

YOUR



RIGHTS,

OUR

MISSION

INDIANA CIVIL RIGHTS COMMISSION
ANNUAL REPORT
AY 2019

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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, hears appeals of 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.



Steven Ramos, Chair

Appointed August 2005



Addrienne Slash, Vice Chair

Appointed April 2017



Holli Harrington, Commissioner

Appointed August 2018



Alpha Blackburn, Commissioner

Appointed March 1987



James Jackson, Commissioner

Appointed December 2017

Greetings,

As we reflect on 2019, 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 2019 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 Laws.

Additionally, the agency's outreach efforts commemorated important milestones, such as the 56th anniversary of our agency, and the 51st anniversary of the assassination of Dr. Martin Luther King, Jr. The culminating event for the agency in 2019 was the 46th Annual Indiana Consortium of State and Local Human Rights Agencies Conference, which drew over 300 participants from 33 cities and 14 states.

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 56 years.

In Service,



Gregory L. Wilson, Sr.
Executive Director



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."

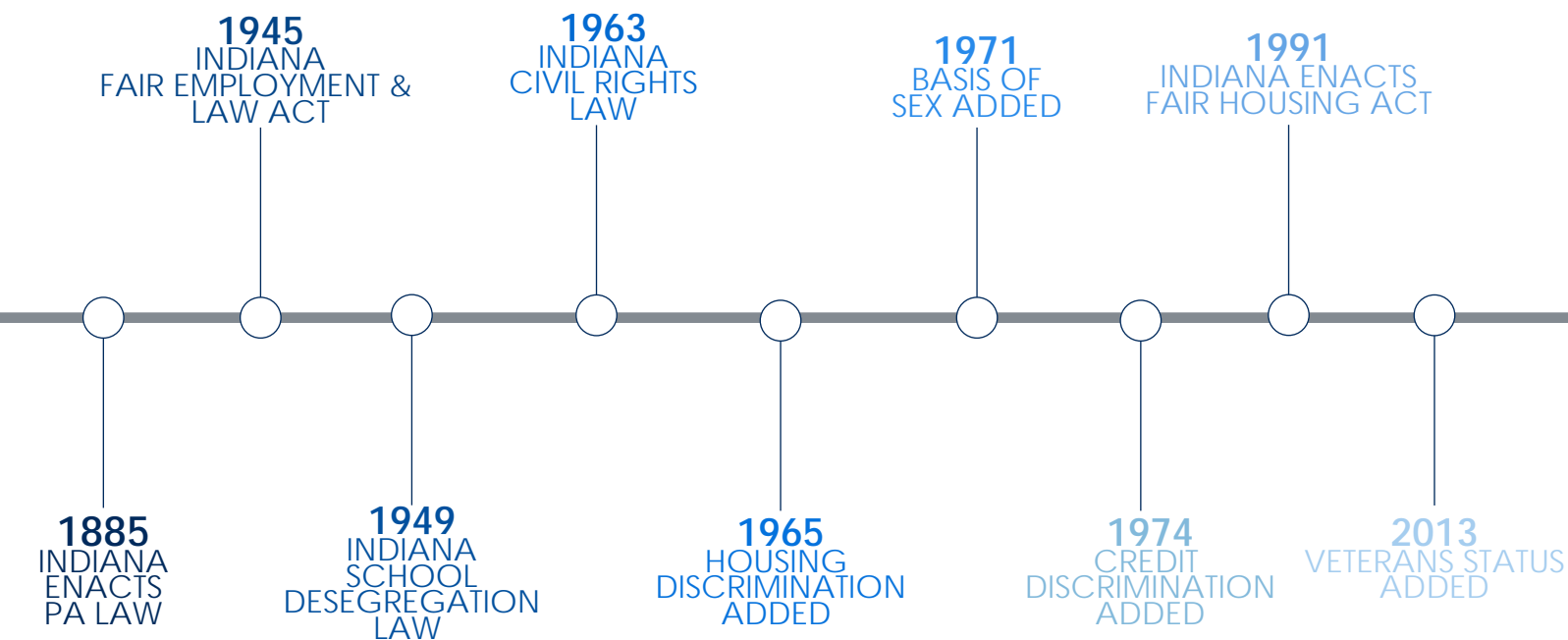
Indiana enacted a public accommodations law in 1885, that stated all persons are "entitled to the full and equal enjoyments of the accommodations, advantages, facilities, and privileges of inns, restaurants, eating houses, barber shops, public conveyances on land and water, theaters, and all other places 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 to federal law in the area of employment of people with disabilities.



AGENCY FUNCTIONS

COMMISSION

The 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.

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 the Intake through possible Litigation. The Deputy manages the interaction among and between Intake/Case Management Alternative Dispute Resolution ("ADR"), the Investigations, and the 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. The CFO is also responsible for occasional grant writing and for 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 unit’s functions 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 the execution of 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 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 the 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 the 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, credit, and housing.

OFFICE OF THE ADMINISTRATIVE LAW JUDGE (ALJ)

An ALJ may be appointed by the Commission to rule on motions, conduct evidentiary hearings, and issue Initial Findings of Fact, Conclusions of Law, and Orders for the Commission’s review. 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 any additional filings, the ALJ issues an Initial Order, which the Commission may adopt, reject, or modify in a Final Order. The ALJ conducts all proceedings necessary to move the complaint towards a hearing on the merits, including motions practice and prehearing conferences

INTERNSHIP PROGRAM

Similar to 2018, the ICRC's internship program continued to flourish. In 2019, the ICRC housed 18 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 completing many other tasks also involving the state cultural commissions. The Commission would like to recognize and thank our amazing 2019 interns:

Aaron Steward
Alexis Shelton
Abha Nadkarni
Alaina Bedwell
Ericela Sahagun
Jaelyn Chappell

Jannai Bates
Jordan Stewart-Curet
Joseph O'Connor
Kate Tesler
Levi Elliott
Maria De Leon

