profiling as “the practice of a law enforcement officer or agency relying, as the sole factor, on race, ethnicity, national origin, gender or religious dress in selecting which individuals to subject to routine investigatory activities.”

The bill also defines what constitutes “routine investigatory activities.” These activities include, but are not limited to, the following activities conducted by law enforcement offi-

**“Senate Bill 77 is a baby step in tackling the inequalities in human rights.”**  
**— Senator Donald Betts, D-Wichita**

July 1, 2005, any person who believes they have been subjected to racial or other profiling by a law enforcement officer or agency may file a complaint with the Kansas Human Rights Commission or with the law enforcement agency.

“Substitute for Senate Bill 77 is an important piece of social legislation because only 19 states have legislation prohibiting racial profiling and/or requiring jurisdictions within the state to collect data on law enforcement stops and searches,” KHRC Assistant Director Ruth Glover said. “Just five states provide for some type of complaint reporting mechanism. Kansas is the only state providing for the filing and investigation, if necessary, of racial and other profiling complaints with an independent agency, the

cers and agencies in conjunction with traffic stops: frisks, body searches, and consensual or nonconsensual searches of persons or possessions.

SB 77 will become a stand-alone statute. It does not amend the Kansas Act Against Discrimination or the Kansas Age Discrimination in Employment Act.

This legislation also creates a 15-member task force appointed by the governor to design a method for the uniform collection of data. The KHRC will be represented on this task force.

If an individual feels that after July 1, 2005, that he/she was subjected to profiling a complaint can be filed with the KHRC by contacting our Intake Department at 1-888-793-6874.



**KHRC Staff members from the Wichita, Independence, and Dodge City offices attended KHRC staff training on March 9, 2005, in Topeka. Pictured Above: Front Row (Left to Right): Donna Wood, Herminia Gusman, and Jane Neave. Back Row (Left to Right): Cindy Nelson, Carol Radcliffe, Barbara Combs, and Linda Dennett.**

# KHRC Employment Law Seminar

## September 13, 2005

### Holidome, 605 SW Fairlawn Road, Topeka

8:00-8:30 a.m.	Registration	
8:30-8:40 a.m.	Welcome	Ruth Glover, KHRC Assistant Director
8:40-10:40 a. m.	Keynote Speaker	“Intellectual Disabilities” John D. Fultz, Employment Consultant
10:50-11:50 a.m.	Breakout Session Breakout Session	“ADA Employment Issues” Randy Fisher, KCDC “Mediation: The Process” Randy Hershey, Kansas Legal Services
12:00-1:30 a.m.	Lunch	
1:30-2:30 p.m.	Breakout Session Breakout Session	“Fair Labor Standards Act” Jeanette Aranda, U.S. Department of Labor “Age Discrimination in Employment” Alan Rupe, Attorney, Kutak Rock
2:40-4:40 p.m.	Keynote Speaker	“Gender Discrimination Under Title VII” Billie Ashton, EEOC

## ***KHRC Employment Law Seminar Registration***

NAME: \_\_\_\_\_ EMPLOYER: \_\_\_\_\_  
 PHONE: \_\_\_\_\_ ADDRESS: \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

Please enclose the registration form and fee of \$65. The fee includes lunch and conference materials.

Please send payment to: Kansas Human Rights Commission, 900 SW Jackson, 568-South, Topeka KS 66612-1258.

Any questions concerning the conference should be directed to Jeremy Deckard at (785) 296-3206 or (888) 793-6874 or questions can be sent via email to [jeremy.deckard@khrc.state.ks.us](mailto:jeremy.deckard@khrc.state.ks.us).

Day of event registration is available; however, conference materials will only be available as supplies last.

No refunds on cancellations after August 26, 2005. The KHRC anticipates CLE credits will be available for attendees.

# KHRC Employment Law Seminar

## September 13, 2005

### Holidome, 605 SW Fairlawn Road, Topeka

#### AM Keynote Speaker

"Intellectual Disabilities"

##### John Fultz

John Fultz is a Consultant and Trainer with expertise relative to various employment related issues. John is a graduate of the University of Missouri School of Business with a major in Labor Relations and Human Resource Management. He was employed with the U.S. Equal Employment Opportunity Commission from June 1972, until April 2005, where he held various positions, including; Investigator, Conciliator, Supervisor, Manager, and Deputy Director. John has processed, or managed the processing of, over 25,000 complaints of employment discrimination. Furthermore, he has participated in the resolution of over 2,000 employment disputes.

#### AM Breakout

"ADA Employment Issues"

##### Randy Fisher

Randy Fisher has worked on the staff of the Kansas Commission on Disability Concerns since January 1996. He received a Bachelor of Science in Journalism from the University of Kansas, and a Certificate in EEO studies from Cornell University.

#### AM Breakout

"Mediation: The Process"

##### Randy Hershey

Randy Hershey, a professional mediator since 1995, established the Kansas Legal Services mediation program beginning with development of the Kansas Human Rights Commission's mediation project ten years ago.

#### PM Breakout

"Age Discrimination  
In Employment"

##### Alan L. Rupe

Alan L. Rupe, a litigation partner, is a trial lawyer certified by the National Board of Trial Advocacy. He is a regular contributor to *Workforce Management* magazine.

#### PM Breakout

"Fair Labor Standards Act"

##### Jeanette Aranda

Jeanette Aranda is a Federal Investigator with the U.S. Department of Labor, Wage and Hour Division in the Topeka Field Office. She obtained her Masters and Bachelors in Criminal Justice from Washburn University.

#### PM Keynote Speaker

"Gender Discrimination  
Under Title VII"

##### Billie Ashton

Billie Ashton is the Enforcement Supervisory Investigator for the Equal Employment Opportunity Commission (EEOC) from the Kansas City Area Office.

