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BEFORE THE STATE OF INDIANA  
CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF NOVEMBER 17, 2006

- - -

ORIGINAL

PROCEEDINGS

in the above-captioned matter, before the Indiana  
Civil Rights Commission, Barry Baynard, Chairman,  
taken before me, Lindy L. Meyer, Jr., a Notary  
Public in and for the State of Indiana, County of  
Shelby, at the Richmond Municipal Building,  
Council Chambers, 50 North Fifth Street,  
Richmond, Indiana, on Friday, November 17, 2006  
at 2:09 o'clock p.m.

- - -

William F. Daniels, RPR/CP CM d/b/a  
ACCURATE REPORTING OF INDIANA  
12922 Brighton Avenue  
Carmel, Indiana 46032  
(317) 848-0088

1 APPEARANCES:

2 COMMISSION MEMBERS:

3 Barry Baynard, Chairman  
4 Charles D. Gidney  
5 Steven A. Ramos  
6 Tehiji G. Crenshaw

7 INDIANA CIVIL RIGHTS COMMISSION  
8 By Gregory Kellam Scott, Director/Secretary  
9 & Christine Cde Baca, Dep. Director  
10 Indiana Government Center North  
11 100 North Senate Avenue, Room N103  
12 Indianapolis, Indiana 46204  
13 On behalf of the Commission.

14 OTHER COMMISSION STAFF PRESENT:

15 Robert D. Lange  
16 Eric Chandler  
17 Cindy Haynes

18 ALSO PRESENT:

19 Ron Chappell  
20 Ron Church  
21 Theresa Satterfield  
22 Rose Dangerfield  
23 Bob Hunter  
Paul Kriese  
Josh Williams

- - -

2:09 o'clock a.m.  
November 17, 2006

- - -

1  
2  
3 CHAIRMAN BAYNARD: I'd like to call  
4 to order the Indiana Civil Rights Commission  
5 meeting, November 17th, 2006. For the record,  
6 Commissioners present is Comm. Gidney,  
7 Comm. Crenshaw, Comm. Ramos, and I'm  
8 Comm. Baynard.

9 Do we have any additions to the agenda?

10 MR. LANGE: A couple of things.  
11 Under C, New Business, it should say "2008"  
12 instead of "2007," and you should probably  
13 delete, under F, "Hancher v[ersus] Quail Run  
14 Apartments."

15 CHAIRMAN BAYNARD: Since we don't  
16 have minutes to adopt, we'll move on to B,  
17 Financial Report.

18 MR. SCOTT: Commissioners, we have  
19 Mr. Eric Chandler, who is a staff accountant who  
20 prepares the reports. He's here today, and  
21 rather than belaboring that report from the view  
22 of an attorney, I'll let him respond to any  
23 questions you might have as to the agency's

1 finances.

2 CHAIRMAN BAYNARD: Any questions?

3 MR. SCOTT: Did you receive copies?

4 (Discussion off the record.)

5 MR. SCOTT: Comm. Baynard, if you're  
6 agreeable, in light of the fact that you have not  
7 had those with the materials that were sent out  
8 otherwise, Mr. Chandler will walk you through the  
9 financial information.

10 CHAIRMAN BAYNARD: Yes, please.

11 MR. SCOTT: And then if there are any  
12 questions that arise --

13 CHAIRMAN BAYNARD: Yes.

14 MR. CHANDLER: Okay. This is a  
15 report as of the month ending October 31st. On  
16 the following page, you'll see that we have a  
17 summary of all of the balance sheet accounts for  
18 all -- for each of the fund balances, the  
19 operating account through the settlement escrow,  
20 and our total fund agency balance as of  
21 October 31 was 633,741.

22 The following pages give you the breakdown  
23 of each fund, the appropriations, and the balance

1 of each fund at the end of October 31st, along  
2 with any disbursements that have occurred year to  
3 date.

