



FURTHER

COMMEMORATING THE 50TH ANNIVERSARY OF THE FEDERAL FAIR HOUSING ACT AND THE 50TH ANNIVERSARY OF THE ASSASSINATION OF DR. MARTIN LUTHER KING, JR.

INDIANA CIVIL RIGHTS COMMISSION
ANNUAL REPORT
AY 2018

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MISSION

The Indiana Civil Rights Commission enforces the Indiana civil rights laws and provides education and services to the public in an effort to ensure equal opportunity for all Hoosiers and visitors to the State of Indiana.

VISION

The Indiana Civil Rights Commission will be an important societal influence working to eliminate illegal discrimination in Indiana.

VALUES

We value resolving cases and responding to inquiries in a time frame that provides the people we serve with meaningful results.

We value actions that are fair, consistent and unbiased.

We value knowledgeable employees to best serve the public's interest. We value and respect the dignity of each individual and the differences among all people.

We value the ability to treat others the way they want to be treated.

We believe that by embracing these values we will provide the highest quality service to the public.

THE COMMISSION

The Commission is a seven member body that is the ultimate authority and final decision maker for the Indiana Civil Rights Commission. Meeting monthly, the Commission hears appeals of no cause findings, reviews consent agreements, reviews Administrative Law Judge's Initial Decisions, and makes determinations on all pre-cause motions. The entire Commission may take action on its own, or the Commission may appoint an Administrative Law Judge to assist with the Commission's adjudicatory duties. Each Commissioner may serve as an Administrative Law Judge as needed.



Adrienne Slash, Chair

Appointed August 2017

Holli Harrington, Vice Chair

Appointed April 2018



Steven Ramos, Commissioner

Appointed August 2005



Alpha Blackburn, Commissioner

Appointed March 1987



James Jackson, Commissioner

Appointed December 2017



Sheryl Edwards, Commissioner

Appointed March 2016



Weilin Long, Commissioner

Appointed August 2017



Greetings,

As we reflect on 2018, our administration has been able to make significant headway in increasing efficiencies and quality of services to the people of Indiana. The Indiana Civil Rights Commission is no exception. Under the leadership of Executive Director Greg Wilson, the agency has proven to be an asset for Hoosiers, and is making great strides toward its mission of eradicating discrimination and providing valuable education and resources for the citizens of Indiana.

Our Next Level Agenda has five pillars, including developing a 21st Century skilled and ready workforce, attacking the drug epidemic, and delivering great government service to the people of Indiana. With these opportunities, it's important to have agencies like ICRC to ensure that Indiana Civil Rights Law is being enforced and supported.

I commend ICRC and the accomplishments listed in this report that emphasize building up relationships, celebrating important historical milestones, and enhancing their reach statewide. By prioritizing efficiency and their staffing, streamlining processes, and engaging outreach resources and partners, the Indiana Civil Rights Commission is one of many state agencies leading the way to the Next Level.

Sincerely,



Governor Eric J. Holcomb



Dear Friends,

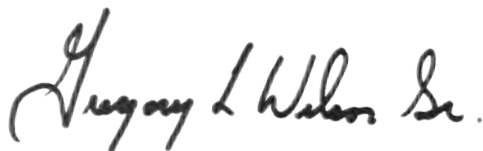
As the Executive Director of the Indiana Civil Rights Commission, (ICRC) I am pleased to acknowledge this report and the work of the Commission members. This agency holds as its highest priority the commitment to continuous improvement in order to provide the highest quality customer service to the people of the Indiana with optimal efficiency. The implementation of streamlined processes and the addition of new talent have helped us keep that commitment and exceed our benchmark goals.

The Indiana Civil Rights Commission's Annual Report for the 2018 Calendar Year acknowledges our agency's accomplishments and reflects our collaborative spirit in working with state and federal agencies, service providers, and community, faith-based and not-for-profit organizations to provide better awareness, education, and protection under Indiana Civil Rights Law.

Additionally, the agency's outreach efforts commemorated important milestones, such as the 55th anniversary of our agency, and the 50th anniversary of the assassination of Dr. Martin Luther King, Jr. The culminating event for the agency in 2018 was the Region V Fair Housing Law & Policy Conference, which coincided with the 50th anniversary of the signing of the 1968 Federal Fair Housing Act.

Our enforcement, education, and outreach efforts work in unison to build community relationships and provide resources for hundreds of Hoosiers who each year are victim to discrimination in the areas of employment, housing, public accommodations, credit, and education. I continue to be proud of the accomplishments of the ICRC staff, Commissioners, and partners, and look forward to increasing our impact and advancing our mission as we begin the mission-driven work of our next 55 years.

In Service,



Gregory L. Wilson, Sr.
Executive Director



It's about service. Service and sacrifice. That's what's going to get us to where we need to be.

Gregory L. Wilson, Sr., 2018 MLK Holiday Celebration

AGENCY HISTORY

Indiana's first Constitution, written in 1816, stated: "WE declare, That all men are born equally free and independent and have certain natural, inherent, and unalienable rights; among which are the enjoying and defending life and liberty, and of acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety."

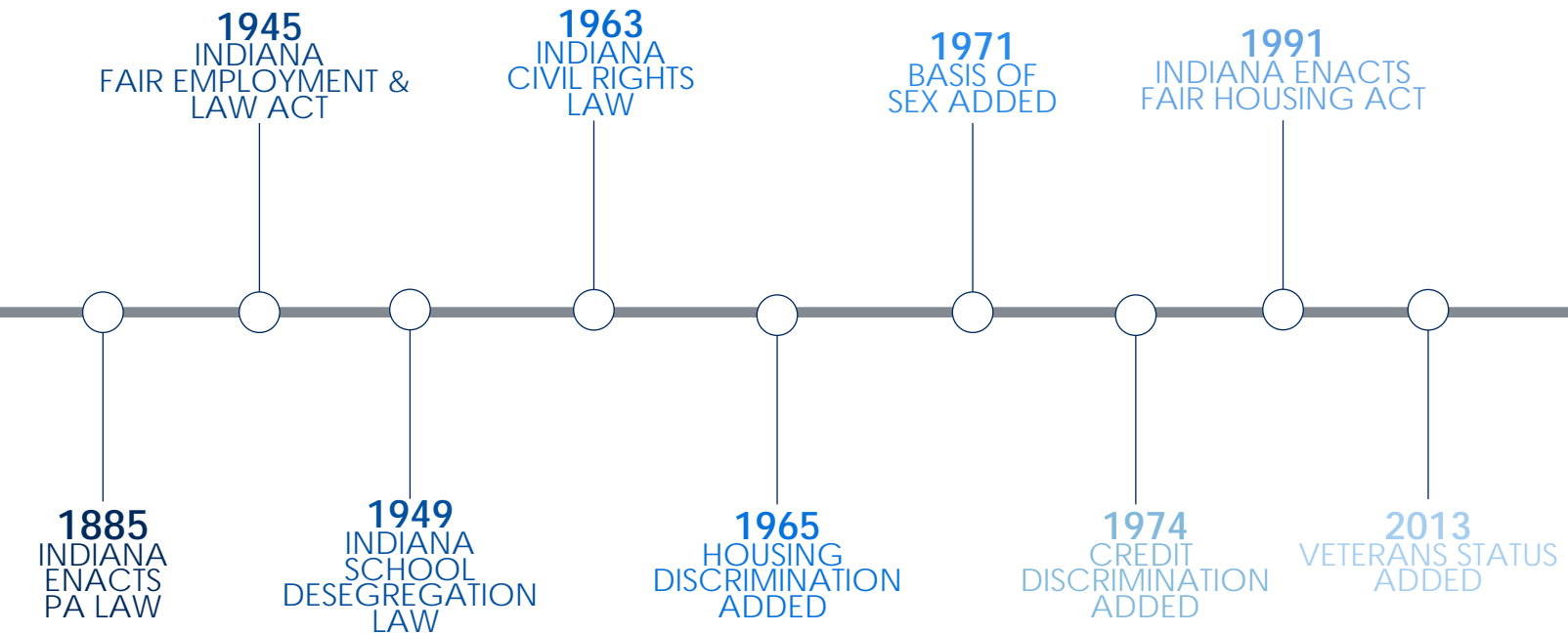
Indiana enacted a public accommodations law in 1885, that stated all persons are "entitled to the full and equal enjoyments of the accommodations, advantages, facilities, and privileges of inns, restaurants, eating houses, barber shops, public conveyances on land and water, theaters, and all other places of public accommodations and amusement, subject only to the conditions and limitations established by law and applicable alike to all citizens."

In 1945, the Indiana General Assembly created a Fair Employment and Labor Act that empowered the Division of Labor to: "remov[e] discrimination with respect to employment because of race, creed, color, national origin, or ancestry."

In 1949, Indiana passed the Indiana School Desegregation Law that "prohibits racial or creed segregation, separation, or discrimination in public schools. . ."

In 1961, Indiana passed the Fair Employment Practices Act, creating the Fair Employment Practices Commission that had power to "receive and initiate and investigate the charges of discriminatory practices." As the agency was created to encourage employers to hire minority employees, it initially lacked enforcement authority. However, in 1963, the Commission was renamed as the Indiana Civil Rights Commission, and it gained enforcement powers in the areas of employment, education, and public accommodation.

