OHIO CIVIL RIGHTS COMMISSION
ANNUAL REPORT
STATE FISCAL YEAR 2021
Michael Schindler was born in Breslau, Germany, on June 10, 1930. He grew up in a middle-class family and had a happy childhood. However, as a teenager, he witnessed the rise of the Nazi Party and the Holocaust. Schindler became involved in the resistance movement and was eventually arrested and sent to Auschwitz-Birkenau concentration camp.

At Auschwitz, Schindler was assigned to the labor camp and was forced to work in the factories. He witnessed the barbaric treatment of the prisoners and the_Selection_process. Schindler managed to escape and was eventually liberated in January 1945.

After the war, Schindler returned to his home in Poland. He worked as a teacher and later became a university professor. In 1969, he was awarded the Righteous Among the Nations by the Yad Vashem, the World Holocaust Remembrance Center.

Michael Schindler's story is an inspiration to many, as he risked his life to save others during the Holocaust. He is a symbol of courage and resilience in the face of adversity.
OHIO CIVIL RIGHTS COMMISSION

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OHIO CIVIL RIGHTS COMMISSION

MESSAGE FROM
THE EXECUTIVE DIRECTOR

Angela Phelps-White

To Governor DeWine, Members of the 134th General Assembly, and Citizens of Ohio:

On behalf of our Commissioners and staff, I am pleased to present our Annual Report for State Fiscal Year 2021.

After more than 60 years of public service to our state’s citizens, this report reflects our continuing efforts to make Ohio a place where all Ohioans enjoy a quality of life as we fulfill our statutory mission as the primary educator, mediator, and enforcer of Ohio’s laws against discrimination.

SFY 2021 was a significant year for the Commission as it required the Commission to continue to strive for excellence in servicing the community under extraordinary circumstances. My first day of serving as Executive Director of the Commission was on March 16, 2020, which was the same day the state was transitioning to a work-from-home arrangement due to the global pandemic. The first course of action was to get the Commission working remotely as soon as possible. This encompassed ensuring that all staff had all the tools and equipment necessary to carry out their duties. Due to the staff’s professionalism, the entire staff of the Commission was working safely from home by March 23rd.

The Commission faced several challenges in this teleworking environment. Working remotely and converting the home into an office environment was an adjustment. But the staff’s dedication served as a foundation upon which they were able to overcome those challenges as they committed themselves to continuing to provide good customer service and remaining accessible to our constituents. The Commission converted to performing many
of its tasks virtually, such as Commission meetings, mediations, administrative hearings, and training.

In addition to modifying the mode of doing business, the Commission revamped its investigation process to a case review process whereby cases are more thoroughly investigated and reviewed frequently to vet all facts and issues; thereby enabling the Commission to render appropriate and informed decisions. This process will ensure efficient and consistent handling of all cases filed.

To remain current in their skills and proficient in the performance of their tasks, the staff received in-house training. They received training on best investigation technique practices, and on evidence analysis in conjunction with the laws of the state. The staff also received implicit bias training that was specifically adapted in-house for the Commission’s staff.

Although the Commission’s staff was working remotely, there were essential staff who were required to return to the office environment to ensure the work of the Commission continued. To safeguard the safety of the essential staff, Workplace Safety Protocols were implemented.

Being new to the Commission, it was important to reach out to staff to introduce myself, to get to know them and to check in during this time of remote working. We also had virtual employee engagement activities by region as well as throughout the entire Commission to keep the staff engaged and to retain amity with fellow colleagues.

In spite of the unusual circumstances within which we had to work, the Ohio Civil Rights Commission remained dedicated to executing the powers granted under the Ohio Revised Code Chapter 4112 and complied with its pledge to work with state and community partners to fulfill the Commission’s mandate, which is to ensure that all Ohioans are treated fairly and equitably in the workplace, in securing a safe place to live, and in accessing public venues throughout the state.

