

Indiana Civil Rights Commission Annual Report Calendar Year

January 1 - December 31, 2017



TABLE OF CONTENTS

Mission, Vision, and Values Statement.....	1
Meet the Commissioners.....	2
Message from Governor Eric J. Holcomb.....	3
Message from the Executive Director.....	4
Agency History.....	5
Agency Functions.....	6-8
Organizational Chart.....	9-10
Agency by the Numbers.....	11
Region Statistics.....	12
Social Media Stats.....	13
Enforcement.....	14
Intake.....	15-16
Investigation.....	17
Alternative Dispute Resolution.....	18
Legal Unit.....	19-20
Office of the ALJ.....	21-22
External Affairs.....	23-26
State Cultural Commissions.....	27-30
Looking Forward to ICRC's 55 th Year.....	31



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.

Indiana Civil Rights Commission Commissioners



Sheryl Edwards
Commissioner
Appointed March 2016
Fort Wayne, Indiana



Alpha Blackburn
Chairperson
Appointed March 1987
Indianapolis, Indiana



Steven Ramos
Vice Chair
Appointed August 2005
McCordsville, Indiana



Adrienne Slash
Commissioner
Appointed August 2017
Indianapolis, IN



James Jackson
Commissioner
Appointed December 2017
Indianapolis, Indiana



Weilin Long
Commissioner
Appointed August 2017
Carmel, Indiana



2017

Message from Governor Eric J. Holcomb



Looking back on 2017 our administration has been able to make significant headway in increasing efficiencies and services to the people of Indiana and the Indiana Civil Rights Commission (ICRC) is no exception. Under the leadership of Executive Director, Greg Wilson, the agency has proven to be an asset for Hoosiers and making great strides toward the mission of eradicating discrimination.

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 emphasizes building up relationships and enhancing their reach statewide. By prioritizing their staffing, streamlining processes and engaging outreach resources and strategies, the Indiana Civil Rights Commission is one of many state agencies leading the way to the Next Level.

Sincerely,

A handwritten signature in black ink that reads "Eric J. Holcomb". The signature is written in a cursive, slightly stylized font.

Governor Eric J. Holcomb

Message from the Executive Director



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 has a commitment to providing quality customer service to the people of Indiana with the utmost efficiency. To accomplish these tasks with new leadership, new staff and a new vision, it took collaboration and dedication to examine our internal processes.

The Indiana Civil Rights Commission's Annual Report for the 2017 Calendar Year acknowledges our agency's 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.

Each year hundreds of Hoosiers are victim to discrimination in the areas of employment, housing, public accommodations, credit and education. Through enforcement of the Indiana Civil Rights Law and our education and outreach efforts, the ICRC cultivated key relationships with other human relations organizations to ensure statewide service. Working with the a new leadership team we were able to prioritized filling the essential positons and making sure that we sought out training to equip our team with all the resources needed to fulfill daily job duties.

I am proud of the accomplishments exhibited in the Annual Report for the 2017 Calendar Year by working with our passionate staff, new and seasoned Commissioners and partners around the state. I look forward to building on these accomplishments and increasing our efforts in our milestone 55th year in 2018.

Sincerely,

A handwritten signature in black ink that reads "Gregory L. Wilson Sr." The signature is written in a cursive, flowing style.

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, which stated that 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 which 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 which "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 which 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 as federal law in the area of employment of people with disabilities



Governor Matthew E. Welsh signs the 1963 Indiana Civil Rights Bill (S.131)
Photo credit: Indiana Historical Society Digital Image Collections

Agency Functions

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.

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.

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 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.

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.

Alternative Dispute Resolution (ADR)

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. 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.

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 partnership with the U.S. Equal Employment Opportunity Commission. REPACE is responsible for meeting the terms of the agency's partnership 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.

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.

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.

Public Education and Outreach (PEO)

The Public Education and Outreach (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 the rights and responsibilities described in the Indiana Civil Rights Law and Fair Housing Act and further aware of the functions of the Indiana Civil Rights Commission in promoting equality and enforcing the law.

Chief Financial Officer (CFO)

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. This unit is also responsible for occasional grant writing and ensuring compliance/fulfillment of grant and other contractual obligations.