4 The following pages behind that would give  
5 you any pie graph breakdown of the disbursements  
6 that you need to see percentage-wise. As you can  
7 see, most of the accounts haven't had much  
8 activity. The operating account is sitting at  
9 420,851 at the end of October 31; the age case  
10 fund is sitting at a balance of negative four;  
11 the EEOC account at 2,621; the ICRC workshops or  
12 continuing legal education a 29,603. The posted  
13 NAOHRW Conference at 1,176; HUD grant, 145,351;  
14 the Home grant at 24,732; the FHIP grant at a  
15 negative 1,904; MLK Holiday Commission at 2,784;  
16 the settlements escrow at 8,531; which gives you  
17 a net of 633,741, and that's all as of  
18 October 31, 2006.

19 MR. SCOTT: With respect to the  
20 NAOHRW Conference, which we just recently held,  
21 we had transferred \$5,000 in funds to support  
22 that effort, and to the extent that there are  
23 moneys left over, those funds will be transferred

1 back into the accounts from which they were  
2 provided.

3 And I will mention that we did have what  
4 was a successful conference, and the attendees  
5 seemed to enjoy their opportunity to continue  
6 their training in terms of their investigative  
7 work, as well as the public policy issues that  
8 have been raised most recently.

9 COMM. RAMOS: So, most of the  
10 education is in the springtime with the funds  
11 that are left there? Is that where most of the  
12 disbursements occur?

13 MR. SCOTT: I apologize. I'm not  
14 certain what portion of the --

15 COMM. RAMOS: Oh, on the ICRC  
16 Workshops -- oh, those are posted by the month.  
17 That's right.

18 MR. SCOTT: Yes.

19 COMM. RAMOS: That's right.

20 MR. CHANDLER: Uh-huh.

21 MR. SCOTT: Any other questions?

22 CHAIRMAN BAYNARD: No. Thank you.

23 MR. SCOTT: You're welcome.

1                   CHAIRMAN BAYNARD: Moving on to New  
2 Business, memorandum of proposed 2008 CLE and  
3 meeting dates?

4                   MR. LANGE: Any comments? The reason  
5 for this is: Getting rooms at the Conference  
6 Center, the better rooms, you need to get your  
7 requests in early. The -- this proposal follows  
8 the usual pattern for when we hold Commission  
9 meetings, and it's just getting a date specified  
10 so I can make a request for rooms on those dates.

11                  MR. SCOTT: And I assume we're not  
12 necessarily asking for actual action today, in  
13 light of the fact, especially, since three  
14 Commissioners are not here.

15                  MR. LANGE: Well, we could always  
16 change.

17                  MR. SCOTT: For --

18                  MR. LANGE: Well, what I would  
19 suggest is you go ahead and take the action, I'll  
20 resubmit the memo, and if there's any specific  
21 problem --

22                  MR. SCOTT: That's fine.

23                  MR. LANGE: -- we can change that. I

1 can't imagine we'll have a lot.

2 MR. SCOTT: They were in my  
3 materials. I hope they were in yours. If not,  
4 then I think you need to make sure you check your  
5 calendars. Maybe the first two months go ahead  
6 and approve, and then have a chance to just make  
7 sure -- and I say that only with respect to  
8 assuring our ability to have the quorums and --

9 MR. LANGE: This is for 2008.

10 MR. SCOTT: Yes, I know that.

11 MR. LANGE: Okay.

12 CHAIRMAN BAYNARD: Is there a motion,  
13 then, to approve the CLE and meeting dates?

14 COMM. RAMOS: So moved.

15 COMM. GIDNEY: Second.

16 CHAIRMAN BAYNARD: All in favor?

17 COMM. CRENSHAW: Aye.

18 COMM. RAMOS: Aye.

19 COMM. GIDNEY: Aye.

20 CHAIRMAN BAYNARD: Aye.

21 Opposed?

22 (No response.)

23 CHAIRMAN BAYNARD: Then having no Old



1 Business or Consent Agreements, we'll move on to  
2 F, proposed findings of facts, conclusions of law  
3 and order. In the case of Garner versus  
4 Jeffersonville Housing Authority and Philip  
5 Bates, Executive Director, is there a motion to  
6 approve this order?