Prior to becoming a Supervisor, she was a Senior Investigator, where she investigated claims of discrimination. She has been a presenter her entire tenure with EEOC; providing training, work shops, and presentations to: companies, agencies, employees and students regarding the laws EEOC enforces. Prior to employment with the EEOC, she worked for various other federal agencies and in the private sector.

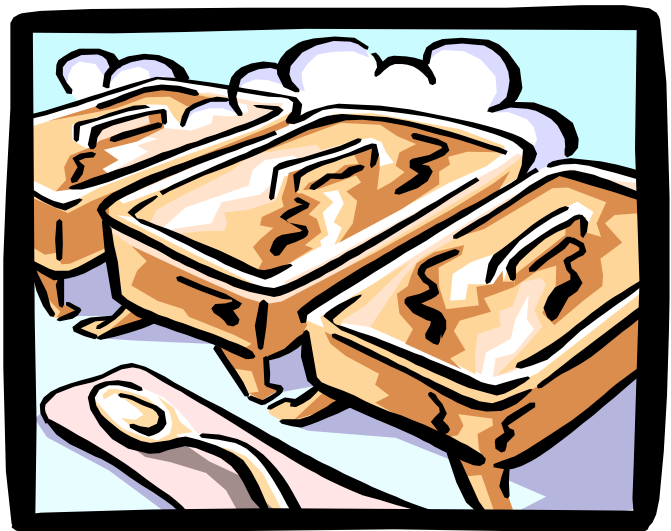
## Lunch Menu

### A Buffet Style Lunch

Will Be Served From 12:30-1:30 p.m.

<b>Entrees:</b>	<b>Roasted Pork Tenderloin</b> <b>Roasted Breast of Turkey</b>
<b>Starches:</b>	<b>Scalloped Potatoes</b> <b>Rice Pilaf</b>
<b>Vegetables:</b>	<b>Corn O'Brien</b> <b>Homestyle Green Beans</b>

**Garden Salad, Rolls & Butter, Coffee & Iced Tea**



Please contact the Kansas Human Rights Commission before the day of the conference for any special or dietary accommodations.

# Diversity Training Provided By KHRC

The Kansas Human Rights Commission Public Information Program now offers two different diversity training presentations to the employers and employees of Kansas. “Diversity: Food For Thought,” is a diversity training program that looks at diversity more from the employee’s view. It includes a 20-minute video followed by a power

**“The Diversity Training did a great job outlining the work of the KHRC and important things managers need to know about managing diversity. I highly recommend this presentation.”**

——— **Secretary of Revenue Joan Wagnon**

“The Economic Advantages of Diversity Management” discusses the issue of diversity in the work place from a business stand point. A company that appropriately manages diversity can see an increase in both production and profit. This training session focuses on how employers can address the diversity issues at work to decrease workplace conflict and to incorporate diversity into their business goals. With the customer base in Kansas becoming increasingly more diversified, it makes strategic business sense to address the issue of diversity in each Kansas company.

This presentation is especially effective to an audience of supervisors and members of management and is one-hour in length.

point presentation that reinforces the topics that are presented in the video.

The Kansas Human Rights Commission (KHRC) has also purchased the diversity training video “Different Like You.” This video takes a historical look at the growing and ever changing diverse society in the United States and focuses on diversity inside the workplace. This video can supplement the “The Economic Advantages of Diversity Management” presentation.

The KHRC has received positive feedback from people trained in these sessions.

To inquire about, or to schedule a Diversity Training session, please contact Jeremy Deckard, Public Information Officer, at (785) 296-3206.

## Agency Briefs

### KHRC Staff Members Volunteer

Assistant Director Ruth Glover, Special Investigator Dan Wentling, and Secretary Sharon Williams, members of the Kansas Human Rights Commission, volunteered at the Brown v. Board of Education 51st Anniversary activities. These individuals greeted guests of the Anniversary events held at the Capitol Plaza Hotel on May 16, 2005.

### Training, Training, Training

The Kansas Human Rights Commission Staff has conducted and attended several training sessions during recent months. An investigative training session took place in Topeka on March 9, 2005. Investigators and staff members from all four of the KHRC offices were present for the training. Bill Wright, Investigative Administrator, and Jeremy Deckard, Public Information Officer, attended a Housing Accessibility Workshop on June 6, 2005. Deckard also attended a presentation on Human Trafficking that took place in Manhattan on June 8, 2005. A conference call training session took place on June 16, 2005, in regards to the intake process for racial and other profiling complaints. Orié Kirksey, Investigative Administrator and Karen McDanel, Office Manager, attended an EEOC Conference in Atlanta, Georgia, from June 20 to June 23. For the months of April through June, the Kansas Human Rights Commission Public Information Program also conducted 17 training sessions across the state, which provided training for approximately 775 individuals.

**“We must remember that any oppression, any injustice, any hatred, is a wedge designed to attack our civilization.”**

——— **Franklin Roosevelt**

The Spectrum is a publication of the Kansas Human Rights Commission. Free Subscriptions are available. If you would like to be placed on our mailing list, please contact the Topeka Office. All comments and suggestions are appreciated, and should be addressed to the editor, Jeremy Deckard: (785) 296-3206 or [jeremy.deckard@khrc.state.ks.us](mailto:jeremy.deckard@khrc.state.ks.us). Copies of the Spectrum can be taken from our web site in PDF format. The Spectrum can also be distributed via email in PDF format. If you would like to receive a copy of the Spectrum via e-mail please contact Jeremy Deckard. Visit us on the web at [www.khrc.net](http://www.khrc.net).

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∴ Eternal Vigilance is the  
∴ Price of Freedom

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