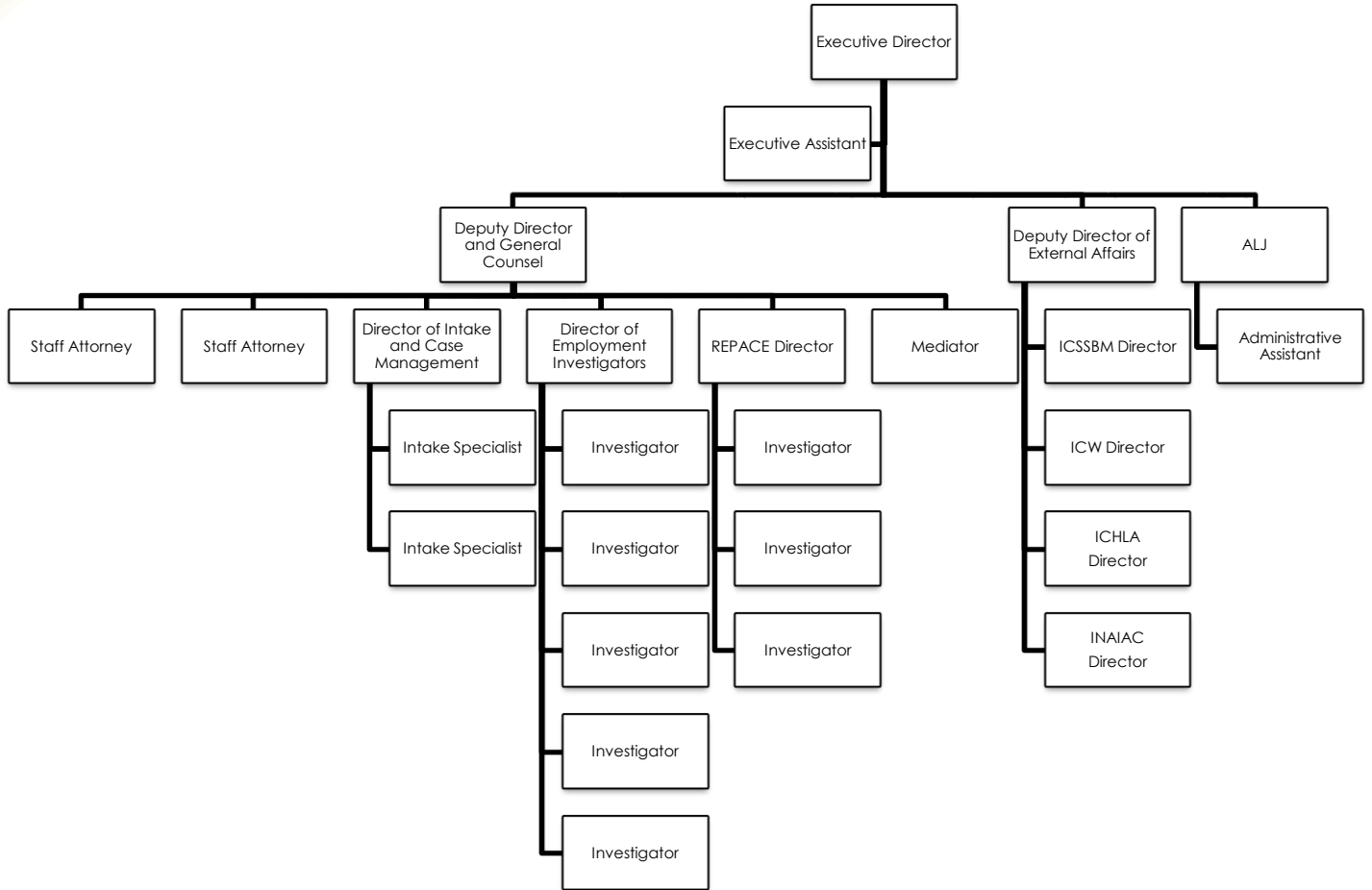
Agency Programs

The Indiana Civil Rights Commission (ICRC) is charged with two major functions: (1) enforcing the Indiana Civil Rights Law 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 our work share agreements with the U.S. Department of Housing and Urban Development and the Equal Employment Opportunity Commission.

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.

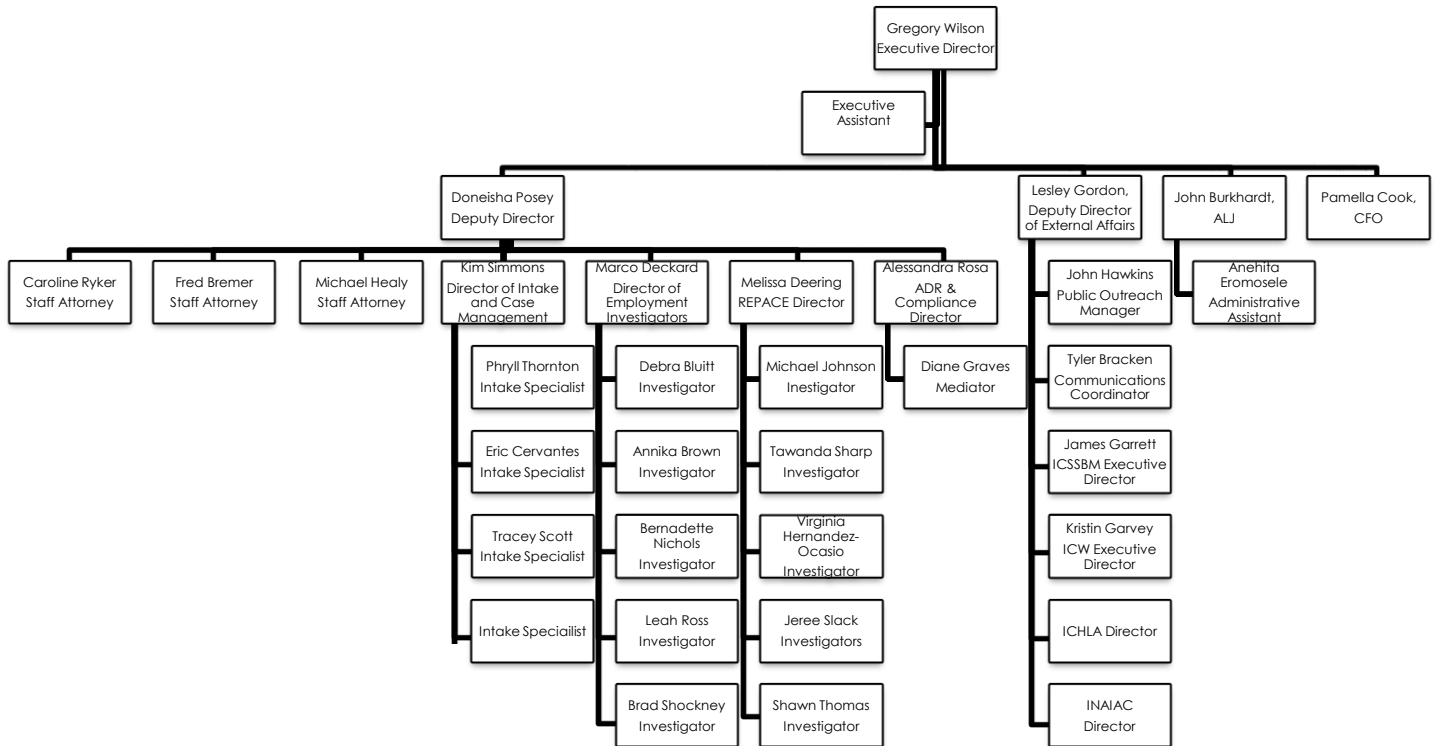
Organizational Chart

Beginning of 2017



Organizational Chart

End of 2017



The end of 2017 brought many staffing changes that allowed leadership to prioritize filling essential positions that were vacant in the agency. The organizational charts pictures show the transformation in staffing over the year.