Monae Jackson
Nicholas Sayre
Taylor Carpenter
Willow Thomas
Zachary Peifer
Tatiana Foote

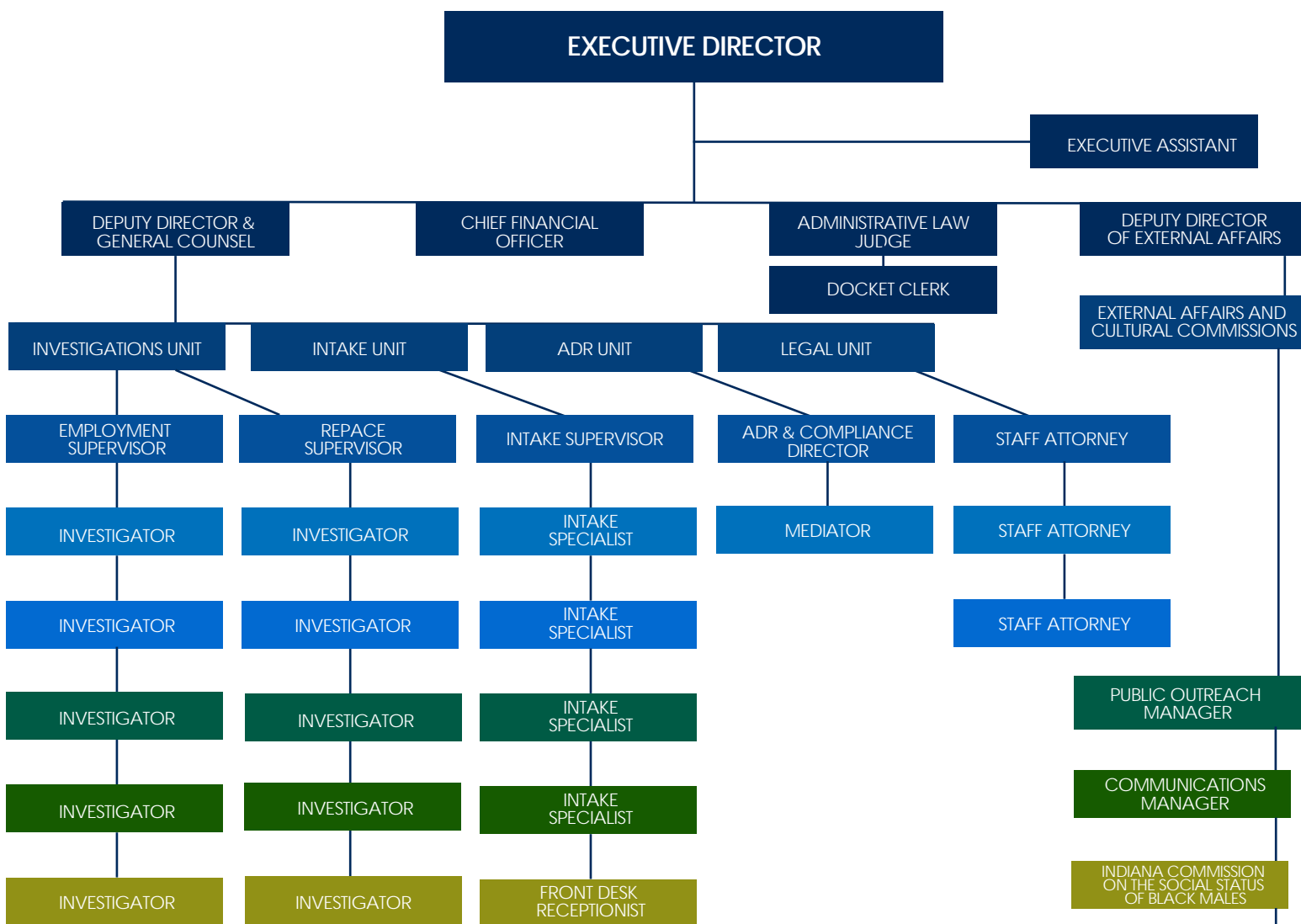


LOOKING AHEAD TO 2020

ICRC will continue its mission of educating the youth through the internship program in 2020. We will continue to attend career fairs at IUPUI, IU Robert H. McKinney School of Law, and Butler University, as well as branching out to new schools including Martin University. ICRC plans to continue its education and outreach through allowing interns to experience and attend major events and locations including the Indiana Statehouse, Indiana State Museum, Birch Bayh Federal U.S. Courthouse and more.

ICRC accepts internship applications throughout the year on our website www.in.gov/icrc/2974.htm

ICRC ORGANIZATIONAL CHART



Office of the Executive Director
 Gregory L. Wilson, Sr., Executive Director
 MacKenzie Holden, 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.
 Tracy Richardson, Esq.

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

Intake and Case Management
 Kimberly Simmons, Director
 Denidra Warren, Intake Specialist
 Ryan Garrigus, Intake Specialist*
 Tracey Scott, Intake Specialist*
 Tera Kilgore, Intake Specialist
 Jonathan Cross, Intake Specialist
 Crystal Warner, Receptionist

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

Investigation Unit: REPACE
 Melissa Deering, Director
 Michael Johnson, Investigator
 Phryll Thorton, Intake Specialist
 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
 Aspen Clemons, Executive Director