In 1965, the Indiana Civil Rights Law was amended to prohibit discrimination in housing, both rental and sale, on the basis of race—preceding the federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) by three years. The Civil Rights Law was amended several times in the following years including in 1971 when discrimination on the basis of sex was made unlawful. In 1974, the General Assembly added protections in the provision of credit on the basis of race, religion, color, sex, national origin or ancestry and also granted the Commission authority to appoint an Administrative Law Judge ("ALJ") to preside over administrative hearings. The following year, the Commission was granted enforcement powers to address discrimination on the basis of disability, fifteen years prior to enactment of the Americans with Disabilities Act. In 1991, the General Assembly promulgated the Indiana Fair Housing Act, an act substantially equivalent to Title VIII which is enforced by the United States Department of Housing & Urban Development. The following year, the Assembly passed the "Hoosiers with Disabilities Act," a law providing substantially equivalent protection as federal law in the area of employment of people with disabilities.



AGENCY FUNCTIONS

COMMISSION

The Indiana Civil Rights Commission (“Commission”) is a four to seven member board, all appointed by the Governor, that is responsible for enforcing the anti-discrimination laws of the Indiana Civil Rights Law (“ICRL”) (IC 22-9) and the Indiana Fair Housing Act (IFHA) (IC 22-9.5). Its jurisdiction covers individuals, private or public entities, housing providers and business establishments within the State of Indiana whenever there is a belief that discrimination against a protected class has occurred.

The Commission holds monthly public meetings, at which the Commission receives information from the Executive Director and other staff regarding the operations of the agency. The Commission may also hear from members of the public who wish to speak.

OFFICE OF THE EXECUTIVE DIRECTOR

The Executive Director is appointed by the Governor to serve as Secretary of the Commission and Chief Administrative Officer of the agency (see IC 22-9-1-8 & 9). The Director is responsible for administration of the Indiana Civil Rights Law and the overall plans and priorities of the agency. The Director is the Appointing Authority of the agency and is, therefore, responsible for all staffing and budgetary decisions. The Director may sign off on Notices of Finding following the investigation of Complaints and may initiate a Complaint “in order to vindicate the policy of the state.” (see 910 IAC 1-5-6(b)) If Reasonable Cause is found to believe that a Respondent has violated the Indiana Fair Housing Act, the Director must issue a Notice of such Finding and Charge.

OFFICE OF THE DEPUTY DIRECTOR

The Deputy Director is responsible for the case processing operations of the agency, from Intake through possible Litigation. The Deputy manages the interaction among and between Intake/Case Management Alternative Dispute Resolution (“ADR”), Investigations, and Legal units. The Deputy directly supervises and manages staff Mediators and Attorneys, as well as the supervisors of the Intake/Case Management and Investigations units. As such, the Deputy acts as Director of Operations and Chief Legal Counsel. The Deputy is also involved in various public outreach and education activities, including membership on a number of external boards and committees.

CHIEF FINANCIAL OFFICER

The Chief Financial Officer (CFO) establishes and monitors the agency’s budget, maintains the financial accounts, manages contracts with federal agencies and other entities, coordinates payments to vendors, assists in payroll management, and manages office equipment and supplies. This unit is also responsible for occasional grant writing, and ensuring compliance/fulfillment of grant and other contractual obligations.

EXTERNAL AFFAIRS

The External Affairs Unit carries out all external relations functions of the agency. The EA unit develops and implements the agency’s advertising efforts, maintains the agency website and online presence, responds to media inquiries, coordinates training seminars conducted by agency staff and fosters relationships with state and local government agencies, non-profit organizations, employers, housing providers and other constituents. The EA unit ensures that the public is aware of the rights and responsibilities described in the Indiana Civil Rights Law and Fair Housing Act and is further aware of the functions of the Indiana Civil Rights Commission in promoting equality and enforcing the law.

The Indiana Civil Rights Commission also houses and provides support to the state’s five cultural commissions: the Indiana Commission on the Social Status of Black Males, Indiana Womens Commission, Indiana Commission on Hispanic/Latino Affairs, Indiana Native American Indian Affairs Commission, and the Dr. Martin Luther King, Jr. Indiana Holiday Commission. The cultural commissions exist to provide education, resources, and initiatives for Indiana’s diverse communities.

INTAKE/CASE MANAGEMENT

The Intake/Case Management unit serves two functions. First, the unit is the “first responder,” receiving initial inquiries from the public regarding possible Complaints of Discrimination. The Intake function involves interviewing possible Complainants to determine if the individual has stated a claim within the purview of the Indiana Civil Rights Law or Fair Housing Act. If not, the individual is referred to the appropriate government agency, non-profit organization, or other resource. If such a claim can be made, the Intake staff assists the individual in drafting and formalizing a Complaint. The Case Management function involves the docketing of Complaints (including data entry into appropriate databases), the creation of Complaint files, the handling of correspondence, the issuance of Notices and other clerical duties necessary to the efficient processing of Complaints through the agency.

INVESTIGATIONS

The Investigations unit is divided into two sections—Employment and REPACE (Real Estate, Public Accommodations, Credit and Education). Each section carries on similar investigative functions but focuses on particular areas of enforcement. The Employment section investigates only Complaints in the area of employment, while REPACE investigates all other Complaints filed with the agency.

Investigators identify the issues presented in a Complaint and the relevant information to be collected in order to establish whether or not a violation of the Indiana Civil Rights Law or Fair Housing Act may have occurred. The Investigators are neutral fact-finders who conduct interviews of the parties and any witnesses, requests documents, make on-site observations if necessary and accurately compile the evidence in a Final Investigative Report for consideration of the Executive or Deputy Director.

ALTERNATIVE DISPUTE RESOLUTION

The ADR unit is responsible for attempting and facilitating the voluntary resolution of Complaints. The Mediators are trained in appropriate ADR techniques and serve as neutral, third-party settlement facilitators. If both parties are interested in ADR, the Mediator arranges either in-person or telephonic settlement conferences. The Mediator facilitates the settlement discussions and, if a voluntary settlement is reached, assists in the formulation of a settlement agreement. The ADR unit coordinates efforts with the Investigations and Legal units to facilitate settlement discussions throughout the investigation process and into litigation.

LEGAL

The Legal Division of the Indiana Civil Rights Commission effectuates and enforces Indiana’s Civil Rights Law and Fair Housing Act. After an aggrieved party’s Complaint has been investigated and if the Director finds there is cause, attorneys in the ICRC’s Legal Division litigate the complaint. These cases are routinely heard by the Commission’s duly appointed Administrative Law Judge (ALJ), but they may also be heard in a local circuit or superior court. In either forum, the General Counsel and ICRC staff attorneys advocate on behalf of the public interest to provide relief to the aggrieved party, achieve the state’s public policy objectives, and prevent future discrimination through mandatory trainings, public postings of citizens’ rights, and other affirmative relief. In this way, the Legal Division serves a critical role in working to achieve Indiana’s stated public policy to provide all citizens and visitors to Indiana with equal opportunity for education, employment, access to public accommodations, credit, and housing.

OFFICE OF THE ADMINISTRATIVE LAW JUDGE (ALJ)

The ALJ is appointed by the Commission to rule on motions, conduct evidentiary hearings and issue Initial Findings of Fact, Conclusions of Law, and Orders for consideration of the Commission. See IC 22-9-1-6(j) and 910 IAC 1-3-5. The ALJ manages the evidentiary hearing by scheduling space, securing a court reporter, ruling on objections, and administering oaths. After hearing the evidence and considering the briefs and Proposed findings of each party, the ALJ issues an Initial Order, which is the Commission then adopts, rejects or amends as a Final Order. The ALJ conducts all proceedings necessary to move the complaint toward a Hearing, including motions practice and Prehearing conferences.

INTERNSHIP PROGRAM

Continuing from the year before, the ICRC's internship program continued to flourish. In 2018, the ICRC housed 17 undergraduate, graduate, law student, and post-graduate interns who assisted in real and significant work at the Commission. Interns gained hands-on experience by drafting complaints, assisting attorneys with trial and hearing preparation, drafting legal memos, assisting the ADR/Compliance unit and many other tasks also involving the state cultural commissions. The Commission would like to recognize and thank our amazing 2018 interns:

Becky Rhodes
Clayton Verhey
Hailey Beneker
Hannah Gahimer
Hannah Kruger
Jacob Peyton

Javon Coatie
Joseph Deloney
Kanasha Montgomery
Kelly McCarthy
Madison Westphal
Maya Pasic

