

Indiana Civil Rights Commission  
**AGENCY MONTHLY REPORT**  
FEBRUARY 2012



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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											<b>671</b>
Number of Complaints Drafted	61	69											<b>130</b>
% of inquiries drafted	20%	19%											<b>20%</b>
Employment	43	54											<b>97</b>
Real Estate	6	4											<b>10</b>
Public Accommodation	2	4											<b>6</b>
Credit	0	0											<b>0</b>
Education	3	2											<b>5</b>
Unknown	7	5											<b>12</b>
Number of Complaints Formalized	85	84											<b>169</b>
Employment	75	67											<b>142</b>
Transferred from EEOC*	23	17											<b>40</b>
Real Estate	4	8											<b>12</b>
Transferred from HUD**	1	2											<b>3</b>
Public Accommodation	6	4											<b>10</b>
Credit	0	0											<b>0</b>
Education	0	5											<b>5</b>

\*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 2011	Feb 2011	Mar 2011	Apr 2011	May 2011	June 2011	July 2011	Aug 2011	Sept 2011	Oct 2011	Nov 2011	Dec 2011	Year to Date
Total Number of Inquiries by Region	305	366											671
<b>Region 1</b>	40	51											91
<b>Region 2</b>	22	36											58
<b>Region 3</b>	11	13											24
<b>Region 4</b>	7	11											18
<b>Region 5</b>	132	146											278
<b>Region 6</b>	26	37											63
<b>Region 7</b>	18	12											30
<b>Region 8</b>	18	19											37
<b>Region 9</b>	17	19											36
<b>Unknown</b>	14	22											36

**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.



# 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 2011	Feb 2011	Mar 2011	Apr 2011	May 2011	June 2011	July 2011	Aug 2011	Sept 2011	Oct 2011	Nov 2011	Dec 2011	Year to Date
Probable/Reasonable Cause Findings	12	2											14
Employment	9	2											11
Real Estate	3	0											3
Public Accommodation	0	0											0
Education	0	0											0
Credit	0	0											0
Active Cases	45	48											
Employment	24	28											
Real Estate	9	9											
Public Accommodation	6	6											
Education	6	5											
Credit	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.

**Jamari Jones v. Bob Evans** is an employment case based on race. Complainant alleged that Respondent terminated him because he allegedly violated a company policy.

**Nikolaus Nowak v. U.S. Security Associates, Inc.** is an employment case based on sex. Complainant alleged that Respondent terminated him because of a necessary reduction in force.

## Final Orders

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

N/A

## 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:

**Housing Authority faces board for first time after sex harassment allegations** (January 26, 2012)

<http://www.abc57.com/home/top-stories/abc-138178194.html>

The investigation into the South Bend Housing Authority's ongoing sexual harassment allegations continues to raise concerns. For several weeks, the board members have been meeting behind closed doors to discuss what to do next. Several employees have asked that Executive Director Marva Leonard-Dent be fired or, at the very least, be put on leave during the investigation. **One of the alleging parties has filed a claim with our agency regarding this matter. It is currently being investigated in our Employment Unit. To this point there has been no mention of our agency in the news. However, this case has generated a lot of media interest.**

**HUD Secretary Donovan Announces New Regulations to ensure equal access to housing for all Americans regardless of sexual orientation or gender identity** (January 30, 2012)

[http://portal.hud.gov/hudportal/HUD?src=/press/press\\_releases\\_media\\_advisories/2012/HUDNo.12-014](http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2012/HUDNo.12-014)

U.S. Housing and Urban Development (HUD) Secretary Shaun Donovan announced today new regulations intended to ensure that HUD's core housing programs are open to all eligible persons, regardless of sexual orientation or gender identity. The "**Final Rule**" as it is being called requires owners and operators of HUD-assisted housing, or housing whose financing is insured by HUD, to make housing available without regard to the sexual orientation or gender identity of an applicant.