Agency by the Numbers

12
TOTAL NEW
STAFF MEMBERS

854
TOTAL DRAFTED
COMPLAINTS

OVER
200K
CASE REVENUE
EARNED

STAFF MEMBERS

PROBABLE/REASONABLE CAUSES NO PROBABLE/REASONABLE CAUSE

35

77

587

PUBLIC OUTREACH EVENTS

COMPLAINTS FILED

MONETARY SETTLEMENT TOTAL

31

575

\$237,387.60

80 CASES ASSIGNED TO LEGAL
& CASES ASSIGNED TO THE ALJ

OFFICE
OF ALJ
STATS

69

NEW
CASES
IN 2017

54

APPEAL
DECISIONS

23

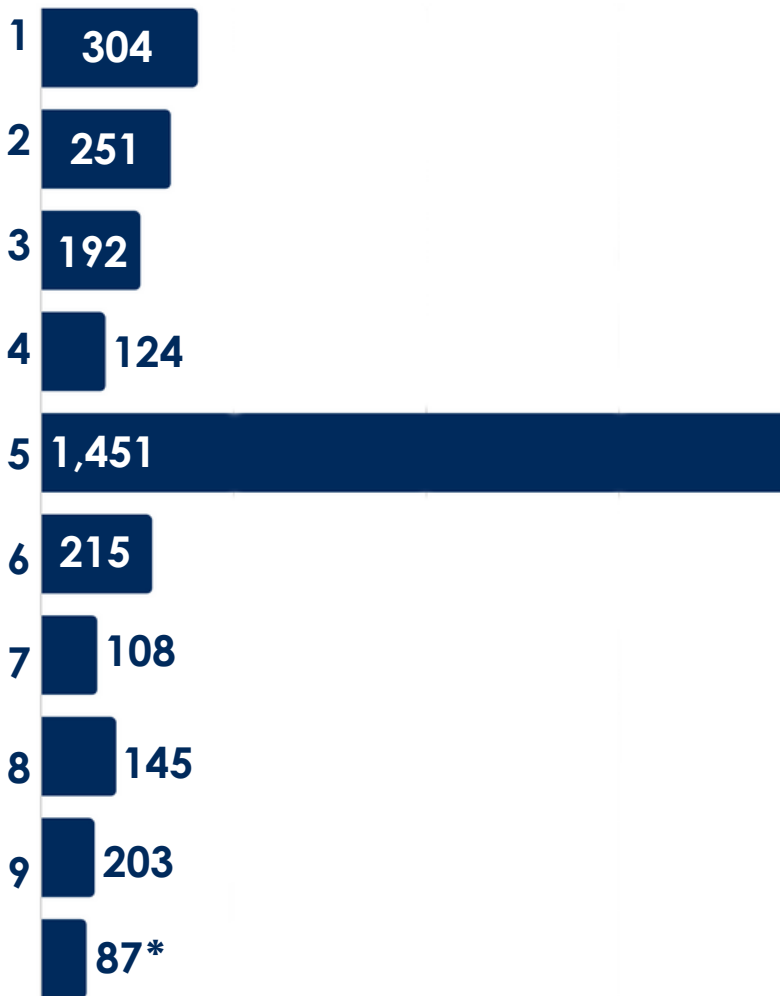
FINAL
ORDERS



2017

2,874 Inquiries

In 2017, there were a total of 2,874 inquiries. 1,451 or 47.2% of inquiries came from Region 5, which encompasses Indianapolis and surrounding counties. Following Region 5, the region with the second most inquiries is Region 1 with 304 inquiries, or around 10% of total inquiries for 2017. Region 1 is located in the northwest corner of Indiana, encompassing Gary, Schererville, Dyer, and East Chicago. Following Regions 5 and 1 in number of inquiries for 2017 are: Region 2, Region 6, Region 9, Region 3, Region 8, Region 4, and Region 7.



*Unknown locations and/or inquiries made outside of the State of Indiana

Social Media Stats

FACEBOOK

3,207 LIKES
3,166 FOLLOWS

TWITTER

33,633 TWEET IMPRESSIONS
2,948 FOLLOWS

YOUTUBE

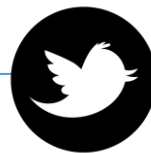
17,333 VIEWS
186 VIDEOS

6,114

followers across all accounts

3

social media
channels used
in 2017



4.4K

top post reach and
engagement on
Facebook

2017



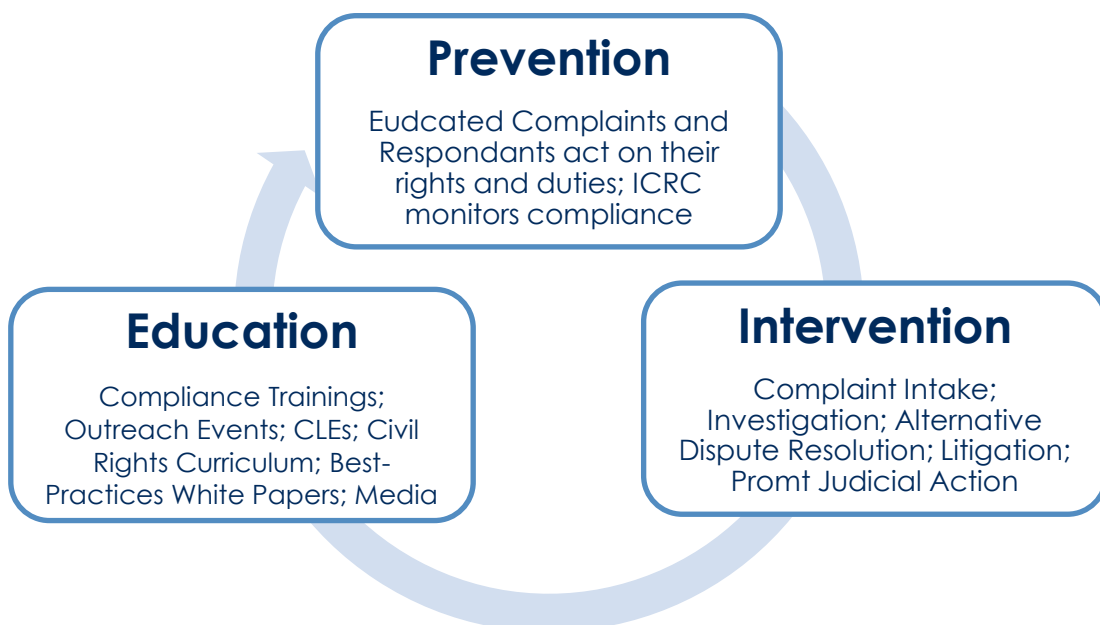
Doneisha Posey, Esq.
Deputy Director and General Counsel

In 2017, ICRC's Enforcement team, led by Deputy Director and General Counsel Doneisha Posey, introduced a number of significant initiatives focused on strengthening the foundation of the agency and improving internal operations. Under Doneisha Posey's leadership, the number of cases closed exceeded those filed.

- The agency exceeded its contractual obligation with the Equal Employment Opportunity Commission (EEOC) of employment discrimination cases processed for an additional \$210,000 in revenue for the 2016-2017 fiscal year.
- The agency consolidated the Alternative Dispute Resolution (ADR) and Compliance units to streamline efforts and promote efficiency as well as accountability.
- The agency implemented new Standard Operating Procedures within each team as guidance to staff to improve overall operations.

These operational improvements helped staff to focus on reducing the agency's backlog of aged complaints and resulted in the agency exceeding the goals for case closures set out in federal contracts with HUD and the EEOC.

The ICRC Enforcement team is responsible for receiving and investigating complaints of discrimination and making recommendations of Probable or No Probable Cause to the Deputy Director. Further, the Enforcement Division, with its ADR unit, facilitates settlement discussions throughout the investigative process and again in post-cause findings. At the conclusion of the 2017 year, Enforcement was comprised of the Deputy Director and General Counsel, four program directors, 4 intake specialists, 10 investigators, 3 staff attorneys, and 1 mediator.



The Intake Unit, under Kimberly Simmons, serves as the gatekeeper for the Commission. When an individual feels that he or she has been subjected to discrimination, they may contact the Commission to file a complaint. All services are free of charge and complaints can be filed via the website, telephone, in person, mail, email or fax. The Commission also has the power to start Director-Initiated investigations in employment, housing, education, public accommodations, and credit. It is the responsibility of the Intake staff to process all of the new inquiries.