7 COMM. RAMOS: So moved.

8 CHAIRMAN BAYNARD: Is there a second?

9 COMM. GIDNEY: Second.

10 CHAIRMAN BAYNARD: All in favor?

11 COMM. CRENSHAW: Aye.

12 COMM. RAMOS: Aye.

13 COMM. GIDNEY: Aye.

14 CHAIRMAN BAYNARD: Aye.

15 Opposed?

16 (No response.)

17 CHAIRMAN BAYNARD: And in the case of  
18 Chambers versus Becich, is there a motion?

19 COMM. GIDNEY: In the case of  
20 Chambers versus Becich, I move that the  
21 Commission enter an order that overrules  
22 Complainant's objections, overrules Respondent's  
23 objections, and adopts the findings of fact,

1 conclusions of law and order proposed by the  
2 Administrative Law Judge in his findings of --  
3 proposed findings of fact, conclusions of law and  
4 order.

5 CHAIRMAN BAYNARD: Is there a second?

6 COMM. RAMOS: Second.

7 CHAIRMAN BAYNARD: All in favor.

8 COMM. CRENSHAW: Aye.

9 COMM. RAMOS: Aye.

10 COMM. GIDNEY: Aye.

11 CHAIRMAN BAYNARD: Aye.

12 Opposed?

13 (No response.)

14 CHAIRMAN BAYNARD: Other Orders.

15 Cagle versus Orange County Farm Bureau  
16 Cooperative and Associates [sic].

17 MR. LANGE: On this one, Mr. Chair, I  
18 think you have copies of motions and things that  
19 were filed in this case in your packet. I didn't  
20 have a chance to get the order written before the  
21 packet went out, but I have one now that would  
22 grant this motion and enter a stay, actually a  
23 little bit longer than that motion, until a week

1 after the next Commission meeting. What they're  
2 saying is they've got a settlement but they've  
3 got some i's to dot and some t's to cross at the  
4 Board meeting, so --

5 CHAIRMAN BAYNARD: So, we can hold  
6 that until --

7 MR. LANGE: No, you can go ahead and  
8 enter it, but then if a settlement doesn't come  
9 through in December, then they have a date  
10 shortly after the December meeting by which to  
11 act.

12 CHAIRMAN BAYNARD: Can we just hold  
13 it off until December, then, and we'll get a  
14 chance to read it?

15 MR. LANGE: Except that it looks sort  
16 of like they should be doing something now, and  
17 this grants the right to not file anything until  
18 after the Commission meeting.

19 CHAIRMAN BAYNARD: Okay. Then do we  
20 have a motion, then, to approve?

21 COMM. CRENSHAW: So moved.

22 CHAIRMAN BAYNARD: Second? Is there  
23 a second?

1                   COMM. GIDNEY:   Second.

2                   CHAIRMAN BAYNARD:  All in favor?

3                   COMM. CRENSHAW:  Aye.

4                   COMM. RAMOS:  Aye.

5                   COMM. GIDNEY:  Aye.

6                   CHAIRMAN BAYNARD:  Aye.

7                   Opposed?

8                                   (No response.)

9                   CHAIRMAN BAYNARD:  Reports by  
10                   Commissioners for Appeals Cases.  Is there a  
11                   report from Comm. Carter?

12                   MR. SCOTT:  We have nothing.

13                   MR. LANGE:  We have not -- do you  
14                   have one?

15                   MR. SCOTT:  Do you have it?

16                   MS. HAYNES:  He brought them in  
17                   yesterday.  Tawanda has them.

18                   MR. LANGE:  Do you know what the  
19                   result is?

20                   MS. HAYNES:  No --

21                   MR. LANGE:  Okay.

22                   MS. HAYNES:  -- but he took them to  
23                   Tawanda yesterday.

1 MR. SCOTT: I'm sorry; I couldn't  
2 hear.

3 MR. LANGE: Tawanda knows what his  
4 report is, and he --

5 MR. SCOTT: Maybe it'd be better to  
6 bounce it to the next meeting.

7 MR. LANGE: Okay.

8 CHAIRMAN BAYNARD: Is there a report  
9 from Comm. Garcia?

10 MR. LANGE: Have you heard anything?

11 MS. HAYNES: That I don't know.

12 CHAIRMAN BAYNARD: And is there a  
13 report from Comm. Blackburn?

14 MS. HAYNES: No.

15 CHAIRMAN BAYNARD: Moving on, then,  
16 to Comm. Ramos.

17 COMM. RAMOS: In the case of Brummet  
18 versus Quality Team, I recommend that the  
19 Commission uphold the findings of the Commission.