**Utah senator introducing bill to prohibit discrimination based on sexual orientation** (February 1, 2012)

<http://www.therepublic.com/view/story/81fd0a6ee53b4aeeaf9cd038b371f7a7/UT-XGR--Nondiscrimination-Ordinance/>

A Utah senator is sponsoring legislation prohibiting discrimination because of a person's sexual orientation, political views or gender identity. Republican lawmakers oppose the bill because they would prefer cities and counties pass their own local laws. There is also a concern that extending special protections to gays and lesbians would potentially threaten the state's constitutional ban on gay marriage.

Million dollar discrimination suits continue nationwide..The professional baseball team in our nation's capital legally discriminates against Phillies fans..A police officer is transferred because of his weight...Title IX and other anti-discrimination laws are being further examined with regard to scheduling of high school basketball games in Indiana..and The Indiana Department of Labor has fledged an investigation into temporary workers used by Lucas Oil Stadium on and around the Super Bowl..

Another notable issue being talked about continues to be protections for the lesbian, gay and LGBT populations..

**Menards ends discrimination claim for \$1 million (2/8/2012)**

<http://www.chicagotribune.com/news/chi-ap-wi-menards-discrimin,0,1571960.story>

The Menards home improvement chain has agreed to settle a race discrimination case for \$1 million. The settlement compensates hundreds of managers and assistant managers who say they were passed over for promotions because of their race.

**Nats OK to Discriminate Against Phillies Fans (2/7/2012)**

[http://www.myfoxphilly.com/dpp/news/local\\_news/nats-ok-to-discriminate-against-phillies-fans](http://www.myfoxphilly.com/dpp/news/local_news/nats-ok-to-discriminate-against-phillies-fans)

Fox 29 legal expert Amy Feldman rules on the Washington Nationals decision to discriminate against visiting Phillies fans legal. As we know, illegal discrimination pertains to our protected classes (race, color, religion, disability, etc.) and not geography. Meaning it is legal to discriminate in this instance under civil rights laws.

**Former police officer cites perceived obesity in discrimination case (2/7/2012)**

<http://www.royalgazette.com/article/20120207/NEWS/702079934/0>

A former police officer who claims he was discriminated against because of his perceived obesity, may see his case go before a Human Rights tribunal. His lawyer claims that he was transferred because he was “visibly obese” and believed he sweated “profusely”. His lawyer later contended that he was discriminated against as a result of a perceived disability.

**Indiana lawsuit over scheduling of girls basketball can proceed to trial, federal court says (2/1/2012)**

<http://www.therepublic.com/view/story/6f40937707384911811e21916ccc8118/IN--Girls-Basketball-Lawsuit/>

A federal appeals court says a judge should not have dismissed a lawsuit over the scheduling of high school boys and girls basketball games in Indiana. The lawsuit claims the schedules discriminate against girls because their games are generally scheduled on school nights while most boys games are scheduled on weekends.

**Undercover video, internal docs expose worker concerns at Lucas Oil Stadium (1/31/2012)**

<http://www.wthr.com/story/16646500/undercover-video-internal-docs-expose-worker-concerns-at-lucas-oil-stadium>

The Indiana Department of Labor has launched an investigation after WTHR uncovered serious questions about a company that is providing hundreds of workers for the Super Bowl. More than 60 complaints were submitted stating they hadn't received their paychecks, or they have come up short. There are also claims of racism, stating that certain workers are assigned to certain jobs based on their race and nationality.

#### **HUD Awards \$7.5 Million to Fight Housing Discrimination**

[http://portal.hud.gov/hudportal/HUD?src=/press/press\\_releases\\_media\\_advisories/2012/HUDNo.12-024](http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2012/HUDNo.12-024)

The Indiana Civil Rights Commission received a grant for \$250,000.00 to be used for Fair Housing radio and TV advertising targeted at hard to reach populations throughout the state.

#### **Dangerous ruling in home-school battle**

<http://www.onenewsnow.com/Legal/Default.aspx?id=1529274>

Information regarding this case hasn't hit the media, nor do we have plans to release information regarding this case publicly. This is just a legal blog.

