

Indiana Civil Rights Commission
AGENCY MONTHLY REPORT
SEPTEMBER 2013



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 2013	Feb 2013	Mar 2013	Apr 2013	May 2013	June 2013	July 2013	Aug 2013	Sept 2013	Oct 2013	Nov 2013	Dec 2013	Year to Date
Total Number of Inquiries	303	263	288	359	342	309	342	334	312				2852
Number of Complaints Drafted	66	77	81	113	99	89	97	91	99				812
% of inquiries drafted	22%	29%	28%	31%	29%	29%	28%	27%	32%				28%
Employment	54	60	66	83	81	69	65	68	74				620/76%
Housing (Real Estate)	4	2	7	10	3	11	14	16	7				74/9%
Public Accommodation	7	12	4	13	10	9	15	4	15				89/11%
Credit	0	0	0	0	0	0	0	0	0				0/0%
Education	1	3	4	7	5	0	3	3	3				29/4%
Unknown	0	0	0	0	0	0	0	0	0				0/0%
Number of Complaints Formalized	63	56	65	88	83	87	96	75	78				691
Employment	47	39	43	59	59	74	61	51	53				486
Transferred from EEOC*	3	0	0	0	2	19	22	3	1				50
Housing (Real Estate)	9	7	14	9	13	5	24	12	12				105
Transferred from HUD**	3	2	5	1	2	2	7	4	3				29
Public Accommodation	6	8	4	14	10	5	10	11	9				77
Credit	0	0	0	0	0	0	0	0	0				0
Education	1	2	4	6	1	3	1	1	4				23

*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 2013	Feb 2013	Mar 2013	Apr 2013	May 2013	June 2013	July 2013	Aug 2013	Sept 2013	Oct 2013	Nov 2013	Dec 2013	Year to Date
Total Number of Inquiries by Region	303	263	288	359	342	309	342	334	312				2852
Region 1	32	23	26	34	35	38	48	39	42				317
Region 2	23	26	30	29	27	27	34	23	20				239
Region 3	17	23	17	18	27	31	28	26	13				200
Region 4	10	9	9	18	11	9	10	14	10				100
Region 5	135	122	131	169	158	132	133	137	131				1248
Region 6	25	17	19	21	33	28	31	31	24				229
Region 7	8	14	10	24	10	9	4	8	13				100
Region 8	18	8	12	18	18	12	32	19	18				155
Region 9	25	17	30	21	16	19	14	30	29				201
Unknown/Out of State	10	4	4	7	7	3	8	7	12				62

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 2013	Feb 2013	Mar 2013	Apr 2013	May 2013	June 2013	July 2013	Aug 2013	Sept 2013	Oct 2013	Nov 2013	Dec 2013	Year to Date
% of Aged Cases by Area													
Employment	19%	11%	8%	5%	2%	3%	1%	.9%	2%				6%
Housing (Real Estate)	0%	6%	0%	0%	0%	0%	0%	0%	3%				1%
Public Accommodation	10%	2%	9%	0%	2%	2%	0%	9%	9%				5%
Credit	0%	0%	0%	0%	0%	0%	0%	0%	0%				0%
Education	23%	13%	6%	11%	10%	5%	5%	9%	8%				10%
Open Cases by Area													
Employment	288	291	295	317	354	404	425	451	455				
Housing (Real Estate)	38	35	39	44	50	35	52	61	49				
Public Accommodation	61	63	59	68	75	76	82	90	69				
Credit	0	0	0	0	0	0	0	0	0				
Education	20	22	25	27	28	29	29	31	32				

