



THE DREAM ENDURES



"Your Rights,
Our Mission"

INDIANA CIVIL RIGHTS COMMISSION
ANNUAL REPORT
AY 2020

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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.

THE COMMISSION

The Commission is a seven member body that is the ultimate authority and final decision maker for the Indiana Civil Rights Commission. Meeting monthly, the Commission hears appeals of no cause findings, reviews consent agreements, hears appeals of Administrative Law Judge's Initial Decisions, and makes determinations on all pre-cause motions. The entire Commission may take action on its own, or the Commission may appoint an Administrative Law Judge to assist with the Commission's adjudicatory duties. Each Commissioner may serve as an Administrative Law Judge as needed.



Addrienne Slash, Chair

Appointed April 2017



Steven Ramos, Vice Chair

Appointed August 2005



Holli Harrington, Commissioner

Appointed August 2018



Alpha Blackburn, Commissioner

Appointed March 1987



James Jackson, Commissioner

Appointed December 2017



Terry Tolliver, Commissioner

Appointed November 2020

Greetings,

As we reflect on 2020, our administration has been able to make significant accomplishments serving the people of Indiana despite facing a tremendous obstacle of the coronavirus pandemic. The Indiana Civil Rights Commission is no exception. Under the leadership of Executive Director Greg Wilson, the agency has proven to be an asset for Hoosiers and is making great strides toward its mission of eradicating discrimination and providing valuable education and resources on a daily basis for the citizens of Indiana.

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 emphasize building up relationships, celebrating important historical milestones, and enhancing their social media reach statewide. By redirecting their mission virtually because of the pandemic, streamlining processes, and sharing resources with local partners, the Indiana Civil Rights Commission is one of many state agencies leading the way during these difficult times.

Sincerely,



Governor Eric J. Holcomb



Dear Friends,

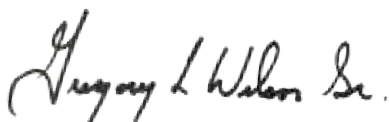
As the Executive Director of the Indiana Civil Rights Commission, (ICRC) I am pleased to acknowledge this report and the work of the Commission members. This agency holds as its highest priority the commitment to continuous improvement in order to provide the highest quality customer service to the people of Indiana with optimal efficiency. The implementation of streamlined processes and the addition of new talent have helped us keep that commitment and exceed our benchmark goals.

The Indiana Civil Rights Commission's Annual Report for the 2020 Calendar Year acknowledges our agency's accomplishments and reflects our collaborative spirit in working virtually with state and federal agencies, service providers, community, faith-based and not-for-profit organizations to provide better awareness, education, and protection under Indiana Civil Rights Laws.

Additionally, the agency's outreach efforts commemorated important milestones, such as the 57th anniversary of our agency, and the 52nd anniversary of the assassination of Dr. Martin Luther King, Jr. In 2020, ICRC hosted its first ever virtual Dr. Martin Luther King, Jr. Indiana Holiday Celebration. ICRC partnered with local government, state agencies, youth organizations, and community leaders to host the virtual celebration. The online event reached over 600 views and counting. ICRC was able to host the Wreath Placing Ceremony publicly with social distancing.

Our enforcement, education, and outreach efforts work in unison to build community relationships and provide resources. We adapted our public outreach in 2020 to reach the hundreds of Hoosiers who each year are victim to discrimination in the areas of employment, housing, public accommodations, credit, and education. I continue to be proud of the accomplishments and adjustments of the ICRC staff, Commissioners, and partners, and look forward to increasing our impact and advancing our mission as we begin focusing on our next 57 years.

In Service,



Gregory L. Wilson, Sr.
Executive Director



“ Dr. Martin Luther King, Jr.'s dream is not over. We are still striving to reach equity and eradicate discrimination. ”

Gregory L. Wilson, Sr.

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."

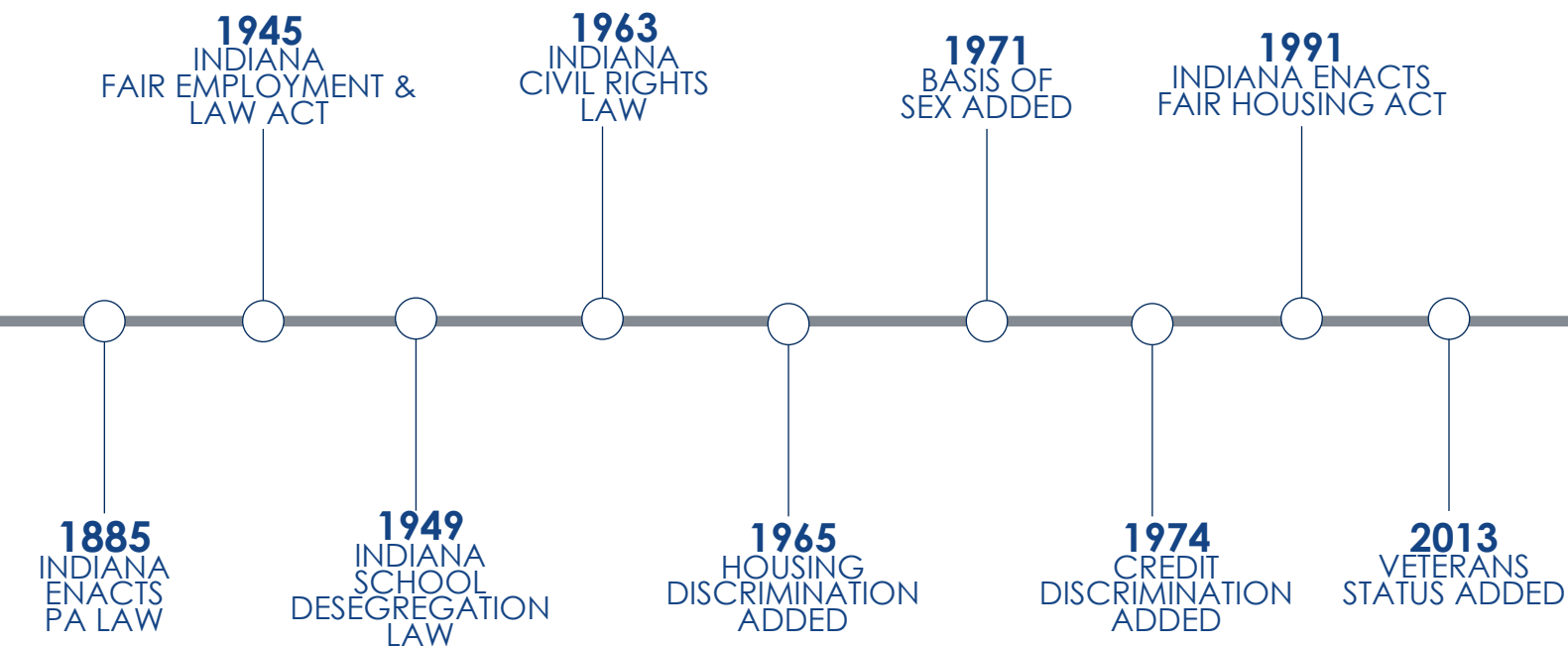
Indiana enacted a public accommodations law in 1885, that stated all persons are "entitled to the full and equal enjoyments of the accommodations, advantages, facilities, and privileges of inns, restaurants, eating houses, barber shops, public conveyances on land and water, theaters, and all other places 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 that 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 that "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 that 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 to federal law in the area of employment of people with disabilities.



AGENCY FUNCTIONS

COMMISSION

The Commission is a seven member body that is the ultimate authority and final decision maker for the Indiana Civil Rights Commission. Meeting monthly, the Commission hears appeals of no cause findings, reviews consent agreements, reviews Administrative Law Judge's Initial Decisions, and makes determinations on all pre-cause motions. The entire Commission may take action on its own, or the Commission may appoint an Administrative Law Judge to assist with the Commission's adjudicatory duties.

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 Fair Housing Act 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 the investigation of Complaints and may initiate a Complaint "in order to vindicate the policy of the state." (see 910 IAC 1-5-6(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 acts as Director of Operations and Chief Legal Counsel, and is responsible for the case processing operations of the agency from Intake to litigation. The Deputy Director manages the interactions between the Intake, Case Management, Alternate Dispute Resolution ("ADR"), Investigation and Legal units, and directly supervises the Program Directors and staff attorneys of those units. The Deputy is also involved in various public outreach and education activities, including membership on a number of external boards and committees.