Indiana Commission on Hispanic/Latino Affairs
 Dolly Serrant, Director

Indiana Native American Indian Affairs Commission
 MeLissa Williams, Director*

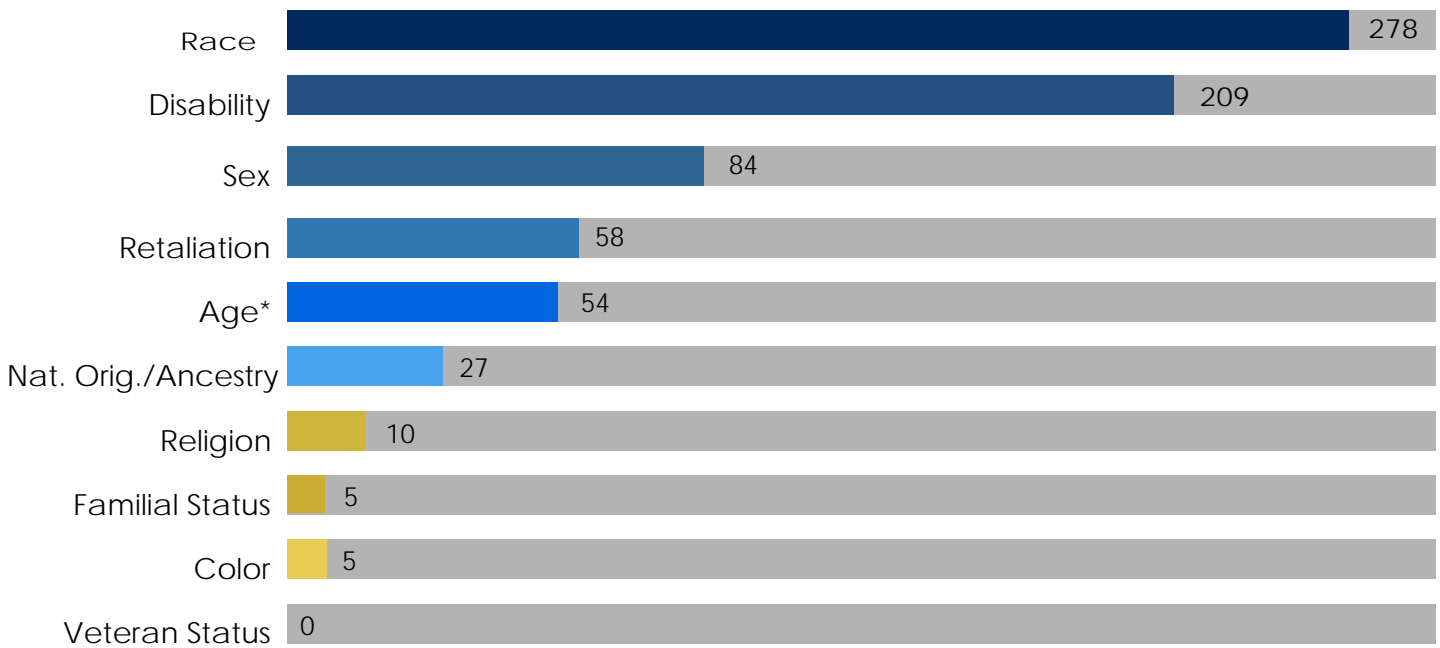
*Retired/Left Agency in 2019

AGENCY BY THE NUMBERS

HIGHLIGHTS

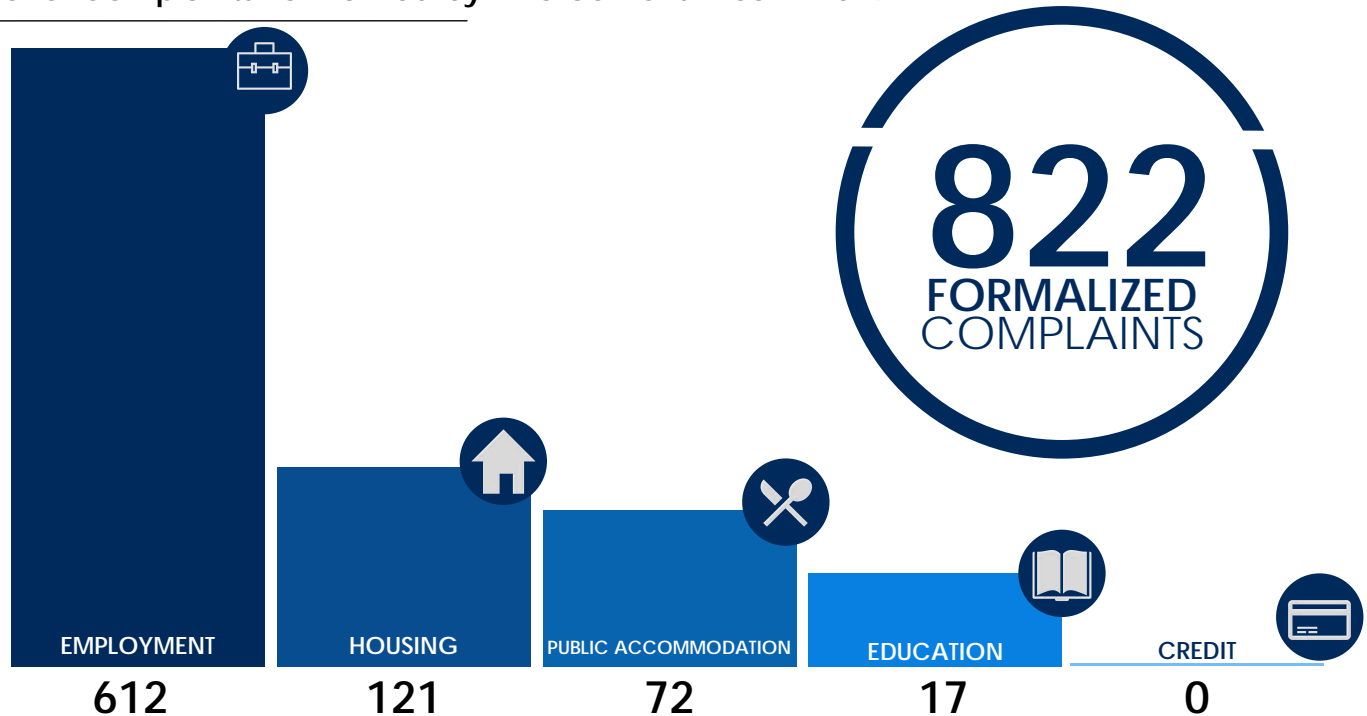
All of ICRC's divisions saw major growth in 2019. Leading the agency's recent accomplishments was the revamping of the Mediation and ADR team as well as the implementation of a new case management system. This advancement created a more streamlined and detailed intake process which in hand, helped with establishing a greater community impact in Indiana. In 2019, ICRC received 11,920 calls, 2,560 of which were inquiries, and **822** of those inquiries became formalized complaints.

