



Annual Report

Fiscal Year 2012
July 1, 2011-June 30, 2012

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Greetings from the Chairperson

The Indiana Civil Rights Commission's (ICRC) Annual Report for Federal Fiscal Year 2012 reflects the commitment of ICRC employees and the Commissioners concerted effort to ensure that Indiana's citizens are fully aware of their rights and responsibilities under Indiana Civil Rights Law. The ICRC is committed to meeting its mission, and as the Commission's Chairperson, I am proud to endorse the many accomplishments detailed in this year's Annual Report.

In addressing the status of the ICRC, we recognize that the agency has undertaken many important initiatives during the past year and continues to build on these accomplishments. The ICRC enjoys a very positive working relationship with the U.S. Department of Housing and Urban Development (HUD) and the Equal Employment Opportunity Commission (EEOC) sharing their missions of ensuring equal access for all Hoosiers.

Each year hundreds of Hoosiers are victim to discrimination in the areas of employment, housing, public accommodation, credit and education. Through enforcement of the Indiana Civil Rights law and our education and outreach efforts, the ICRC has provided more effective service to Hoosiers than ever before.

Much like the populations we serve, the ICRC Commissioners are a diverse group of individuals comprised of various areas of interest and expertise who are appointed by the Governor. As Commissioners, we take our responsibility seriously; in assisting, monitoring and advising the ICRC's administration. We have a significant role in reviewing cases and holding public meetings.

In FY 2012, the ICRC staff has shown the ability to effectively work with service providers, employers, other state agencies, community as well as faith-based organizations to provide comprehensive services to Hoosiers from all walks of life. The ICRC continues its effort of ensuring all Hoosiers are afforded equal opportunities.

As I celebrate 25 years as an ICRC Commissioner, I am extremely proud of the accomplishments that this group has made during the past year. I want to thank all of the Commissioners and the staff at the ICRC for their deep commitment and support towards serving their fellow Hoosiers.

Sincerely,



Alpha Blackburn, Chairperson
Indiana Civil Rights Commission

Message from the Director

The Indiana Civil Rights Commission's (ICRC) Annual Report for Fiscal Year 2012 identifies our many accomplishments and reflects the positive working relationships with state and federal agencies, service providers, community, faith-based and not-for-profit organizations on providing better awareness and protection under the Indiana Civil Rights law.

As the Executive Director of the ICRC, I am pleased to acknowledge this report and the Commission members. I have had the opportunity to work closely with the Commission members throughout this past year and have thoroughly enjoyed the exchange of ideas and unique skills and strengths that each member brings to the group.

The Commissioner's diverse membership and statewide representation enables them to effectively raise community awareness and energize outreach efforts. It is my sincere hope that this report will provide additional opportunities for Hoosiers to learn about the good work being done by the ICRC Commissioners and staff.

Three primary areas of focus are outlined in the agency's 2010-13 Strategic Plan: (1) equal opportunities for employment, (2) affirmatively furthering fair housing, and (3) equal access to a quality education. These focus areas are supported by three strategic objectives: (1) develop strong community partners statewide, (2) increase the agency's statewide brand recognition, and (3) agency efficiency and measureable customer service.

Through effective implementation by ICRC Commissioners and staff of the outlined strategic objectives I am proud to report many accomplishments during the past year. I also pledge that throughout the coming year I will continue to work closely with ICRC Commissioners and staff, along with community partners as we build on this past year's exchange of ideas and implement the state plan for 2013.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jamal L. Smith', with a stylized flourish at the end.

Jamal L. Smith, Executive Director
Indiana Civil Rights Commission

Mission Statement

The Indiana Civil Rights Commission enforces the Indiana Civil Rights Law 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 Statement

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

Values Statement

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.

Agency Functions

The Indiana Civil Rights Commission (ICRC) enforces the civil rights laws and provides quality education and services to the public in an effort to ensure equal opportunity for all Hoosiers and visitors to the State of Indiana. The civil rights statutes, IC 22-9-1 et. seq. and IC 22-9-5-1 et seq., prohibit discrimination in the areas of employment, real estate (commercial property and residential housing), education, public accommodations and credit on the basis of race, religion, color, sex, disability, national origin, ancestry and, with regard to housing, familial status.