CHIEF FINANCIAL OFFICER

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

EXTERNAL AFFAIRS

The External Affairs Unit carries out all external relations functions of the agency. The EA 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 EA unit ensures that the public is aware of the rights and responsibilities described in the Indiana Civil Rights Law and Fair Housing Act and is further aware of the functions of the Indiana Civil Rights Commission in promoting equality and enforcing the law.

The Indiana Civil Rights Commission also houses and provides support to the state's five cultural commissions: the Indiana Commission on the Social Status of Black Males, Indiana Womens Commission, Indiana Commission on Hispanic/Latino Affairs, Indiana Native American Indian Affairs Commission, and the Dr. Martin Luther King, Jr. Indiana Holiday Commission. The cultural commissions exist to provide education, resources, and initiatives for Indiana's diverse communities.

INTAKE

The Intake unit serves two functions. First, the unit is the “first responder,” receiving initial inquiries from the public regarding possible Complaints of Discrimination. The Intake unit's functions 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. Other Intake functions involve the docketing of complaints (including data entry into appropriate databases), the creation of complaint files, the handling of correspondence, the issuance of Notices, and the execution of other clerical duties necessary to the efficient processing of complaints through the agency.

INVESTIGATIONS

The Investigations unit is divided into two sections—Employment and REPACE (Real Estate, Public Accommodations, Credit and Education). Each section carries similar investigative functions but focuses on particular areas of enforcement. The Employment section investigates complaints involving allegations of workplace discrimination, while REPACE investigates all other Complaints filed with the agency.

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, request 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.

ALTERNATIVE DISPUTE RESOLUTION

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. 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.

LEGAL

The Legal Division of the Indiana Civil Rights Commission effectuates and enforces the Indiana's Civil Rights Law and Fair Housing Act. After an aggrieved party's Complaint has been investigated and if the Director finds there is cause, attorneys in the ICRC's Legal Division litigate the complaint. These cases are routinely heard by the Commission's duly appointed Administrative Law Judge (ALJ), but they may also be heard in a local circuit or superior court. In either forum, the General Counsel and the ICRC staff attorneys advocate on behalf of the public interest to provide relief to the aggrieved party, to achieve the state's public policy objectives, and to prevent future discrimination through mandatory trainings, public postings of citizens' rights, and other affirmative relief. In this way, the Legal Division serves a critical role in working to achieve Indiana's stated public policy to provide all citizens and visitors to Indiana with equal opportunity for education, employment, access to public accommodations, credit, and housing.

OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS (OALP)

The Office of Administrative Law Proceedings (OALP) is a separate state department of Administrative Law Judges (A Us), created by Indiana Code 4-15-10.5. OALP started providing AUs to preside over cases in July of 2020, and the Commission, by majority vote, has ordered that the OALP Director assign an OALP AU to any new cause finding issues after July 1, 2020. The Commission may also vote to request an OALP AU be assigned to other matters, on an as needed basis. Cases with cause findings issued prior to July 1, 2020 transferred to OALP with the ICRC's former AU, Hon. Caroline A. Stephens Ryker, with the exception of the cases over which a Special AU presides. OALP AUs conduct all proceedings necessary to move cases towards a hearing on the merits, including motions practice and prehearing conferences. Ultimately, OALP AUs rule on motions, conduct evidentiary hearings, and issue recommended orders for the Commission's review. After an OALP AU issues a recommended order, the Commission may adopt, remand, or modify it in a Final Order.

INTERNSHIP PROGRAM

Due to the pandemic, ICRC made the decision to pause our 2020 Internship Program with the health and safety of our staff and interns in mind. Although the agency did not house any students in 2020, we worked on our planning and preparations for the 2021 virtual Internship Program. ICRC is optimistic for the upcoming year and plans to welcome undergraduate, graduate, law student, and post-graduate interns to assist in real and significant work within the commission.

In 2021 ICRC plans to attend online career fairs at available universities. ICRC plans to optimize virtual interactions when feasible and increase our electronic footprint in the educational institutes throughout the state.



2021 VIRTUAL INTERNSHIP PROGRAM

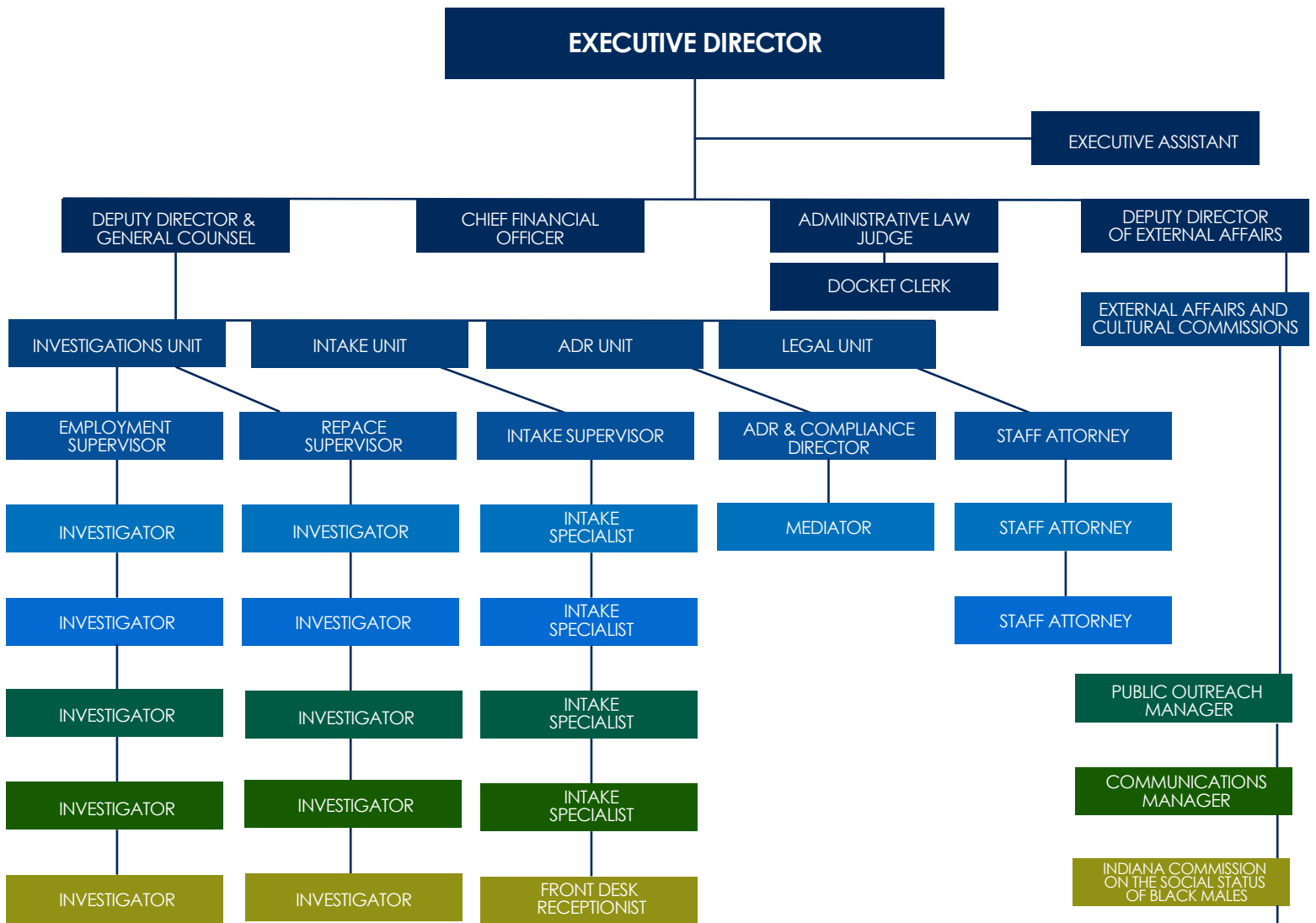
For 2021, ICRC will introduce a virtual internship program that will focus on research and data analysis. ICRC looks forward to working with local and state colleges and universities to offer graduate and post graduates the opportunity to participate in the day to day operations and real-life experiences.