Pascale Pean
Puja Patel
Rex Malin
Tatiana Foote

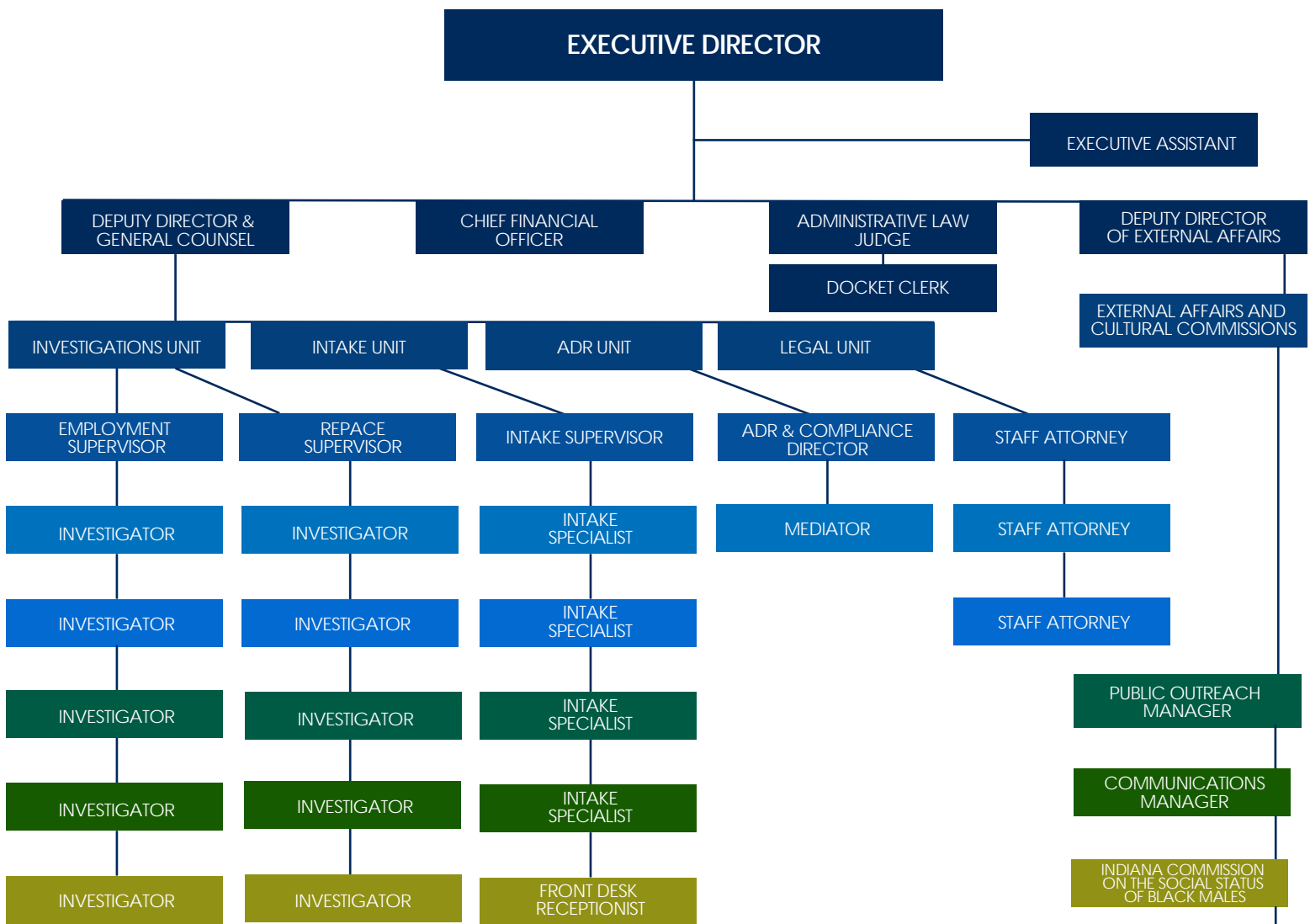


C.R.E.A.T.E. PROGRAM

During the 2017-2018 academic year, the Indiana Civil Rights Commission engaged young professionals interested in civil rights through its C.R.E.A.T.E Program. Members of CREATE were tasked with creating an individual project that related to civil rights and with participation in a group project in which each member wrote short blurbs about Indiana's civil rights history. Throughout the program, Indiana Civil Rights staff members provided monthly lessons on the Indiana Civil Rights Law, Indiana Fair Housing Law, and Administrative Law generally. Ultimately, two participants completed individual projects:

Adrea Hernandez: Limited English Proficient Students in Indiana (Study and Summary Paper)
Caroline Ryker: Fair Housing Game

ICRC ORGANIZATIONAL CHART



Office of the Executive Director
 Gregory L. Wilson, Sr., Executive Director*
 Shannon Forbes, Executive Assistant

Deputy Director and General Counsel
 Doneisha L. Posey, Esq.*

Chief Financial Officer
 Pamela Cook*

External Affairs
 Lisa Welch, Deputy Director of External Affairs*
 John Hawkins, Public Outreach Manager
 Tyler Bracken, Communications Manager

Office of the Administrative Law Judge
 Caroline Stephens Ryker, Administrative Law Judge*
 Anehitia Eromosele, Docket Clerk

Legal Counsel
 Frederick Bremer, Esq.
 Michael Healy, Esq.
 Jordan Burton, Esq.

ADR & Compliance
 Naa Adoley Azu, ADR & Compliance Director
 R. Diane Graves, Mediator

Intake and Case Management
 Kimberly Simmons, Director
 Phryll Thorton, Intake Specialist
 Ryan Garrigus, Intake Specialist
 Tracey Scott, Intake Specialist
 Tera Kilgore, Intake Specialist

Investigation Unit: Employment
 L. Keisha Green, Director
 Debra Bluit, Investigator/Mediator
 Tammy Bibbs, Investigator
 Annika Brown, Investigator
 Leah Ross, Investigator
 Bradford Shockney, Investigator
 Bernadette Nichols, Investigator**

Investigation Unit: REPACE
 Melissa Deering, Director
 Michael Johnson, Investigator
 Virginia Hernandez-Ocasio, Investigator
 Tawanda Sharp, Investigator
 Jeree Slack, Investigator
 Shawn Thomas, Investigator

Indiana Commission on the Social Status of Black Males
 James Garrett, Executive Director

Indiana Commission for Women
 Kristin Garvey, Executive Director

Indiana Commission on Hispanic/Latino Affairs
 Dolly Serrant, Director

Indiana Native American Indian Affairs Commission
 MeLissa Williams, Director

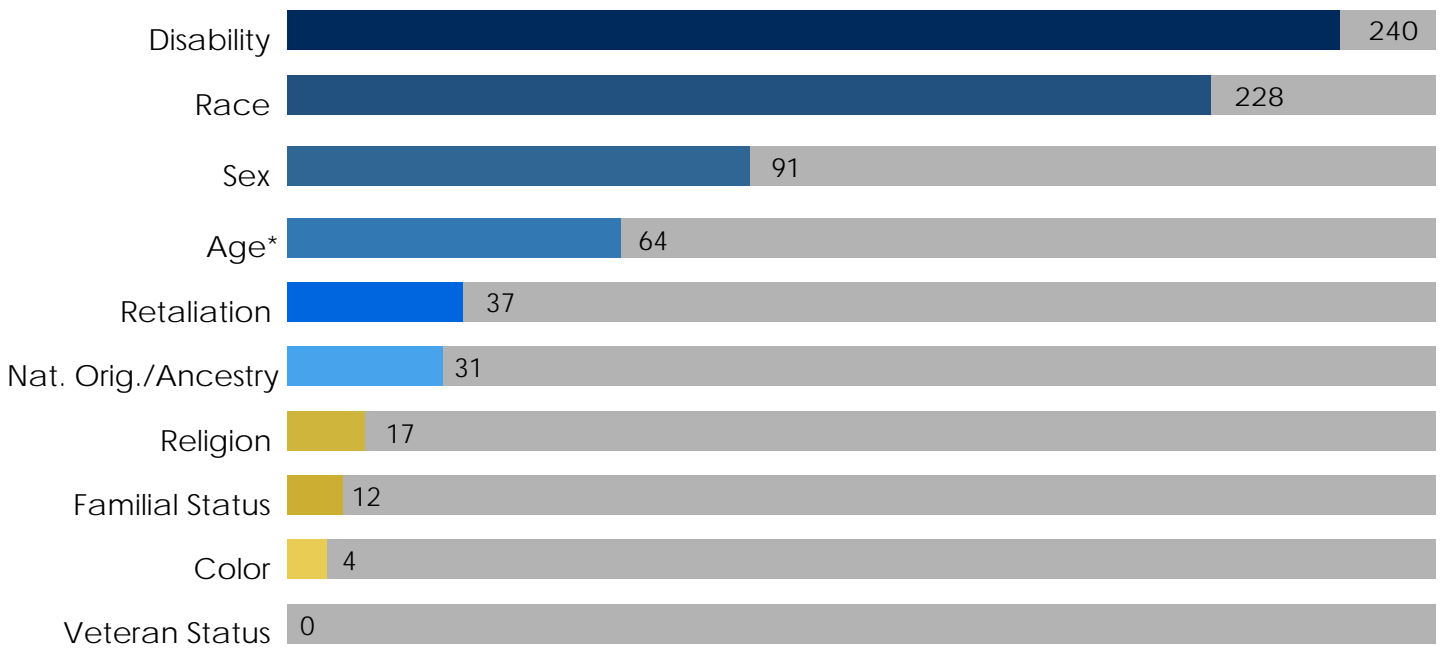
*Member of Executive Staff
 **Retired in 2018