In order to fulfill these functions, the ICRC is comprised of the following units:

I. Commission

The Indiana Civil Rights Commission ("Commission") is a seven-member board appointed by the Governor to four-year terms (see IC 22-9-1-4, 5 & 6). The Commission holds public meetings once per month, 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. The Commission is responsible for reviewing Complainant appeals when No Probable Cause is found after investigation of a Complaint of Discrimination ("Complaint"). The Commission also hears oral arguments on Objections to Proposed Findings of the Administrative Law Judge ("ALJ", who is appointed by the Commission) and issues Final Orders, either accepting, rejecting or amending the ALJ's proposals. The Commission's Final Orders are appealable to the Indiana Court of Appeals.

II. 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 investigation of Complaints and may initiate a Complaint "in order to vindicate the policy of the state." (see 910 IAC 1-2-3(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.

III. 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 ADR and Chief Staff Counsel. The Deputy is also involved in various public outreach and education activities, including membership on a number of external boards and committees.

IV. Intake/Case Management

The Intake/Case Management unit serves two functions. First, the unit is the “first responder” receiving initial inquiries from the public by phone, internet, fax, mail and in-person 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), creation of complaint files, handling of correspondence, issuance of Notices and other clerical duties necessary to the efficient processing of complaints through the agency.

V. Alternative Dispute Resolution (ADR)

The ADR unit is responsible for attempting to facilitate the voluntary resolution of complaints. The mediators are trained in appropriate ADR techniques and serve as neutral, third-party settlement facilitators. Mediators initiate first contact with complainants shortly after a complaint is filed to determine the complainant's interest in resolution. The mediator then contacts respondents to determine interest in such efforts. 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.

VI. 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. The Employment section is responsible for meeting the terms of the agency's contract with the U.S. Equal Employment Opportunity Commission. REPACE is responsible for meeting the terms of the agency's contract with the U.S. Department of Housing and Urban Development.

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.

VII. Legal

The agency's staff attorneys provide legal counsel for the agency's investigators, Executive Director and other staff. The staff attorneys advise on developments in the law and regulations, assist in policy development and legislative recommendations. The primary responsibility of the staff attorney is the prosecution of complaints wherein probable/reasonable cause has been found to believe the Indiana Civil Rights Law or

Fair Housing Act has been violated. This may include advising complainants and/or the Executive Director on the merits of a complaint, engaging in settlement discussions, conducting appropriate discovery (interrogatories, requests for production and depositions), researching relevant legal precedent, drafting pleadings and presenting arguments before the ALJ or state courts.

VIII. Office of the Administrative Law Judge

The ALJ is appointed by the Commission to rule on motions, conduct evidentiary hearings and issue Proposed 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 will not typically consider motions filed prior to the issuance of a Finding of Probable/Reasonable Cause. The ALJ first sets an Initial Pre-Hearing Conference where the parties agree on the issues to be heard and the scheduling of future conferences and hearings. 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 Proposed Findings, which are then considered and either adopted, rejected or amended by the Commission as a Final Order.

IX. Public Education and Outreach (PEO)

The PEO unit carries out all external relations functions of the agency. The PEO 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 PEO unit ensures that the public is aware of their rights and responsibilities described in the Indiana Civil Rights Law and Fair Housing Act.

X. Operations/Finance

The Operations/Finance unit 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 ensuring compliance/fulfillment of grant and other contractual obligations.