Interns will have the option to work in one of ICRC's multiple departments including case management, legal research and analysis, cultural commissions, marketing and outreach, and investigations and enforcement.

- Conduct investigations into Discrimination claims
- Request evidence and review case files
- Perform legal research
- Prepare discovery requests and responses
- Assist in internal and external compliance initiatives
- Media and marketing design
- Assist with online public outreach and communication
- Cultural commission database research and tracking

ICRC accepts internship applications throughout the year on our website at www.in.gov/icrc/2974.htm

ICRC ORGANIZATIONAL CHART



Office of the Executive Director

Gregory L. Wilson, Sr., Executive Director
Auntia King, Executive Assistant

Deputy Director and General Counsel

Timothy Schultz

Chief Financial Officer

Erik England
Pam Cook*

External Affairs

Virgil Giles, Deputy Director of External Affairs
John Hawkins, Public Outreach Manager
MacKenzie Holden, Communications Manager

Office of the Administrative Law Judge

Caroline Stephens Ryker, Administrative Law Judge

Legal Counsel

Frederick Bremer, Esq.
Jordan Burton, Esq.*
Luke Schultheis, Esq.
Tracy Richardson, Esq.

ADR & Compliance

Naa Adoley Azu, ADR & Compliance Director
R. Diane Graves, Mediator

Intake and Case Management

Kimberly Simmons, Director
Alexis Shelton, Intake Specialist
Denidra Warren, Intake Specialist*
Jeremy Baker, Intake Specialist
Kurtis Smallwood, Intake Specialist
Tera Kilgore, Intake Specialist
Wanda West, Intake Specialist
Crystal Warner, Receptionist

Investigation Unit: Employment

L. Keisha Green, Director
Ashim Singh, Investigator
Bradford Shockney, Investigator
Debra Bluiitt, Investigator/Mediator
Mike Healy, Investigator
Tammy Bibbs, Investigator

Investigation Unit: REPACE

Melissa Deering, Director
Ashleigh Wethington, Investigator
Jonathan Cross, Investigator
Michael Johnson, Investigator*
Pamela Guerrero, Investigator
Phryll (Phylis) Thornton, Investigator
Shawn Thomas, Investigator*
Tawanda Sharp, Investigator

Indiana Commission on the Social Status of Black Males

James Garrett, Executive Director

Indiana Commission for Women

Aspen Clemons, Executive Director*

Indiana Commission on Hispanic/Latino Affairs

Dolly Serrant, Director*

Indiana Native American Indian Affairs Commission

Lisa Welch, Director

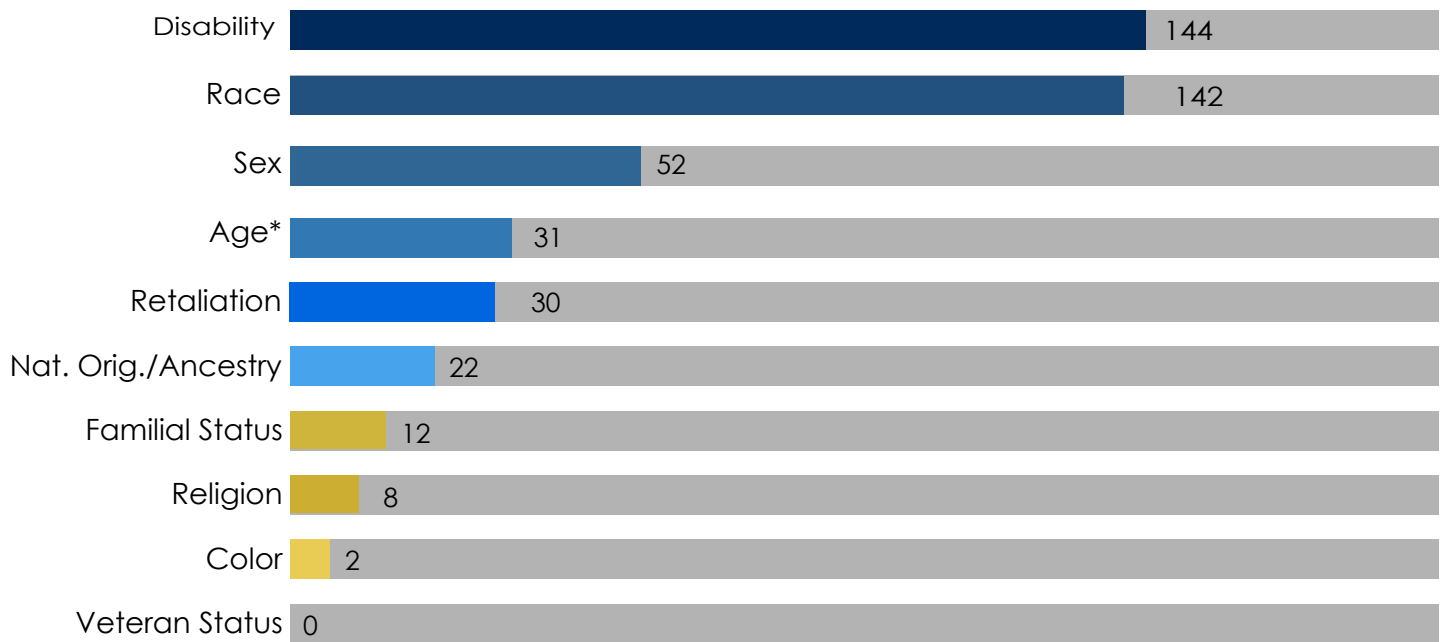
*Retired/Left Agency in 2020

AGENCY BY THE NUMBERS

HIGHLIGHTS

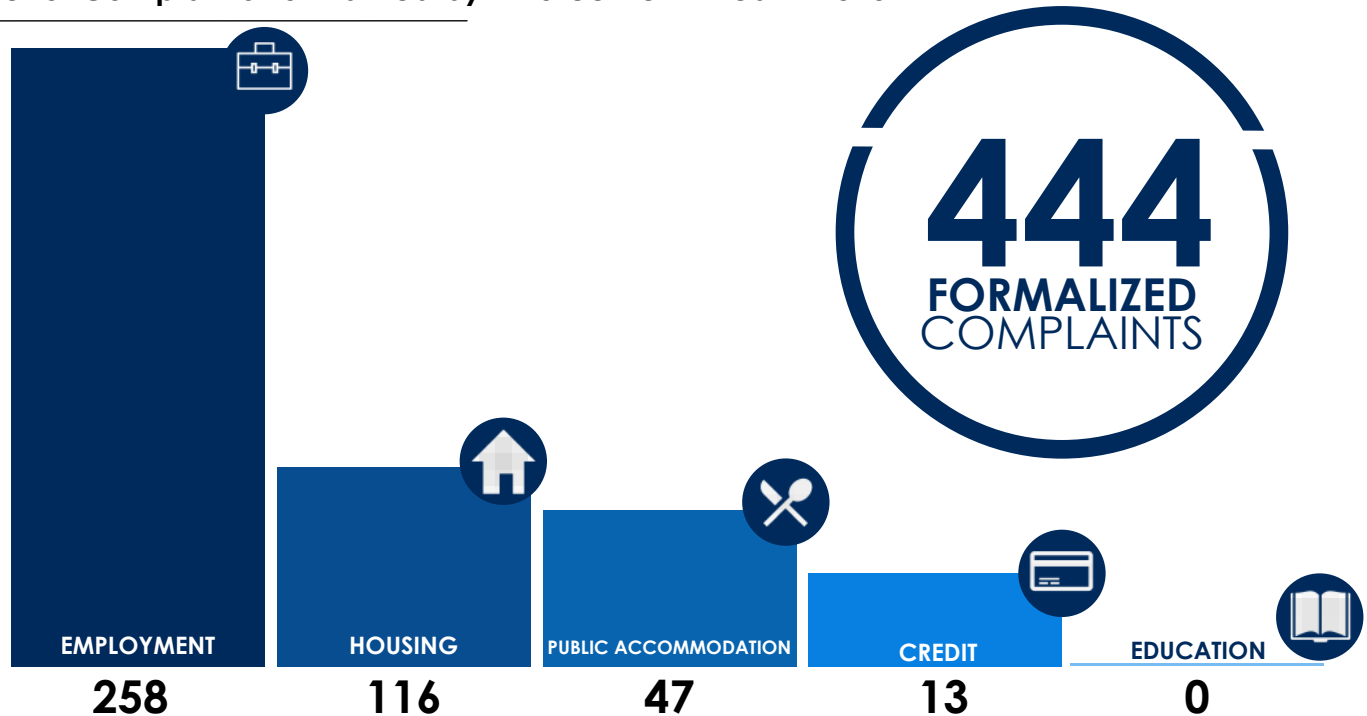
Leading the agency's recent accomplishments was the revamping of the Mediation and ADR team as well as the implementation of a new case management system. This advancement created a more streamlined and detailed intake process which in hand, helped with establishing a greater community impact in Indiana. In 2020, ICRC received 8,581 calls, 2,207 of which were inquiries, and **444** of those inquiries became formalized complaints.