AGENCY BY THE NUMBERS

HIGHLIGHTS

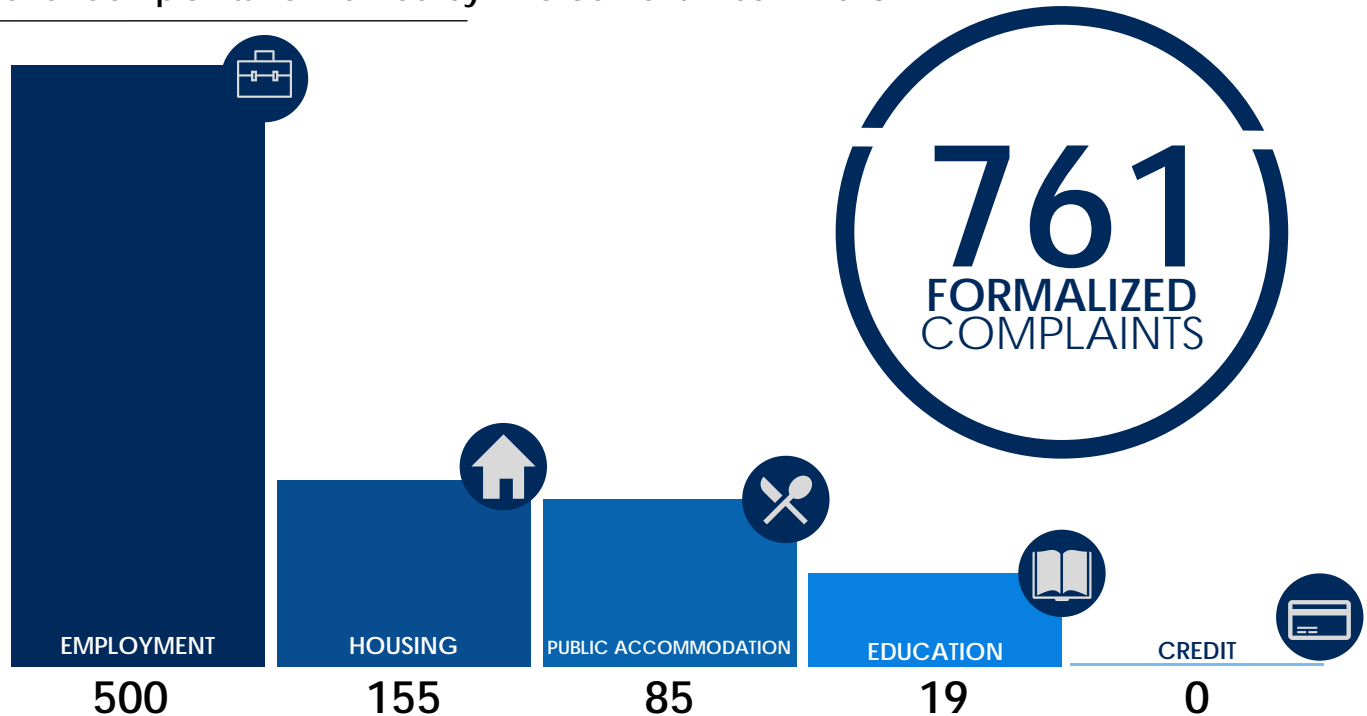
All of ICRC's divisions saw major growth in 2018. Leading the agency's recent accomplishments was the revamping of the Mediation and ADR team, which created a more streamlined and detailed intake process, welcomed a new front desk receptionist to ensure the highest level of customer service, and the establishing of a greater community impact in Indiana. In 2018, ICRC received 10,556 calls, 2,561 of which were inquiries, and **761** of those inquiries became formalized complaints.

Filed Complaints by Protected Class in 2018

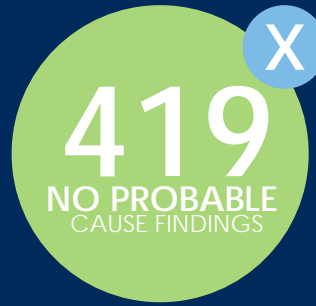
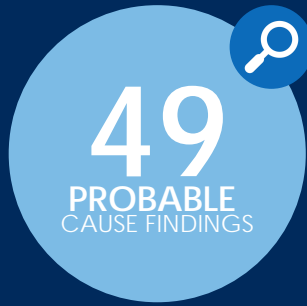


**Investigated by the Department of Labor or the Equal Employment Opportunity Commission*

Number of Complaints Formalized by Enforcement Area in 2018



AGENCY BY THE NUMBERS



\$424,212.40
TOTAL AMOUNT AWARDED THROUGH
ALTERNATIVE DISPUTE RESOLUTION



ENFORCEMENT DIVISION

INTAKE

The Intake Unit serves as gatekeeper for the Commission. When an individual feels that they have been subjected to discrimination, they may contact the Commission to file a complaint. All services are free of charge and complaints may be filed via the Commission's website, telephone, in person, mail, email or fax. The intake team is dedicated to answering and process all inquiries. Aiding individuals seeking to file a complaint, the intake team answers questions, makes referrals and drafts new complaints. The team is also responsible for creating the investigation case files and entering data into ICRC's database systems. Intake ensures that all case closure documents are submitted to ICRC's federal partners, the EEOC and HUD. The team responded to 2,561 new inquiries and drafted 761 new complaints.

HOW IT WORKS



An individual calls, walks-in, fills out an Online complaint Form, or visits one of our satellite locations around Indianapolis.

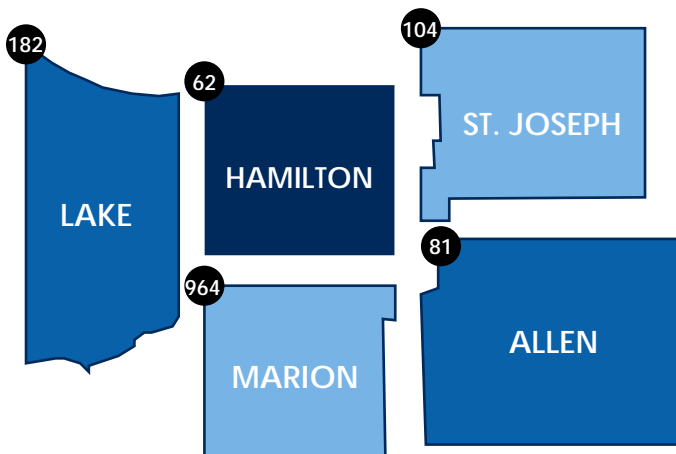


An Intake Specialist assists with the filing of the complaint at no cost.



After the complaint is filed, the claim then moves to the Investigations Unit.

INQUIRES IN 5 LARGEST COUNTIES



INVESTIGATIONS UNIT

The investigations unit is divided into two sections—Employment and REPACE (Real Estate, Public Accommodations, Credit and Education). Each section carries on similar investigative-functions while also focusing on particular areas of enforcements. The Employment section investigates only Complaints in the area of employment, while REPACE investigates all other complaints filed with the agency. The Employment section is responsible for meeting the terms of the agency’s partnership with the U.S. Equal Opportunity Commission. REPACE is responsible for meeting the terms of the agency’s partnership with the U.S. Department of Housing and Urban Development.

REPACE

The REPACE Unit is responsible for investigating real estate, public accommodations, credit, and education discrimination complaints on the basis of Indiana’s protected classes. ICRC has a memorandum of understanding (MOU) with the U.S. Department of Housing and Urban Development (HUD) to process complaints of housing discrimination related to the sale, lease, advertisement, and/or financing of residential property in the state of Indiana. This partnership allows federal and state agencies to coordinate investigations and avoid duplication of efforts

In 2018, the REPACE Investigative Unit exceeded its Fair Housing Assistance Program MOU with HUD by submitting 171 dual filed housing cases. **This resulted in approximately \$600,000 in revenue.** Additionally, during the 2017-2018 fiscal year, ICRC successfully exceeded its HUD goal, closing 67% of dual-filed cases within 100 days.

| % of Aged Cases by Area | 2018 | 2017 |
|-----------------------------------|--------|------|
| Housing (Real Estate) | 1.5% | 3% |
| Public Accommodation | 18.8% | 13% |
| Credit | 0% | 0% |
| Education | 21.75% | 20% |
| Open Cases by Area by end of 2018 | 2018 | 2017 |
| Housing (Real Estate) | 20 | 47 |
| Public Accommodation | 25 | 36 |
| Credit | 0 | 0 |
| Education | 8 | 7 |

EMPLOYMENT

The Employment Unit is responsible for investigating employment discrimination complaints on the basis of race, color, national origin, religion, sex, disability, and veteran status. ICRC has a work share agreement with the U.S. Equal Employment Opportunity Commission (EEOC) to investigate complaints of employment discrimination for businesses with fifteen (15) or more employees. This partnership allows federal and state agencies to coordinate investigations and avoid duplication of effort.

In 2018, the Employment Investigative Unit exceeded its workshare agreement with the U.S. Equal Employment Opportunity Commission (EEOC) by submitting and finalizing an upward modification of cases, which resulted in over **\$280,000 in revenue**.

| | | |
|---------------------------------------|------|------|
| % of Aged Cases by Area | 2018 | 2017 |
| | 9.3% | 9% |
| Open Cases by End of Year | | |
| | 256 | 243 |
| Number of Cases Closed by End of Year | | |
| | 391 | 372 |



ICRC's Employment Team educates Indianapolis Urban League's "New Beginnings" Program about civil rights in the workplace

ALTERNATIVE DISPUTE RESOLUTION

ICRC continues to run a robust Alternative Dispute Resolution (ADR) unit designed to assist parties in the voluntary resolution of discrimination complaints at the earliest stage possible. Mediation services are available any time after a complaint is filed and are an alternative to undergoing a full investigation or litigation. Onsite mediations encourage Complainants and Respondents to resolve disputes within a limited time frame, which significantly decreases the length of time expended in case resolution and reduces the costs associated with litigation. Both parties must be willing to resolve the dispute. If mediation succeeds, the case is closed. If mediation fails, the investigation or litigation continues.

As the agency continues to improve policies and procedures, the number of mediations and monetary settlement amounts significantly increased. In 2018, the total amount awarded through ADR/Compliance of \$424,212 nearly doubled the previous year's total awards of \$237,387. The total amount of Pre-Cause Conciliation Agreements was 59, an increase from 35 in 2017. A total of 21 Post-Cause Formalized Conciliation Agreements were formalized in 2018, maintaining from the previous year's total of 23.

Examples of non-monetary benefits include: training, neutral reference letter, reinstatement, policy change.

SETTLEMENTS OF INTEREST

In Last Quarter Alone, Over \$80,000 Issued to Individuals Alleging Discrimination in the Workplace

Between October and December 2018, ICRC's Alternative Dispute Resolution unit resolved 15 employment discrimination complaints through ADR/mediation—a rate of five successful employment discrimination mediations each month. Whether reaching conciliation prior to a finding of cause or ending with settlement during the course of litigation, successful mediations permanently conclude claims in a way agreed to by all parties. In the final three months of 2018 alone, the Alternative Dispute Resolution unit facilitated agreements awarding individuals alleging employment discrimination a total of \$82,980, with an average settlement of \$5,532.

