



RIGHTS PERSPECTIVE

A Semiannual Newsletter of the Lexington-Fayette Urban County Human Rights Commission

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RE-SEGREGATION

by Executive Director William D. Wharton

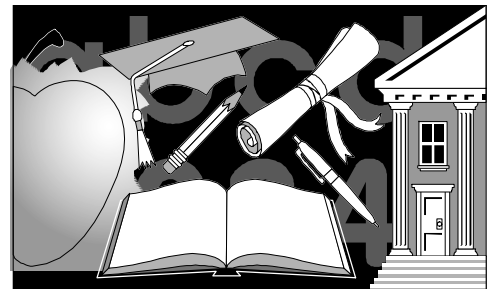
May 17, 2004 was the 50th anniversary of the United States Supreme Court decision in *Brown v. the Board of Education of Topeka; Kansas* when it held that public schools segregated by race is “inherently unequal” and thus violates the equal protection clause of the 14th Amendment. We all agree that this decision was immensely important not only because of this ruling, but also because it reflected and encouraged the development of what we know now as the Civil Rights movement of the 1960s.

Before this ruling the rationale given for segregation was that all students would fare better in their own distinct schools. Schools would be separate but equal and thus would be fair to all. This notion was the official law of the land from 1896 to May 1954, but few people then, as well as now, would admit that state sanctioned racial segregation flows not from some mutual or reciprocal desire for social distance or some group’s autonomy but rather from what it was — an expression of white supremacy with the intent of subordinating a race of people.

Make no mistake about it, there was nothing equal about the education that black children received. They walked miles upon miles to attend schools without heat, indoor plumbing or proper learning tools. They braved bad weather and navigated dangerous roads to enter overcrowded classrooms with leaky roofs and learn from

outdated hand-me-down textbooks.

Even the language in the *Brown* decision, touted by many as eloquent, did not address the issue of state-sponsored segregation and the benefits to white students in our society at the expense of minority students. Unlike most court cases when you win, the Court did not grant immediately the remedy that was sought, immediate access to and a transition to non-racially segregated schools. According to the Civil Rights Project of Harvard



EDUCATION

University, a little more than one percent of black children in the South attended desegregated schools 10 years after the *Brown* decision.

The main reason for this record was that white resistance to this decision was immediate and brutal. A school district in Virginia, in the companion cases to *Brown*, closed its entire public school system rather than integrate. At another

school district in South Carolina, white students withdrew from the public school system. Thus the decision in *Brown* may be more remarkable not for ending school desegregation, but instead for beginning a new phase of the civil rights struggle in the 1960s that lead ultimately to leveling the legal barriers of race discrimination.

In 1964 the executive branch and Congress joined the Supreme Court with new laws and federal agencies to enforce its desegregation policy, then we began to feel the influence of the *Brown* decision. This cooperation did not last. When the new Republican president entered office in 1969 he simply refused to enforce court ordered desegregation and did not resume doing so until ordered by the Supreme Court in the 1970s.

It is interesting to note that black student performance, as measured by standardized tests, increased during this period of enforcement and approached those of their white counterparts. This progress in performance has regressed as the executive branch and the courts have backed off desegregation efforts. The question of why as a country we have abandoned proven methods of eliminating discrimination and inequality in the school system and have gone back to old methods is a question that I cannot easily answer. This is even more troubling because of the documentation of the unquestionable benefits to all students that racially and ethnically diverse schools provide and the increasingly multicultural world in which our students must now compete.

It is interesting to note that all desegregation cases, by the Supreme Court, were unanimous until 1973 when newly appointed Justice William Rehnquist dissented. It is noteworthy that by 1991 Rehnquist became chief justice. His ideas produced

an opinion in *Dowell v. Oklahoma City* that allowed school districts to declare themselves unitary and end their desegregation plans and marked a trend of re-segregation of the public school system in our nation. Not coincidentally we began to see the loss of gains in black student achievement.

The courts have not totally backed down from enforcing the *Brown* decision. By the slimmest of margins the Court decided to affirm the decisions in the University of Michigan affirmative action cases. What was encouraging in that decision was the reaffirmation of the majority of the *Brown* decision when the Court quoted from the *Brown* decision:

“This Court has long recognized that ‘education...is the very foundation of good citizenship.’ For this reason, the diffusion of knowledge and opportunity through public institution of higher education must be accessible to all individuals regardless of race or ethnicity. Effective participation by members of all racial and ethnic groups in the civic life of our Nation is essential if the dream of one Nation, indivisible, is to be realized.”

The return to segregation and the inequality of our schools is not inevitable, nor do we have to accept it. We have proven methods of educating our children. We once and for all must reject the clearly racist allures of present trends in our education system. We must reject these trends that hopelessly cling to those notions that do not recognize the current demographic trends of increasing racial and ethnic diversity in our great nation.