Complaints must be based on the belief that they were subjected to discrimination based on their protected class. In accordance with the Indiana Civil Rights Laws found in Indiana Code 22-9, the protected classes are race, color, sex, religion, national origin, ancestry, familial status, disability, veteran status, or in retaliation for having participated in a protected activity, such as reporting discrimination or filing a previous charge of discrimination.

Complaints must be filed within six months (or one year for housing complaints) of the alleged act of discrimination. The ICRC has 180 days (or 100 days for housing complaints) from the date on which the charge of discrimination was filed to complete the investigation.

The Intake team worked hard all year in order to respond to and process all new inquiries. 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 our database systems. Intake ensures that all case closure documents are submitted to our federal partners, EEOC and HUD. In 2017, we also saw changes in the process and operations within the Intake unit to improve efficiency. Intake began the year with only two (2) full time staff members in addition to the Intake Supervisor. However, the Intake team has grown and two new team members were hired in October 2017 and we ended the year with four full time employees. The team responded to 2874 new inquiries and drafted 854 new complaints to increase the overall agency inventory.

The Deputy Director instituted a new internship program in 2017 which resulted in 9 undergraduate and law student interns assisting in real work at the ICRC. Interns gained practical experience by drafting complaints, assisting attorneys with trial preparation, drafting legal memos for the ALJ, among many other tasks. The ICRC staff would like to recognize and thank our amazing 2017 interns:

Caroline Ryker
Caitlin Jared
Jessica Harris
Erika Bryant
Helga Davila
Kristen Coffey
Dountonia Batts
Chris Forte
Kourtney Kinchen

Intake by the Numbers

6,806

CALLS

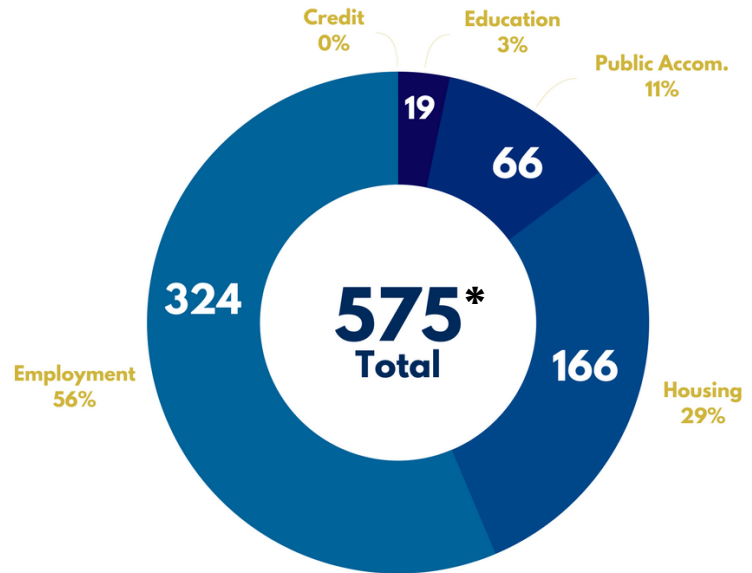


2,874

INQUIRIES

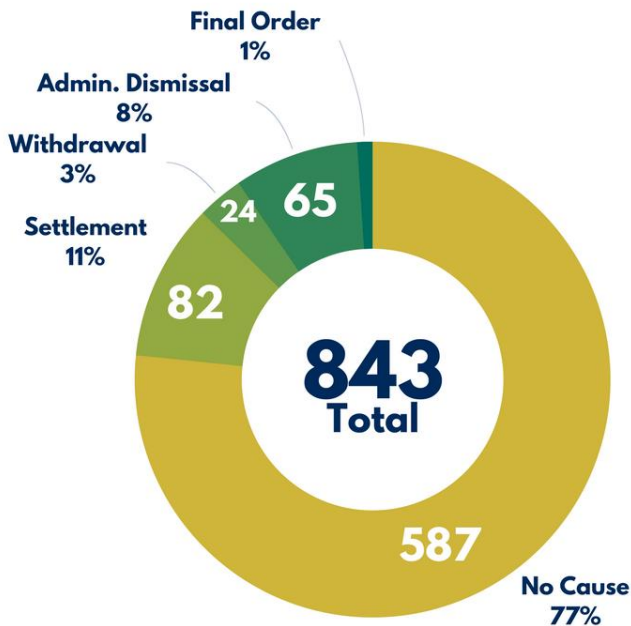


Filed Complaints by Enforcement Area

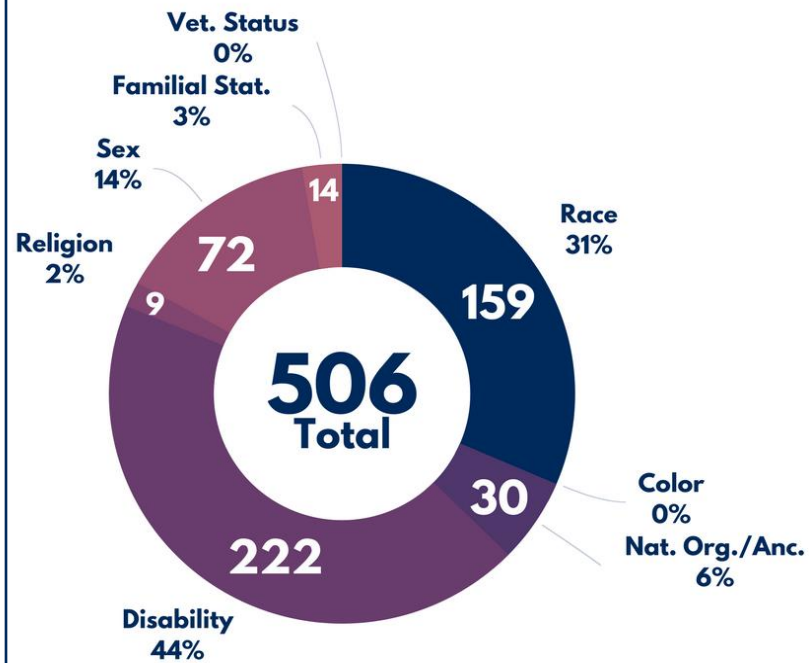


*Discrepancy in numbers is based on number of complaints sent to the EEOC. This includes cases that were filed under age and retaliation.