Respectfully,

[Signature]

ANGELA PHELPS-WHITE
Executive Director
BOARD OF COMMISSIONERS

LORI BARRERAS

Chair

Chair Barreras (Columbus) was appointed Commissioner on October 31, 2013 and was appointed Chair in March 2018 by Governor John Kasich. She was reappointed by Governor Kasich in July 2018 for another five-year term that will expire July 28, 2023.

WILLIAM W. PATMON, III

Commissioner

Commissioner Patmon (Gahanna) was appointed to the Commission by Governor John Kasich in August 2012 and reappointed on July 29, 2017 to a term that will expire July 28, 2022.

MADHU SINGH

Commissioner

Commissioner Singh (Akron) was appointed to the Commission on June 12, 2015 by Governor John Kasich and reappointed by Governor Mike DeWine in 2019 to a term that will expire on July 28, 2024.

DR. CAROLYN PETERS

Commissioner

Commissioner Carolyn Peters (Dayton) was appointed to the Commission on May 11, 2018, by Governor John Kasich for a term expiring July 28, 2021.

JULIA RITA MCNEIL DANISH

Commissioner

Commissioner Julia "Rita" McNeil Danish (Gahanna) was appointed to the Commission on March 19, 2021 by Governor Mike DeWine for a term that will expire July 25, 2025.
AGENCY AND STAFF

EXECUTIVE TEAM

Angela Phelps-White
Executive Director

Darlene Sweeney-Newbern
Director of Regional Operations

Bradley S. S. Dunn
Acting Chief Legal Counsel

Scott Marshall
Director of Human Resources

Desmon Martin
Director of Enforcement and Compliance

Dilip Mehta
Chief Financial Officer and Chief Information Officer

Mary Turocy
Director of Public Affairs and Civic Engagement

CENTRAL OFFICE

Rhodes State Office Tower
30 East Broad Street, 5th Floor
Columbus, Ohio 43215
Telephone: (614) 466-2785
Fax: (614) 644-8776
TTY: (614) 752-2391

AKRON REGIONAL OFFICE

Ronald Church,
Acting Regional Director

Akron Government Building
161 S. High Street, Suite 205
Akron Ohio 44308
Telephone: (330) 643-3100
Fax: (330) 643-3120

CLEVELAND REGIONAL OFFICE

Vera Boggs, Regional Director

Lausche State Office Building
615 W. Superior Avenue, Suite 885
Cleveland, Ohio 44113
Telephone: (216) 787-3150
Fax: (216) 787-4121

COLUMBUS REGIONAL OFFICE

Aman Mehra, Regional Director

Rhodes State Office Tower
30 East Broad Street, 4th Floor
Columbus, Ohio 43215
Telephone: (614) 466-5928
Fax: (614) 466-6250

DAYTON REGIONAL OFFICE

Lori Taylor, Regional Director

Point West III
3055 Kettering Blvd, Suite 111
Dayton, Ohio 45439
Telephone: (937) 285-6500
Fax: (937) 285-6510

Mid-Pointe Towers
7162 Reading Road, Ste. 1005
Cincinnati, Ohio 45237
Telephone: (513) 351-2541
Fax: (513) 351-2616

TOLEDO REGIONAL OFFICE

Inder LeVesque, Regional Director

One Government Center
640 Jackson Street, Suite 936
Toledo, Ohio 43604
Telephone: (419) 245-2900
Fax: (419) 245-2668
MISSION & VALUES

Our Ohio - Diverse, Strong, Protected.

MISSION
Promoting positive human relations amongst Ohio’s diverse population through education and enforcement of laws against discrimination.

VALUES

SERVICE
Our employees are committed to fulfilling the promise of providing fair, unbiased, and professional customer service to all Ohioans.

INTEGRITY
As we fulfil our mission, we maintain that the defining qualities of our people is that of truth, honesty, and a commitment to always doing.

TEAMWORK
As a diverse team, we foster a supportive environment that celebrates and values each individual’s skills, talents, and ideas, all while sharing in each other’s successes.