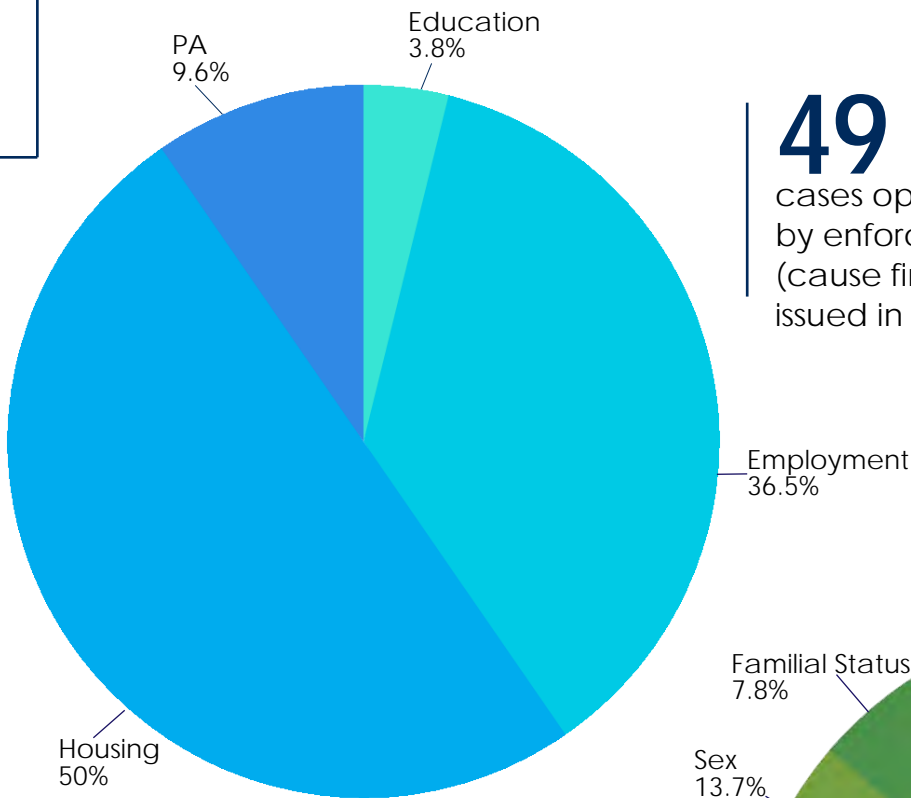
Fair Housing Settlement Results in Affirmative Relief for the Betterment of the State

The matter of *The Indiana Civil Rights Commission v. Milan Mobile Home Park* commenced after ICRC received a complaint from a potential lessor that Milan Mobile Home Park had engaged in unlawful discrimination on the basis of race. ICRC initiated an investigation into the allegations, and a notice of finding of cause was issued thereafter. With litigation in its beginning stages, ICRC's Administrative Law Judge ordered the parties to engage in mediation. The mediation efforts of ICRC's Alternative Dispute Resolution team were successful, and the parties reached a settlement resolving the complaint. Respondent agreed to pay the lessor more than \$7,000 and to allow her to rent the property. In order to prevent further discrimination in the State of Indiana and to serve the public interest, the settlement also required the Respondent to provide fair housing training to its staff, to draft and implement a Fair Housing Policy, to develop and implement a uniform policy for assessing applicants, to display a fair housing poster in its places of business, and to cease and desist from any acts of discrimination in its real estate transactions.

LEGAL

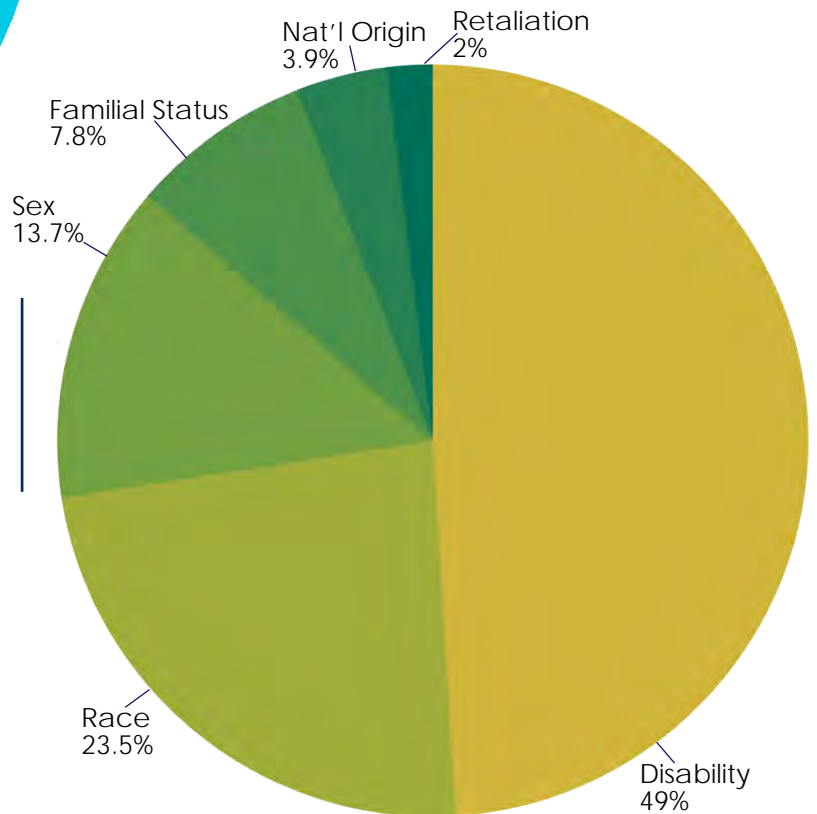
The Legal Division of the Indiana Civil Rights Commission effectuates and enforces Indiana’s Civil Rights Law and Fair Housing Act. After an aggrieved party’s complaint has been investigated and if the Director finds there is cause, attorneys in ICRC’s Legal Division litigate the complaint. These cases are routinely heard by the Commission’s duly appointed Administrative Law Judge (ALJ), but they may also be heard in a local circuit or superior court. In either forum, the General Counsel and ICRC staff attorneys advocate on behalf of the public interest to provide relief to the aggrieved party, to achieve the state’s public policy objectives, and to prevent future discrimination through mandatory trainings, public postings of citizens’ rights, and other affirmative relief. In this way, the Legal Division serves a critical role in working to achieve Indiana’s stated public policy to provide all citizens and visitors to Indiana with equal opportunity for education, employment, access to public accommodations (PA), credit, and housing.

CASE STATISTICS



49
cases opened in 2018
by enforcement area
(cause findings
issued in 2018)

51
cases opened
by protected class



▶ ***Knox County Association for Retarded Citizens, Inc. v. Melissa (Cope) Davis*** (Knox Cty. Ass'n for Retarded Citizens, Inc. v. Davis, 100 N.E.3d 291, aff'd on reh'g, 107 N.E.3d 1111 (Ind. Ct. App. 2018))

On April 18, 2018, the Indiana Court of Appeals ruled in favor of Complainant, represented by the Indiana Civil Rights Commission's staff attorney Michael C. Healy. The Indiana Court of Appeals decision is a major win for the Indiana Civil Rights Commission because it recognized a broad definition of disability and because it confirmed that an employer may not terminate an employee simply because the employer believes that the employee cannot be accommodated. While neglect of the interactive process does not create an independent cause of action, the Indiana Court of Appeals concluded that skipping it altogether undermines the Indiana Civil Rights Commission's protections for employees. The decision reads: "[t]hus, we conclude KCARC discriminated against Davis based on her disability when it fired her instead of attempting to determine if there was a reasonable accommodation available." The opinion also includes a discussion on how to calculate damages when an employee is terminated from a subsequent job, and it invalidated portions of the Indiana Administrative Code that conflicted with the Americans with Disability Act as Amended.

▶ ***Roman Marblene Co., Inc. v. Reginald Baker*** (Roman Marblene Co. v. Baker, 97 N.E.3d 236 (Ind. 2018))

In 2017, the Indiana Court of Appeals found in favor of the Indiana Civil Rights Commission, represented by attorney Michael C. Healy. Roman Marblene Company sought transfer to the Supreme Court of Indiana, which denied transfer, with all justices concurring.