Types of Closures



Filed Complaints by Protected Class

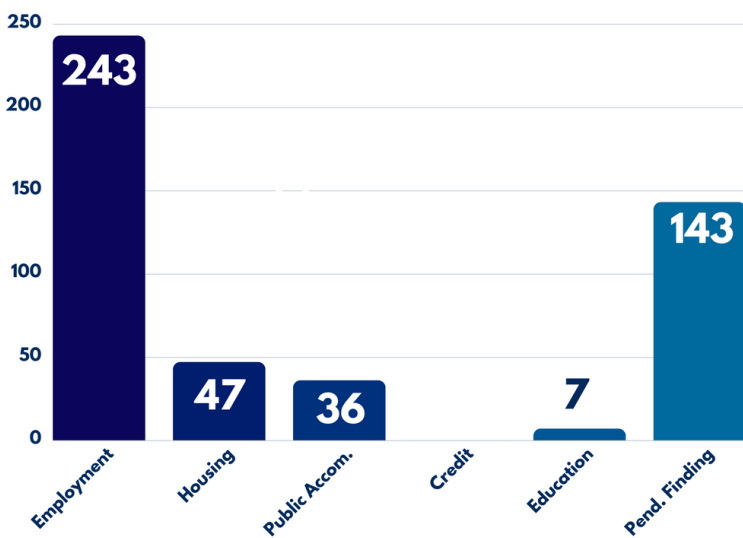


Investigation

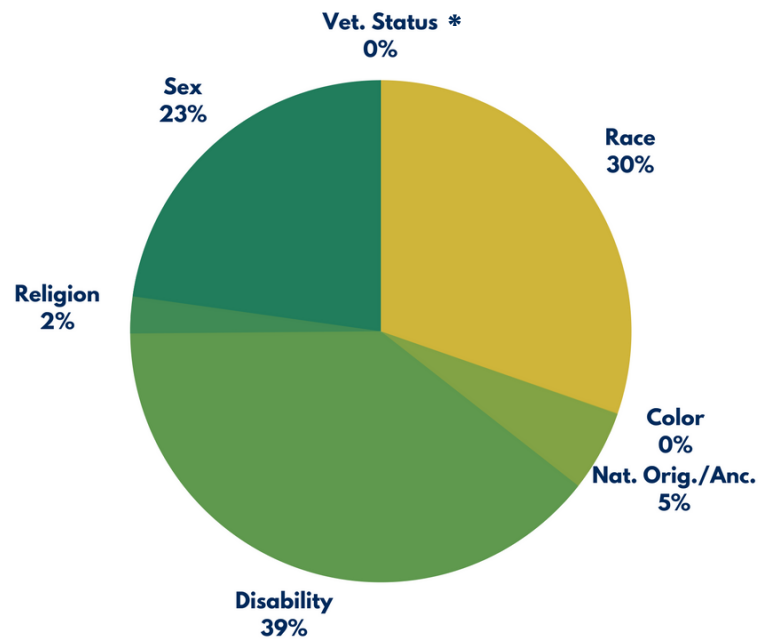
In 2017, under the supervision of Melissa Deering, the REPACE investigative Unit exceeded its Fair Housing Assistance Program MOU with the U.S. Department of Housing and Urban Development (HUD) by submitting dual filed housing cases. This resulted in over \$500,000 in revenue. Further, staff members of the Commission provided several trainings to housing providers regarding the Fair Housing Law, specifically training on Service and Assistance Animals, general Fair Housing issues, and Fair Housing issues in Domestic Violence Shelters.

In 2017, the Employment Investigative Unit under the supervision of Marco Deckard 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 \$200,000 in additional revenue. Further, members of the Employment Unit provided trainings to the Indianapolis Urban League's New Beginnings classes regarding Civil Rights and how it relates to employees and prospective employees.

Open Cases by the end of 2017



Employment Discrimination by Protected Class



*Veteran status only applies for employment in promotion/termination

% of Aged Cases by Area



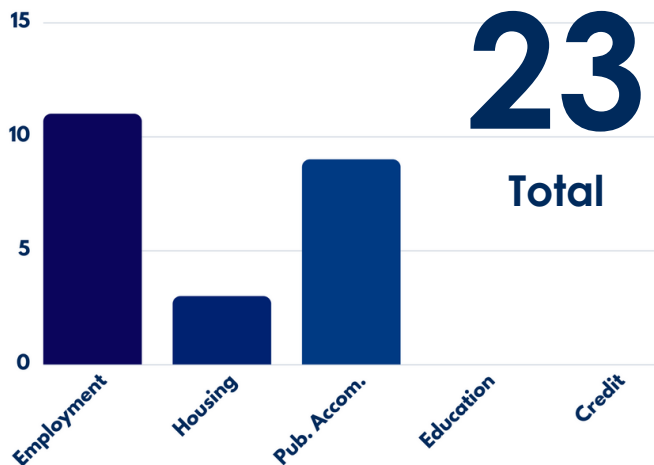
*Of the open cases at the end of 2017, the percentage above represents the percent of those cases that are over 180 days old or 100 days for housing

Alternative Dispute Resolution

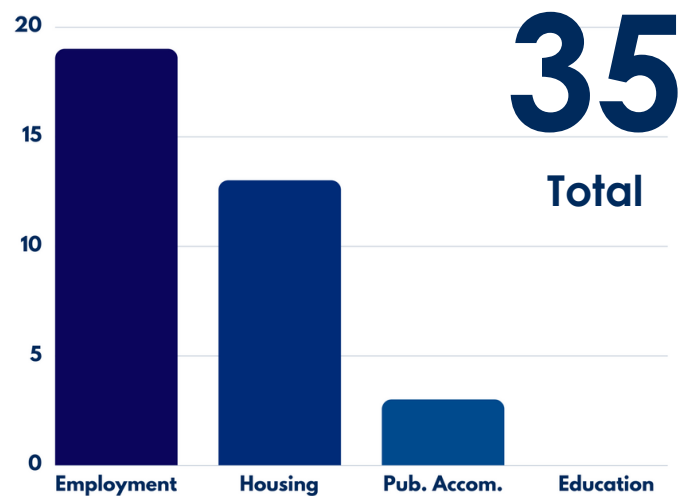
The ADR/Compliance Division went through a re-structuring process through the year of 2017. Mediator Jonathan Gordon retired after 35+ years of services with the ICRC. At that time, the ICRC implemented their innovative vision of the unit by creating the new position for ADR/Compliance Director. In September 2017, Alessandra Rosa became the ADR/Compliance Director implementing new policies, databases and procedures. As result, the number of mediations that are being held has increased. Likewise, by changing the contact strategy to contacting the Respondents early in the process has allowed cases to be resolved in a time-effective manner, sometimes in the early stages of the administrative process.