Filed Complaints by Protected Class in 2020



**Investigated by the Department of Labor or the Equal Employment Opportunity Commission*

Number of Complaints Formalized by Enforcement Area in 2020



AGENCY BY THE NUMBERS



\$612,283

TOTAL AMOUNT AWARDED THROUGH
ALTERNATIVE DISPUTE RESOLUTION



ENFORCEMENT DIVISION

INTAKE

The Intake Unit serves as gatekeeper for the Commission. When an individual feels that they have been subjected to discrimination, they may contact the Commission to file a complaint. All services are free of charge, and complaints may be filed via the Commission's website, telephone, in person, mail, email, or fax. The Intake team is dedicated to answering and processing all inquiries. Aiding individuals seeking to file a complaint, 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 ICRC's database systems. Intake ensures that all case closure documents are submitted to ICRC's federal partners, the EEOC and HUD. The team responded to **2,185 new inquiries and drafted 784 new complaints.**

HOW IT WORKS



An individual calls, walks-in, fills out an Online complaint Form, or visits one of our satellite locations around Indianapolis.

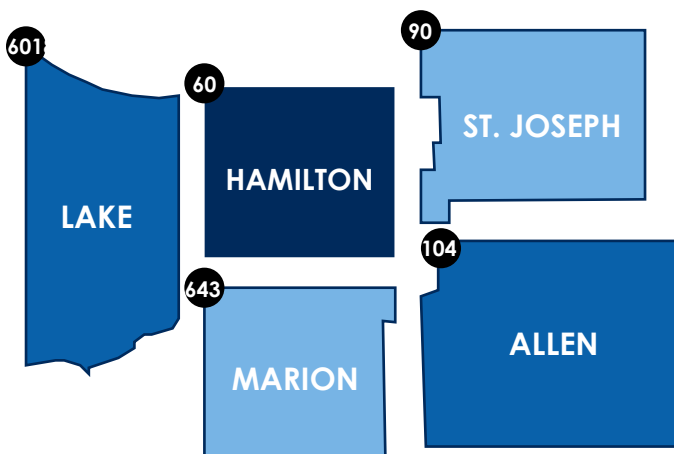


An Intake Specialist assists with the filing of the complaint at no cost.



After the complaint is filed, the claim then moves to the Investigations Unit.

TOP 5 COUNTIES WITH MOST INQUIRIES



INVESTIGATIONS UNIT

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 while also focusing 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 Opportunity Commission. REPACE is responsible for meeting the terms of the agency’s partnership with the U.S. Department of Housing and Urban Development.

REPACE

The REPACE Investigation Unit is responsible for investigating real estate, public accommodations, credit, and education discrimination complaints on the basis of Indiana’s protected classes. ICRC has a memorandum of understanding (MOU) with the U.S. Department of Housing and Urban Development (HUD) to process complaints of housing discrimination related to the sale, lease, advertisement, and/or financing of residential property in the state of Indiana. This partnership allows federal and state agencies to coordinate investigations and avoid duplication of efforts.

In 2020, the REPACE Investigative Unit exceeded its Fair Housing Assistance Program MOU with HUD by submitting 80 dual filed housing cases. **This resulted in approximately \$325,000 in revenue.** Additionally, during the 2019-2020 fiscal year, ICRC successfully exceeded its HUD goal of closing more than 50% of dual-filed cases within 100 days.

HUD CONTRACT ASSESSMENT



EMPLOYMENT

The Employment Investigative Unit is responsible for investigating employment discrimination complaints on the basis of ancestry, color, disability, national origin, race, religion, sex and veteran's status. ICRC has a work share agreement with the U.S. Equal Employment Opportunity Commission (EEOC) to investigate claims of employment discrimination against entities subject to its laws, including employers with 15 or greater employees, labor unions and employment agencies. This partnership allows federal and state agencies to coordinate investigations and avoid duplication of efforts.

In 2020, the Employment Investigative Unit successfully completed its workshare agreement with the U.S. EEOC by satisfying its investigative services, which resulted in \$252,000 of revenue. In addition, the unit director partnered with the EEOC to co-host a virtual webinar on COVID-19 in the workplace to stakeholders and citizens. The unit director continued to focus on building collaborative relationships with other organizations in an effort to develop best practices. Furthermore, investigators successfully transitioned to a mostly remote work model in response to the Covid-19 crisis.

% of Aged Cases by Area	2020	2019
	30%	17.3%
Open Cases by End of Year		
	144	259
Number of Cases Closed by End of Year		
	289	377



ALTERNATIVE DISPUTE RESOLUTION

The ICRC's Alternate Dispute Resolution (ADR) unit is designed to assist parties in the voluntary resolution of discrimination complaints at the earliest stage possible. Mediation services remain a preferred alternative to undergoing a full investigation or litigation services and are available any time after a complaint is filed. Onsite, video-conferencing and telephonic mediations enable complainants and respondents to resolve disputes within an abbreviated time frame, which significantly decreases the length of time expended in case resolution whilst reducing the costs associated with litigation. Both parties must be willing to resolve the dispute to initiate the mediation process. Whether reaching agreement prior to a finding of cause or ending with settlement during the course of litigation, successful mediations permanently conclude claims in a way agreed to by all parties.

Due to the agency's commitment to the prevention of discrimination within the state of Indiana, the ICRC consciously collaborated with mediating parties to identify appropriate affirmative reliefs relative to the complaints filed, leading to the inclusion of non-monetary benefits such as training, policy changes and the development of standard forms and processes to create equal opportunities within the state of Indiana.



SETTLEMENT OF INTEREST

ICRC Cause Number HOha19090524

The aggrieved parties in this case alleged discrimination on the basis of disability in violation of the Indiana Fair Housing Act, Indiana Civil Rights Law and the Federal Fair Housing Act, asserting that the Respondents unreasonably delayed their response to and failed to provide reasonable accommodations requested by the aggrieved persons. The Conciliation Agreement between the parties, included a financial settlement, extension of the aggrieved persons' lease for a 6 month period with the right to renew, waiver of the first month's rent following the settlement, waiver of additional Ratio utility billing fees for 6 months, rent credits of \$100 per month for 6 months and remediation action to rectify structural deficiencies in the property. Above all, the Respondents went through training on the Indiana Fair Housing Act, drafted and implemented a reasonable accommodations and modifications policy and in addition to displaying a Fair Housing Poster at all places of business.

LEGAL

The Legal Division of the Indiana Civil Rights Commission (ICRC) serves a critical role in effectuating Indiana's public policy goal of providing every individual in the State of Indiana equal access to housing, education, employment, public accommodations, and credit. The Legal Division of the Indiana Civil Rights Commission consists of a General Counsel, staff attorneys, paralegals, and legal interns. The legal staff provides legal services throughout the complaint process to enforce the Indiana Civil Rights Law and the Indiana Fair Housing Act.

