

Indiana Civil Rights Commission
AGENCY MONTHLY REPORT
SEPTEMBER 2012



Jamal L. Smith
Executive Director

Intake

The Intake section of the report shows the number of phone, web and/or mail inquiries received from the public. It also shows the number of jurisdictional complaints drafted and mailed. The number of signed complaints received for investigation is also reported.

	Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	June 2012	July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Year to Date
Total Number of Inquiries	305	366	381	419	377	279	354	344	285				2110
Number of Complaints Drafted	61	69	64	103	103	72	66	42	60				640
% of inquiries drafted	20%	19%	17%	25%	27%	26%	19%	12%	21%				21%
Employment	43	54	45	58	81	52	52	32	49				466
Real Estate	6	4	3	8	5	7	9	4	4				50
Public Accommodation	2	4	4	5	12	3	2	5	6				43
Credit	0	0	0	0	0	0	0	0	0				0
Education	3	2	3	3	5	4	3	1	1				25
Unknown	7	5	9	37	0	6	0	0	0				64
Number of Complaints Formalized	85	84	95	73	99	67	69	66	46				684
Employment	75	67	73	57	73	47	54	43	29				518
Transferred from EEOC*	23	17	7	1	4	0	4	2	1				59
Real Estate	4	8	14	6	16	6	8	14	11				87
Transferred from HUD**	1	2	1	1	5	1	3	3	2				19
Public Accommodation	6	4	5	8	7	12	4	7	5				58
Credit	0	0	0	0	0	0	0	0	0				0
Education	0	5	3	2	3	2	3	2	1				21

*EEOC sends cases to ICRC pursuant of the Deferral Program. These transfers are included in the total # of EEOC complaints formalized.

**Reflects cases retrieved from Teapots. These transfers are included in the total # of HUD complaints formalized.

Inquiries by Region

This section provides a breakdown of the inquiries received by each region.

	Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	June 2012	July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Year to Date
Total Number of Inquiries by Region	305	366	381	419	377	279	354	344	285				3110
Region 1	40	51	38	53	46	44	30	38	45				385
Region 2	22	36	38	40	26	20	27	30	23				262
Region 3	11	13	22	31	22	14	25	23	11				172
Region 4	7	11	12	13	10	11	12	21	10				95
Region 5	132	146	156	158	148	110	151	140	120				1261
Region 6	26	37	35	35	32	19	34	30	20				268
Region 7	18	12	18	21	29	16	15	17	14				160
Region 8	18	19	19	11	24	20	20	15	12				158
Region 9	17	19	16	28	27	19	35	20	22				203
Unknown	14	22	27	29	13	6	5	10	8				134

Region 1: Jasper, Lake, LaPorte, Newton, Porter, Pulaski and Starke

Region 2: St. Joseph, Elkhart, Marshall, Fulton, Kosciusko, Wabash, Cass and Miami

Region 3: LaGrange, Steuben, Noble, Dekalb, Whitley, Allen, Huntington, Wells and Adams

Region 4: White, Benton, Warren, Tippecanoe, Carroll, Clinton, Fountain and Montgomery

Region 5: Boone, Hamilton, Hendricks, Marion, Hancock, Morgan, Johnson and Shelby

Region 6: Howard, Grant, Blackford, Jay, Tipton, Madison, Delaware, Randolph, Henry, Wayne, Rush, Fayette, Union and Franklin

Region 7: Vermillion, Parke, Putnam, Vigo, Clay, Owen, Sullivan, Greene and Monroe

Region 8: Knox, Daviess, Martin, Lawrence, Gibson, Pike, Dubois, Orange, Crawford, Posey, Vanderburgh, Warrick, Spencer and Perry

Region 9: Brown, Bartholomew, Clark, Dearborn, Decatur, Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings, Ohio, Ripley, Scott, Switzerland and Washington

Unknown: If the location of the inquiry cannot be identified.

Investigation

The Investigation section shows the overall age of cases currently being investigated by the agency. Cases over 100 days in Real Estate or 180 days in all other cases could be in the Legal Department pending a decision. (Aged is >100 days in Real Estate and >180 days in all other cases).

	Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	June 2012	July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Year to Date
% of Aged Cases by Area													
Employment	20%	20%	25%	22%	26%	27%	16%	18%	15%				21%
Real Estate	0%	19%	12%	15%	0%	0%	0%	3%	9%				6%
Public Accommodation	19%	22%	20%	25%	27%	13%	7%	6%	2%				16%
Credit	0%	0%	0%	0%	0%	0%	0%	0%	0%				0%
Education	14%	17%	20%	14%	35%	25%	18%	27%	29%				22%
Open Cases by Area													
Employment	369	392	429	433	444	449	425	340	331				
Real Estate	53	47	47	41	52	41	45	51	50				
Public Accommodation	50	53	56	61	57	62	62	42	50				
Credit	0	0	0	0	0	0	0	0	0				
Education	20	24	27	28	25	27	30	22	22				

Closures

The Closure section indicates the number of cases closed and how the case was closed after a complete investigation. NPC = No Probable Cause, CWS = Closed with Settlement (Mediation Agreement), CW = Closed Withdrawal, AD = Administrative Dismissal (Lack of Jurisdiction, Failure to Cooperate/Locate), FO = Final Order.

	Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	June 2012	July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Year to Date
Number of Cases Closed													
Employment	42	27	31	55	45	38	75	106	33				452
Real Estate	10	13	13	13	3	21	9	11	7				100
Public Accommodation	7	1	2	2	12	5	4	25	0				58
Education	3	1	0	3	4	1	0	10	0				22
Credit	0	0	0	0	0	1	0	0	0				1
Type of Closure													
NPC	43	31	37	56	45	40	60	129	28				469
CWS	8	6	5	9	11	9	13	9	5				75
CW	3	1	2	4	5	6	2	4	1				28
AD	3	4	1	0	3	3	7	5	3				29
FO	5	0	1	4	0	8	6	5	3				32

Legal

The Legal section tracks cases receiving probable/reasonable cause, as well as provides information on active cases being handled by the Legal Department.

	Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	June 2012	July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Year to Date
Probable/Reasonable Cause Findings	12	2	4	5	4	6	6	8	3				50
Employment	9	2	3	2	3	6	3	6	2				36
Real Estate	3	0	1	3	0	0	1	1	1				10
Public Accommodation	0	0	0	0	0	0	2	1	0				3
Education	0	0	0	0	1	0	0	0	0				1
Credit	0	0	0	0	0	0	0	0	0				0
Active Cases	45	48	44	49	54	59	59	58	59				
Employment	24	28	29	32	34	38	37	35	36				
Real Estate	9	9	7	9	11	12	12	13	13				
Public Accommodation	6	6	5	5	5	6	7	7	7				
Education	6	5	3	3	4	3	3	3	3				
Credit	0	0	0	0	0	0	0	0	0				
Average Age of Cases since NOF*													

*NOF (Notice of Finding). This includes cases that are now pending in state court.

Probable Cause Findings for the current month

This section provides detailed information on probable cause findings.

Wise v. Mount Vernon Community School Corporation is an employment case based on disability. Complainant alleged that she was placed on unpaid leave due to her pregnancy and/or disability.

Weaver v. Botkin Trophies is an employment case based on sexual harassment. Complainant alleged that she was forced to quit after being sexually harassed.

Worley v. M. Investments, LLC is a housing case based on familial status. Complainant alleged that she was asked to vacate her residence because she was pregnant.

Final Orders

This section provides information on cases that receive Final Orders by The Commission.

Brooks v. Mt. Vernon Community School Corporation is an employment case based on race. Complainant alleged that he was demoted because of his race. The case was closed with a settlement.

Gray v. Bonnie & Clyde's Restaurant, Inc. d/b/a B & C Hideout is an employment case based on sex. Complainant alleged that he was denied employment because of his sex. The case was closed with a settlement.

Smith v. Icon Properties is a housing case based on disability. Complainant alleged that Respondent refused to grant him a reasonable accommodation. The Respondent elected to take the case to state court.

Legal Updates

This section provides information on legal news, passing or changes in law and other state and local laws affecting The Commission.

Articles of Interest:

HUD charges Florida Homeowner's Association and its management company with discriminating against family with six children (9/4/2012, HUD.gov)

http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2012/HUDNo.12-145

The U.S. Department of Housing and Urban Development (HUD) announced today that it is charging a Gibsonton, FL, homeowners association and its Tampa-based former management company with violating the Fair Housing Act by subjecting a family to different rental terms and conditions because they have six children. HUD's charge alleges that Townhomes of Kings Lake Homeowners Association (HOA), Inc., and Vanguard Management Group, Inc., violated the Fair Housing Act by telling the family that they had too many people living in their rental townhouse and threatening to evict them if they didn't reduce the number of occupants based on an occupancy policy that permitted only six people to live in a four-bedroom home.