1
Private Settlement Agreement
16
Public Settlement Agreements

Post-Cause Formalized Conciliation Agreements



Pre-Cause Formalized Conciliation Agreements



\$237,387.60
Monetary Settlement Amount
for Complainants

Noteworthy Settlements (Public Agreements)*

ICRC, Steven and Kelley Dickover v. Lakes and Fairways Prairie Crossing HOA, Inc., HOha17050163, where Claimants alleged that a reasonable modification request was denied by the Respondent, the Home Owners' Association. Claimants requested to install a swim spa that, based on a physician's recommendation, would help alleviate the symptoms of Claimant's disability. A Settlement Agreement was signed by the parties on December 27, 2017 and Respondent agreed to pay Claimants \$4,140.00, cease any attempts to remove the swim spa, provide Fair Housing Training to its members and distribute to all members of the Home Owners' Association the relevant literature on Fair Housing.

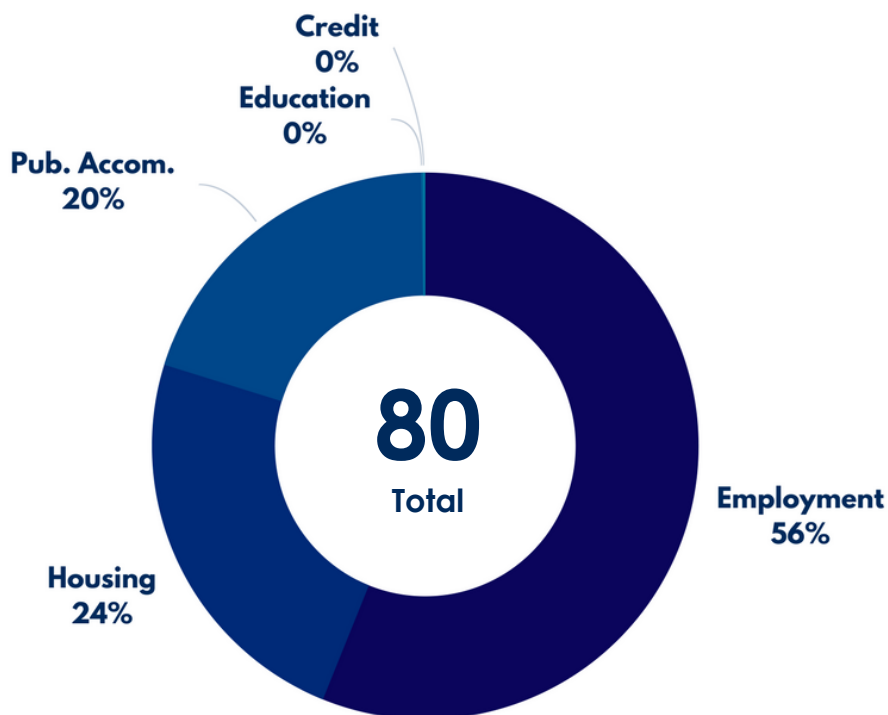
*Mediation is not an admission to any allegations made in complaints or to the charges that are pending between the Parties. Settlements in mediation are not an admission of liability or any violation of any applicable law, rule, regulation, or order or contract of any kind.

Legal Unit

The Legal Division of the Indiana Civil Rights Commission is responsible for advocating for the public interest that arises out of the complaints filed with the Indiana Civil Rights Commission. After a thorough investigation, if the Deputy Director reaches a finding of reasonable or probable cause, then the attorneys in the Legal Division work to enforce the Indiana Civil Rights Law and the Indiana Fair Housing Act in the local court where the act of discrimination occurred or, when no election is filed, in the administrative setting before the Indiana Civil Rights Commission's Administrative Law Judge. The attorneys specifically advocate to make the aggrieved party whole and to implement changes that will lead to the eradication of discrimination, in line the state of Indiana's public policy.

In 2017, the Legal Division excitedly welcomed several staffing changes. Former Administrative Law Judge Doneisha L. Posey moved into the role of Deputy Director where she advises the Executive Director on the agency's policies, acts as the agencies general counsel, and oversees all cases brought by the Legal Division's attorneys. Former Director of Compliance and Alternative Dispute Resolution, John Burkhardt was appointed by the Commission to the position of Administrative Law Judge, where he now presides over the cases brought before the Indiana Civil Rights Commission in the administrative setting. Caroline Ryker, a former Legal Intern with the REPACE Division, accepted the position of staff attorney and became the first new staff attorney in at least 15 years.

Cases Assigned to Legal



Case Closing Totals

81
Before ALJ

14
State Court

1
Appellate Level

21
Closed with Order

2017

Indiana Court of Appeals Cases

Roman Marblene Co., Inc. v. Reginald Baker

On December 8, 2017, the Indiana Appellate Court affirmed the Indiana Civil Rights Commission's order that Roman Marblene Company discriminated against aggrieved party, Reginald Baker, on the basis of race when the company terminated Baker. Baker was injured outside of work. After returning to work, he was placed on involuntary medical leave, and his supervisor would not reinstate him, even after Baker submitted a physician's note stating that Baker had no work restrictions. In addition, Baker alleged that he was subjected to different treatment, was harassed, and was called racial slurs. Staff attorney Mike Healy represented the public interest arising from Baker's complaint through many procedural challenges in the administrative setting and before the Indiana Appellate Court. When the Administrative Law Judge granted summary judgment to Roman Marblene, Mike Healy successfully argued that a hearing should commence. Mike Healy compellingly argued Baker's case before the Administrative Law Judge, which resulted in an order being issued in favor of Baker. Roman Marblene challenged the order on a number of fronts, including the arbitrariness of the order and the timing of the order. The Indiana Appellate Court ultimately concluded that the Administrative Law Judge was well versed in the facts of the case when the order was issued and that the 60 day statutory deadline for the Commission to issue an order does not vacate an order if it is issued after 60 days. The victory at the Indiana Appellate Court is an example of the dedication of the Indiana Civil Rights Commission to the Indiana Civil Rights Law and to Indiana's public policy of ending discrimination, and it highlights that the Indiana Courts understand the Indiana Civil Rights Commission's role as, in the words of the Indiana Appellate Court, the "ultimate authority on whether a person has engaged in an unlawful discriminatory practice."