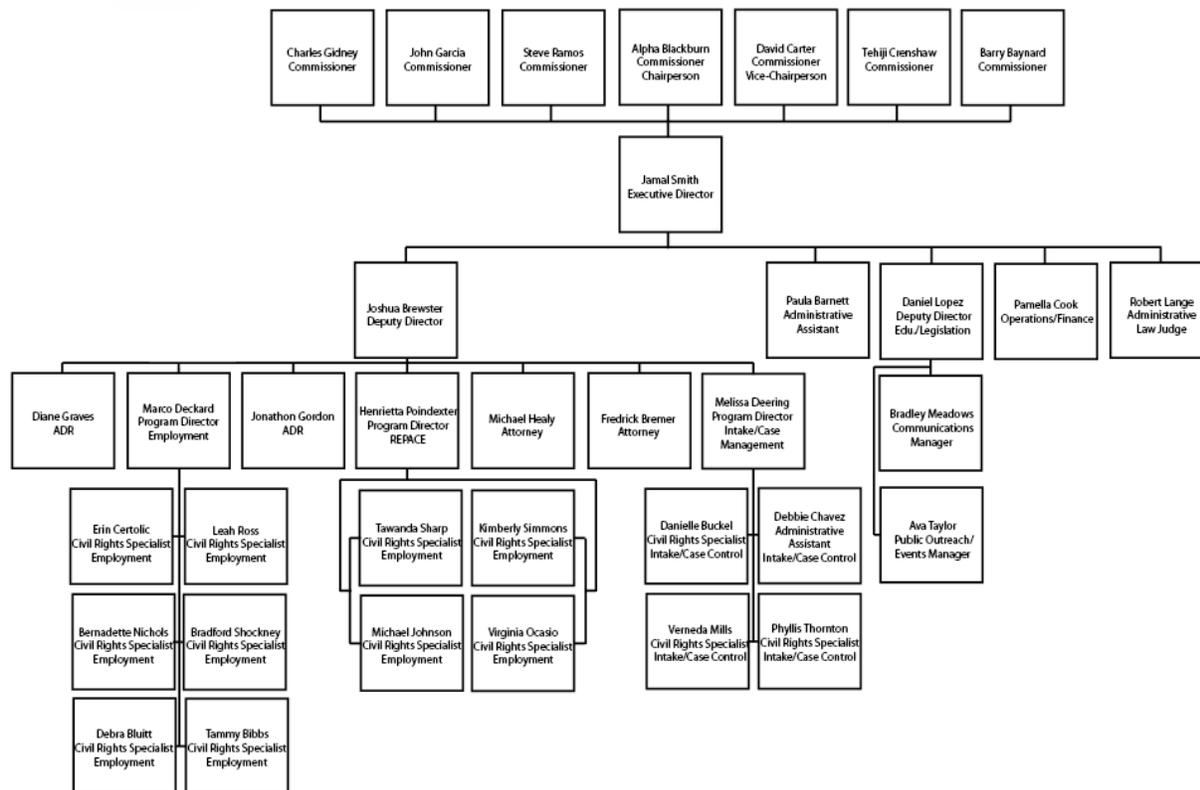
Agency Programs

The Indiana Civil Rights Commission (ICRC) is charged with two major functions: (1) enforcing civil rights laws and (2) providing education and services to the public. The first function involves each of the units listed above (with the exception of the education and public outreach unit). These units work together collectively to accurately resolve civil rights complaints in a timely manner and meet obligations of federal contracts with the U.S. Department of Housing and Urban Development (HUD) and the Equal Employment Opportunity Commission (EEOC).

The second agency function is led by the Education and Public Outreach unit and involves providing education and training to the public. Other agency units provide

support when needed with this function. Major programs for the Education and Public Outreach unit are the Power of Diversity™ Statewide series and the Statewide Continuing Legal Education™ series. These two programs provide comprehensive training to both service providers and legal professionals. In addition to these programs, public meetings, resource fairs, grassroots training efforts and the use of advertising, earned and social media, provide better awareness of ICRC services to the general public.

Organizational Chart (as of June 30, 2012)



Public Meetings

The Commission conducts annual public meetings in which they offer rulings on cases and provide administrative oversight regarding the agency's functions. Below, are public meeting dates during FY 2012.

2011	2012
July 22 nd	January 27 th
August 26 th	February 24 th
September 23 rd	March 23 rd
October 21 st	April 20 th
November 18 th	May 18 th
December 16 th	June 22 nd