Filed Complaints by Protected Class in 2019

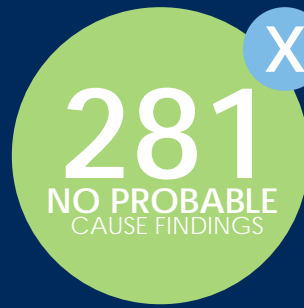


**Investigated by the Department of Labor or the Equal Employment Opportunity Commission*

Number of Complaints Formalized by Enforcement Area in 2019



AGENCY BY THE NUMBERS



\$504,846

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 2,560 new inquiries and drafted 855 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.

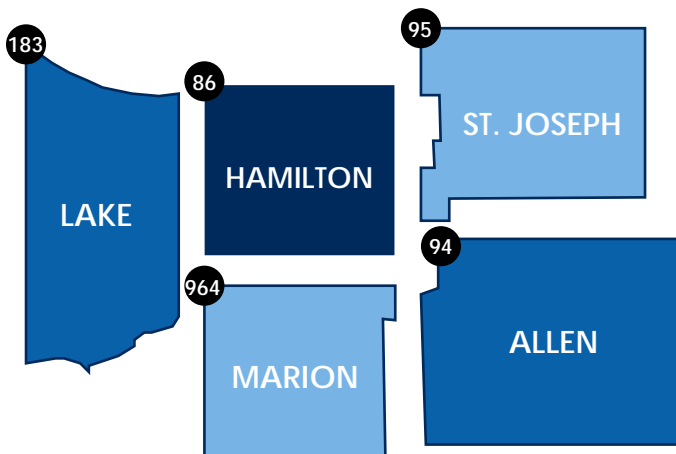


An Intake Specialist assists with the filing of the complaint at no cost.



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

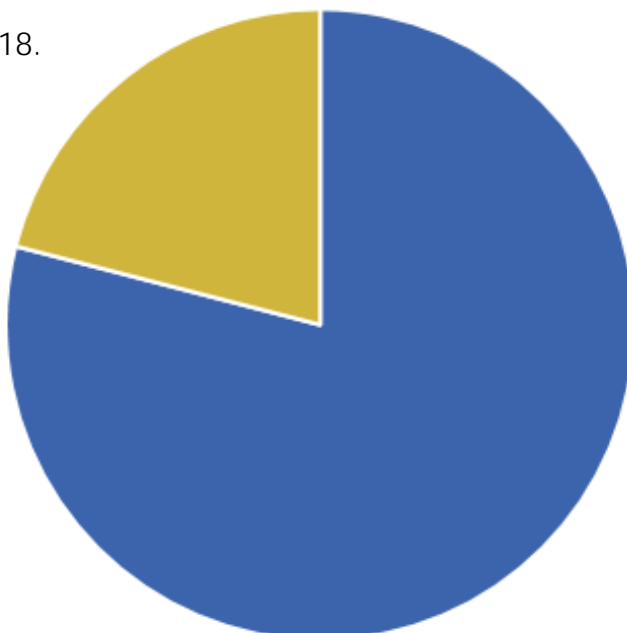
The REPACE Investigation Unit is responsible for investigating real estate, public accommodations, credit, and education discrimination complaints on the basis of Indiana’s protected classes. ICRC has a memorandum of understanding (MOU) with the U.S. Department of Housing and Urban Development (HUD) 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 2019, the REPACE Investigative Unit exceeded its Fair Housing Assistance Program MOU with HUD by submitting 118 dual filed housing cases. **This resulted in approximately \$550,000 in revenue.** Additionally, during the 2018-2019 fiscal year, ICRC successfully exceeded its HUD goal of closing 50% of dual-filed cases within 100 days by 29%.

HUD CONTRACT ASSESSMENT

12%

increase from 2018.



79%

of dual-filed cases closed within 100 days.

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 2019, 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 **\$250,000 in revenue**. In addition, the unit focused on gaining a better understanding of experiences of protected groups in the workplace by soliciting training from Disability Rights and the Migrant Farm Workers Law Center.

% of Aged Cases by Area	2019	2018
	17.3%	9.3%
Open Cases by End of Year		
	259	256
Number of Cases Closed by End of Year		
	377	391

*The number of cases from 2018 to 2019 increased by 22%



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 spent in case resolution and reduces the costs associated with litigation. Both parties must be willing to resolve the dispute to initiate the mediation process. Whether reaching an agreement prior to a finding of cause or ending with a settlement during the course of litigation, successful mediations permanently conclude claims in a way agreed to by all parties.

Due to the agency's commitment to the prevention of discrimination within the state of Indiana, ICRC consciously worked with mediating parties to identify appropriate affirmative reliefs relative to the complaints filed, leading to the inclusion of non-monetary benefits such as training, policy changes, and the development of standard forms and processes to create equal opportunities within the state of Indiana.



SETTLEMENTS OF INTEREST

Over 100 Claims Alleging Discrimination in the Workplace Resolved in 2019

In 2019, the Alternative Dispute Resolution unit facilitated over 100 mediation conferences, with a 71% success rate. 80% of the settlement agreements included relief to address and remedy adverse elements indicated within the complaints. While we recorded a modest increase from 80 to 84 formalized conciliation agreements in 2018 and 2019 respectively, it is worth noting that the mediation team documented a significant increase in the total number of Pre-cause cases that were successfully settled in 2019 (75) as against 59 in 2018.