EXCELLENCE
We continually challenge ourselves to achieve more. We invest in our people, encourage innovation, and provide strong leadership that genuinely cares about each and every employee.
THE YEAR’S BIGGEST HAPPENINGS

THE COVID-19 PANDEMIC

Risk Management

The Commission carried out Covid precautions for the entirety of FY 2021. Most Commission staff worked remotely and in-person meetings were avoided whenever possible. The Commission pivoted to providing trainings and outreach remotely.

H.B. 352

Employment Law Uniformity Act

On April 15, the Commission’s governing statute was changed through Am. Sub. H.B. 352, which made significant changes to employment discrimination law. For more information, see page 20 of this report.

VIRTUAL CELEBRATIONS

Civil Rights Hall of Fame and Dr. Martin Luther King, Jr. Contest

Due to social distancing guidelines throughout the year, it was necessary to hold our major annual celebrations virtually. The 2020 Ohio Civil Rights Hall of Fame was celebrated with a commemorative video premiere on October 7, 2021. For more on our 2021 Dr. Martin Luther King, Jr. Art, Essay, and multimedia contest, see Page 21 of this report.

NEW PROTECTIONS

Bostock v. Clayton County

In June 2020, the United States Supreme Court determination in the case of Bostock v. Clayton County, Georgia — as well as other federal agencies and court cases — extended sex discrimination to include the prohibition of discrimination on the basis of sexual orientation and gender identity. In FY 2021, the Commission’s investigations and findings included these new protections.
OVERVIEW

OHIO CIVIL RIGHTS COMMISSION
POWERS & DUTIES

Fiscal Year 2021

POWERS & DUTIES
The general powers and duties of the Commission are to receive, investigate, render preliminary findings, conciliate, mediate, and hold hearings on charges of unlawful discrimination in the areas of employment, housing, public accommodations, credit and disability in institutions of higher education. It is the Commission’s responsibility to educate constituents and stakeholders about Ohio’s Laws Against Discrimination. The Commission’s programs are designed to educate the public about these laws and the consequences of unlawful discrimination.

The Ohio Civil Rights Act, Ohio Revised Code Chapter 4112, is the governing mandate that provides our agency with the responsibility of investigating discrimination in the areas of:

- Employment (1959) – R.C. 4112.02 (A)-(F)
- Places of Public Accommodations (1961) - R.C. 4112.02 (G)
- Housing (1965) – R.C. 4112.02(H)
- Credit (1976) – R.C. 4112.021
- Disability in Higher Education (1984) – RC. 4112.022

THE PROTECTED CLASSES
People can file charges of discrimination with the Ohio Civil Rights Commission if they believe they have been impacted or treated disparately, discriminated against, or harassed on the basis of:

- Race
- Religion
- National Origin
- Disability
- Military Status
- Retaliation for opposing an illegal discriminatory practice, or participating in anti-discrimination proceedings before the Commission.
- Color
- Sex
- Ancestry
- Age (does not apply to housing)
- Familial Status (housing only)
- Marital Status (credit only)
Ohio has a long history of civil rights enforcement. The Ohio Public Accommodations Law of 1884 was enacted to prohibit discrimination on the basis of race in all public facilities. This law applied to movie theaters, stores, and restaurants.

More than 70 years later, in 1959 Ohio became the 16th state to ratify legislation prohibiting discrimination in employment on the basis of race, color, religion, national origin and ancestry. Ohio’s Fair Employment Practices Law was championed under the leadership of Ohio Governor C.W. O’Neil and was signed into law on July 29, 1959 by Governor Michael V. DiSalle as the Ohio Civil Rights Act of 1959.

The Ohio Civil Rights Act of 1959 established Ohio’s Fair Employment Practices Commission, charged with enforcing Ohio’s Laws Against Discrimination. In 1961, the Ohio General Assembly renamed the agency the Ohio Civil Rights Commission (OCRC). While primarily concerned with discrimination in employment, the Ohio legislature granted discretionary authority to study, advise, and issue statements regarding all civil rights related matters of the state.