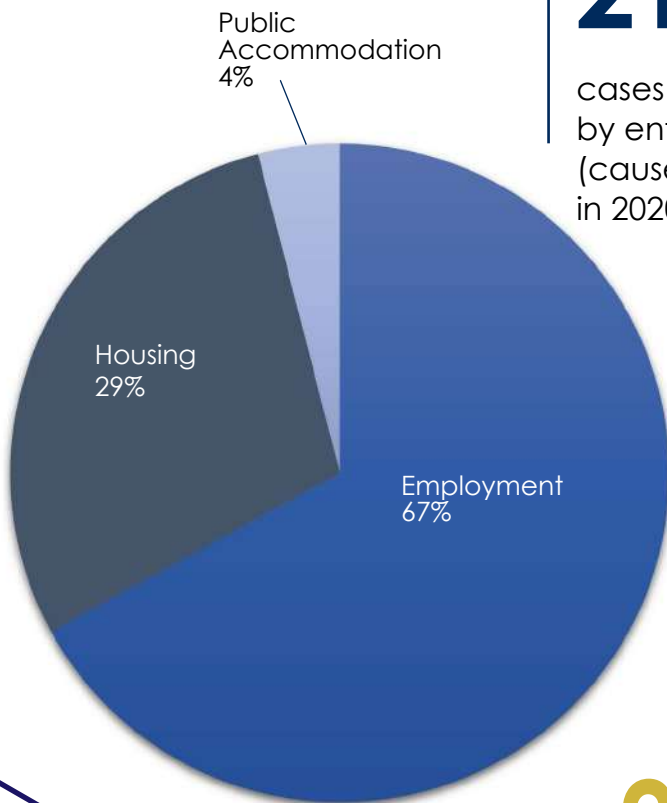
The Legal Division's investigative staff attorneys provide training and counsel to the Commission's intake specialists and investigators, who are responsible for processing complaints of unlawful discrimination filed with the Commission. After an investigation, a case moves to the Legal Division's litigation staff attorneys, who present cases on behalf of pro se complainants and prosecute cases initiated by the Executive Director. The Legal Division litigates cases in administrative proceedings before the Commission and in circuit and superior courts across the state. Regardless of the forum, the ICRC's General Counsel and staff attorneys advocate on behalf of the public interest to provide relief to those aggrieved by past instances of discrimination and to prevent future discrimination through injunctive and affirmative relief.

In addition to its day to day functions, the Legal Division performs advisory and educational duties, including providing trainings to the public and ensuring that public records requests received by the agency are processed according to the Indiana state laws regarding agency transparency, privacy, and confidentiality. In 2020, the agency received 69 public records requests.

CASE STATISTICS

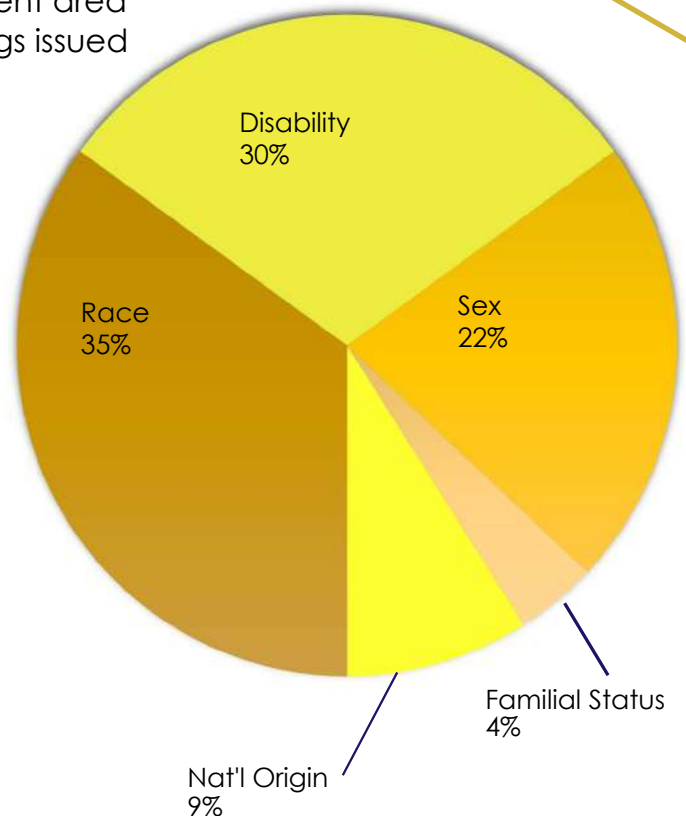
21

cases opened in 2020 by enforcement area (cause findings issued in 2020)



23

cases opened by protected class



INDIANA CIVIL RIGHTS COMMISSION ACTIVITIES

The Indiana Civil Rights Commission is statutorily tasked with adjudicating claims of discrimination after a finding of cause has been made by the Director or Deputy Director based on the evidence collected during the neutral investigation. Adjudication before the Indiana Civil Rights Commission is completed in two stages. First, the parties appear before the Commission's designated Administrative Law Judge, who manages motions practice, conducts the hearing, and issues an Initial Decision. Second, the Commission, who is the ultimate decision maker for the agency, conducts a review of the Administrative Law Judge's initial decision and determines whether to accept, modify, or dissolve it.



\$17,000

IN MONETARY RELIEF AWARDED
+ Affirmative Relief

2020 has been a year of transition for ICRC. In July of 2020, the newly created Office of Administrative Law Proceedings began providing Administrative Law Judges (ALJs) to adjudicate cases on behalf of the Commission, and the COVID-19 pandemic required creative problem solving to ensure cases continued to move towards closure—safely. While the process for litigation underwent many changes this year, OALP's and ICRC's commitment to engaged teamwork, long-term planning, and effective communication ensured that cases continued to move towards a resolution at a pace that respected the parties' legal and safety interests.

Over the course of this year, 21 new cases were opened, and 40 cases were closed. By December of 2020, 27 cases remained open with OALP, 3 cases remained open with special ALJs, and 7 cases were moved to State or Federal Court by a notice of election. Additionally, ICRC and OALP conducted over 70 prehearing conferences and received over 150 motions. At the close of the year, the ICRC's docket was comprised of 15 employment cases, 10 housing cases, and 5 public accommodation cases. A total of 32 final orders were entered by the Commission.



HEARINGS & ORAL ARGUMENTS HELD BY ICRC

- 5 hearings on the merits
- 2 hearing on a motion
- 1 oral arguments on initial decisions

Williamson v. American Multi-Cinema, Inc. (PAha16041155):

Complainant alleged that Respondent discriminated against him by failing to provide him with a reasonable accommodation and by failing to engage in the interactive process when Complainant attempted to use Respondent's public accommodation. The ALJ conducted a hearing and found that the accommodation request was not necessary to provide Complainant equal access to Respondent's public accommodation. Additionally, the ALJ decided that because the accommodation was not necessary, Respondent could not be held liable for failing to engage in the interactive process. The Commission affirmed the ALJ's decision.

Martinez v. City of Hammond Department of Parks and Recreation (PAha16091437):

Complainant alleged that Respondent discriminated against him on the basis of disability by failing to make a pool, a sauna, a hot tub, and the building's entrance accessible. The ALJ found that Respondent is a public accommodation, and she applied the standards for accessibility laid out in Title II of the Americans with Disabilities Act, as amended. Ultimately, the ALJ found that the sauna and pool met accessibility standards, but the building's entrance and hot tub did not. The ALJ awarded Complainant \$17,000.00 in damages and issued a cease and desist order. The ALJ also required Respondent to post nondiscrimination notices, to update and distribute Respondent's policy concerning the building's entrance, to add the hot tub to the Respondent's accessibility transition plan, and to be subject to two (2) audits for compliance with the order conducted by Indiana Civil Rights Commission over the next year. The Commission affirmed the ALJ's decision.

Gavin v. Standens, Inc. (EMra16101525):

Complainant alleged that Respondent discriminated against him on the basis of race in the protected area of employment. Specifically, Complainant alleged that Respondent refused to allow him to apply for a job opening because of his race. Respondent filed a motion for summary judgment in which Respondent argued that Complainant could not make a prima facie case of discrimination and that Respondent's actions were based on nondiscriminatory rationales. The ALJ recognized that a refusal to accept or consider an application for a discriminatory reason is a claim under the Indiana Civil Rights Law and outlined the prima facie elements for such a claim. The ALJ ultimately granted Respondent's motion for summary judgment on the grounds that Respondent affirmatively negated Complainant's claim by demonstrating that Complainant was not as or more qualified than the hired applicant. The Commission affirmed the ALJ's decision.