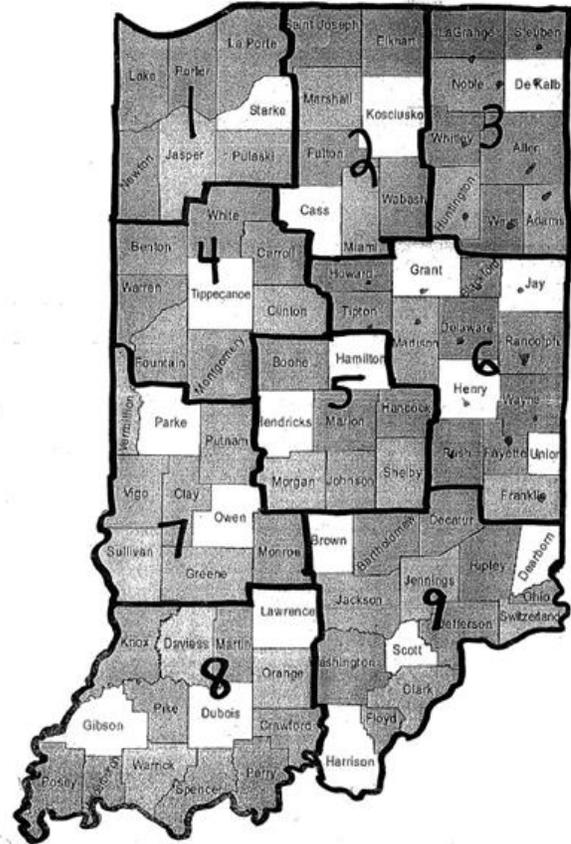
Agency Report

To provide a better snapshot of agency performance and production, a monthly report was developed. Provided below is an overview of the report for FY 2012:

I. Inquiries

This section provides the number of phone, web and/or mail contact from the public (inquiries) that the Indiana Civil Rights Commission received in FY 2012.

Region	Inquiries	Percentage
1	465	12.2
2	333	8.8
3	211	5.6
4	132	3.5
5	1,411	36.9
6	326	8.6
7	199	5.2
8	198	5.2
9	196	5.1
Unknown	341	8.9
Total	3,818	



Indiana Region Map

Region	Counties
1	Jasper, Lake LaPorte, Newton, Porter, Pulaski and Starke
2	St. Joseph, Elkhart, Marshall, Fulton, Kosciusko, Wabash, Cass and Miami
3	LaGrange, Steuben, Noble, DeKalb, Whitley, Allen, Huntington, Wells and Adams
4	White, Benton, Warren, Tippecanoe, Carroll, Clinton, Fountain and Montgomery
5	Boone, Hamilton, Hendricks, Marion, Hancock, Morgan, Johnson, and Shelby
6	Howard, Grant, Blackford, Jay, Tipton, Madison, Delaware, Randolph, Henry, Wayne, Rush, Fayette, Union and Franklin
7	Vermillion, Parke, Putnam, Vigo, Clay, Owen, Sullivan, Greene and Monroe
8	Knox, Daviess, Martin, Lawrence, Gibson, Pike, Dubois, Orange, Crawford, Posey, Vanderburgh, Warrick, Spencer and Perry
9	Brown, Bartholomew, Clark, Dearborn, Decatur, Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings, Ohio, Ripley, Scott, Switzerland and Washington
Unknown	Location of the inquiry cannot be identified

II. Complaints

This section provides the number of jurisdictional complaints drafted and mailed (formalized) by the Indiana Civil Rights Commission in FY 2012.

Complaints Drafted	896
Complaints Formalized	1,033
Transferred from EEOC	114
Transferred from HUD	32

III. Investigation

The investigation section shows the overall age of cases currently being investigated by the agency. Cases over 100 days in Housing or 180 days in all other cases are considered "aged".

Percentage of Aged Cases (as of June 30, 2012)	
Employment	27%
Housing	0%
Public Accommodation	13%
Credit	0%
Education	25%
Total	23%
Open Cases by Area (as of June 30, 2012)	
Employment	449
Housing	41
Public Accommodation	62
Credit	0
Education	27
Total	579

Public Education and Outreach Report

Provided below is a summary of the Public Outreach and Education activities for FY12. In addition to these events, the Indiana Civil Rights Commission participated in dozens of public events and resources fairs throughout the state, implemented social media (Facebook and YouTube), and developed dozens of radio and TV public service announcements.

I. Events

Provided below is an overview of events, workshops and training seminars conducted by the Indiana Civil Rights Commission in FY 2012.

Program	Attendance	Evaluation*
Power of Diversity™ Statewide Series	984	4.26
Statewide Continuing Legal Education Program	275	4.23
Dr. King Holiday Celebration and Youth Summit	389	4.25
Holocaust Observance and Youth Summit	402	4.46
Total	2,050	4.29

*Based on participant surveys of "program quality" with 1=poor and 5=outstanding.

Evaluation of FY 2012 Strategic Objectives

The goals and priorities as outlined below were developed by ICRC executive staff and approved by ICRC Commissioners in the 2010-13 Strategic Plan.