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

The matter of Carol Moses vs. El Beulah Retirement Village commenced after ICRC received a complaint alleging discrimination on the basis of a disability in violation of the Indiana Fair Housing Act, Indiana Civil Rights Law, and the Federal Fair Housing Act. The settlement included a financial settlement, and training on the Indiana Fair Housing Act, Reasonable Accommodations and Modifications, and Discriminatory Statements. The Respondent also committed to draft and implement anti-discrimination and fair housing policies and a written procedure for receiving and processing reasonable accommodation and modification requests. As part of the agreement, the Respondent will affix the Fair Housing Logo on all its printed advertisements, pamphlets and leases.

LEGAL

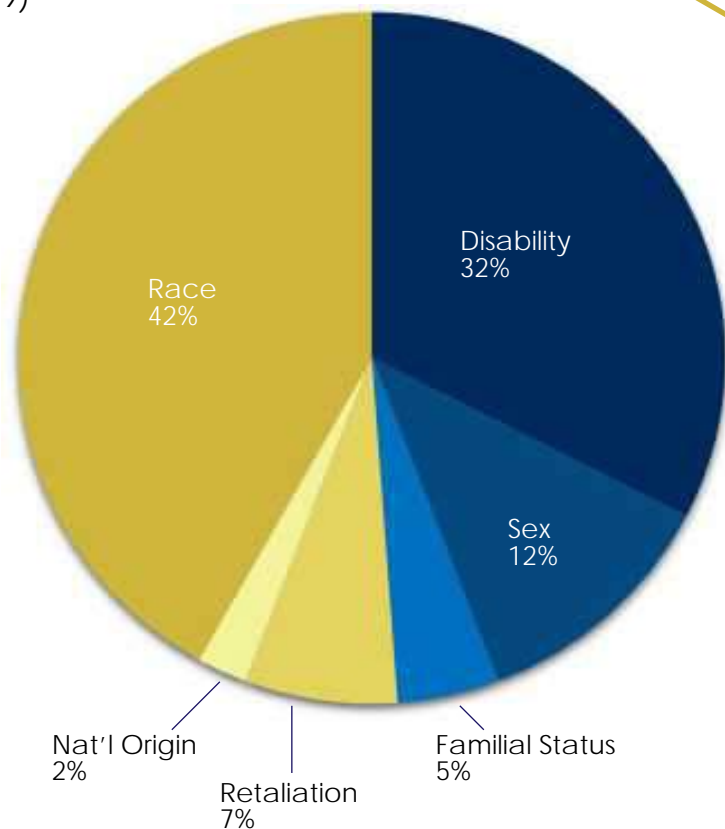
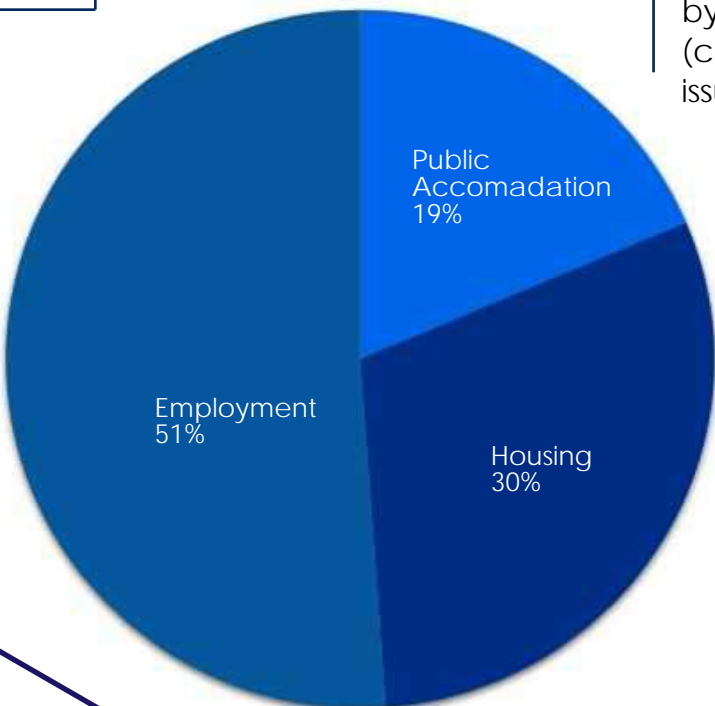
The Legal Division of the Indiana Civil Rights Commission (ICRC) serves a critical role in effectuating Indiana’s public policy goal of providing every individual in the State of Indiana equal access to housing, education, employment, public accommodations, and credit. The Legal Division of the Indiana Civil Rights Commission consists of a General Counsel, staff attorneys, paralegals, and legal interns. The legal staff provides legal services throughout the complaint process to enforce the Indiana Civil Rights Law and the Indiana Fair Housing Act.

The Legal Division’s investigative staff attorneys provide training and counsel to the Commission’s intake specialists and investigators, who are responsible for processing complaints of unlawful discrimination filed with the Commission. After an investigation, a case moves to the Legal Division’s litigation staff attorneys, who present cases on behalf of pro se complainants and prosecute cases initiated by the Executive Director. The Legal Division litigates cases in administrative proceedings before the Commission and in circuit and superior courts across the state. Regardless of the forum, the ICRC’s General Counsel and staff attorneys advocate on behalf of the public interest to provide relief to those aggrieved by past instances of discrimination and to prevent future discrimination through injunctive and affirmative relief.

In addition to its day to day functions, the Legal Division performs advisory and educational duties, including providing trainings to the public and ensuring that public records requests received by the agency are processed according to the Indiana state laws regarding agency transparency, privacy, and confidentiality. In 2019, the agency received eighty public records requests.

CASE STATISTICS

43
cases opened in 2019
by enforcement area
(cause findings
issued in 2019)



43
cases opened
by protected class

▶ **Wilson v. Furbee (18C01-1805-PL-000044):**

Aggrieved tenant alleged her landlord denied her a request for a reasonable accommodation, specifically an exception to the landlords “no pet” policy. Defendant landlord moved for summary judgment, arguing that tenant had failed to provide information landlord needed to make a determination about the reasonableness and necessity of tenant’s request. The Commission argued that landlord already had sufficient information to make a determination and that landlord requested information to which it was not legally entitled. The trial court adjudged that landlord had asked for information to which it was not entitled by law, and accordingly, it denied landlord’s motion for summary judgment. The matter is currently pending before the Indiana Court of Appeals.

