

# SPECTRUM

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*The probability that we may fail in the struggle ought not to deter us from the support of a cause we believe to be just.*

**-Abraham Lincoln**

## From the Executive Director's Chair

Spring is here and I am pleased to report that we've had a successful legislative response concerning budgetary issues. We continue to receive praise from the Legislature concerning the Commission's programs. They have entrusted us the responsibility to enforce our state's civil rights law and I am grateful for their vote of confidence.

This spring finds the agency, through its public information program, putting together the annual employment law conference that the KHRC sponsors. We are looking forward to having a very well planned, informative program with good participation from the public. The conference is scheduled for August 22nd in Topeka.

Internally we are continuing to look at positions within the agency for reallocation to bring them in line with comparable positions in other state agencies. We could not do this at a time when the agency was under a lot of stress dealing with the backlog of open cases in the 1970's through the 1990's. It is very important that employees that are doing good work have

their positions and value of their work recognized by this reallocation. We have been successful in achieving this

with the investigative staff, the Assistant Director position, as well as with the investigative supervisory positions.

I would also like to take a moment to impart a personal "thank you" to all of the staff members who have contributed to the agency's success by participating in a great team effort, bringing our goals to fruition.

In addition, this year we will be able to utilize the agency's Kansas Incentive Savings Program account, which the legislature has recently approved. This allows us to give a one time payment to staff members who do exceptional work. This option was a special recognition to the agency for its budgetary restraint and fiscal management.



*William V. Minner,  
KHRC Executive Director*

## Governor Names New Commission Chair

James E. Butler, Commissioner At Large from Manhattan, has recently been appointed by Governor Graves to take the helm of the KHRC. The change in leadership comes about due to the

resignation of former Chairman Robert Wesley of Independence. Commissioner Butler has been involved with the agency's leadership for a number of years.

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**JAMES E. BUTLER**  
Chairman

*At Large, Manhattan*

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**DEBORAH WHEELER**  
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**ERROL WILLIAMS**  
*Industry, Topeka*



COMMISSION  
MEETING

The Kansas Human Rights Commission meets monthly at various locations throughout the state. Commission meetings are open to the public and individuals interested in attending may obtain more information by contacting the Commission's main office.



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 our main office at the above address. All comments and suggestions are appreciated, and should be addressed to the editor, Jaclyn Reish, at the main office in Topeka or by e-mail to [jaclyn.reish@state.ks.us](mailto:jaclyn.reish@state.ks.us)

## Informational Programs Available Statewide

The Kansas Human Rights Commission employs a full-time Public Information Officer whose duties include speaking on issues of discrimination. These presentations are free to the public and can be tailored for businesses, employees, landlords, tenants, schools, etc.

Topics include sexual harassment and other types of workplace discrimination,

fair housing, the KHRC and its complaint process, and disability rights.

In addition, the public information program offers a civil rights library of books and video tapes that the public can borrow at no cost.

Contact Jaclyn Reish at the main office in Topeka to schedule a presentation or for library information.

## Staff Members Commended for Years of Service

Barbara Combs, Investigator in the KHRC's Wichita office recently received her commemorative 10 year pin for service with the State of Kansas. She began her tenure within KHRC in the Intake Department in 1991 and became an Investigator in 1992.

On March 2nd, Vamba Nzwilli achieved twenty years with the Commission. He began as an Investigator with the KHRC in 1981 while being a student at the University of Kansas. He holds a Ph.D. in Educational Administration from KU.



*Investigator Vamba Nzwilli, recipient of a twenty-year pin from the State of Kansas.*

## Governor Makes Fair Housing Proclamation

On March 26, Governor Bill Graves proclaimed April 2001 as Kansas Fair Housing Month. The Governor has initiated this proclamation each year since 1996.

The proclamation was received by The Fair Housing Project Team, a group of individuals from various organizations who implement the Fair Housing Action Plan mandated by the Consolidation Plan of 1999-2002. The Consolidation Plan is a community planning and development program spearheaded through the U.S. Department of Housing and Urban Development (HUD). Mark Jones, former KHRC Housing Supervisor is a Project Team

member.