20 CHAIRMAN BAYNARD: Is there a second  
21 to the recommendation?

22 COMM. CRENSHAW: So moved.

23 CHAIRMAN BAYNARD: Is there a second?

1                   COMM. GIDNEY: Oh, I'm sorry. Yeah,  
2 second.

3                   CHAIRMAN BAYNARD: All in favor?

4                   COMM. CRENSHAW: Aye.

5                   COMM. RAMOS: Aye.

6                   COMM. GIDNEY: Aye.

7                   CHAIRMAN BAYNARD: Aye.

8                   Opposed?

9                                   (No response.)

10                  CHAIRMAN BAYNARD: And Comm. Gidney.

11                  COMM. GIDNEY: In the case of O'Brien  
12 versus Calltech Communications, LLC, I move that  
13 we uphold the findings of the Commission.

14                  COMM. RAMOS: I second it.

15                  CHAIRMAN BAYNARD: All in favor?

16                  COMM. CRENSHAW: Aye.

17                  COMM. RAMOS: Aye.

18                  COMM. GIDNEY: Aye.

19                  CHAIRMAN BAYNARD: Aye.

20                  Opposed?

21                                   (No response.)

22                  CHAIRMAN BAYNARD: And

23 Comm. Crenshaw.

1                   COMM. CRENSHAW: In the case of  
2 Nicodemus versus Resort Condominiums  
3 International, I move we uphold the findings of  
4 no probable cause.

5                   CHAIRMAN BAYNARD: Is there a second?

6                   COMM. RAMOS: Second.

7                   COMM. GIDNEY: Second.

8                   CHAIRMAN BAYNARD: All in favor?

9                   COMM. CRENSHAW: Aye.

10                  COMM. RAMOS: Aye.

11                  COMM. GIDNEY: Aye.

12                  CHAIRMAN BAYNARD: Aye.

13                  Opposed?

14                                 (No response.)

15                  CHAIRMAN BAYNARD: And I have the  
16 case of McCray versus Wishard Health Services,  
17 and I would recommend to the Commission that we  
18 uphold the Director's finding of no probable  
19 cause. Could I get a second -- or could I get a  
20 motion?

21                  COMM. GIDNEY: So moved.

22                  CHAIRMAN BAYNARD: Is there a second?

23                  COMM. CRENSHAW: Second.

1 CHAIRMAN BAYNARD: All in favor?

2 COMM. CRENSHAW: Aye.

3 COMM. RAMOS: Aye.

4 COMM. GIDNEY: Aye.

5 CHAIRMAN BAYNARD: Aye.

6 Opposed?

7 (No response.)

8 CHAIRMAN BAYNARD: And I would like  
9 to assign appeals cases for this coming month. I  
10 would like to move the case for Comm. Carter to  
11 Comm. Ramos. If you would, take the case of  
12 Tamika Wheeler versus Indianapolis Housing  
13 Authority.

14 COMM. RAMOS: Sure.

15 CHAIRMAN BAYNARD: And for  
16 Comm. Crenshaw, I would like to assign the case  
17 Witherspoon versus Mike's Car Wash and  
18 Witherspoon versus Indianapolis Police Department  
19 and Witherspoon versus Integral Tech and  
20 Witherspoon versus Security Video Indiana, if you  
21 don't mind.

22 COMM. CRENSHAW: Not a problem.

23 (Laughter.)



1                   CHAIRMAN BAYNARD:  And for  
2  Comm. Gidney, Locke versus Prestwick Golf Course.

3                   Comm. Crenshaw, if you would like to be  
4  relieved of a couple of those cases, I will do  
5  those.