▶ **Wilson v. Goodwin Plaza Apartments (49D07-1904-PL-015808):**

Aggrieved tenant alleged that her landlord failed to adequately respond to her complaint that another tenant had sexually harassed her. Landlord moved to dismiss the claim. The trial court denied landlord’s motion to dismiss and agreed that the Seventh Circuit’s holding in *Wetzel v. Glen St. Andrew Living Cmty., LLC*, 910 F.3d 856 (2018), supported the Commission’s argument that the Indiana Fair Housing Act permits a hostile housing environment claim against a landlord for tenant-on-tenant harassment.

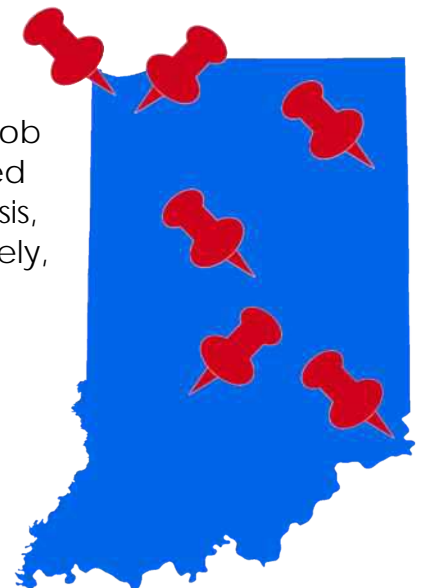
▶ **Ogden v. Indiana Department of Workforce Development (ICRC No.: EMrt14020095):**

Complainant alleged that Respondent retaliated against her for serving as a comparator in an Indiana Civil Rights Commission investigation by assessing two poor performance reviews against her that ultimately resulted in the termination of her employment. Respondent filed for Summary Judgment, arguing that Complainant’s employment was terminated because she was not meeting Respondent’s reasonable expectations. In ruling on Respondent’s motion, the ALJ concluded that serving as a comparator may be a protected activity under the Indiana Civil Rights Law. Ultimately, the ALJ denied Respondent’s Motion for Summary Judgment.

▶ **Combs v. Starke County (ICRC No.: EMse15040258):**

Complainant alleged that Respondent discriminated against her on the basis of her sex in the protected area of employment when Respondent eliminated Complainant’s job and did not transfer her into a similar job that was created shortly thereafter. Respondent filed for Summary Judgment, arguing that Complainant could not demonstrate that male employees were treated more favorably than her and that Complainant’s job was eliminated as a result of budget constraints. The ALJ assessed Respondent’s motion using a Mini Reduction in Workforce analysis, which focuses on job duties over comparator evidence. Ultimately, the ALJ denied Respondent’s Motion for Summary Judgment.

Indiana’s civil rights laws protect persons everywhere in the State of Indiana. In 2019, ICRC attorneys traveled to counties across the state to enforce those laws.



INDIANA CIVIL RIGHTS COMMISSION ACTIVITIES

The Indiana Civil Rights Commission is statutorily tasked with adjudicating claims of discrimination after a finding of cause has been made by the Director or Deputy Director based on the evidence collected during the neutral investigation. Adjudication before the Indiana Civil Rights Commission is completed in two stages. First, the parties appear before the Commission's designated Administrative Law Judge, who manages motions practice, conducts the hearing, and issues an Initial Decision. Second, the Commission, who is the ultimate decision maker for the agency, conducts a review of the Administrative Law Judge's initial decision and determines whether to accept, modify, or dissolve it.



\$224,385

IN MONETARY RELIEF AWARDED
+ Affirmative Relief

During 2019, the Commission was composed of five Commissioners, and the Indiana Civil Rights Commission employed one Administrative Law Judge, Hon. Caroline A. Stephens Ryker. However, the Commission also designated three special Administrative Law Judges to preside over cases on which Hon. Caroline A. Stephens Ryker had a conflict.

Between the beginning of 2019 and the close of 2019, the size of the docket was reduced by a total of 7 cases, moving from 57 open cases to 50 open cases. During 2019, a total of 43 new cases were added to the Indiana Civil Rights Commission's Docket, of which only 7 cases were removed to State or Federal Court through the election process. Additionally, the Indiana Civil Rights Commission conducted over 70 prehearing conferences and received over 150 motions. At the close of the year, the Indiana Civil Rights Commission's docket was comprised of 22 employment cases, 17 housing cases, and 11 public accommodation cases.

After an Initial Decision is issued, parties have the opportunity to file objections, which the Commission considers before deciding to accept, modify, or dissolve an Initial Decision.



HEARINGS & ORAL ARGUMENTS HELD BY ICRC

5 hearings on the merits
3 hearings on damages
1 hearing on a motion
3 oral arguments on initial decisions

FINAL DECISIONS BY THE COMMISSION

▶ ***Ervin v. U&ME Logistics, ICRC No.: EMra16031074***

Complainant alleged that Respondent discriminated against him on the basis of race in the protected area of employment by constructively terminating his employment after offering him less favorable terms and conditions of employment. The Commission defaulted Respondent after Respondent failed to participate in properly noticed prehearing conferences. The ALJ conducted a damages hearing; the Commission awarded Complainant \$971.17 to compensate him for the unlawfully withheld wages as well as ordered affirmative relief in the public interest.

▶ ***Harris v. Lifetime Properties, Inc., ICRC No.: EMra16021034***

Complainant alleged that Respondent discriminated against her on the basis of race in the protected area of employment by terminating her employment for pretextual reasons. The Commission defaulted Respondent after Respondent failed to appear at a properly noticed hearing. The ALJ conducted a damages hearing; the Commission awarded Complainant \$67,331.79 in back pay and prejudgment interest along with affirmative relief.