### OHIO CIVIL RIGHTS TIMELINE

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
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<tbody>
<tr>
<td>1961</td>
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<td>2019</td>
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**A HISTORICAL PERSPECTIVE OF OHIO’S LAWS AGAINST DISCRIMINATION**

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Any person who believes they have been subjected to unlawful discrimination may file a charge of discrimination with the Ohio Civil Rights Commission. Our regional offices are located in Akron, Cleveland, Columbus, Dayton and Toledo. OCRC also has a satellite office in Cincinnati. All services are free of charge and complaints can be filed at any OCRC office, by mail, by phone, or through our website’s online charge filing process (crc.ohio.gov/FilingaCharge/ChargeFilingProcedure.aspx). OCRC also has the power to self-initiate an investigation in the areas of employment and housing.

Public Accommodation, Credit, and Disability in Higher Education complaints must be filed within six months, Housing complaints, within one year, and Employment complaints within two years of the alleged act of discrimination. OCRC has one year from the date on which the charge of discrimination was filed to issue a formal complaint.

Once the charge of discrimination is received, the case is assigned to an OCRC investigator who notifies the person filing the charge (Charging Party) and the company or person against whom the charge was filed (Respondent). Through a series of steps which will include witness interviews, document requests, and on-site visits, OCRC will determine whether there is probable cause that illegal discrimination has occurred.

OCRC received a total of 3,098 cases in State Fiscal Year 2021.

Complaints must be based on the belief the discriminatory act occurred because of the person’s protected class or in retaliation for opposing discriminatory acts or having participated in a protected activity (such as having filed a previous charge of discrimination or complaining of a discriminatory act).
Reconsideration is the internal appeals process created by Ohio Administrative Code Section 4112-3-04 and is available to any party disagreeing with the initial determination of the Commission. Approximately 7% of the Commission’s decisions were appealed through the reconsideration process in FY 2021.

Benefits and Enforcement: Approximately 12% of people who filed charges that closed in FY 2021 received some economic and noneconomic benefits. In FY 2021, Charging Parties received monetary benefits totaling approximately $3.1 million. The Ohio Civil Rights Commission has authority to enforce Conciliation Agreements and Consent Orders (CACOs) because the agency is a party to the agreement.

Mediation: OCRC began a voluntary mediation program in 1998 and employs trained mediators in each of its regional offices. Mediation requires both parties to voluntarily agree to participate in the process. The purpose of mediation is to resolve the issues in a manner that is mutually satisfactory to the parties. Mediation is not the forum to determine the merits of a case. If mediation is successful, the case is closed and no further administrative action will be taken. As a result, it saves the parties the expense of litigation. If mediation is not successful or if one party declines participation, an investigation will commence. OCRC’s mediation program has a success rate of roughly 85%.
**Fig. 1** illustrates the total number of new charges filed with OCRC in State Fiscal Year (FY) 2021, by regional office. A total of 3,098 new charges were filed in FY 2021.

**Fig. 2** illustrates the total number of alleged basis in State Fiscal Year (FY) 2021. A single charge can have multiple bases. Charges filed with a basis of race or color comprised the largest basis category in FY 2021, with 1,281 charges, followed closely by the basis of retaliation, with 1,193 charges.

**Fig. 3** illustrates the total number of alleged issues in State Fiscal Year (FY) 2021. A single charge can have multiple issues. Issues of discrimination in terms and conditions was the largest issue in FY 2021, with 1,111 charges. Discrimination in discharge, harassment, and reasonable accommodations were also common, with 940, 871, and 716 charges, respectively.
Flags outside the Ohio Statehouse. Courtesy of Capital Square Review and Advisory Board.
Types of Closure

Settlements and Withdrawal of Charges with Settlement Closures are instances in which the parties agree to a satisfactory resolution of the charge. If the Commission is satisfied with the resolution, it will allow the case to be closed. Parties are offered the opportunity to voluntarily resolve their dispute through OCRC’s mediation services at the initial stage of the charge. Additionally, settlements can be reached at any time after a charge of discrimination has been filed.

Successful Conciliations are conciliation agreements reached after a preliminary finding of probable cause.

Probable Cause findings are issued after a full investigation reveals that there is sufficient evidence to conclude it is probable that a discriminatory act in violation of Ohio law occurred. OCRC initially attempts to conciliate these charges. When conciliation attempts fail, the charge is referred to the office of the Attorney General and, if necessary, a public hearing on the merits — or in some housing cases, a trial — is held.