Compliance Report – 4th Quarter FY 2004
April 2004 – June 2004

Cases Received: 42

Employment- 33

Housing- 6

Public Accommodations- 3

Cases Resolved: 33

Employment- 22

Housing- 9

Public Accommodations- 2

COMMISSIONER SPOTLIGHT



Commissioner Mahjabeen Rafiuddin says that she was attracted to the Human Rights Commission in 1998 as an intern and again in 2003 as a Commissioner because of the enforcement powers, “You can’t regulate people’s morals, but you can regulate actions by enforcing anti-discrimination laws.” She acknowledges that this part of the Commission’s work often confuses the public, “People don’t understand that the HRC is a neutral investigative agency. When I started my internship I thought that the Commission was all about busting bad people, what is impressive is that the HRC is neutral and does its best to get to the root of the problem and resolve the issue.”

Commissioner Mahjabeen Rafiuddin is very familiar with social justice work as the Director for Youth Leadership of the National Conference for Community and Justice, she is known in the community for her work in youth work related collaborative efforts, youth and adult diversity training, race relation through race/ethnic dialogues and innovative leadership oriented youth/adult programming. She has been with NCCJ – Bluegrass Region since August 1998.

Mahjabeen is the founder of the Lexington Youth Leadership Academy (LYLA). LYLA, which is a three-year premier youth program for sophomores and juniors, currently has 75 active teens. These teens are matched with one on one mentors who occupy top leadership positions in Lexington. She represents NCCJ – Bluegrass Region on the Kentucky Fairness Alliance, United

Way’s Get on Board Advisory Council, Democracy Resource Center, Citizen’s Police Academy, the Knight Foundation Advisory Council, and the Community Partnership Action Council. She also serves as the advisor to the Mayor’s Youth Council, a program of Partners for Youth that consists of approximately 60 youth from all corners of Lexington. Mahjabeen has a Bachelor’s degree in Psychology from Berea College and Master’s in Social Work from the University of Kentucky.

Mahjabeen says that her personal experiences of feeling that she does not fit in led her to her passion for social justice work, “I know what it feels like to be that person who is picked on, the person that others can’t quite put in one of their boxes.” She looks forward to continuing contributions to the Commission as a representative of an underrepresented population, including representing the post-college age group of Lexingtonians. Mahjabeen said she gained a lot of useful information as a college student interning at the Commission that she feels are useful to this age group, “I would not have known about illegal questions in interviews or on employment applications, or that if I was a mother with children living at home that I could be discriminated against in housing.”

Racial profiling, particularly concerning South Asians and the Muslim population; outreach to new immigrant populations; and the community’s knowledge of the Commission’s work are priorities for Mahjabeen, as a Commissioner serving on the Community Relations Committee. She wants the community to know the mission and goals of the Commission and that people can turn to the Commission as a reputable organization.

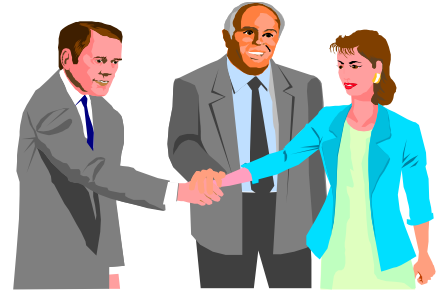
She recognizes that all of these issues are challenging and increasing community knowledge of the necessity of the Commission’s work begins with the basics, “Unless you throw it out there in people’s faces, many people are not aware. The first step is educating people that discrimination exists in their community. When you are not owning up to issues that you have, you are not willing to change.”

MEDIATION

In accordance with our statutory duties, the Lexington-Fayette Urban County Human Rights Commission is offering parties involved in disputes the option of resolving their disagreements through voluntary mediation instead of initially going through the Commission's complaint investigation process. The mediators are trained and certified and are independent of the Commission.

What is mediation?

Mediation is an informal, voluntary process, which provides a forum for a discussion of the complaint and the opportunity to enter into an agreement that satisfies the interests of all parties.



Some advantages of mediation?

- Charging Party and Respondent do not have to respond to interrogatories or data requests.
- Mediation will be scheduled whenever possible within thirty (30) days from the date the complaint is filed.
- “Fact finding” is not the objective of mediation. Mediators do not weigh evidence, interview witnesses or determine if discrimination has occurred.
- The sole purpose of mediation is to discuss the complaint and resolve it to the mutual satisfaction, and in the best interest, of all parties.
- Mediation is an informal process. No lengthy and time-consuming preparation is involved.

What are the roles of the parties?

Mediation is voluntary. Mediation is most successful when the parties:

- Approach mediation in good faith and with an open mind
- Be willing to listen and to consider all aspects of the issues
- Be active participants in mediation and
- Develop the terms of the settlement agreement with the assistance of the mediator

Your case will be assigned to a certified mediator who has completed specialized training mediation and conflict resolution. The mediator will maintain your confidentiality and objectivity. The mediator will have excellent communication skills and will be fully knowledgeable of Commission procedures.