6                   COMM. CRENSHAW:  I'm -- I don't see a  
7  problem.

8                   CHAIRMAN BAYNARD:  Okay.  Thank you.  
9                   Moving on to the Administrative Update.

10                  MR. SCOTT:  The Director's Report,  
11  and I would like to pass these up for each of the  
12  Commissioners.  It's more of an outline, and for  
13  those members of the public, if any would like a  
14  copy, there are certainly some here.

15                  MS. HAYNES:  Thank you.

16                  MR. SCOTT:  And the first matter is  
17  to address the status of the new agency  
18  regulations, and I would ask that they be added  
19  as a matter of old business to the agenda for the  
20  December 15th meeting.

21                  You have already been provided information  
22  for the September Commission meeting regarding  
23  the progress that had been made, and what we need

1 to do then is: Once the Commissioners are  
2 comfortable with the outline that has been  
3 provided, we then need to take it to the Office  
4 of Legislative Services, because we then have to  
5 go through the administrative process of having  
6 the rules announced, an opportunity for the  
7 public to receive that notice and to be able to  
8 comment on the proposed rules, before the  
9 Commission then acts to adopt those rules.

10 And I just want to make certain that the  
11 Commissioners are on board with the direction  
12 that the legal staff has been working, and so  
13 would like to have that added to our meeting's  
14 agenda next month, and hoping that everyone still  
15 has those materials, but if not, if you indicate  
16 so, we will send another copy of those materials  
17 to you.

18 And they are rules which would address  
19 unfair practices with respect to credit  
20 transactions, discrimination in places of public  
21 accommodations, discrimination against the  
22 disabled in places of public accommodations, a  
23 new and probably more comprehensive rule, which

1 would be preventing retaliation against a person  
2 who files a complaint, testifies before the  
3 Commission, or assists the Commission, in accord  
4 with the Indiana civil rights law, and then also  
5 review of civil remedies.

6           The second matter of report is: There is  
7 an ad hoc committee that is now meeting and has  
8 been meeting. I believe we advised the  
9 Commission of their existence, and it's, for lack  
10 of a better phrase right now, the Multicultural  
11 Committee and Annual Cultural Conference.

12           And they have been meeting monthly, and  
13 they have concluded at this point that they're  
14 going to attempt to hold a conference that will  
15 take place in several locations, perhaps even  
16 here in Richmond, that will address geographic  
17 and racial and ethnic diversity, and also provide  
18 for a sharing of information regarding cultures.

19           With respect to the Dr. Martin Luther  
20 King, Jr. Indiana Holiday Commission, in our  
21 statute, there is a provision, and if you look on  
22 the third page of what I provided to you, you  
23 will see the statutory language, and in

1 Section 4-23-24.1-7, in Section 7(a), the last  
2 sentence of that paragraph states that the  
3 expenses incurred under this subsection shall be  
4 paid out of funds appropriated to the Lieutenant  
5 Governor or the Civil Rights Commission. And I  
6 wanted to report to the Commissioners the status  
7 of this at this point in time.

8 The expenses that are being discussed are  
9 the costs, the per diem, as well as travel  
10 expenses, for members of the Dr. Martin Luther  
11 King Commission. I've had a meeting with the  
12 Lieutenant Governor's Office, and at least as of  
13 yesterday's -- I'm sorry -- last week's meeting,  
14 there was not only agreement, at least in  
15 principle, that the cost would be split 50/50 --  
16 previously we carried that burden entirely,  
17 although we did receive some payments that  
18 assisted with that -- there also is, at least at  
19 this point, an agreement that the cost of the  
20 Martin Luther King Commemoration program might  
21 also be split 50/50.

22 So, I'm hoping on that one. Obviously the  
23 statutory language does not explicitly address

1 that program. At least at this point the  
2 Lieutenant Governor's Office was willing to  
3 discuss that, and I'm hoping that that will  
4 occur.