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 2013	Feb 2013	Mar 2013	Apr 2013	May 2013	June 2013	July 2013	Aug 2013	Sept 2013	Oct 2013	Nov 2013	Dec 2013	Year to Date
Number of Cases Closed													
Employment	39	53	45	31	27	42	45	29	89				400
Housing (Real Estate)	26	38	30	20	17	15	38	17	33				234
Public Accommodation	12	9	6	5	7	19	2	9	23				92
Education	1	6	8	4	1	6	4	3	30				63
Credit	0	0	1	2	2	2	1	0	3				11
Credit	0	0	0	0	0	0	0	0	0				0
Type of Closure													
NPC	21	39	28	21	18	23	35	10	36				231
CWS	9	10	13	6	5	10	5	4	13				75
CW	2	3	2	2	1	4	3	2	25				44
AD	3	1	0	2	3	5	2	6	4				26
FO	4	0	2	0	0	0	0	7	11				24

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 2013	Feb 2013	Mar 2013	Apr 2013	May 2013	June 2013	July 2013	Aug 2013	Sept 2013	Oct 2013	Nov 2013	Dec 2013	Year to Date
Probable/Reasonable Cause Findings	1	5	6	6	3	5	4	2	5				37
Employment	1	5	2	0	2	1	4	1	5				21
Housing (Real Estate)	0	0	1	1	0	3	0	1	0				6
Public Accommodation	0	0	3	4	1	0	0	0	0				8
Education	0	0	0	1	0	1	0	0	0				2
Credit	0	0	0	0	0	0	0	0	0				0
Active Cases													
Employment	31	33	32	33	34	33	32	34	35				
Housing (Real Estate)	14	15	14	14	14	17	17	15	15				
Public Accommodation	8	8	8	8	8	8	8	8	8				
Education	5	5	5	5	5	5	5	5	4				
Credit	0	0	0	0	0	0	0	0	0				
Average Age of Cases since NOF*	430	429	462	439	458	456	447	461	392				

*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.

Whitfield, D. v. Metropolitan Faculty Services Enterprises is an employment case based on sex. Complainant alleged that she was terminated due to her sex.

Shireman, C. v. Apex Tool Company is an employment case based on sex. Complainant alleged that she was terminated due to her sex.

Bennett, S. v. Forest River, Inc. is an employment case based on sex. Complainant alleged that she was terminated because she is pregnant.

Joiner, J. v. Greater Opportunities Foundation (GEO) is an employment case based on race and sex. Complainant alleged that he was terminated due to his race and sex.

Anderson, V. v. Assisted Living Concepts, Inc. is an employment case based on race. Complainant alleged that she was terminated because of her race.

Final Orders

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

Creasy v. Domino's is a public accommodation case based on disability. Complainant alleged that she was denied a reasonable accommodation to allow her equal access to Respondents facility. The case was decided in favor of the Complainant by the Administrative Law Judge.

Gonzalez v. Showgirls is an employment case based on sex. Complainant alleged that she was sexually harassed and terminated. The case was closed with a settlement.

Spaulding v. Sweet Home is an employment case based on disability. Complainant alleged that Respondent perceived her as disabled and terminated her. The case was decided in favor of the Respondent by the Administrative Law Judge.

Relford v. Dots, LLC is a public accommodation case based on race. Complainant alleged that she was denied equal access to Respondents services because of her race. The case was withdrawn with settlement.

Smith v. Dots, LLC is a public accommodation case based on race. Complainant alleged that she was denied equal access to Respondents services because of her race. The case was withdrawn with a settlement.

Smith v. Dots, LLC is a public accommodation case based on race. Complainant alleged that she was denied equal access to Respondents services because of her race. The case was withdrawn with a settlement.

Huffman v. Crestwood Village South is a housing case based on disability. Complainant alleged that she was denied a reasonable accommodation. The Respondent elected to have the case heard in state court; therefore the case was dismissed by the Administrative Law Judge and transferred.

Lark v. Vogue Beauty is an education case based on race. Complainant alleged that he was subjected to different terms and conditions than Caucasian students. The case was closed with a settlement.

Snellenberger v. BMV is a public accommodation case based on disability. Complainant alleged she was denied access in Respondent's facility. The case was closed with a settlement

Stuckey v. AIM is a housing case based on disability. Complainant's alleged that they were denied a reasonable accommodation. The case was closed with a settlement.

