JUL 25 2014

STATE OF INDIANA INDIANA CIVIL RIGHTS COMMISSION

INDIANA STATE CIVIL RIGHTS COMMISSION

JAMES C. JOINER	EEOC No.: 846-2013-23408
Complainant,	
VS.))
GREATER EDUCATION OPPORTUNITIES FOUNDATION,))
INC., and GARY MIDDLE COLLEGE, INC.,)
Respondents.)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On July 15, 2014, Noell F. Allen Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC") entered her Proposed Findings of Fact, Conclusions of Law, And Order ("the proposed decision").

No objections have been filed to the ICRC's adoption of the proposed decision.

Having carefully considered the foregoing and being duly advised in the premises, the ICRC hereby adopts as its own the findings of fact, conclusions of law, and order proposed by the ALJ in the proposed decision, a copy of which is attached hereto and incorporated herein by reference.

INDIANA CIVIL RIGHTS COMMISSION

COMMISSIONER

COMMISSIONED

COMMISSIONER

COMMISSIONER

Dated this 25th Day of July 2014.

Served by First Class United States Mail on the following:

James C. Joiner 218 Gladys Street Michigan City, IN 46360

Greater Education Opportunities Foundation Attn: Dana L. Johnson 1630 North Meridian Street, Suite 350 Indianapolis, IN 46202

ICE MILLER LLP Attn: Byron L. Myers One American Square Suite 2900 Indianapolis, IN 46282

Gary Middle College, Inc. 333 N. Pennsylvania Street, Suite 1000 Indianapolis, IN 46204

Gary Middle College, Inc. 556 Washington Street Gary, IN 46402

Gary Middle College, Inc. c/o Kevin Teasley, Resident Agent 1630 N. Meridian Street, Suite 350 Indianapolis, IN 46202

and to be personally served on the following attorney on record:

Michael C. Healy, Esq. Staff Counsel Indiana Government Center North Indiana Civil Rights Commission 100 N. Senate Avenue, Room N103 Indianapolis, IN 46204

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PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On July 11, 2014, Complainant, James C. Joiner, and Respondent, Greater Education Opportunities Foundation, Inc. and Gary Middle College, Inc., ("Respondents"), filed their Joint Motion to Dismiss ("Motion").

Having carefully considered the foregoing and being duly advised in the premises, the undersigned Administrative Law Judge for the Indiana Civil Rights Commission ("ICRC") proposes that the ICRC enter the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

- 1. This case involves Mr. Joiner's claims that Respondent terminated his employment because of his race and/or sex and subjected him to harassment on the basis of his race. NOTICE OF FINDING (September 17, 2013).
- 2. The parties have reached a private settlement agreement and wish to dismiss the complaint with prejudice.
 - 3. The Motion is expressly motivated by settlement.
- 4. There is no evidence of fraud, coercion, duress, or any other reason not to approve of the requested dismissal.

- 5. The parties agreed to waive the fifteen (15) day period in which to file objections to any Proposed Decision dismissing this matter.
- 6. Any Conclusion of Law that should have been deemed a Finding of Fact is hereby adopted as such.

CONCLUSIONS OF LAW

- 1. The ICRC has jurisdiction over the subject matter and the parties.
- 2. Settlement is a favored resolution and should be encouraged.
- 3. Administrative review of this proposed decision may be obtained by the filing of a writing identifying with reasonable particularity each basis of each objection within fifteen (15) days after service of this proposed decision. IC 4-21.5-3-29(d).
 - 4. The parties agreed to waive the fifteen (15) day period in which to file objections.
- 5. Any Finding of Fact that should have been deemed a Conclusion of Law is hereby adopted as such.

ORDER

- 1. The parties' Joint Motion to Dismiss is **GRANTED**.
- 2. Mr. Joiner's complaint is **DISMISSED**, with prejudice.

SO ORDERED this 15th day of July, 2014

Hon. Noell F. Allen

Administrative Law Judge

Indiana Civil Rights Commission

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James C. Joiner 218 Gladys Street Michigan City, IN 46360 Greater Education Opportunities Foundation Attn: Dana L. Johnson 1630 North Meridian Street, Suite 350 Indianapolis, IN 46202

ICE MILLER LLP Attn: Byron L. Myers and Charles Bush, II One American Square Suite 2900 Indianapolis, IN 46282

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