▶ **Prompt Adjudication**

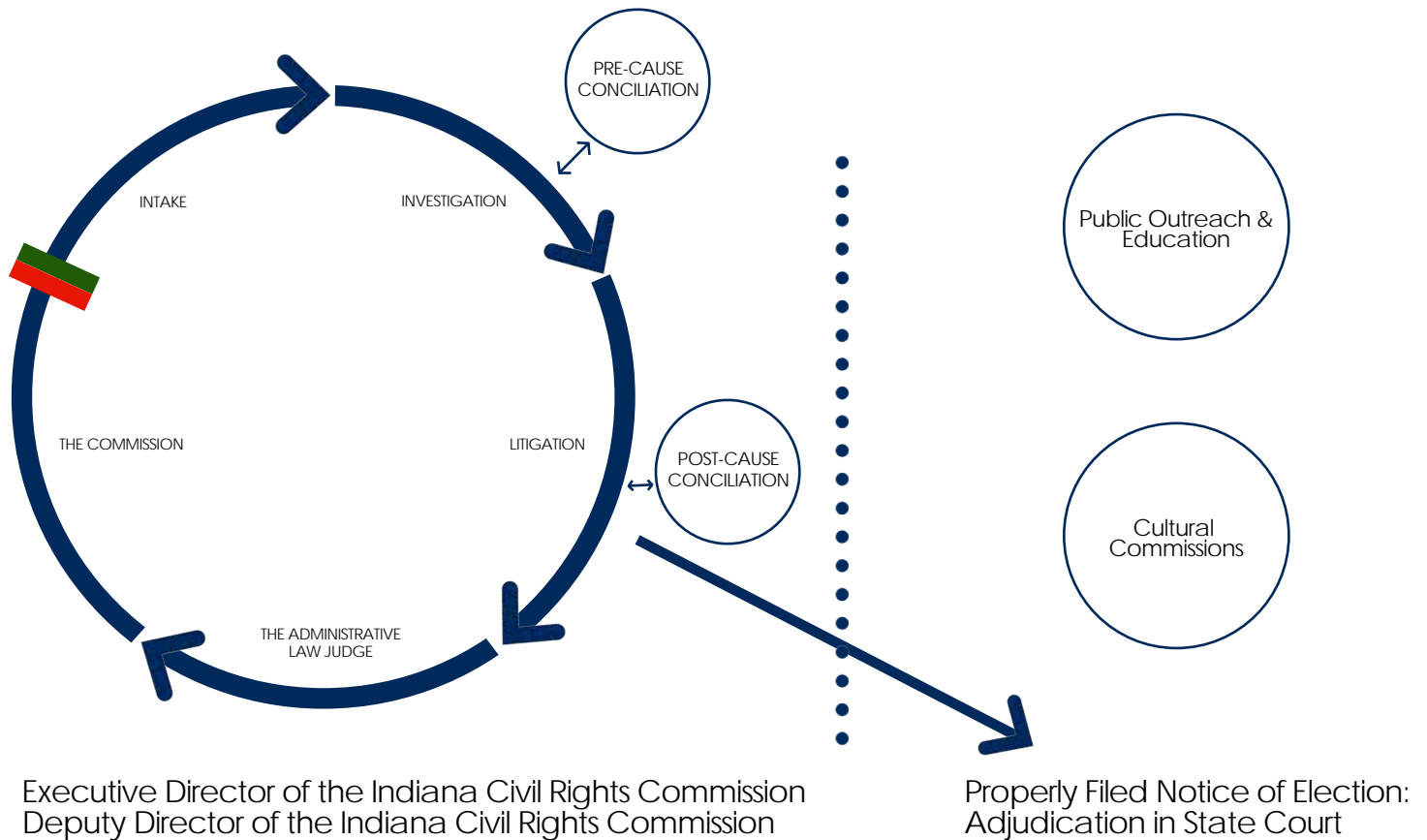
Under the Indiana Civil Rights Law, the Indiana Civil Rights Commission can intervene in cases in which the ICRC believes that discrimination may be occurring. ICRC typically asks that the current legal proceedings be continued until an investigation can be completed. In 2018, ICRC intervened in two eviction cases because, on the face of the intake complaint, it appeared that housing discrimination could be occurring. However, after an expedited investigation process, ICRC withdrew from both cases, notifying the court that ICRC had found no cause to believe that discrimination occurred.

OFFICE OF THE ADMINISTRATIVE LAW JUDGE

While the Commission is the agency’s ultimate authority and final decision maker on all complaints filed with the Indiana Civil Rights Commission, the Commission may delegate its adjudicatory authority to an Administrative Law Judge who can preside over cases in which the Director of the Indiana Civil Rights Commission has found cause to believe that discrimination has occurred. During 2018, Hon. John F. Burkhardt, Hon. Doneisha Posey, and Hon. Caroline A. Stephens Ryker served as Administrative Law Judges, facilitating motions practice, presiding over hearings, and issuing initial decisions. Once appointed, an Administrative Law Judge has the same powers as the Commission to move complaints towards a resolution, with the exception of issuing subpoenas.

During 2018, Judge Burkhardt served as the Indiana Civil Rights Commissions primary Administrative Law Judge until October 1, 2018. During his appointment, Judge Burkhardt worked tirelessly to implement an efficient case management system and to facilitate the closure of the oldest cases on the Indiana Civil Rights Commission’s docket. Judge Posey presided over cases in which Judge Burkhardt had conflicts, ensuring that the Indiana Civil Rights Commission continued to effectively adjudicate all cases on the docket. The Indiana Civil Rights Commission thanks them for their tremendous service.

In October of 2018, Judge Stephens Ryker was appointed as the Indiana Civil Rights Commission’s Administrative Law Judge.



COMMISSION ACTIVITIES

Ky'alla Williams v. School City of Mishawaka, ICRC No. EDra10040160

ALJ Initial Decision: August 16, 2018

Commission Affirmation: September 24, 2018

Judge Lange conducted a hearing on March 26, March 27, and April 13 of 2011 regarding Complainant's March 24, 2010 complaint that alleged Respondent discriminated against her in the area of education on the basis of race. Specifically, the Complainant alleged race-based disparate punishment, harassment, and retaliation. As demeanor evidence was not central to the determination, Judge Burkhardt issued his initial decision after a review of the record, dismissing the complaint with prejudice. The decision includes a discussion on the definition of discrimination and how the Indiana Civil Rights regards the fair application of its twin policies: to end discrimination and to protect Respondents from unfounded claims of discrimination. Additionally, the decision contains an in depth analysis of pretext in the context of a discrimination case.

Don Wright v. Penn Township Trustee, ICRC NO. EMha15020122

ALJ Initial Decision: May 9, 2018

Commission Affirmation: June 15, 2018

The ALJ conducted a hearing on July 19, 2017 regarding Complainant's February 19, 2015 complaint in which Complainant alleged that Respondent had discriminated against Complainant in the area of employment on the basis of sex and disability. Cause was found by the director only on the allegation of sex discrimination. The decision contains a detailed analysis of how to assess when an employee alleging discrimination has failed to meet an employer's legitimate business expectations.

Westlaw Citation: Don Wright, Complainant v. Penn Township Trustee, Respondent, 2018 WL 3121687

ICRC v. Max Winchell, ICRC No. HOha17071158

ALJ Initial Decision: May 2, 2018

Commission Affirmation: June 15, 2018

The Commission held, in considering a properly filed Notice of Election, that the failure of the Indiana Civil Rights Commission to complete an investigation under the Indiana Fair Housing Act within 100 days or the failure to issue a notice that the investigation will take longer than 100 days does not carry a sanction for the Indiana Civil Rights Commission. Based on federal case law under the Federal Fair Housing Act, the Commission concluded that sanctioning the Indiana Civil Rights Commission for delays would be inconsistent with the purpose and intent of the Indiana Fair Housing Act because the purpose of the timeframe is to increase the speed at which Complainant's have access to adjudication in the administrative or state court forum.

Westlaw Citation: Gregory L. Wilson, Sr., in his Official Capacity as Executive Director of the Indiana Civil Rights Commission, Complainant vs. Max Winchell, Respondent, 2018 WL 3121686

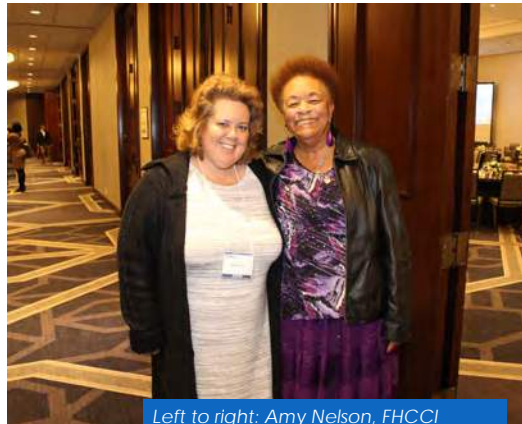
REGION V FAIR HOUSING LAW AND POLICY CONFERENCE

On October 10-12, 2018, The Indiana Civil Rights Commission was proud to host the Region V Fair Housing Law and Policy Conference at the Sheraton Indianapolis City Centre and the Indiana Historical Society. The conference was the first of its kind for the agency, and featured a keynote address by Dr. Benjamin S. Carson, Sr., Secretary of the U.S. Department of Housing and Urban Development.

The three-day event marked the 50th anniversary of the signing of the Federal Fair Housing Act, and featured robust training and panel discussions led by a distinguished cadre of speakers from across the nation. ICRC was proud to present Sara Pratt, Counsel at Relman, Dane and Colfax in Washington, D.C., and nationally recognized speaker on civil rights issues. Joseph Pelletier, Director of the Fair Housing Assistance Program, Housing and Urban Development (HUD), provided information about HUD conciliation standards and FHAP operational standards. Other notable speakers included Stella Adams of the Nation Community Reinvestment Coalition and Amy Nelson of the Fair Housing Center of Central Indiana.