Wright v. Goldies, Inc. is an employment case based on sex. Complainant alleged that she was sexually harassed. The case was decided in favor of the Complainant by the Administrative Law Judge.

Articles of Interest:

Bank of America fined \$2M for racial discrimination against black job applicants (September 25, 2013, Newsone.com)

<http://newsone.com/2725342/bank-of-america-fined-racial-discrimination-against-black-job-applicants/>

HUD awards \$38 million to fight housing discrimination (September 25, 2013, HUD Newsroom)

http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2013/HUDNo.13-144

New “Digest of EEO Law” issued by EEOC (September 25, 2013, EEOC Newsroom)

<http://www.eeoc.gov/eeoc/newsroom/release/9-25-13c.cfm>

Abercrombie discriminated against female Muslim employee, judge says (September 24, 2013, DiversityInc.com)

<https://www.diversityinc.com/legal-issues/abercrombie-discriminated-against-female-muslim-employee-says-judge/>

Indianapolis Company charged with race discrimination (September 23, 2013, ICRC Newsroom)

<http://www.in.gov/icrc/2715.htm>

Fired Gary Middle College principal files discrimination complaint (September 23, 2013, NWI Times)

http://www.nwitimes.com/news/local/lake/gary/fired-gary-middle-college-principal-files-discrimination-complaint/article_97787158-a8b0-5de2-93e5-17bcdbdccc447.html

Saint Mary’s College releases ‘The Status of Girls in Indiana 2013’ (September 19, 2013, ICRC Newsroom)

<http://www.in.gov/icrc/2714.htm>

EEOC to hold disability symposium on September 26th (September 19, 2013, EEOC Newsroom)

<http://www.eeoc.gov/eeoc/newsroom/release/9-19-13.cfm>

Elkhart RV company in trouble for alleged civil rights violation (September 18, 2013, WNDU 16)

<http://www.wndu.com/news/headlines/Elkhart-RV-company-in-trouble-for-alleged-civil-rights-violation-224253531.html?ref=531>

Patterson to speak at Indiana NAACP State Convention (September 18, 2013, Frost Illustrated)

<http://www.frostillustrated.com/2013/patterson-to-speak-at-indiana-naacp-state-convention/>

Former Gary Middle College principal files discrimination lawsuit (September 17, 2013, ICRC Newsroom)

<http://www.in.gov/icrc/2713.htm>

ICRC finds probable cause in two gender discrimination complaints (September 16, 2013, ICRC Newsroom)

<http://www.in.gov/icrc/2708.htm>

HUD charges W. Virginia mobile park owners with discrimination for denying accommodation (September 12, 2013, HUD Newsroom)

http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2013/HUDNo.13-138

ICRC to host Equal Employment seminar in Muncie Oct. 25th (September 11, 2013, ICRC Newsroom)

<http://www.in.gov/icrc/2707.htm>

EEOC sues Cordia Senior Living for retaliation (September 11, 2013, EEOC Newsroom)

<http://www.eeoc.gov/eeoc/newsroom/release/9-11-13.cfm>

ICRC, FHCCI and Back Home to host Design and Construction training (September 10, 2013, ICRC Newsroom)

<http://www.in.gov/icrc/2706.htm>

100 Black Men organization honors 10 emerging Indianapolis area leaders (September 8, 2013, Indy Star)

<http://www.indystar.com/apps/pbcs.dll/article?AID=2013309080012>

State Civil Rights Commission to host 'Community Resource Night' in Mishawaka Sept. 19th (September 6, 2013)

<http://www.in.gov/icrc/2705.htm>

EEOC sues JetStream Ground Services at Denver Airport for Religious Discrimination (September 4, 2013)

<http://www.eeoc.gov/eeoc/newsroom/release/9-4-13.cfm>

Zender Family Limited Partnership in Indianapolis charged with housing discrimination (September 3, 2013)

<http://www.in.gov/icrc/2704.htm>

HUD announces additional measures to manage risk in FHA's reverse mortgage program (September 3, 2013)

http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2013/HUDNo.13-136