▶ ***Isidoro v. JR Interior Trim and Jesus Fernandez, ICRC No.: EMse16061276***

Complainant alleged that Respondent JR Interior Trim and Respondent Jesus Fernandez discriminated against her on the basis of sex during her employment because Respondent Jesus Fernandez sexually harassed her and Respondent JR Interior Trim permitted it. The Commission defaulted Respondents for failing to participate in the litigation. However, the Commission determined that Respondent Jesus Fernandez, an owner and employee of Respondent JR Interior Trim, was not an employer. Accordingly, after an ALJ conducted a damages hearing, the Commission awarded Complainant \$8,769.44 in back pay and ordered affirmative relief.

▶ ***Farmer v. Evansville Vanderburgh School Corporation, ICRC No.: EMra16061244****

Complainant alleged that Respondent discriminated against her on the basis of race in the protected area of employment by impermissibly considering her race when assessing her application for a promotion. After a hearing was conducted, the ALJ issued a decision in favor of Respondent. However, based on objections filed by Complainant, the Commission modified the ALJ's decision to return a result in favor of Complainant. Ultimately, the Commission held that the reasons Respondent articulated for not promoting Complainant were pretextual. Consequently, the Commission awarded Complainant \$50,729.25 in back pay and ordered Respondent to cease and desist from discriminating against its employees on the basis of race.

***ALJ Burkhardt**

▶ ***Kuss v. CTI, EMha17051071***

Complainant alleged that Respondent, a staffing agency, discriminated against him on the basis of disability in the protected area of employment by failing to rehire him after an extended absence from work that was caused by a disability. Respondent filed for Summary Judgment, arguing that the decision not to rehire Complainant was the reasonable result of Respondent's sole client's refusal to accept Complainant for assignment. Ultimately, the Commission granted Respondent's motion and dismissed the matter.

To read more about the decisions issued by the Commission in 2019, visit www.in.gov/ICRC/2485.htm

46th Annual Indiana Consortium of State and Local Human Rights Agencies Conference

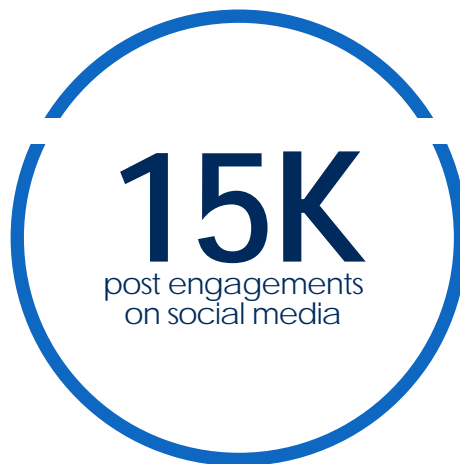
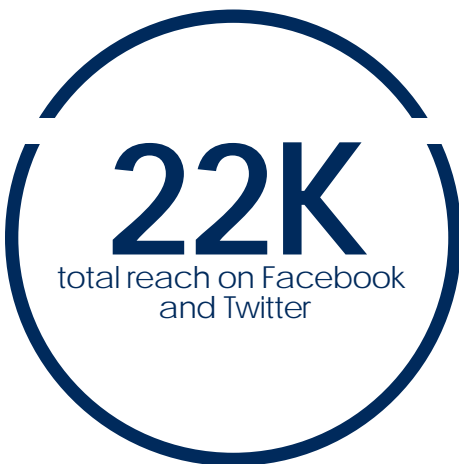
On June 18th, 2019, The Indiana Civil Rights Commission was proud to host the 46th Annual Indiana Consortium of State and Local Human rights Agencies Conference at the Sheraton Indianapolis City Centre. The three-day conference hosted over 300 attendees from 33 cities and 10 states. The educational conference featured 35 guest speakers and 40 break out sessions focused on areas surrounding civil rights investigation and training, law and policy, civil and human rights advocacy, and diversity and inclusion. The Conference brought together community leaders, educators, and state and federal agencies from around the country while successfully providing a space focused for civil rights engagement.

ICRC is proud to reflect on the success surrounding the conference that could only have been achieved through the help of the sponsors, speakers, and attendees including our Champion Sponsor, Central Indiana Community Foundation (CICF). The dedication set forth by those involved solidified the mission to bettering communities, eradicating discrimination, and making "Your Rights, Our Mission" true for all.



ICRC was honored to present the following four awards to individuals and community organizations:

- Freedom Award:** Karen Freeman-Wilson
- Equity Award:** Dr. Karen Dace
- Diversity & Inclusion:** Mario Rodriguez
- Cultural Vision Award:** Asian American Alliance, Inc.



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





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 2019, the External Affairs team coordinated their 2nd year of the remote complaint intake program, which increased community access to ICRC resources in partnership with Indianapolis Public Libraries and other local community centers.

Efforts to increase awareness of the ICRC continued in 2019 with the development of a marketing and communications plan to reach all Hoosiers through the implementation of new public transit and billboard advertising in northern and southern communities. These new marketing efforts provide education about civil rights in Indiana, as well as access to resources that ensure those rights are protected.



10%

Increase in calls/inquiries
year over year
from marketing

KEY FIGURES

147,701
social media
impressions



6,942
social media
followers



86
total programs,
outreach &
training events



83,733
website views



The Indiana Civil Rights Commission continued their **Remote Intake Series in 2019**, providing local communities direct access to complaint intake specialists at seven community organizations. The ICRC is working to expand this program into 2020.

In 2019, ICRC continued the **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 **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.

The **28th Annual Martin Luther King, Jr. Holiday Celebration** marked the 51st anniversary of the assassination of the civil rights leader with a wreath-placing ceremony on Monument Circle in Indianapolis on January 9, 2019. 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 8th Annual Day of Service at Watkins Park on January 21.