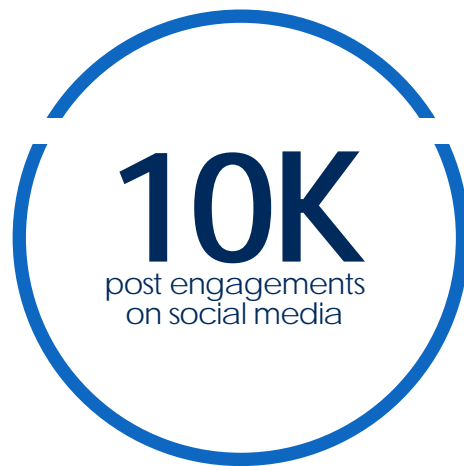
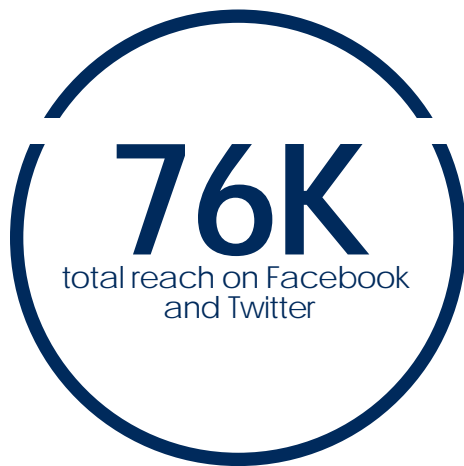
Joseph Pelletier, U.S. Department of Housing and Urban Development



Left to right: Amy Nelson, FHCCI
Pat Payne, Indianapolis Public Schools



Left to right: Former Indy Mayor Greg Ballard
KP Singh, community leader



// We still have a lot to do. Complacency is our enemy. //

Ben Carson, Secretary, U.S. Department of Housing and Urban Development at the 2018 Region V Conference



Secretary Carson takes submitted questions with ICRC Deputy Director and General Counsel Doneisha Posey

Patricia Payne delivers her keynote address on Day 2 of the conference



Attendees pictured on the first day of the conference, at the first luncheon listening to HUD Secretary Dr. Ben Carson deliver his keynote address

The External Affairs team develops and implements all external relations functions of the agency, including but not limited to, awareness campaigns, web and social media management, media and public relations, and the coordination of training seminars. To maintain community presence and accessibility, the External Affairs staff work continuously to foster relationships with state and local agencies, non-profit organizations, employers, housing providers, and other constituents. In advancing this aim, in 2018, the External Affairs team coordinated the inaugural remote complaint intake program, which increased community access to ICRC resources in partnership with Indianapolis Public Libraries, as well as hosted the agency's first Region V Fair Housing Law and Policy Conference.

Efforts to increase awareness of the ICRC will continue in 2019 with the development of a comprehensive strategic marketing and communications plan to reach all Hoosiers, to provide education about civil rights in Indiana, and to provide access to resources that ensure those rights are protected.

KEY FIGURES

175,105
social media
impressions



6,350
social media
followers



81
total programs,
outreach &
training events



142,028
website views



The **27th Annual Martin Luther King, Jr. Holiday Celebration** marked the 50th anniversary of the assassination of the civil rights leader with a wreath-placing ceremony on Monument Circle in Indianapolis on January 11, 2018. The following day a legacy march brought Commission leaders from the Circle to the Indiana Statehouse for a commemorative ceremony honoring the life and work of Dr. King and recognizing Indiana citizens who continue to advance and protect civil rights for all Hoosiers today. To conclude the ICRC's series of events remembering Dr. King, the Commission participated in the Annual Day of Service at Watkins Park on January 15.

The **Fair Housing Game** was created by the ICRC's Administrative Law Judge, Caroline A. Stephens Ryker, as an interactive tool to illustrate various real-world scenarios in which housing discrimination takes place. Students and the public can use the game to navigate these situations to learn to recognize when housing discrimination is taking place and what rights and resources Hoosiers have with regard to fair housing.

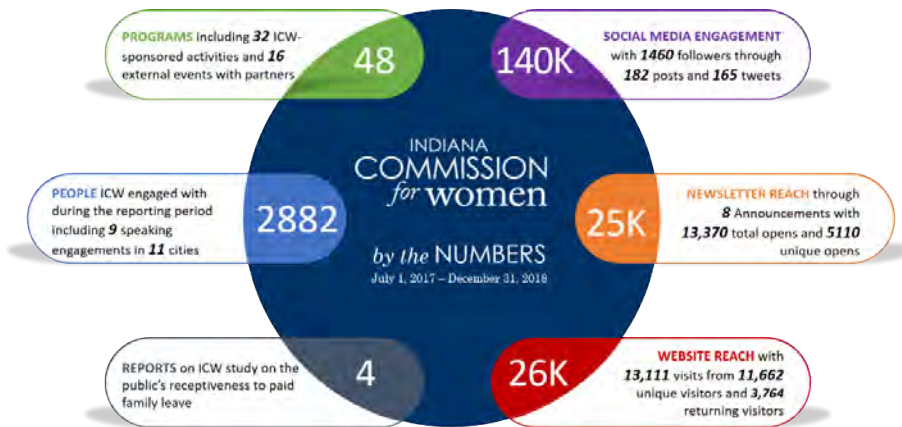
In 2018, ICRC kicked off the **2018 Continuing Legal Education Series** which provided continuing legal education opportunities for legal professionals in four locations across the state. Topics included equal employment law, education discrimination, and fair housing law.

The Indiana Civil Rights Commission launched their inaugural **Remote Intake Series in 2018**, providing local communities direct access to complaint intake specialists at six branches of the Indianapolis Public Library. The ICRC is working to expand this program into 2019.



INDIANA COMMISSION FOR WOMEN

The Indiana Commission for Women represents the State of Indiana's commitment to improving the quality of life for women [IC 4-23-25 Sec. 7(5)]. Among its duties outlined by statute, ICW is charged with assessing the needs of Indiana women and their families and promoting the full participation of Indiana women in all aspects of society, including but not limited to government, the economy, employment, education, social and family development, health care, and the justice system [IC 4-23-25-7(1)]. ICW's mission is to understand the needs of Indiana women and their families and to work strategically both within government and in our communities to help bring about positive change. In order to align with reporting requirements of the Indiana Civil Rights Commission, ICW's umbrella agency, based on the calendar year, this report is an 18-month review of activities (July 1, 2017-December 31, 2018). The ICW complete annual report can be accessed on ICW's website at: www.in.gov/icw.



KEY INITIATIVES

| Paid Family Leave | Hoosier Women Speak | Torchbearer Awards | Writing Her Story | Partnerships |
|--|---|--|---|---|
| ICW concluded its research grant looking at the public's openness to paid family leave in Indiana in Dec 2017. ICW also held a Symposium to release the three reports in Sep 2018. The reports can be accessed at www.in.gov/icw . | In late 2018, ICW held listening sessions to update information collected in 2011-2012 as well as to identify other emerging issues facing women and changes to key findings from 2011. Seven sessions were completed by December 2018. | ICW honored eight women in 2017 and twelve women in 2018 during its annual celebratory event. Torchbearers are women who have made outstanding contributions to their communities, to Indiana, or to the nation. | <i>Writing Her Story</i> captures stories of historical women who have made a difference in communities around the state and to Indiana as a whole. In 2018, ICW partnered with county historians who provided sixteen profiles for this nationally-recognized program. | ICW partners with the Indiana Civil Rights Commission, other equity commissions, and external organizations on events and presentations, including a joint commissions luncheon, educational panels, "Lunch and Learn" events and other outreach efforts. |

LOOKING AHEAD TO 2019

In an effort to address the needs of women and girls throughout the state of Indiana and increase ICW's efficacy in fulfilling its mission, the Board of Commissioners have embarked on an extensive strategic plan that will guide the agency's efforts and determine next steps in moving Indiana women forward. Our next chapter will focus on encouraging women to retrain, become better connected to their communities and resources, and step forward as effective leaders so that they can achieve economic stability and prosperity.

INDIANA COMMISSION ON THE SOCIAL STATUS OF BLACK MALES

The Indiana Commission on the Social Status of Black Males (ICSSBM) has been committed to helping improve the quality of life for Black males throughout the state since its inception in 1993. The role of the Commission is to convene partnerships and serve as a collaborator in assisting Black males in Indiana.

The Commission examines issues in five focus areas and highlights statistical data surrounding Criminal Justice, Education, Employment, Health, and Social Factors. ICSSBM, local commissions, and community partners seek to help provide recommendations for community and legislative decisions while serving as a catalyst in facilitating a common foundation upon which a viable course of action can be initiated.

In the area of Criminal Justice, the Commission worked with the Indiana Juvenile Detention Alternatives Initiative (JDAI) toward Race, Equity and Inclusion with a workgroup of the Indiana JDAI Steering Committee. It serves as the subject matter resource and will report and make recommendations to the Indiana Steering Committee.

The Race, Equity and Inclusion Workgroup continually seeks to include a broad range of state and local JDAI partners in its membership. Each member's attendance and participation are vital to accomplishing tasks.

In the field of Education, according to the report "Do Black Minds Matter in Indiana?" and presented at the 18th Annual Black Males Conference by the Gary Commission on the Social Status of Black Males, Education Subcommittee, only a third of Indiana's four year college students graduate on time and less than two-thirds finish with six years. The challenge is even greater at Indiana two year colleges, where fewer than one in ten students graduate on time and fewer than two in ten finish within three years.



INDIANA NATIVE AMERICAN INDIAN AFFAIRS COMMISSION

The Indiana Native American Indian Affairs Commission, (INAIAC) is created under the authority of P.L. 283-2003, passed by the Indiana General Assembly in 2003 and codified at IC 4-23-32. The purpose of the Indiana Native American Indian Affairs Commission is to study problems common to Native American Indian residents of Indiana in the areas of employment, education, civil rights, health, and housing. The Commission may make recommendations to appropriate federal, state, and local governmental agencies relevant to these topics.

On March 26, under the Indiana Civil Rights Commission direction of Executive Director, Gregory L. Wilson, the Commission hired the first Native American Indian woman from the Eastern Band of Cherokee Indians to become the director of the INAIAC.

KEY FIGURES

\$1,750

awarded to schools for field trips to learn about Native American culture and history

\$9,000

in scholarships awarded to university students in Indiana

125

students in attendance at Native American Days at the Indiana State House



INAIAC Commissioner Shannon Turner talking to students about her Navajo culture and traditions.