Knox County Association For Retarded Citizens, Inc. v. Melissa (Cope) Davis

On December 19, 2016, the Commission confirmed the Administrative Law Judge's order in which the Administrative Law Judge found in favor of the Complainant and ordered relief in the amount of \$35,151.46. The Order outlined the following facts: Complainant alleged discrimination on the basis of disability because Respondent, Knox County Association for Retarded Citizens, failed to provide any reasonable accommodations or engage in a conversation about reasonable accommodations. Complainant had a syncopal episode which resulted in work restrictions on bending, stooping, lifting, and rapid or repetitive movements. Respondent terminated Complainant in light of her work restrictions and failed to engage in the process of finding a reasonable accommodation that would have allowed Complainant to keep her job. In January of 2017, Respondent appealed the finding to the Indiana Court of Appeals, alleging that the Commission did not have substantial evidence or the full backing of law when it found that an act of discrimination had occurred and alleging that the damages ordered were too high because Complainant failed to mitigate the damages. Specifically, Respondent argues that 1) Complainant did not have an actual or perceived disability, 2) Complainant failed to establish that she was discriminated against, and 3) Complainant failed to mitigate her damages by finding other employment. Respondent brief the issued, and Staff Attorney Mike Healy responded in a brief which argued that the Commission's decision was firmly based in law and was backed by substantial evidence. The Indiana Court of Appeals has scheduled oral arguments in this case for Thursday, February 22, 2018 at 1 PM. The oral arguments will likely address the issue of whether a syncopal episode meets the definition of disability and the standard for finding that an employer perceived an employee to be disabled



Hon. John F. Burkhardt
Administrative Law Judge

On June 27, 2017, the ICRC Chair appointed attorney John F. Burkhardt to serve as the Administrative Law Judge ("ALJ"). Under Indiana law, "an administrative law judge must have expertise in the area of law being adjudicated." Judge Burkhardt possesses such expertise. Prior to his appointment, Burkhardt served in multiple roles within the ICRC, working on discrimination complaints throughout their entire administrative life-cycle, from investigation, to mediation, litigation, and compliance. He became a sought-after subject matter expert and speaker at numerous civil rights trainings and conferences across the state.

As "the presiding officer" over discrimination complaints, Judge Burkhardt faithfully and independently carries out the adjudicatory functions of the ICRC in a culmination of the ICRC's enforcement power. To this end, Judge Burkhardt has the same powers and duties as Commissioners sitting as ALJs; he rules on prehearing motions, conducts public hearings, makes factual findings, and issues orders disposing of proceedings. Judge Burkhardt upholds the Office in a manner which contributes to all facets of the ICRC mission and supports the ICRC in effectuating the State's public policies.

Adjudication Activity

6 PUBLIC HEARINGS 15 DISPOSITIVE ORDERS 83 OPEN CASES

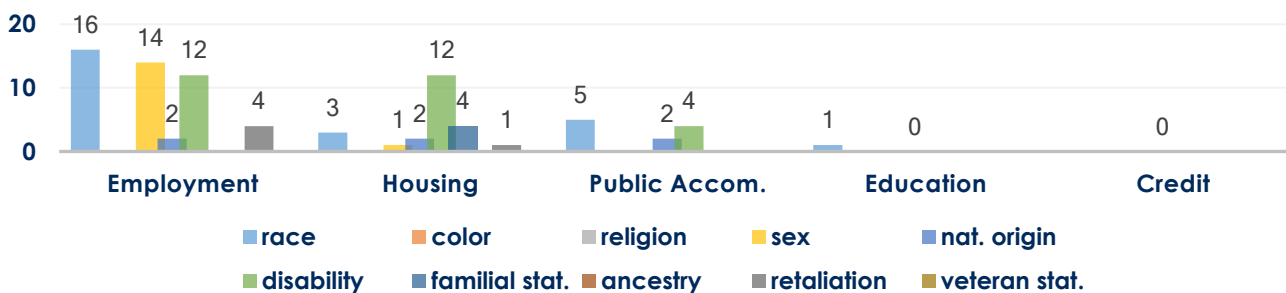
Full Commission Activity

At times, the full Commission directly interacts with complaints. When Complainants appeal the ICRC's Director's "No Cause" findings, ICRC Commissioners personally review the appeals and the Commission issues decisions by majority vote. **In 2017, the Commission issued 54 decisions on appeals.**

When the Administrative Law Judge issues dispositive orders, the Commission issues a final order. **In 2017, the Commission issued 23 final orders.**

With two new appointments by Governor Holcomb in 2017, the Commission increased to 6 members who continue meeting monthly to address complaints as needed.

Open Cases at Close of 2017: by "Enforcement Area" and "Basis"



Significant Administrative Hearing Final Orders

Richard A. Hite, in his Executive Capacity as Executive Director of the Indiana Civil Rights Commission vs. Zender Family Limited Partner:

On November 17, 2017, the Commissioners confirmed the order issued by Former Administrative Law Judge Doneisha Posey in favor of the complaint filed by Former Executive Director, Richard Hite. The aggrieved party filed a complaint with the Indiana Civil Rights Commission, alleging that Zender Family Limited Partnership, her landlord, unreasonably denied her reasonable accommodation request and failed to engage in the interactive process. The aggrieved party requested to move to a new apartment, at the direction of her physician, and Zender Family Limited Partnership would not let her break the lease without paying a penalty, which hindered her ability to follow her physician's instructions and endangered her health. After a hearing where staff attorney Fred Bremer represented the public interest, Former Administrative Law Judge Doneisha Posey found that Zender Family Limited Partnership had discriminated against the aggrieved party on the basis of disability in violation of the Indiana Fair Housing Law. She ordered and the Commission confirmed that Zender Family Limited Partnership pay a \$5,000 Civil Penalty and pay \$15,000 to the aggrieved party. Additionally, the order stated that if the Zender Family Limited Partnership resumes the function of landlord, it will hang fair housing posters, implement a nondiscrimination and reasonable accommodations policy, review the policies with employees, attend a fair housing and a disability awareness training, alert tenants and applicants that it will comply with fair housing law, and permanently end any discriminatory practices. The successful completion of the case represents victory in accomplishing Indiana's public policy goal of ending discrimination and sets a new bench mark for emotional distress damages in administrative cases before the Indiana Civil Rights Commission.

External Affairs



Lesley M. Gordon
Deputy Director of External Affairs

Lesley Gordon is currently the Deputy Director of External Affairs where she serves as the head of all education programs and initiatives, marketing, public outreach, public relations and communications efforts for the ICRC, as well as providing oversight for the State's five cultural commissions that are held within the agency.

The External Affairs carries out all external relations functions of the agency including but not limited to advertising efforts, maintains the agency website and online presence, responds to media inquiries, coordinates training seminars and fosters relationships with state and local agencies, non-profit organizations, employers, housing providers and other constituents.

Gordon was tasked with hiring staff for the external affairs team while maintaining the external presence of the agency. Aligning the focus of the agency with its current partners as well as expanding those partnerships to find new ways to reach the people of Indiana was the strategic focus for 2017. The External Affairs team worked with Executive Director Wilson to coordinate visits around the state with the other local human relations agencies to continue to cultivate those relationships under new leadership. Utilizing social media outlets to increase brand awareness has proven successful for increasing ICRC's reach and that will be an even bigger focus moving into 2018.