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 continued to work with the Indiana Juvenile Detention Alternatives Initiative (JDAI) toward Race, Equity and Inclusion with a workgroup of the Indiana JDAI Steering Committee along with the Indiana Diproportionality 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 area of **Education** the Commission and Cultural Commissions seek to engage minority youth in Indiana's commitment to provide a strong student centered education system and a well-educated, trainable workforce to bolster the Indiana economy. Two goals to this end are 1) to close the college completion achievement gap and 2) to increase the number of Hoosiers with a quality education foundation at 60% or higher by 2025.

In the area of **Health**, ICSSBM hosted the 9th Annual Indiana Black Barbershop Health Initiative with an attendance of 942 participants who received health screenings for blood pressure, body mass index and blood glucose levels. The initiative presented data showing high obesity numbers in those aged 40 to 49 with a percentage of 46%.

2019 EVENT HIGHLIGHTS

ICRC and ICSSBM teamed up to co-sponsor the Stand Up! No More Excuses Conference hosted by Robert Jackson. Over **500 participants** attended from across the state of Indiana. **Ten \$1000** scholarships were awarded on May 18.



Stand Up! No More Excuses Conference

19th Annual Black Males Conference



Over **300** youth and adults took advantage of multiple breakouts on education, criminal justice, social justice, mental health and a dynamic legislative panel discussion at the 19th Annual Black Males Conference on October 29.

INDIANA COMMISSION FOR WOMEN

The Indiana Commission for Women (ICW) is a non-partisan state agency that exists to voice women's needs, concerns, and challenges as well as to celebrate their successes and contributions to Indiana. ICW is committed to the full participation of women in all aspects of society in order to make Indiana a better place to live, work and raise a family.

The Commission works to assess the current needs of and to improve the status of women and their families across the state through advocacy and by partnering with other governmental agencies and outside organizations to leverage the ability to make a positive impact on women's lives. ICW represents Indiana's commitment to improving the quality of life for women and their families.

KEY INITIATIVES

WRITING HER STORY

Women's History Month is celebrated nationally every March. As part of our mission to highlight the accomplishments and contributions of Hoosier Women, the Indiana Commission for Women (ICW) created the Writing Her Story initiative in 2012. This annual project captured stories of extraordinary women and showcased how they have moved Indiana forward. When it began, the initiative focused on contemporary women. However, in 2014, ICW shifted its efforts to spotlight historical women and showcase how they became part of Indiana's history.

For 2019 ICW highlighted 31 historical women, ranging from national suffrage heroine Susan B. Anthony to Dr. Daisy Riley Lloyd, the first African- American woman to serve in the Indiana House of Representatives.

Writing Her Story has been nationally recognized with a 2015 Achievement Award by the National Association of Commissions for Women and was recognized as a 2016 Legacy Project by the Indiana Bicentennial Commission.

LOOKING AHEAD TO 2020

In 2020 ICW has plans to update its web presence by revamping our official website and adopting a more effective social media strategy in order to increase outreach and opportunities for engagement with women throughout Indiana and abroad. The Commission plans to actively continue developing relationships with key stakeholders who play a significant role in improving the lives of Hoosier women and their families.

Total Post Reach
18,940

Number of followers
1,692

Page Impressions
29,583

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

1,094

Hoosier students attended field trips to Historical Native American sites of significance through the Michael Pace Educator Grants

\$35,000

scholarships awarded to university students in Indiana

128

Participants in inaugural statewide series for listening sessions



INAIAC Commission members at the Native Americans: Beyond the History Books event where nearly 1,000 students attended at the Indiana State Museum to explore Native American traditions of the past and present.



INAIAC leadership honored Native American Veterans at Native American Indian Veterans ceremony at the Indiana Veteran's Home in West Lafayette, Indiana on November 16th.

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 it researches challenges and opportunities affecting the Hispanic/Latino community. The Commission identifies solutions and provides recommendations to the governor and the legislature.

KEY INITIATIVES

LISTENING SESSIONS STATEWIDE

As part of our mission to help meet the needs and concerns of the Indiana Hispanic and Latino population, the Indiana Commission on Hispanic/Latino Affairs will be implementing three community listening sessions state-wide between April and October, 2019. The purpose of these listening sessions is to create a database for the state of Indiana regarding the concerns and challenges facing this community, collect data and information on the community's concerns to share with organizations that focus on those issues and provide the Governor and lawmakers with suggestions on policies regarding those issues.

LOOKING AHEAD TO 2020: Goals

Share the final report of the Listening Sessions 2019 with local and state agencies for the benefit of the Hispanic and Latino community and develop policy recommendations from the results of this research. Continue developing relationships with different stakeholders who play a significant role in improving the lives of the Hispanic and Latino Hoosiers.

STATEWIDE LISTENING SESSIONS

ICHLA and ICRC team up to at the Indiana Latino Expo to survey the hispanic/latino community.



510
collected surveys
from listening
sessions in 2019



Listening Session at Goshen College



Mayor's Latino Advisory Meeting in Evansville

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.

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.

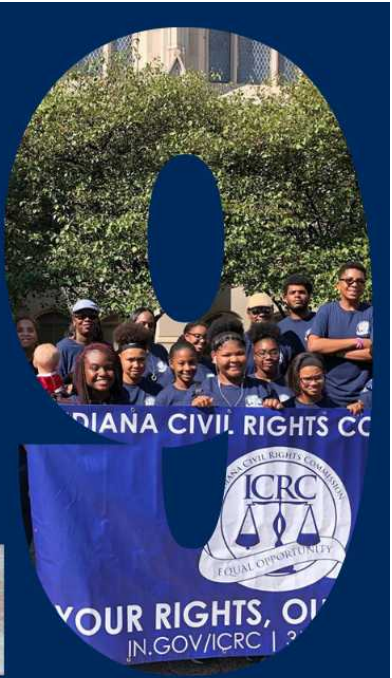
Reasonable Cause – Under the Fair Housing Act, a legal determination made by the Deputy Director finding that, based on the totality of the known circumstances, facts exist sufficient for a reasonable person to believe that an unlawful discriminatory practice occurred. See 910 IAC 2-6-6(a). If such facts 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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