#### **Indiana Apartment Association, Hammond reach deal in discrimination lawsuit**

[http://www.nwitimes.com/news/local/lake/hammond/indiana-apartment-association-hammond-reach-deal-in-discrimination-lawsuit/article\\_c6161f94-0a65-5d9c-ae77-774ca29939dc.html](http://www.nwitimes.com/news/local/lake/hammond/indiana-apartment-association-hammond-reach-deal-in-discrimination-lawsuit/article_c6161f94-0a65-5d9c-ae77-774ca29939dc.html)

The Indiana Apartment Association sued the City of Hammond claiming they discriminated against out-of-state and nonlocal apartment owners by charging them a heftier fee than owners who live within city limits. (Ava, the Indiana Apartment Association looks like a group we should reach out to. They are a "statewide trade organization serving the owners and management companies of nearly 200,000 multifamily housing units in Indiana" website:

<http://www.iaaonline.net/>).

#### **Leaving 'No Child' law: Obama lets 10 states flee**

<http://www.lasvegassun.com/news/2012/feb/15/us-no-child-left-behind/>

Indiana is one of 10 states for which President Barack Obama freed from some of the 'No Child Left Behind' requirements. Indiana, and the other states, had to commit to their own federally approved plans but now have the ability to judge students with methods other than test scores. They also will be able to factor in subjects beyond just reading and math, the major focal point of 'No Child Left Behind.'

#### **Movement to ban jobless discrimination gaining steam (2/22/12)**

<http://www.miamiherald.com/2012/02/21/2653472/push-to-ban-jobless-bias-gains.html>

[http://www.cbsnews.com/8301-504803\\_162-57380914-10391709/discrimination-against-the-unemployed/](http://www.cbsnews.com/8301-504803_162-57380914-10391709/discrimination-against-the-unemployed/)



The article talks about individual states pushing to put protections in place for those people who have been unemployed long term in the recruitment process. It is a relevant issue due to the high unemployment rate and some job postings requiring that applicants “must be currently employed.”

#### **Ready Mix to Pay \$400,000 to Settle EEOC Racial Harassment Lawsuit (2/21/12)**

<http://www.eeoc.gov/eeoc/newsroom/release/2-21-12.cfm>

Ready Mix USA, a major cement and concrete products company, will pay \$400,000 and furnish other relief to settle a lawsuit for racial harassment filed by the EEOC. The EEOC said that a noose was displayed at the worksite, that derogatory racial language, including references to the Ku Klux Klan, was used by a direct supervisor and manager and that race-based name calling occurred.

#### **ESPN Jeremy Lin Headline: Civil Rights Organization Demands More Than Apology (2/19/12)**

[http://www.huffingtonpost.com/2012/02/19/espn-apologizes-for-racis\\_n\\_1287503.html](http://www.huffingtonpost.com/2012/02/19/espn-apologizes-for-racis_n_1287503.html)

ESPN has fired the employee responsible for the offensive headline “Chink in the Armor” when making reference to New York Knicks guard Jeremy Lin. This is one day after the owner of the Knicks aired an offensive image of Lin coming out of a fortune cookie. ESPN also suspended the anchor who used the offensive phrase, the Associated Press reports.

#### **Indiana Civil Rights Commission’s Facebook Page**

<http://www.facebook.com/pages/Indiana-Civil-Rights-Commission/371851769496631>

I encourage each of you (if you haven’t already) to “like us” and share the links posted on our Facebook page to your friends/contacts. We want as much traffic as possible! For those who do not have a Facebook account you can still check out the page by clicking on the link above. There is a lot of interesting articles, pictures, videos and trivia questions on the page.

#### **Honoring Local Figures in Black History: Beatrice “Tommie” Holland (February 8, 2012—pal-item.com)**

<http://www.pal-item.com/article/20120209/NEWS01/202090315/Honoring-Local-Figures-Black-History-Beatrice-Tommie-Holland>

A great article released earlier this month about Beatrice “Tommie” Holland who was Richmond Community Schools’ first African American teacher. A graduate of Ball State University, she was hired by Richmond Schools in 1960. She went on to lead the Wayne County Action Program and then the Indiana Civil Rights Commission. **She was the first African American woman to be the head of the Indiana Civil Rights Commission, doing so from 1973-1977.**