Total Reach



Community Partners

Alpha Phi Alpha Fraternity, Inc.
Bureau of Jewish Education
Burmese Advocacy Center
Circle City Classic
Enroll Indy
Fiesta
Gary Chamber of Commerce
Governor's Council on People with Disabilities
Holocaust Education Center of Indiana
Indiana Black Expo, Inc.
Indiana Coalition Against Domestic Violence
Indiana Consortium of States and Local Human Rights Agencies
Indiana Department of Administration
Indiana Family and Social Services Administration
Indiana Governor's Office
Indiana Latino Expo
Indiana Latino Institute
Indiana Migrant and Seasonal Farmers Coalition
Indiana University Robert H. McKinney School of Law
Indianapolis Indians
Indianapolis Urban League
Jewish Community Relations Council
Latin Media, LLC
Noblesville Housing Authority
Radio One
Terre Haute Human Relations Commission
United Negro College Fund
WHMB TV40

Public Outreach Recap





2017 MAYORS
BREAKFAST



State Cultural Commissions

Fiscal Year in Review by the Numbers

43 Programs

16 Partnerships

6 Cities Visited

3 Speaking Engagements

2 Reports

2 Webinars

66,977 Social Media Outreach

5,743 Unique Web Visitors

1,238 Followers

152 Posts

144 Tweets

Indiana Commission for Women (ICW)

The Indiana Commission for Women (ICW) represents the State of Indiana's commitment to improving the quality of life for women [IC 4-23-25 Sec. 7(3)]. ICW's mission is *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 change*. The following is a summary of ICW's principal activities for Fiscal Year 2016-2017. A complete [2016-2017 annual report](#) can be accessed on ICW's website

Program	Description
Hoosier Women Lead	In November 2016, ICW Published Indiana Women in the General Assembly as a companion report to its Women as Political Candidates, which was published in May 2016.
Paid Family Leave	In August 2016, the US Department of Labor's Women's Bureau awarded ICW a grant to conduct a feasibility study on the public's receptiveness to paid family leave in Indiana. The research will conclude in December 2017.
2016 Torchbearer Awards	In September 2016, ICW honored 6 torchbearers and 3 Special Award Recipients. The 2016 Torchbearers Awards was endorsed by the Indiana Bicentennial Commission and ICW celebration its 20 th Anniversary as a legislatively-enacted agency.
Writing Her Story	Writing Her Story profiled 31 historical women with ties to Indiana and their accomplishments during March for Women's History Month. During the month, ICW tracked social media engagement. ICW received 30,714 social media impressions through Facebook and Twitter, representing 46% of ICW's social media traffic.

A Look Ahead to Fiscal Year 2017-2018

Torch Bearer Awards | Women as Leaders in Training | Paid Family Leave | Writing Her Story | Hoosier Women Speak



Pictured L-R: NACW President-Elect Kristin Garvey (IN), NACW President Cecilia Zamora (CA), and Hawaii's First Lady Dawn Amano-Ige



2016 Torchbearer Award Recipients Pictured L-R: Kelly Rose, Tina Cardarelli, Cynthia Brinker accepting for Dr. Linda Bennett, Indiana State Treasurer Kelly Mitchell, Ann Manion, Kelly McBride, Helen Seirp, Susan Hardwick, and Julie Rizzo



ICW Second Vice Chair Stephanie Moore speaks those attending the Girls Leadership Forum about personal leadership.

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



The mission of the Indiana Commission on the Social Status of Black Males is to study the social conditions and status of the state's Black male population. The Commission is to develop strategies to remedy or assist in remedying serious adversities and make appropriate recommendations to improve the **educational, social, economic, employment, health** and other material conditions and circumstances for Indiana Black males. The Commission may receive suggestions or comments pertinent to the issues that the Commission studies from members of the general assembly, governmental agencies, public and private organizations and private citizens.

The Commission shall make systematic studies and propose measures to alleviate the underlying causes and conditions described in Indiana Code 4-23-31-1.

The Commission has been instrumental in helping address crucial issues that negatively affect Black males in Indiana. Specifically, the Commission has sponsored **state and/or regional conferences and symposiums on these vital concerns along with the annual Young Black Males Matter event, statewide Indiana Black Barbershop Health Initiative, Indiana Dad's Expo and Annual Black Males Conference.**

One example is the Indiana Black Barbershop Health Initiative (IBBHI). IBBHI is a statewide initiative that utilizes every Saturday in the month of April, Minority Health month, to provide screenings and health information in the barbershop environment. The Indiana Black Barbershop health initiative provides free health screenings to patrons of barbershops and beauty salons across the State of Indiana on hypertension by having their blood pressure checked and diabetes by having their blood glucose levels checked. They will receive information on how to live a healthy lifestyle by incorporating low-fat diets and exercise within their daily lives.



There are four key components to the 2018 Indiana Black Barbershop Health Screen Initiative; Barbers and Barbershops, Medical Volunteers, Initiative Volunteers, and Participants/Patrons. **The target audience is Black males in fifteen (15) cities across the state in fifty eight (58) barbershops and a couple beauty salons.** The initiative takes place from 9:00 a.m. until 3:00 p.m. local time.

Indiana Commission on Hispanic/Latino Affairs (ICHLA)



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

In compliance with IC 4-23-28-3, Section 3(b)(3), the Commission submits this report as directed by the commission's chairperson.

In an effort to address the needs of the Hispanic/Latino community across the state of Indiana while still fulfilling its mission and focus on education, ICHLA launched its first-ever annual Adelante initiative in 2017. This one-day event, Saturday, June 10 located at Riverside Park was a resource for low income Hispanic/Latino children (ages four to five) and their families to better prepare for kindergarten. Adelante offered dental screenings, immunizations, back packs, school supplies, and raffle giveaways. The Commission identified key partners to provide these services free of charge.

Signature Event: *Adelante*



The Indiana Native American Indian Affairs Commission (INAIAC)



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 non-Native people and communities. The ultimate objectives are to bring the Native communities together, help identify and provide opportunities to the Native American community, and enhance social, cultural, community and economic development in Indiana. The statute which governs the INAIAC (IC 4-23-32) denotes the five primary areas on which the INAIAC is to focus: Education, Employment, Health, Housing and Civil Rights.

To reduce barriers and provide a platform for post-secondary education, the INAIAC created scholarships. The American Indian Center of Indiana, Inc. (AICI), serves as the third party administrator for the INAIAC scholarship program.

In May 2017 the Summer School scholarship winners were awarded \$1,250. The breakdown of these scholarships was as follows:

Prairie Band Potawatomi	IU Bloomington	Undergrad
Navajo	IU Bloomington	Undergrad
Navajo	IU Bloomington	Graduate
Cherokee	IU Bloomington	Undergrad





Indiana Civil Rights Commission
100 North Senate Avenue, Room N300
Indianapolis, IN 46204

Office: (317) 232-2600

Toll Free: (800) 628-2909

Hearing Impaired: (800) 743-3333

Fax: (317) 232-6580

E-mail the ICRC at:
icrc@icrc.in.gov

Learn more about the ICRC on-line:
<http://www.in.gov/icrc>