5 COMM. RAMOS: Is that an ongoing  
6 commitment?

7 MR. SCOTT: It's an ongoing -- I  
8 should give you a little bit of the background,  
9 because there has been some assistance that has  
10 occurred in the past. During the Kernan  
11 Lieutenant Governorship, there were funds that  
12 were applied to the cost of the Martin Luther  
13 King Commemoration ceremony. However, there is  
14 no record as to any agreement, nor any indication  
15 of any obligation for future planning, that  
16 contributions would continue.

17 So, where we are now is seeking agreement  
18 from Lieutenant Governor Skillman's Office that  
19 in fact there will be an agreement. We have  
20 arrived at at least one agreement, and that is  
21 that we will have in place a memorandum of  
22 understanding so that we have a written record of  
23 what is agreed to, and so that the parties can

1 understand what they would reasonably expect of  
2 each other.

3           COMM. RAMOS: And that's independent  
4 of who's in the office, politically speaking?

5           MR. SCOTT: Well, yes and no. At  
6 least we would have a written agreement.  
7 Obviously when a new Lieutenant Governor comes  
8 into office, they can state that they no longer  
9 want to follow that agreement, but at least there  
10 will now be a record of what the agreement is.

11           We have no written record, other than a  
12 few indications of checks having been written,  
13 but no indication that there was an agreement as  
14 to how those funds would be applied, whether  
15 there would be an expectation that there would be  
16 funds available in the future.

17           COMM. RAMOS: Okay.

18           MR. SCOTT: So, we're moving ahead  
19 and, I think, making progress.

20           And then in with that I do want to mention  
21 that in our budget proposal, we will be seeking  
22 line-item funding from the state legislature for  
23 the activities of the Dr. Martin Luther King

1 Indiana Holiday Commission.

2 And as you know, it's not only the --  
3 well, I shouldn't say not only, but not just the  
4 Dr. King ceremony, but we also use that  
5 Commission to support the Holocaust observance,  
6 and both programs come at not a great cost, but  
7 an amount that it would be helpful to have some  
8 support in funding that.

9 And then finally, the state budgeting  
10 process. In accord with the Governor's  
11 directions, we have already submitted material  
12 regarding our budgetary needs for the next two  
13 years, and I wanted to merely add that that is in  
14 process in the executive branch as we speak now.

15 And also indicate to you that we are  
16 seeking specific line-item funding for the  
17 Education Steering Committee, for the Dr. Martin  
18 Luther King Commission, and also for some  
19 additional efforts that we will be making in the  
20 work ahead for the Commission.

21 In particular, as you know, we have a  
22 youth summit. We wanted to expend that youth  
23 summit into a youth forum, where we have

1 continual contact with young people who are  
2 working through the auspices of the agency.

3 I think that completes my report.

4 CHAIRMAN BAYNARD: Thank you.

5 Do we have a Deputy Director's Report?

6 MS. CDE BACA: Yes, we do. You have  
7 in your packet the monthly production report for  
8 the Indiana Civil Rights Commission. The total  
9 pending case inventory reported in September 2006  
10 was 407 cases. During the month of October, we  
11 had 54 additions to that case -- or to that  
12 caseload.

13 Dispositions during that time were 18. I  
14 know that seems like a very low number, which it  
15 is. As you know, last month we reported over 70  
16 dispositions. The reason that we have such a low  
17 number in October for dispositions is -- you may  
18 recall this as well -- that every year during the  
19 month of October, for six weeks, we cannot turn  
20 in cases to the EEOC because they do something  
21 nationally with their database.

22 So, these 18 cases were the housing cases  
23 and public accommodations cases, any other -- any



1 case other than employment cases that were turned  
2 in, and that's why that number is so low. We  
3 cannot submit employment cases again until  
4 actually starting on Monday.

5 So, during the month of November we expect  
6 that the dispositions will once again increase.  
7 So, the total pending case inventory as of  
8 October 31st was 445. We also had one probable  
9 cause finding during that month.

10 With regard to the ADR unit, do you have  
11 the ADR case -- I don't believe you do.

12 (No response.)

13 MS. CDE BACA: We had -- there were a  
14 total of seven cases mediated during the month of  
15 October. Five of those resulted in settlement  
16 for closure, and we also have the benefit during  
17 this period of time of law students that have  
18 accepted -- been accepted as mediator interns, so  
19 Steve Tilden in the ADR unit has been very busy  
20 during the month of October.