Lester v. D&D Pharma LTC, LLC and D&D Pharma LTC, LLC dba Medscript (EMha16071334):

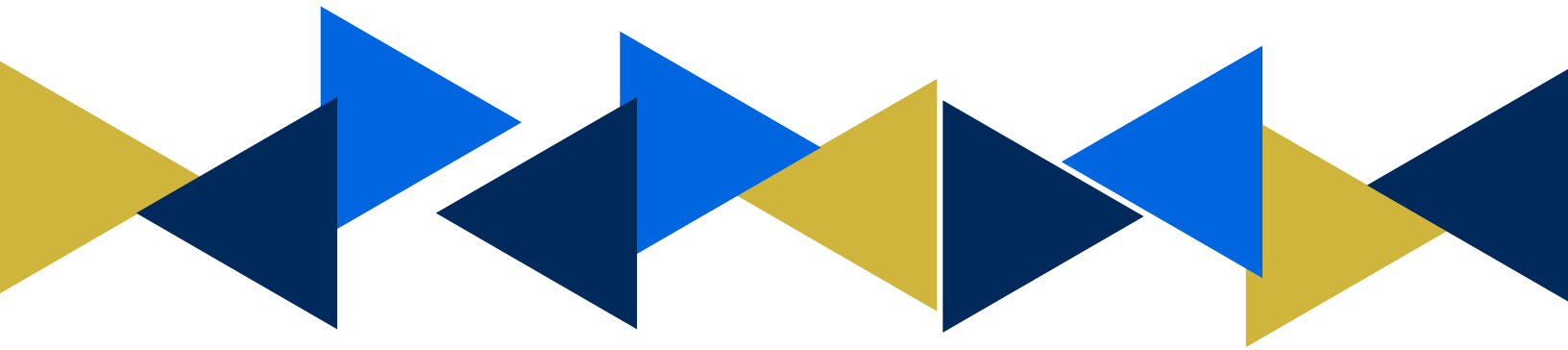
Complainant alleged that Respondents were successors in liability to the originally named Respondent from whom Respondents purchased assets. Respondents moved to be dismissed on the grounds that they were not proper successors in liability to the originally named Respondent. The ALJ conducted an analysis of successor liability under Indiana and federal case law and determined that Respondents were not successors in liability to the originally named Respondent. The Commission affirmed the ALJ's decision.

2020 VIRTUAL EDUCATIONAL PRESENTATIONS AND WEBINARS

In 2020, ICRC had to implement a major transition in their training and education efforts. In order to provide accessible events, ICRC began offering virtual trainings and webinars. These events were hosted throughout the year and were focused on enforcement areas.

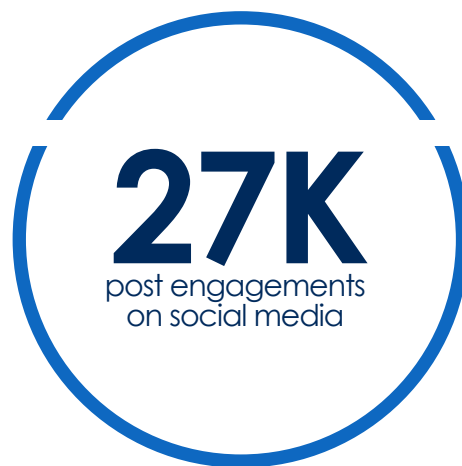
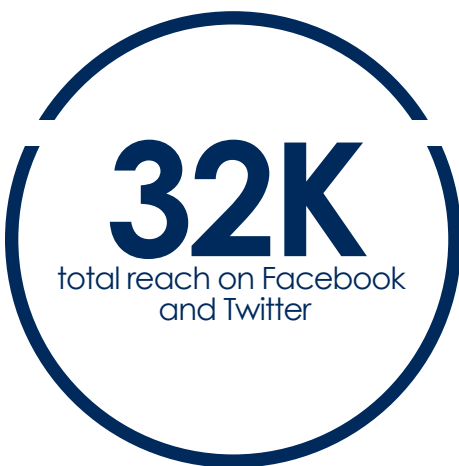
Each webinar hosted multiple speakers from partnering state agencies and organizations in order to share current, relevant information to the public during the pandemic. Topics varied from housing to education and offered available resources and guidelines to Hoosiers as well as a detailed overview of their civil rights in the specific areas.

Each webinar concluded with a Q&A session allowing the public to interact with the expert speakers and answer any of their questions and make referrals. Following each virtual event, ICRC saw an increase in inquiries, and website and social media engagement and interactions as well.



ICRC was thankful to have the opportunity to partner with the following agencies and organizations to host the virtual presentations and webinars in 2020:

Equal Employment Opportunity Commission (EEOC)
Indiana Housing and Community Development Authority (IHCDA)
Indiana Foreclosure Prevention Network (IFPN)
Indiana Department of Health (IDH)
Indiana Township Association (ITA)

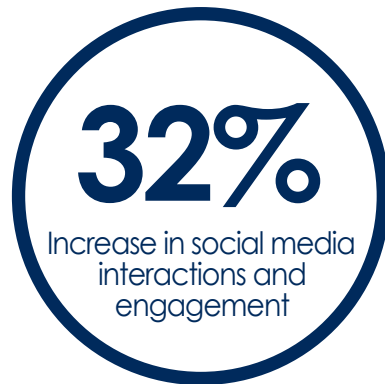


“ ICRC strives to bring education and awareness to all Hoosiers in the most accessible ways possible. ”

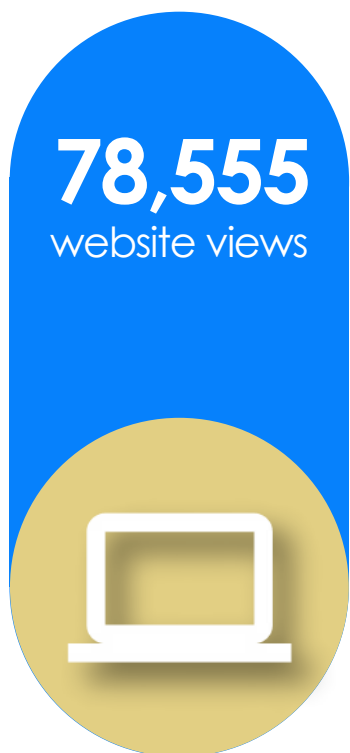
Gregory L. Wilson, Sr., 2020 COVID-19 & Fair Housing Live Virtual Presentation

The External Affairs team develops and implements all external relations functions of the agency, including but not limited to, awareness campaigns, web and social media management, media and public relations, and the coordination of training seminars. To maintain community presence and accessibility, the External Affairs staff work continuously to foster relationships with state and local agencies, non-profit organizations, employers, housing providers, and other constituents. In advancing this aim, in 2020, the External Affairs team coordinated multiple events while partnering with other state agencies and community organizations.

ICRC'S media marketing efforts continued in 2020 with bus and billboard advertisement along with radio airings throughout the state. ICRC was able to reach more Hoosiers in 2020 while partnering with other state and local organizations in virtual events and marketing initiatives. This allowed ICRC to reach more audiences in which we have never made contact with before.



KEY FIGURES



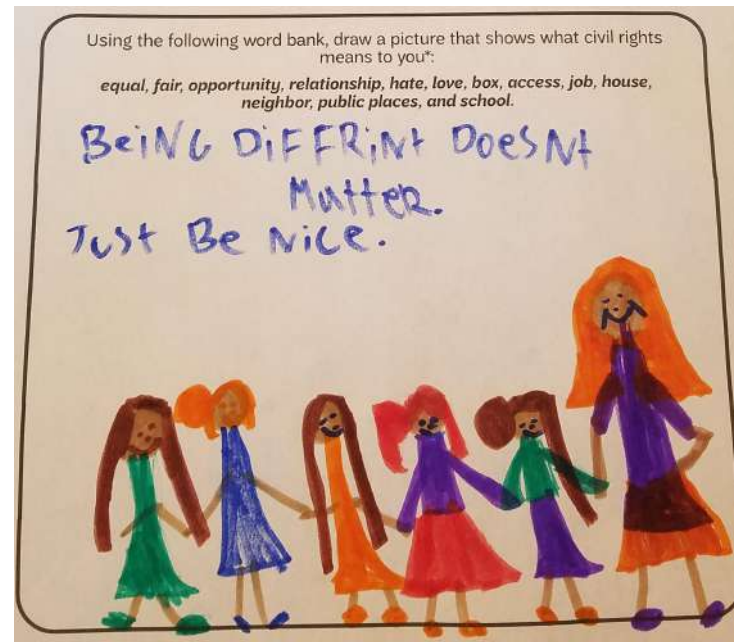
2020 boasted a new and exciting partnership and program for the ICRC and the Girl Scouts of Central Indiana. After months of preparation, the Civil Rights Patch Program launched on the first of May.