I. Main Objective:

Eliminate the existence of discrimination and improve the condition of civil rights

In 1961, the Indiana Civil Rights Commission (ICRC) was formed to eliminate illegal discrimination in the workplace. Since its inception, real estate, education, public accommodation and credit have been added to employment as enforcement areas. Eliminating the existence of discrimination and improving the statewide condition of civil rights in order to build a continuing commitment to equality is the task and fundamental objective of the Indiana Civil Rights Commission. To achieve this goal, the ICRC seeks to (1) establish formal working relationships with strategic partners throughout the state, (2) continue to increase the agency's statewide brand recognition via targeted outreach efforts and direct messaging, and (3) create and maintain a level of agency efficiency and customer service that supports the ICRC strategic objective.

Establishing community partnerships can be invaluable in assisting a community to take the resources available and make them stretch further. Identifying viable partners within the community will allow the Indiana Civil Rights Commission to provide regular, continued support, education and training to residents throughout the state without duplicating resources. This is done through developing a statewide system of communication and information sharing that effectively channels access to services to those most in need, while relying on local support to help facilitate programming and drive community support. Correspondingly, it is as equally important to establish relationships and collaborate with government agencies – federal, state, and local – so as to not duplicate any resources or over extend community partnerships. Maintaining the theme of our three primary focus areas, the Indiana Civil Rights Commission will strategically align itself with the Indiana Housing and Community Development Authority, the US Equal Employment Opportunity Commission, the US Dept of Housing & Urban Development, the Indiana Department of Education, etc. to leverage existing relationships and resources in a shared effort to enforce state and local anti-discrimination laws.

Strategic Objective #1: Develop strong community partners statewide

Measure: The ICRC will establish a minimum of (2) two formalized working agreements in each of our targeted areas and strive to develop partnerships in non-target areas with community partners.

FY 2012 Outcome:

- Developed more than 40 community partners spanning each of the state's nine geographic regions utilized by the agency
- Developed written agreements with six (6) human relations commissions statewide

Strategic Objective #2: Increase the agency's statewide brand recognition

Measure: To achieve an improvement of 60% on overall agency brand recognition and 25% in overall perception of the state of civil rights in the State of Indiana on post-surveying as compared to pre-surveying.

FY 2012 Outcome:

- Developed a new logo and training materials as well as streamlined agency website
- Implemented the use social media platforms and various surveying techniques
- Compiled a database of constituents
- Integrated earned and paid media into the agency's outreach efforts
- Developed radio, print and television public service announcements (PSA's)
- Developed two training programs: Power of Diversity™ Statewide Series and the Statewide Continuing Legal Education™ Series
- Developed a statewide perception survey and collected over 1,800 responses

Strategic Objective #3: Improve agency efficiency and measureable customer service

Measure: Improve case processing time and satisfaction with investigation. Maintain an "aged" caseload of no more than 15%. Ensure that at least 85% of our customers are satisfied with the process.

FY 2012 Outcome:

- Developed measures to accurately gage agency performance
- Refined metrics determining individual and unit performance
- Created a Monthly Agency Report that tracks overall agency performance
- Instituted annual customer service and leadership training for all ICRC staff
- Implemented a Statewide Perception Survey

Key Performance Indicators and Program Measures

State agencies, and organizations alike, measure Key Performance Indicators, or KPI's, and Program Measures, PM's, to help define and measure those things that drive success. Working closely with the Indiana Department of Administration (IDOA), the following KPI's and PM's were established:

Key Performance Indicator #1:

Percent of cases resolved through mediation: (Goal= >25%)

Year	Quarter	Result
2011	3	4%
2011	4	19%
2012	1	12%
2012	2	14%

Key Performance Indicator #2:

Percent of complainant appeals overturned or remanded for more information by the Indiana Civil Rights Commission (Goal = 0%)

Year	Quarter	Result
2011	3	2%
2011	4	5%
2012	1	0%
2012	2	1%

Performance Measure #1:

Increase youth summit participation by 10% to increase to 330 students in attendance (Goal = >330)

Year	Event	Attendance
2012	Dr. King Indiana Holiday Celebration and Youth Summit	389
2012	Holocaust Observance and Youth Summit	402