EEOC seeks input on strategic enforcement plan (9/4/2012, EEOC.gov)

<http://www.eeoc.gov/eeoc/newsroom/release/9-4-12c.cfm>

The U.S. Equal Employment Opportunity Commission (EEOC) has released for public comment a draft of its Strategic Enforcement Plan (SEP). Comments must be submitted by 5:00 pm ET on September 18, 2012 at strategic.plan@eeoc.gov or received by mail at Executive Officer, Office of the Executive Secretariat, U.S. Equal Employment Opportunity Commission, 131 M Street, NE, Washington, D.C. 20507. The Commission plans to vote on the draft plan at the end of this fiscal year.

Bullied Gay Student Files Suit Against Indianapolis Public Schools (9/3/2012, Advocate.com)

<http://www.advocate.com/crime/2012/09/03/bullied-gay-student-files-suit-against-indianapolis-public-schools>

A gay high school student who was expelled after using a stun gun to fend off bullies has filed a federal lawsuit against Indianapolis Public Schools. WIBC reports on the suit filed by Darnell “Dynasty” Young, 17, and his mother, Chelsea Grimes. The family says they reported the harassment several times to officials at Arsenal Technical High School, but administrators blamed Young for being “too flamboyant.”

Fry’s Electronics Pays \$2.3 Million to settle EEOC Sexual Harassment and Retaliation lawsuit (8/30/2012, EEOC.gov)

<http://www.eeoc.gov/eeoc/newsroom/release/8-30-12.cfm>

National retailer Fry's Electronics agreed to pay \$2.3 million and to implement preventative measures to settle a sexual harassment and retaliation lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC), according to a consent decree filed by the agency today. The EEOC had charged the company with harassing a young salesperson and firing a supervisor for standing up for her.

Fair Housing Center of Central Indiana, ICRC to host CLE seminar on Oct. 25 (8/27/2012, in.gov/icrc)

<http://www.in.gov/icrc/2626.htm>

Civil Rights Commission hosts contest (9/6/2012, WANE-TV)

<http://www.wane.com/dpp/community/state-civil-rights-commission-hosts-contest>

Indiana Civil Rights Commission’s Executive Director Jamal L. Smith announced today the start of the 2013 Dr. Martin Luther King Jr. Art, Writing and Multimedia Contest. The second annual contest asks Indiana high school students to use art, writing or multimedia to demonstrate what they can do to promote equality.

Probable cause found in complaint of fired Tipton gov’t worker (8/31, 2012, Kokomo Tribune)

<http://kokomotribune.com/local/x917773969/Probable-cause-found-in-complaint>

The Indiana Civil Rights Commission has determined there was probable cause in a complaint filed last year by a former Tipton County employee.

Student government looks to combat discrimination (8/28/2012, The Notre Dame Observer)

<http://www.ndsmcobserver.com/news/student-government-looks-to-combat-discrimination-1.2887895>

Rocheleau, Notre Dame’s student body President, said his administration plans to continue last semester’s Call to Action against racial discrimination. The Call to Action began after fried chicken parts were placed in the mailboxes of the Black Students Association and African Student Association last February.

Age discrimination claims spring up in South Bend email controversy (8/27, 2012 WSBT On-line)

http://articles.wsbt.com/2012-08-27/teacher-evaluations_33431869

Emails have surfaced from the South Bend School Board president calling for older teachers in the district to be "escorted out of the classroom," to make room for qualified younger teachers.

New Albany anti-discrimination law draws raves from Kentucky (8/22/2012, Louisville Courier-Journal)

<http://www.courier-journal.com/article/20120822/NEWS02/308220125/New-Albany-anti-discrimination-law-draws-raves-from-Kentucky>

The New Albany City Council adopted a non-discrimination ordinance earlier this summer and created a human-rights commission to help enforce the measure. But while the ordinance received unanimous approval from the city council, the move — initiated by newly elected Councilman Greg Phipps — largely flew under the radar.

EEOC Releases Tools to Educate Young Workers about Workplace Discrimination (9/19/2012, EEOC.gov)

<http://www.eeoc.gov/eeoc/newsroom/release/9-19-12.cfm>

The U.S. Equal Employment Opportunity Commission (EEOC) today released a video and accompanying classroom guides to educate working-age students about sexual harassment and other forms of employment discrimination.