How can I learn more?

If you have filed a complaint, if a complaint has been filed against you or your business, or if you have a dispute that you wish to consider for mediation, our Mediation Coordinator can may assist you. For additional information contact:

Lexington-Fayette Urban County Human Rights Commission
162 East Main Street, Suite 226
Lexington, Kentucky 40507
Phone: 859-252-4931
Fax/TDD: 859-252-7057
Web Site: www.lfuchrc.org
E-mail: lfuchrc@qx.net

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162 E. MAIN ST., STE. 226 ♦ LEXINGTON, KY 40507-1318 ♦ PH: (859) 252-4931 ♦ FAX/TDD: (859) 252-7057
WEB SITE: WWW.LFUCHRC.ORG

INTERNSHIPS



Executive Director William Wharton and Jessica Garrett, from Layfayette High School.



Lindsey Luttrell, from Centre College, and Executive Director William Wharton.



Heather Strotman , from the University of Kentucky, and Executive Director William Wharton.

CALENDAR OF EVENTS

Wednesday, July 14, 2004

Family and Medical Leave Act in Kentucky. Radisson, Lexington.
8:30 – 4:30. Cost: \$209.00 For more information log on to
www.lorman.com

Tuesday, July 14, 2004-
Wednesday, July 15, 2004

Lexington Bluegrass Area Minority Business Expo. Lexington
Convention Center, 430 W Vine, Lexington, KY. Cost: \$35.00 For more
information log on to www.lfucg.com/MBExpo

Monday, July 26, 2004

14th Anniversary of the Americans with Disabilities Act (ADA) Rally.
Capitol Rotunda, Frankfort. 11:00 a.m. – 1:00 p.m. 12:00 p.m. – 1:00 p.m.
refreshments. ADA Action Network and Independence Place. For more
information e-mail independenceplace@qx.net
Or Pamela Roark-Glisson – pamela@iglou.com

Thursday, July 29, 2004
Friday, July 30, 2004

Employment Discrimination Law Update. The National
Employment Law Institute. Chicago, IL. Cost: \$750.00
For more information, log on to www.neli.org

Thursday, August 5, 2004
Monday, August 9, 2004

**International Association of Human Rights Agencies
(IAOHRA) 56th Annual Conference.** Chicago, IL. Cost: \$325.00 (Hotel
is \$119 per night). For more information, log on to
www.IAOHRA2004.org

Tuesday, August 10, 2004

Employee Discharge and Documentation in KY. Hyatt Regency,
Lexington. 8:30 – 4:30. Cost: \$209.00. For more information log on to
www.lorman.com

Thursday, August 12, 2004

ACLU of Kentucky's Bill of Rights Dinner.
Guest Speaker: Molly Ivins. Kentucky International Convention Center,
Louisville. 5:30 p.m. Reception for Molly Ivins. Cash bar begins at 6:15
p.m. Dinner at 7 p.m. Cost: Reception- \$100.00. Dinner - \$40.00. For
more information, log on to <http://www.aclu-ky.org/>

Thursday, August 12, 2004-
Friday, August 13, 2004

**Resolving Workplace Disputes Involving Individuals
with Disabilities.** Institute for ADA Mediation. University of Louisville
Belknap Campus. Cost: \$425.00 before July 1, \$495.00 after July 1 before
August 1, \$550.00 after August 1 (hotel cost \$77 + tax per night). For
more information, log on to www.win.net/accessada

CALENDAR OF EVENTS Continued

Saturday, August 14, 2004

Parent/Family Conference and Back to School Rally.

Lexington Convention Center. One Community, One Voice Achievement and Closing the Gap Community Committee. 9:30 a.m. to 4:00 p.m. For more information contact Arnold Gaither at 859-258-3140 or Bob Brown at 859-299-7649.

Thursday, September 16, 2004

12th Annual Women Mean Business Conference 2004.

Featuring: Amy Henry from *The Apprentice*. Lexington Convention Center. Cost: \$99.00. For more information, log on to www.ksbdc.org

Monday, October 18, 2004

36th Annual Banquet of the Urban League of Lexington-Fayette County.

6:00 p.m. Reception. 7:00 p.m. Dinner. Lexington Convention Center Bluegrass Ballroom. Contact the Urban League for more information at 859-233-1561.

Tuesday, October 19, 2004-
Thursday, October 21, 2004

Governor's Equal Employment Opportunity

Conference. Holiday Inn Hurstbourne. Louisville. Cost: \$140.00 before Sept. 1, \$150.00 after Sept. 1 before Sept. 30, \$160.00 at the conference. For more information, log on to <http://personnel.ky.gov/eeosumry.htm>

Lexington-Fayette Urban County Human Rights Commission

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VICE CHAIR

Gloria Rie

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SECRETARY

Andrea Coleman

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