



MIKE PENCE, *Governor*  
JAMAL L. SMITH, *Executive Director*

ICRC No.: EMse13071334

EEOC No.: [REDACTED]

[REDACTED]

Complainant,

v.

LASAIN CORPORATION d/b/a SUPER SUBMARINE RESTAURANT,  
Respondent.

### NOTICE OF FINDING

The Deputy Director of the Indiana Civil Rights Commission (“Commission”), pursuant to statutory authority and procedural regulations, hereby issues the following findings with respect to the above-referenced case. Probable cause exists to believe that an unlawful discriminatory practice occurred in this instance. 910 IAC 1-3-2(b).

On July 15, 2013, [REDACTED] (“Complainant”) filed a Complaint with the Commission against LaSain Corporation d/b/a Super Submarine Restaurant (“Respondent”) alleging discrimination on the basis of sex in violation of the Indiana Civil Rights Law. Accordingly, the Commission has jurisdiction over the parties and the subject matter of this Complaint. An investigation has been completed. Both parties have had an opportunity to submit evidence. Based on the final investigative report and a review of the relevant files and records, the Deputy Director now finds the following:

The issue presented to the Commission is whether Complainant was subjected to sexual harassment in the workplace. In order to prevail, Complainant must show that (1) she was subjected to comments and/or actions of a sexual nature in the workplace; (2) the comments and/or actions were sufficiently severe or pervasive such that it would affect a reasonable person’s employment; (3) she made it known that the comments and/or behaviors were unwelcome; and (4) Respondent failed to take corrective action to address the hostile work environment. Simply stated, there is sufficient evidence to believe that Complainant was subjected to sexual harassment as alleged.

By way of background, Complainant was employed as a part-time employee at Respondent’s restaurant. At all times relevant to the Complaint, Respondent lacked an employee handbook, sexual harassment policy, or disciplinary policy. During the course of Complainant’s tenure with Respondent, evidence suggests that Complainant was subjected to sexually explicit comments and actions. Specifically, Complainant asserts and witness testimony substantiates that one of the owners, [REDACTED], commented that female customers had “nice tits” or “awesome tits,”



aggressively grabbed Complainant, and made sexual advances toward her. Complainant further asserts that [REDACTED] “dry humped” her as she was trying to lock the door of the restaurant, repeatedly asked to see her breasts, grabbed her breasts, rubbed against her buttocks, asked her to touch his genitals, and demanded to see her nipples. Evidence shows that Complainant repeatedly asked [REDACTED] to stop the harassment but to no avail. Ultimately, after reporting the incidents to Respondent’s female co-owner, [REDACTED], [REDACTED] failed to take corrective action and terminated Complainant’s employment.

Despite Respondent’s assertions, sufficient evidence exists to believe that a discriminatory practice occurred as alleged. Specifically, witness testimony corroborates Complainant’s assertions that [REDACTED] subjected her to unwanted actions and behaviors of a sexual nature and that [REDACTED] failed to take corrective action once the behavior was reported. Moreover, evidence suggests that Complainant filed a police report alleging the same facts. As such and based upon the aforementioned, probable cause exists to believe that an unlawful discriminatory practice occurred as alleged.

A public hearing is necessary to determine whether a violation of the Indiana Civil Rights Law occurred as alleged herein. Ind. Code § 22-9-1-18, 910 IAC 1-3-5. The parties may agree to have these claims heard in the circuit or superior court in the county in which the alleged discriminatory act occurred. However, both parties must agree to such an election and notify the Commission within twenty (20) days of receipt of this Notice, or the Commission’s Administrative Law Judge will hear this matter. Ind. Code § 22-9-1-16, 910 IAC 1-3-6.

July 29, 2015

Date

Akia A. Haynes

Akia A. Haynes, Esq.

Deputy Director

Indiana Civil Rights Commission