Performance Measure #2:

Number of participants at ICRC Continuing Legal Education Workshops (Goal = >150)

Year	Event	Attendance
2012	Statewide Continuing Legal Education Program	238

Performance Measure #3:

Number of equal employment contract closures (Goal = >275)

Year	Program	Closures
2012	Equal Employment Opportunity Commission (EEOC)	336

Performance Measure #4:

Number of housing contract closures (Goal = >110)

Year	Program	Closures
2012	U.S. Department of Housing and Urban Development (HUD)	130

Statewide Perception Survey Findings

As part of the Indiana Civil Rights Commission's FY2010-13 Strategic Plan, a survey was distributed statewide to determine both the prevalence and perception of discrimination in Indiana amid the growing cultural diversity. Provided below are key findings from the survey of 912 adults in 67 cities in towns in Indiana:

Hoosiers say they face discrimination in the 21st Century

More than half of the respondents polled in the survey (58%) indicated they have faced a form of discrimination in their lifetime. On the surface this is an alarming statistic, however, it is important to note that just because a person indicated they have faced discrimination does not mean they actually faced illegal discrimination.

Hoosiers identify discrimination as an area of concern throughout the state

More than 90% (90.9%) of the respondents polled in the survey agreed that discrimination remains a problem in Indiana. Just less than 90% (88.5%) of respondents agreed that discrimination remains a problem in their own community.

The public knows who to contact if they face discrimination

Just less than 80% (79.6%) of the respondents polled indicated they would contact a local or state civil rights commission if they were discriminated against. The remaining respondents (20.4%) indicated they would contact either local or state government, local law enforcement agency or were unsure who to contact.

The public has very little knowledge of state and federal civil rights laws

Less than 20% (17.0%) of respondents clearly understand their protections under state and federal civil rights laws. However, more than 50% of respondents (56.8%) indicated they had a decent understanding of their rights. More than one-fourth of respondents (26.2%) indicated they had very little or no understanding of the state and federal laws that protect their civil rights.

The public has little understanding of the Indiana Civil Rights Commission's services

Just more than 10% (11.1%) of respondents clearly understand what the Indiana Civil Rights Commission does and the services provided. The largest amount of respondents (44.0%) indicated they had a basic understanding of what the Civil Rights Commission does, but were unaware of the enforcement powers and investigation process. The remaining respondents (44.8%) had only heard of the Indiana Civil Rights Commission but had no knowledge of the services provided.

Conclusion

In addressing our success, we recognize the importance of building on these accomplishments and continuing the process laid out in the 2010-13 Strategic Plan. As the ICRC looks to the future, its Commissioners and staff will work with partners throughout the state and review the ICRC's goals and priorities. During FY 2013, the ICRC will continue to focus attention on the strategic objectives outlined above and look forward to adjusting Key Performance Indicators (KPI'S) and Program Measures (PM's) to more accurately reflect the agency's performance.

In fiscal year 2013, under the formation of law HEA 1002 which went into effect on July 1, 2012, the Indiana Civil Rights Commission will provide administrative support for the following Commissions:

Dr. Martin Luther King, Jr. Indiana Holiday Commission (MLKIHC)

The Dr. Martin Luther King, Jr. Indiana Holiday Commission was created by Indiana Code 4-23-24.1 to commemorate the birthday of Dr. Martin Luther King, Jr. and promote activities, dates and projects throughout the state.

Indiana Commission for Women (ICW)

The Indiana Commission for Women (ICW) works 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 solutions.

Indiana Commission on the Social Status of Black Males (ICSSBM)

The Indiana Commission on the Social Status of Black Males (ICSSBM) studies the social conditions of the state's black male population develops strategies to remedy or assist in remedying serious adversities, and make recommendations to improve the educational, social, economic, employment, and other circumstances for Hoosiers.

Indiana Commission on Hispanic/Latino Affairs (ICHLA)

The Indiana Commission on Hispanic/Latino Affairs (ICHLA) is a 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 as well as researches challenges and opportunities affecting the Latino community.

Native American/Indian Affairs Commission (NAIAC)

The Indiana Native American/Indian Affairs Commission studies and makes recommendations to appropriate federal, state and local governmental agencies in areas of concern to our state's native and nonnative people and communities.



Indiana Civil Rights Commission

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