Over 300 Girl Scouts successfully completed the patch program in 2020, 35 of which completed the program in the first 60 days of its launch!

ICRC attended a physical social distanced outdoor event and multiple virtual webinars with the Girl Scouts to help introduce and review the new patch program.

The Civil Rights Patch Program focuses on the basics of civil rights in Indiana and explores the history and future of civil rights movements and leaders. The patch program also introduces the agency to Hoosier youth and families and encourages the sharing of knowledge to their community. Activities throughout the program promote research and promotion of civil right related information and history through a four step process: Inquire, Curate, Relate, and Commit.

To learn more information about the civil rights patch program, visit our website at <https://www.in.gov/icrc/3151.htm>



INDIANA COMMISSION ON THE SOCIAL STATUS OF BLACK MALES

The Indiana Commission on the Social Status of Black Males (ICSSBM) has been committed to helping improve the quality of life for Black males throughout the state since its inception in 1993. The role of the Commission is to convene partnerships and serve as a collaborator in assisting Black males in Indiana.

The Commission examines issues in five focus areas and highlights statistical data around Criminal Justice, Education, Employment, Health, and Social Factors. ICSSBM, local commissions, and community partners seek to help provide recommendations for community and legislative decisions while serving as a catalyst in facilitating a common foundation upon which a viable course of action can be initiated.

In the area of Criminal Justice, ICSSBM continued to work with the Indiana Juvenile Detention Alternatives Initiative (JDAI) toward Race, Equity, and Inclusion along with the Indiana Disproportionality Committee.

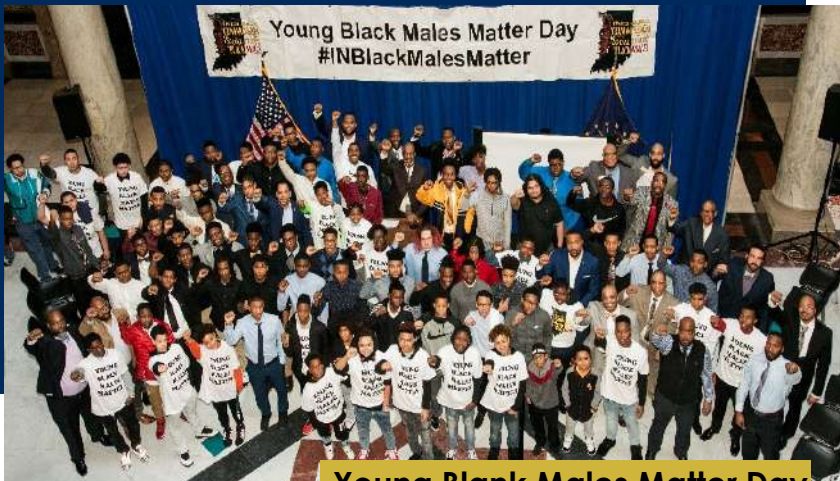
In the area of Education, ICSSBM worked diligently to engage minority youth in Indiana to provide a strong student-centered education system and a well-educated, trainable workforce to bolster the Indiana economy. In addition, ICSSBM partnered with the Indiana Commission for Higher Education, to explore the impact of black males in the Twenty First Century Scholars Program.

In the area of Health, ICSSBM modified the Indiana Black Barbershop Health Initiative to provide a virtual health education event, "COVID-19 Precautions and Safety Measures for Hoosiers."

ICSSBM partnered with the Indianapolis Recorder Newspaper to conduct its Annual Black Males Conference. The commission held three virtual panel discussions covering topics on criminal justice, health, and education.

In 2020, the pandemic shifted ICSSBM's goals and we created a social media strategic plan to communicate effectively with black males. ICSSBM gained 607 new followers and 541-page Likes. The Commission is also happy to report that the United States House of Representatives passed H.R. 1636, which establishes the first ever US Commission on Black Males. The legislation was modeled after the Indiana Commission on the Social Status of Black Males in 1993.

2020 EVENT HIGHLIGHTS



Young Blank Males Matter Day

The Commission partnered with the Indianapolis Recorder Newspaper for our annual conference and supported the Recorder along with 100 Black Men of Indianapolis for an Indy Black Male Photo Shoot celebrating the strength, positivity, and character of black males.



INDIANA COMMISSION FOR WOMEN

The Indiana Commission for Women (ICW) is a non-partisan state commission that exists to voice women's needs, concerns, and challenges as well as to celebrate their successes and contributions to Indiana. ICW is committed to the full participation of women in all aspects of society in order to make Indiana a better place to live, work and raise a family.

The Commission works to assess the current needs of and to improve the status of women and their families across the state through advocacy and by partnering with other governmental agencies and outside organizations to leverage the ability to make a positive impact on women's lives. ICW represents Indiana's commitment to improving the quality of life for women and their families.

2020 EVENT HIGHLIGHT

2020 TORCHBEARER AWARDS

The Torchbearer Awards Ceremony recognizes women of Indiana who have been pioneers throughout their lives or who have stepped forward as leaders by breaking down barriers and overcoming obstacles. These women have become true beacons of light and their stories of courage, perseverance, and compassion create a lasting legacy and inspiration for all.

The 2020 Torchbearer Awards recognized six deserving recipients who met extraordinary criteria.

2020 Torchbearers gathered at the Governor's Mansion for the awards ceremony. Pictured left to right:
Tamika Catchings, Heart of Indiana
Andie Hines-Lagemann, Torchbearer
Ann Murtlow, Lifetime Achievement
Marisa Kwiatkowski, Keeper of the Light
Angela Freeman, Trailblazer
Wendy Davis, Torchbearer



LOOKING AHEAD TO 2021

In 2021 ICW has plans to update its web presence by revamping our official website and adopting a more effective social media strategy in order to increase outreach and opportunities for engagement with women throughout Indiana and abroad. The Commission plans to actively continue developing relationships with key stakeholders who play a significant role in improving the lives of Hoosier women and their families. While 2020 presented many obstacles, ICW plans to face the new year with great power and motivation to strengthen The Commission's efforts to reach their goal in improving the quality of life for women and their families.

INDIANA NATIVE AMERICAN INDIAN AFFAIRS COMMISSION

The Indiana Native American Indian Affairs Commission (INAIAC) is created under the authority of P.L. 283-2003, passed by the Indiana General Assembly in 2003 and codified at IC 4-23-32. The purpose of the Indiana Native American Indian Affairs Commission is to study problems common to Native American Indian residents of Indiana in the areas of employment, education, civil rights, health, and housing. The INAIAC makes recommendations to appropriate federal, state, and local governmental agencies relevant to these areas of focus and develops its own initiatives to address the challenges faced by Native American and Indigenous Hoosiers.

The INAIAC serves as steward of the Indiana Native American License Plate Trust, and is committed to using its resources to enhance cultural awareness and implement data-driven programs and solutions to support the social, community, and economic development of Native American Indian individuals and communities throughout Indiana.

CURRENT INITIATIVES

SCHOLARSHIP PROGRAMS

The Daryl Baldwin and John Daughtery, Jr. Scholarship program provides up to ten (10) scholarships of up to \$3,000.00 per award for Native American Indiana students attending Indiana colleges, universities, and technical/vocational schools. In 2020, the INAIAC awarded \$21,500.00 to students attending institutions of higher learning throughout the state.

\$21,500

scholarships awarded
to university students
in Indiana

CAIRNS Grant

The Indiana Coronavirus American Indian Relief Network Support (CAIRNS) Grant was implemented to provide funding for programs and organizations assisting Native American Hoosiers adversely affected by the coronavirus pandemic. Grants are available for up to \$2,000.00 on a quarterly basis for programs providing pandemic assistance in the areas of health and mental health care, food security, rent and mortgage assistance, and employment placement and resources.

Spring Semester 2021

3 SCHOLARSHIP OPPORTUNITIES REMAINING!

INDIANA NATIVE AMERICAN INDIAN AFFAIRS COMMISSION

NEED HELP FUNDING YOUR EDUCATION?