No Probable Cause findings are issued after an investigation concludes that evidence failed to show an unlawful discriminatory act occurred.

Withdrawal of Charges Without Benefits closures are those in which a Charging Party simply withdraws the charge during the course of an investigation.

No Jurisdiction closures occur when it is determined that the allegations are not within the Commission’s authority to review under state law, whether due to an untimely filing or lack of subject matter jurisdiction.

Notice of Right to Sue closures are those in which a Charging Party withdraws the charge from OCRC’s process and receives a Notice of Right to Sue (NORTS) letter allowing them to file a private legal action in court.

Administrative Closures and Closures by Legal Unit include cases in which the Commission identified a technical or legal reason why the Commission should not proceed with the investigation or litigation of a case.

Hearing Closures occur when the Commission’s Administrative Law Judge concludes the recommendation of a case that has gone through the Commission’s hearing (administrative adjudication) process.

Failure to Cooperate Closures are those in which the charging party does not cooperate with the Commission or the Attorney General in the pursuit of a case.

XNJ Closures are those in which the Charging Party fails to provide a charge signed under oath after attempts by an investigator to obtain a signature.
**Fig. 4** illustrates the number of charges closed in FY 2021, by the type of closure. While a large number of cases were closed as No Probable Cause, approximately 1,548 cases were closed under this category. The table below shows the number of cases closed in FY 2021 by type of closure:

<table>
<thead>
<tr>
<th>Type of Closure</th>
<th>Number of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Probable Cause</td>
<td>1,548</td>
</tr>
<tr>
<td>XNJ/Charging Party Failed To Return Notarized Charge</td>
<td>593</td>
</tr>
<tr>
<td>Withdrawal With Benefits</td>
<td>279</td>
</tr>
<tr>
<td>Probable Cause Finding</td>
<td>138</td>
</tr>
<tr>
<td>No Jurisdiction</td>
<td>128</td>
</tr>
<tr>
<td>Settlements</td>
<td>106</td>
</tr>
<tr>
<td>Administrative Closures</td>
<td>85</td>
</tr>
<tr>
<td>Successful Conciliation After a Probable Cause Finding</td>
<td>81</td>
</tr>
<tr>
<td>Issued Charging Party of Letter of Right to Sue</td>
<td>74</td>
</tr>
<tr>
<td>Withdrawal Without Benefits</td>
<td>43</td>
</tr>
<tr>
<td>Closed by Legal Unit</td>
<td>7</td>
</tr>
<tr>
<td>Hearings Closures</td>
<td>5</td>
</tr>
<tr>
<td>Charging Party Failed to Cooperate</td>
<td>2</td>
</tr>
</tbody>
</table>

**Fig. 5** illustrates the percentage of charges by type of charges closed in FY 2021. A Majority of the Commission's cases were Employment cases, at 65.6% of all cases closed. Housing cases comprised nearly 20% of all cases.

**Fig. 5**

- 65.6%: Employment
- 19.4%: Housing
- 13.1%: Public Accommodation
- 1.0%: Disability in Higher Education
- 0.9%: Credit
On January 12, 2021, Governor DeWine signed Am. Sub. H.B. 352 of the 133rd General Assembly, also called the Employment Law Uniformity Act, which made significant changes to employment discrimination law under Ohio Revised Code Chapter 4112.

The bill requires charging parties alleging discrimination to first file a charge with the Commission before filing a civil suit in court. The Commission must issue Notice of Right to Sue (NORTS) documents to charging parties when charges are dismissed or withdrawn from the Commission’s process.

**OCRC employment case filings did not sharply increase following the effective date of H.B. 352. This was likely due to a large increase in employment cases filed in court immediately before the bill became effective.**

The bill also increased the statute of limitations to file a charge of discrimination with the Commission from 180 days to two years and streamlines charges of Age discrimination.