EEOC Approves Model to Help Indian Tribes Fight Job Discrimination (9/18/2012, EEOC.gov)

<http://www.eeoc.gov/eeoc/newsroom/release/9-18-12.cfm>

The U.S. Equal Employment Opportunity Commission (EEOC) has unanimously approved a model plan that will help Indian tribes partner with the EEOC to combat employment discrimination, the agency announced today.

Advocacy leaders object to proposed cuts for Human Relations Commission (9/14/2012, Channel 14 News)

<http://www.14news.com/story/19530408/local-activist-speaks-about-hrc-funding-cuts?clienttype=printable>

Vanderburgh County Council members are scheduled to vote Wednesday morning on numerous funding cuts planned for next year's county budget, among them a \$9,500 cut, or 20 percent reduction in county funding, for the Human Relations Commission.

Glass ceiling broken, not shattered (9/16/2012, Northwest Indiana Times)

http://www.nwitimes.com/news/opinion/forum/glass-ceiling-broken-not-shattered/article_a88c1c14-23ee-5b6d-a419-2ff6febc326d.html

Statewide, women hold 31 percent of elected offices, according to data provided by the Indiana Commission for Women. This year, Kristin Garvey, executive director for the Indiana Commission for Women, said there's interest across the state in getting more women elected.

Women's activist Uebelhoer dead at 83 (9/10/2012, News-Sentinel)

<http://www.news-sentinel.com/apps/pbcs.dll/article?AID=/20120910/NEWS/309109955/-1/LIVING>

On March 4, 2010, Uebelhoer received the Torchbearer Award from the Indiana Commission for Women, which recognizes Hoosier women who have overcome or removed barriers to equality or who have contributed to making Indiana a better place to live, work and raise a family.

Burmese flock to hear Myanmar democracy leader Suu Kyi (September 25, 2012 Indy Star)

<http://www.indystar.com/viewart/20120925/NEWS/120925004/Burmese-flock-hear-Myanmar-democracy-leader-Suu-Kyi>

FORT WAYNE -- Burmese politician and chairperson of the National League for Democracy in Burma Aung San Suu Kyi is in Fort Wayne today at the Memorial Coliseum.

Torchbearer Award to honor extraordinary women (September 25, 2012, Northwest Indiana Times)

http://www.nwitimes.com/news/state-and-regional/indiana/torchbearer-award-to-honor-extraordinary-women/article_2bbab06a-d6bf-5d87-85a7-c08dbbdaac99.html

INDIANAPOLIS -- The Indiana Commission for Women is seeking nominations for its 2013 Torchbearer Awards, honoring women who have overcome obstacles, made extraordinary contributions or been pioneers.

EEOC Wins Rare Summary Judgment Verdict in Disability Suit Against Creative Networks (September 25, 2012, EEOC.gov)

<http://www.eeoc.gov/eeoc/newsroom/release/9-21-12a.cfm>

PHOENIX, AZ -- A federal judge ruled yesterday in favor of the U.S. Equal Employment Opportunity Commission (EEOC) that a Phoenix company that provides services to the disabled illegally discriminated against a hearing-impaired job applicant.

Demonstrators Voice Their Opinions on HRC Budget Dispute (September 19, 2012, Tristatehomepage.com)

http://tristatehomepage.com/fulltext-news?nxd_id=545792

EVANSVILLE -- The Evansville-Vanderburgh County Human Relations Commission held its annual dinner this evening at The Centre, but another event was being held just outside. Demonstrators lined up outside to protest County Commissioner Marsha Abell's request to cut the commission's budget by 20 percent.

New Commission formed to empower women (September 12, 2012, News Dispatch)

<http://www.thenewsd Dispatch.com/articles/2012/09/19/news/local/doc504fedca0ea5c112837361.txt>

MICHIGAN CITY -- The Michigan City Commission for Women (MCCFW) will have its official launch on Friday at the Dunes Summer Theatre, 288 Shady Oak Drive. The launch, which begins at 6 p.m., will include hors d'oeuvres, a cash bar and a 7:30 performance of the play "Top Girls." Honored guest will include Agnes Meer, wife of Michigan City Mayor Ron Meer; Common Council members; and the newly appointed nine-member board of the MCCFW.