The Project Team has urged cities to make similar proclamations as the State has. Last year was the first year the Task Force contacted cities with the idea of making a commitment to Fair Housing. They had 20% participation of cities according to Sheila Robels, Chair of the Project Team and staff member of the Housing Development Division of the Kansas Department of Commerce and Housing.

This year, an early count shows 30 cities reporting back on the proclamation. The Project Team also connected with the League of Kansas Municipalities and the Kansas Association of Counties to better notify cities of the opportunity to make a Fair Housing Month proclamation.

Mark Jones, along with staff of the Department of Commerce and Housing accepted the Governor's proclamation in a ceremony at the capitol on March 26th. Mr. Jones has accepted the Executive Director position at the Kansas City Fair Housing Center, after serving the KHRC for over thirteen years.

*What is the use of a house if you haven't got a tolerable planet to put it on?*

**-Henry David Thoreau**



*The Fair Housing Project Team (Mark Jones on right) receive the Fair Housing Month proclamation from Governor Graves .*

# KHRC Makes Donation to Project Topeka and Wins Award

*By Caryl Hines, Secretary to the Director*

The agency successfully wrapped up its annual Project Topeka Food Drive held during the month of February. Project Topeka is a cooperative effort widely supported by community businesses, religious bodies, service groups, schools, government agencies and other groups to collect food and money to stock the pantries of eight helping agencies that assist the less fortunate. The Governor of Kansas supports this drive through proclamation and the State of Kansas is one of the largest

contributors.

The KHRC's fundraising efforts paid off this year enabling us to donate over 36,000 ounces of food, nearly tripling last year's contribution. This donation earned us third place of all state agencies with 99 or less employees. This was accomplished through various food sales, drawings and employee cash donations. Many local businesses assisted this effort through charitable donations of goods or services.

The KHRC is honored to participate in Project Topeka.

*To hate a man because he was born in another country, because he speaks a different language, or because he takes a different view of this subject or that, is a great folly. Desist, I implore you, for we are all equally human... Let us have but one end in view, the welfare of humanity.*

**-John Comenius**

Czech educational reformer and religious leader



*Staff members Etta James, Sharon Williams, and Caryl Hines serve hungry customers ham & beans (donated by Aunt Sue's Restaurant) on February 9, 2001. Staff members donated cornbread and cake to complete the meal. This was one of several events the agency held to raise money for Project Topeka.*

*Caryl Hines (left), Secretary to the Executive Director, and Deborah Rhodd (right), Intake Specialist, hold the award presented to the KHRC on March 7, 2001 at a luncheon to honor State of Kansas employees who organized fund-raising for Project Topeka. Caryl and Deborah put a great deal of effort into the fund-raising project and were instrumental in its success.*



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# Another Tool for Parties in Conflict

By Lloyd C. Swartz,  
Regional Coordinator for Midland  
Mediation and Settlement Services

We are quickly approaching the fifth anniversary for the mediation program through the Kansas Human Rights Commission (KHRC). This is a great opportunity to reflect upon the program and how it has impacted the parties involved in complaints during this five-year period.

A little history helps us place this program in perspective. KHRC, as well as most other enforcement agencies involved with employment, housing and public accommodation discrimination enforcement, faced an increasing caseload and backlog in the early 90's. Unlike other agencies the KHRC was willing to explore options to the investigate/litigate model. The concept was to allow the parties an opportunity to attempt to deal with each other and see if the parties could repair the failures in communication or treatment.

Thus the tool of mediation was identified as a possible addition to the investigate/litigate arsenal. This is a tool that has been used effectively in many other forums. The courts have used mediation in domestic cases for many years. Trade unions and employers have used mediation in addition to arbitration as a means to cool the conflict down and find solutions for issues both parties need to have addressed. With this experience to draw from it was a natural to suggest that in some cases, especially where there was a continuing on-going relationship, mediation might be the right tool for these conflicts.