H.B. 352 became effective on April 15, 2021. Prior to the bill’s effective date, Commission staff made changes to agency processes, procedures, and documents to align with the new legal requirements. The Commission implemented the following:

- Updated intake form to reflect new statute of limitations and other changes
- Created new Notice of Right to Sue documents
- Conducted more than five trainings on the bill and the changes to the Commission’s processes
- Began the rule-change process to conform agency rules to the new bill
The Ohio Civil Rights Commission was honored to recognize 15 students from around the state at the 2021 MLK Contest Awards Ceremony, aired remotely online on February 25, 2021. The recorded ceremony included a keynote address from Ohio Civil Rights Commission Executive Director Angela Phelps-White and remarks from Chair Lori Barreras.

The 2021 Dr. Martin Luther King Art, Essay & Multimedia Awards also featured the presentation of the fifth annual Excellence in Teaching Diversity Award. The 2021 recipient was Noel Ang from Columbus Collegiate Academy Main Street in Columbus, Ohio.

To view the 2021 recorded ceremony, visit https://youtu.be/fI19mGnP6QQ.

For more information about the MLK Awards, visit our website http://crc.ohio.gov/PublicAffairs/MLKContest.aspx.

The 2021 theme of the MLK Contest was "Keep Moving." Students were asked to create an original essay, work of art, or multimedia presentation based on the question:

"When you were faced with a challenge or setback, what did you do? Did it bring out the best or the worst in you? How did you keep moving forward?"

"I am not my thoughts. I am not my experiences. I am myself, wholly and unconditionally, forever and always, shaped by what I have experienced and fought through.
I am the girl who refuses to hide from her past, refuses to ignore her struggles, and instead embraces them as a part of her that she can grow from every moment she takes a breath."
Community education and outreach is a key part of the Ohio Civil Rights Commission's statutory mission. In spite of the challenges posed by the health emergency in FY 2021, the Commission continued to train and meet with community members.

Below are some examples of these community events.

On May 20, 2021, Executive Director Angela Phelps White provided remarks in the virtual Celebration of Sojourner Truth at Ohio University. The Celebration was in honor of the 170th anniversary of her famous speech at the Ohio Women's Convention in Akron.


Akron Regional Director Bradley Dunn conducted training on civil rights and anti-discrimination law for all employees of Portage County, Ohio. In total, more than 1,100 employees were trained over February 17, February 24, and March 19, 2021.

In the month of April, Director of Housing and Administrative Dispute Resolution Ronnell Tomlinson conducted multiple fair housing trainings to a number of community and professional groups. This effort helped the Commission participate in Fair Housing month celebrations.

Cleveland Regional Director Vera Boggs was a presenter at the Massilon Museum's public civil rights talk on November 21, 2020.

Due to safety precautions associated with the Covid-19 pandemic, the Ohio Civil Rights Hall of Fame did not induct any new members and did not hold the annual induction ceremony. In lieu of this event, the Commission and Ohio Government TV collaborated to create a video commemorating the history of the event. That video can be viewed at https://youtu.be/Zm5Jljf35uA
Over the course of the year, the Commission engaged the community in more than 100 education and outreach events, including trainings, presentations, and community meetings. The vast majority of these events were conducted remotely for employee and community safety.

The Commission's Regional Directors and key staff conducted a number of trainings for employers, community groups, and professional organizations. These trainings help prevent discrimination by educating on civil rights laws.

Commission staff participated in a number of virtual presentations over the course of the year, including panels, webinars, and speeches at events. These presentations share the importance of civil rights in Ohio.

On February 17, 2021, Mediator Ricky Boggs helped oversee training at Akron Law School in the area of the investigating process. This provided the students with practical examples of civil rights law in action and educated them about the Commission's mission and work.

Columbus Regional Director Aman Mehra spoke as a presenter at the Asian Indian Alliance Townhall Meeting on June 6th, 2021 for approximately 30 attendees. Regional Director Mehra also participated in the presentation to the Federation of Indian Association (FIA) on June 26th, 2021, in front of a proximity 650 attendees. These presentations helped provide the public with knowledge about discrimination in the Asian Indian community.