We offer both academic and vocational scholarships



INDIANA COMMISSION HISPANIC/LATINO AFFAIRS

The Indiana Commission on Hispanic/Latino Affairs (ICHLA) is non-partisan state commission working toward economic, educational, and social equality, including promoting cooperation and understanding. The Commission identifies, measures, and reviews programs and legislation, and it researches challenges and opportunities affecting the Hispanic/Latino community. The Commission identifies solutions and provides recommendations to the governor and the legislature.

KEY INITIATIVES

NATIONAL FARMWORKER AWARENESS WEEK

Alongside Proteus, Inc. and the Department of Workforce Development (DWD), the Indiana Commission on Hispanic/Latino Affairs hosted a Farmworkers Awareness Week Awards Ceremony at the Indiana Statehouse on March 11. The event recognized three protagonist individuals who have made significant contributions to the state and farming community. The event hosted dozens of attendees and raised awareness for the significant contributions farmworkers and farmers make in the community's every day lives.

LOOKING AHEAD TO 2021

ICHLA plans to regain their presence in the social media platforms in order to help reach the Hispanic/Latino community. They plan to continue developing relationships with different stakeholders who play a significant role in improving the lives of the Hispanic and Latino Hoosiers.

NATIONAL FARMWORKER AWARENESS WEEK

Community organizations attended to offer resources to attendees.



Awardees gather with their families and ICHLA commissioners



GLOSSARY OF TERMS

Reasonable Accommodation – Changes in policies or procedures necessary to afford a person equal opportunity in employment, housing, education, and public accommodation. The ICRL and FHA require employers, housing providers, educational institutions, and public accommodations to allow reasonable flexibility in policies when necessary.

Alternative Dispute Resolution (ADR) – Various methods of settling complaints before or after the commencement of a full investigation and determination of cause. ADR can include mediation (a formal conference utilizing a neutral, third-party mediator,) conciliation (less formal discussions of the parties' interests and willingness to resolve a complaint,) or settlement discussions (the least formal form of ADR whereby the facilitator simply transmits offers and counter-offers between willing parties) and is a favored method for resolving complaints as parties can control outcomes and the Commission can preserve resources.

Comparator – A person who is “similarly-situated” to the Complainant but of another “protected class” (i.e.: race, religion, sex, etc.) In cases of disparate treatment, a comparator is identified as evidence that Respondent has treated persons of a different “class” more favorably than otherwise similarly-situated persons.

Complainant – A generic term used to describe the party that is alleging a discriminatory practice, the charging party (abbreviated “CP”); “Complainant” means a person, including the commission, who files a complaint under Ind. Code § 22-9.5-6. Ind. Code § 22-9.5-2-4

Disability – “A physical or mental impairment that substantially limits at least one of the major life activities of the individual.” Ind. Code § 22-9-5-6(a)(1). The term is defined more broadly under federal law and includes, but is not limited to including an impairment of a major bodily function (i.e.: reproductive system, endocrine system.)

Disparate Impact – A type of discrimination claim where an otherwise neutral policy has a disproportionately adverse effect on a particular protected class relative to individuals who are not members of that protected class.

Disparate Treatment – The most common type of discrimination claim. This type of claim involves one person (e.g. the Complainant) alleging that he or she has been treated less favorably than a similarly-situated person of a different protected class.

Jurisdiction – Term used to describe the subject matter over which the Commission has legal authority. The Commission has legal authority to investigate complaints alleging discrimination on the basis of race, color, national origin, ancestry, sex, disability, religion and familial status in the areas of employment, real estate, public accommodations, credit, and education. The Commission may also accept complaints alleging retaliation for having previously filed a complaint of discrimination with the Commission. The Commission may only investigate complaints filed within 180 days of the alleged discriminatory act (one year for housing cases).

No Probable Cause – Under the Indiana Civil Rights Law, a legal determination made by the Deputy Director finding that, based on the totality of the known circumstances, there is not a fair probability that an unlawful discriminatory practice occurred. This is the opposite of a Probable Cause finding.

No Reasonable Cause – Under the Fair Housing Act, a legal determination made by the Deputy Director finding that there is a lack of facts sufficient for a reasonable person to believe that an unlawful discriminatory practice occurred. This is the opposite of Reasonable Cause finding.

Probable Cause – Under the Indiana Civil Rights Law, a legal determination made by the Deputy Director finding that, based on the totality of the known circumstances, there is a fair probability that an unlawful discriminatory practice occurred. See 910 IAC 1-1.5-14. If such facts are found, a full evidentiary hearing must be held before the Administrative Law Judge or Commission to show that the Civil Rights Law has been violated.

Protected Class or Protected Status – A class of people who benefit from protection by statute, such as the Indiana Civil Rights Law which prohibits discrimination on the basis of race, color, national origin, ancestry, religion, sex, disability, age (not enforced by ICRC) and familial status (with respect to housing claims under the Indiana Fair Housing Act).

Public Accommodation – An establishment that offers its goods or services to the general public.

Reasonable Cause – Under the Fair Housing Act, a legal determination made by the Deputy Director finding that, based on the totality of the known circumstances, facts exist sufficient for a reasonable person to believe that an unlawful discriminatory practice occurred. See 910 IAC 2-6-6(a). If such facts are found, a full evidentiary hearing must be held before the Administrative Law Judge or Commission to show that the Fair Housing Act has been violated.

Respondent – Any person against whom a complaint has been filed (abbreviated “RP”). See 910 IAC 1-1.5-15.

Similarly-Situated – An individual who is in substantially the same position as Complainant for purposes of comparing treatment. In the context of employment, this would mean a coworker who performed substantially the same type of job or committed a similar infraction. Similarly, in the context of housing, this might be a person who has the same qualifications for rental as Complainant (i.e. same income, same rental history, applying for same size unit, etc.)

Reasonable Modification – A necessary change to the physical structure of a domicile that permits equal access to a person with a disability. Such reasonable changes are required by the FHA.

Pretext – A false reason or motive given to hide the actual or real reason for an action.



FALL FAIR HOUSING WEBINAR
ICRC, IHCD, ITA

Indiana Township Trustees



DISCRIMINATORY PRACTICES
IN THE AGE OF COVID

- Employment decisions based on stereotypes or assumptions
- Harassment on the basis of membership in a protected class
- Refusing Reasonable Accommodations
- Retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices



ICRC JURISDICTION & MISSION

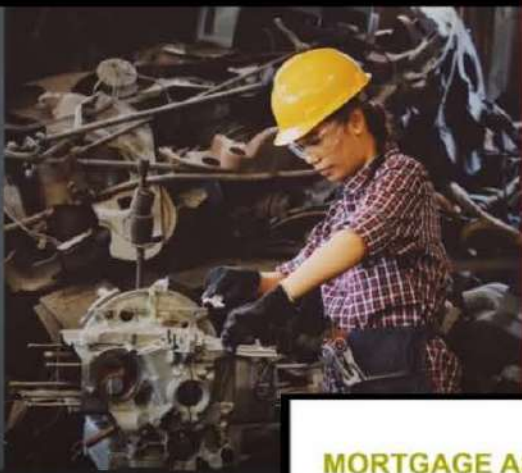
- The Indiana Civil Rights Commission enforces Indiana Civil Rights Code (IC 22-9) and the Indiana Fair Housing Act (IC 22-9.5)
- ICRC's jurisdiction extends to individuals, private or public entities, housing providers, and business establishments within the State of Indiana.
- The Indiana Civil Rights Commission's mission is the **neutral** investigation of complaints with the goal of eliminating **disparities** in the enforcement



COVID-19 & FAIR HOUSING WEBINAR
ICRC, IHCD, IFPN



Includes Asian Americans and other people of Asian descent



COVID-19 & EMPLOYMENT WEBINAR
ICRC & EEOC

MORTGAGE ASSISTANCE



- Indiana homeowners who have fallen behind on their mortgage payments or are unable to make future payments due to an involuntary financial hardship, should contact the Indiana Foreclosure Prevention Network (IFPN).
- IFPN can provide mortgage payment assistance of up to 6 months.
- Mortgage reinstatement assistance is available for individuals that have fallen behind on their mortgage but can currently make payments.
- Homeowners in need of assistance should visit www.877gethope.org or call toll-free 1-877-285-0401.



FALL FAIR HOUSING WEBINAR
ICRC, IHCD, ITA





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