In developing this alternative, the KHRC determined that it must be voluntary for both parties. If the parties agree to talk the chances of them finding an acceptable solution is increased. Further it was determined there needed to be a true sense of confidentiality for those participating in the process. Thus KHRC approached Kansas Legal Services (KLS) and together they developed the model we use today.

Midland Mediation and Settlement Services (Midland) is a division of KLS. Midland has two regional coordinators who work full time in contacting parties and facilitating mediations. Midland has access to the 14 regional offices across Kansas of KLS to bring mediation to the parties in a convenient, confidential manner. In addition to the two full time mediator/coordinators support staff and over 20 Kansas Supreme Court approved mediators state-wide working with KLS are

available to the parties involved in complaints filed with KHRC.

The option of mediation is one that is provided to the parties from the very beginning of a complaint. Upon intake all cases are referred to Midland and a letter is sent to both the complainant and respondent in all cases to advise them of the option to use mediation and to provide some early information about mediation. During the next 60 days as parties call in to Midland or as Midland staff reach out to the parties, the choice of mediation is made available. If both parties agree to mediation a mutually agreeable date and time are set and the mediation is scheduled. If mediation is not agreed to by both then the case is closed as to mediation and the KHRC continues with the process of the investigation.

By attempting to bring the mediation together in the first 60 days the hope is the parties will not be delayed in agreeing to try mediation. With the effectiveness of the investigation process today it is sometimes a challenge to get the mediation done prior to the investigation moving forward to a finding of probable cause or no probable cause.

Over the last five years the experience has been that more than one third of the cases statewide have opted to attempt mediation. The success rate of this program is not only measured in the cases that settle in mediation, but also in the level of attention the parties bring to the cases thus making many of the cases more open to settlement in the Preliminary Investigative Conference stages and beyond.

It is not expected that mediation is an answer for all cases. It has proven to be a very effective tool for a good number of cases and often it allows the parties to not only find a solution to the issue causing the original complaint but to find a better way to communicate when future issues arise.

The settlements in mediation have been at every level. The parties have agreed to listen to each other and dismiss the cases with a simple understanding of what happened up to and including settlements involving over \$100,000. The key difference in mediation is the parties agree to the outcome. Often this means they have a greater commitment to the solutions that they have crafted.

With these five years of experience it is good to find that mediation has taken its place along with investigation and litigation in the choices available to parties as they attempt to address issues in employment, housing and public accommodations in Kansas.

*Every human being, of whatever origin, of whatever station, deserves respect. We must each respect others even as we respect ourselves.*

**- U Thant**  
Secretary General of  
the United Nations  
(1962-71)

Kansas Human Rights Commission

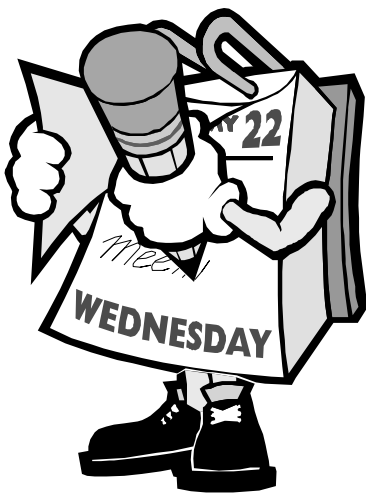
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**An excellent learning  
opportunity for Attorneys &  
Human Resources personnel!**

## ***Mark Your Calendars!***

The 7th Annual KHRC  
Employment Law Seminar is scheduled for  
**Wednesday, August 22nd**  
at the Pozez Education Center in Topeka.

*Topics this year will include psychiatric disabilities,  
sexual harassment, retaliation, pregnancy discrimination  
and other employment-related issues.*

**Contact our main office in Topeka (785-296-3206)  
to be placed on our mailing list for registration information.**

Pending approval, CLE credits will be available for attorneys.