Director Melissa Williams, Eastern Band Cherokee and Scholarship Award Winner, Haley Begay, Navajo/Cherokee

INDIANA COMMISSION HISPANIC/LATINO AFFAIRS

The Indiana Commission on Hispanic/Latino Affairs (ICHLA) is non-partisan state agency working toward economic, educational, and social equality, including promoting cooperation and understanding. The Commission identifies, measures, and reviews programs and legislation, and researches challenges and opportunities affecting the Hispanic/Latino community. The Commission identifies solutions and provides recommendations to the governor and the legislature.

KEY INITIATIVES

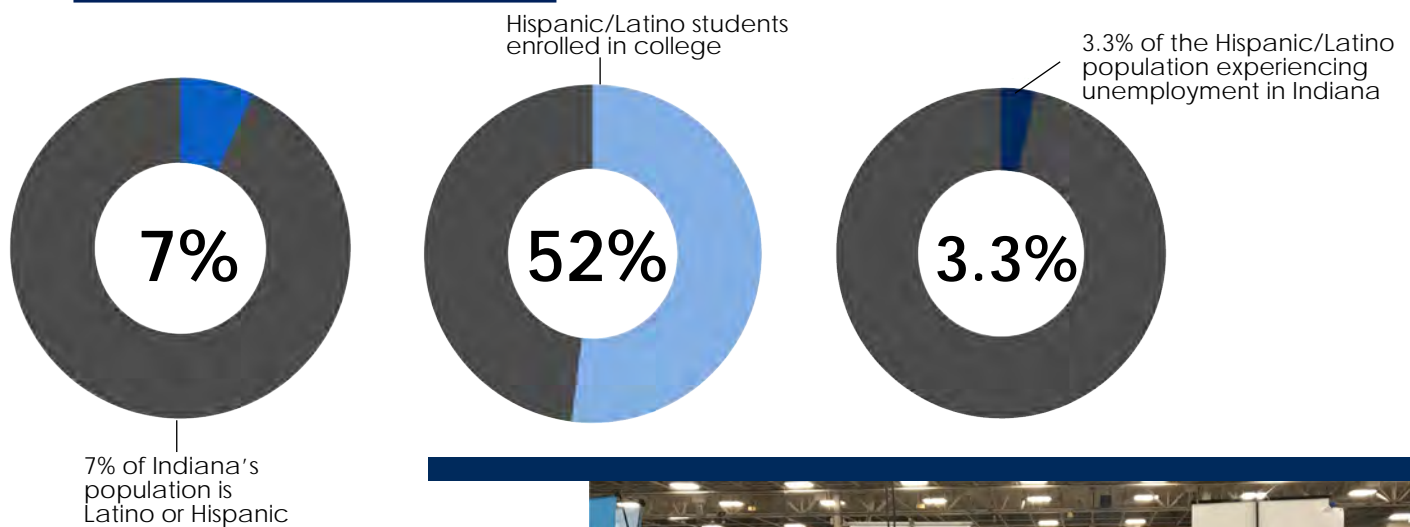
NATIONAL HISPANIC HERITAGE MONTH

As part of National Hispanic Heritage Month in 2018, ICHLA supported Naturalization Ceremonies, the Orange-ing of the Canal by the Indiana Latino Institute (ILI), the Conexión Event from The Indy Chamber, the Latina Outreach Reception of the Girls Scouts of Central Indiana, the Indiana Education Summit, the Indiana Latino Higher Education Consortium by ILI, the Indiana Latino Expo, and the International Festival. The 2019 National Hispanic Heritage Month will begin on September 15 and ends on October 15.

LOOKING AHEAD TO 2019

Listening Sessions: The purpose of these listening sessions is to identify the issues faced by Hispanic/Latino people in the state of Indiana. Northern Indiana will be the first stage of this initiative, which will continue in other counties (Elkhart, Marion, and Vanderburgh County). The results of these listening sessions will be used to create awareness, develop partnerships with local and state agencies for the benefit of the Hispanic/Latino community, and make recommendations to the Indiana state legislature.

WHERE DO LATINOS STAND?



From left to right: John Hawkins, Jeree Slack, Dolly Serrant, Gregory Wilson, and Adrienne Slack at the 2018 Indiana Latino Expo



GLOSSARY OF TERMS

Reasonable Accommodation – Changes in policies or procedures necessary to afford a person equal opportunity in employment, housing, education, and public accommodation. The ICRL and FHA require employers, housing providers, educational institutions, and public accommodations to allow reasonable flexibility in policies when necessary. *Note: As relates to Public Accommodations only, these “reasonable accommodations” are formally called “reasonable modifications” in policy.

Alternative Dispute Resolution (ADR) – Various methods of settling complaints before or after the commencement of a full investigation and determination of cause. ADR can include mediation (a formal conference utilizing a neutral, third-party mediator,) conciliation (less formal discussions of the parties’ interests and willingness to resolve a complaint,) or settlement discussions (the least formal form of ADR whereby the facilitator simply transmits offers and counter-offers between willing parties) and is a favored method for resolving complaints as parties can control outcomes and the Commission can preserve resources.

Comparator – A person who is “similarly-situated” to the Complainant but of another “protected class” (i.e.: race, religion, sex, etc.) In cases of disparate treatment, a comparator is identified as evidence that Respondent has treated persons of a different “class” more favorably than otherwise similarly-situated persons.

Complainant – A generic term used to describe the party that is alleging a discriminatory practice, the charging party (abbreviated “CP”); “Complainant” means a person, including the commission, who files a complaint under Ind. Code § 22-9.5-6. Ind. Code § 22-9.5-2-4

Disability – “A physical or mental impairment that substantially limits at least one of the major life activities of the individual.” Ind. Code § 22-9-5-6(a)(1). The term is defined more broadly under federal law and includes, but is not limited to including an impairment of a major bodily function (i.e.: reproductive system, endocrine system.)

Disparate Impact – A type of discrimination claim where an otherwise neutral policy has a disproportionately adverse effect on a particular protected class relative to individuals who are not members of that protected class.

Disparate Treatment – The most common type of discrimination claim. This type of claim involves one person (e.g. the Complainant) alleging that he or she has been treated less favorably than a similarly-situated person of a different protected class.

Jurisdiction – Term used to describe the subject matter over which the Commission has legal authority. The Commission has legal authority to investigate complaints alleging discrimination on the basis of race, color, national origin, ancestry, sex, disability, religion and familial status in the areas of employment, real estate, public accommodations, credit, and education. The Commission may also accept complaints alleging retaliation for having previously filed a complaint of discrimination with the Commission. The Commission may only investigate complaints filed within 180 days of the alleged discriminatory act (one year for housing cases).

No Probable Cause – Under the Indiana Civil Rights Law, a legal determination made by the Deputy Director finding that, based on the totality of the known circumstances, there is not a fair probability that an unlawful discriminatory practice occurred. This is the opposite of a Probable Cause finding.

No Reasonable Cause – Under the Fair Housing Act, a legal determination made by the Deputy Director finding that there is a lack of facts sufficient for a reasonable person to believe that an unlawful discriminatory practice occurred. This is the opposite of Reasonable Cause finding.

Probable Cause – Under the Indiana Civil Rights Law, a legal determination made by the Deputy Director finding that, based on the totality of the known circumstances, there is a fair probability that an unlawful discriminatory practice occurred. See 910 IAC 1-1.5-14. If such facts are found, a full evidentiary hearing must be held before the Administrative Law Judge or Commission to show that the Civil Rights Law has been violated.

Protected Class or Protected Status – A class of people who benefit from protection by statute, such as the Indiana Civil Rights Law which prohibits discrimination on the basis of race, color, national origin, ancestry, religion, sex, disability, age (not enforced by ICRC) and familial status (with respect to housing claims under the Indiana Fair Housing Act).

Public Accommodation – An establishment that offers its goods or services to the general public.

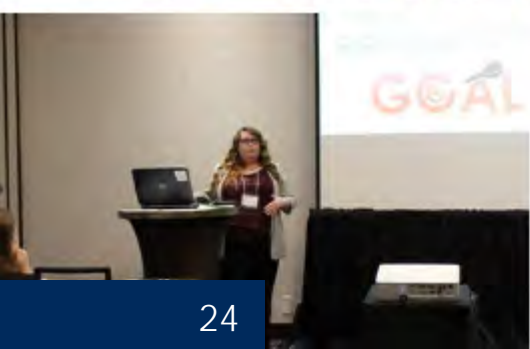
Reasonable Cause – Under the Fair Housing Act, a legal determination made by the Deputy Director finding that, based on the totality of the known circumstances, facts exist sufficient for a reasonable person to believe that an unlawful discriminatory practice occurred. See 910 IAC 2-6-6(a). If such facts are found, a full evidentiary hearing must be held before the Administrative Law Judge or Commission to show that the Fair Housing Act has been violated.

Respondent – Any person against whom a complaint has been filed (abbreviated “RP”). See 910 IAC 1-1.5-15.

Similarly-Situated – An individual who is in substantially the same position as Complainant for purposes of comparing treatment. In the context of employment, this would mean a coworker who performed substantially the same type of job or committed a similar infraction. Similarly, in the context of housing, this might be a person who has the same qualifications for rental as Complainant (i.e. same income, same rental history, applying for same size unit, etc.)

Reasonable Modification – A necessary change to the physical structure of a domicile that permits equal access to a person with a disability. Such reasonable changes are required by the FHA.

Pretext – A false reason or motive given to hide the actual or real reason for an action.





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