21 And so, we had five successful  
22 settlements, and I think the majority of those  
23 were done by our interns, and I have to state

1 that the report from Steve Tilden was that this  
2 has been the best set of interns that he's ever  
3 had the opportunity to work with, so we're very  
4 pleased to have had their help during the month.

5 CHAIRMAN BAYNARD: Thank you.

6 Are there any additional announcements?

7 (No response.)

8 CHAIRMAN BAYNARD: Well, hearing  
9 none, I just want to say from this Chair that I  
10 appreciate the -- everything that the Human  
11 Rights Commission here in Richmond has done for  
12 us to make us comfortable and to be as generous  
13 as you could be. I do appreciate that. And I  
14 also appreciate Comm. Gidney for being the host  
15 from the city for the Commission.

16 Is there any other announcements?

17 COMM. RAMOS: The judge has --

18 MR. SCOTT: I think the only other  
19 matter -- and I don't know how the Chair wishes  
20 to handle it, but we did intend to provide the  
21 opportunity for public comments before the day is  
22 over.

23 CHAIRMAN BAYNARD: And now would be

1 the time.

2 Is there anyone who would like to make a  
3 comment about what they've witnessed today, or  
4 just a comment in general?

5 MR. SCOTT: And I would certainly  
6 like to recognize the Director for the Richmond  
7 Human Rights Commission, and ask that if he would  
8 mind making a comment and allowing the  
9 Commissioners to know what in particular your  
10 agency has been dealing with in this community as  
11 you provide the services that are so needed and  
12 necessary.

13 MR. CHAPPELL: Yes, sir. Well, first  
14 I want to thank you for choosing Richmond, our  
15 lovely city. We're very, very happy to be able  
16 to provide the accommodations, and I hope that  
17 you did find them comfortable and suitable for  
18 your needs.

19 We have a relatively small staff  
20 comparable of other agencies across the state,  
21 but I think they do a tremendous job. In fact, I  
22 want to ask our staff if they would stand. I  
23 think we're only missing one.

1 UNIDENTIFIED SPEAKER: Where is she?

2 MR. CHAPPELL: Rose there,  
3 Mr. Church, Mrs. Satterfield, Mr. Dangerfield.  
4 And then I have a couple of Commissioners here as  
5 well, I believe. The Chair, Mr. Hunter, and Josh  
6 Williams, and I think that's it, as far as  
7 representation of the Commission.

8 As you guys do, we deal with a lot of  
9 issues. I guess the preponderance of our cases  
10 have to do with the issues of race and  
11 employment. We see an increase in disability  
12 issues, and some issues in terms of sexual  
13 harassment. I think that would be the largest  
14 portion of what we do handle.

15 We are finding as we do our work that  
16 institutionalized discrimination has become much  
17 more subtle and covert, and practitioners have  
18 become very much more articulate in how they  
19 implement the factors and procedures, but as they  
20 become more articulate, so do we become more  
21 aware and more astute and more knowledgeable in  
22 terms of how to seek out that kind of  
23 information, so we've been very successful in

1 that regard.

2 We've instituted a public information  
3 awareness program, whereby we would go to various  
4 sections of the city and we make ourselves  
5 available to the community, and we, of course,  
6 give them a brief on the Commission, what it  
7 does, how it operates, and then we open it up for  
8 public input and comment.

9 What we've found is that a lot of people  
10 feel intimidated coming to the agency. A lot of  
11 it has to do with location. We happen to be  
12 located in the same building as the Police  
13 Department, so that's a deterrent for a lot of  
14 people to come. So, we felt that if we would go  
15 out into the areas where people live, that we'd  
16 get more input.

17 We have some new programs, so we haven't  
18 been able to make a real assessment in terms of  
19 the effectiveness of it yet, but we're hoping  
20 that that will pay off for us. It has -- just  
21 the announcement of it has increased the  
22 awareness of the existence of the Commission.

23 I was surprised, in the number of years

1 that we've been here, which has been since 1990,  
2 formally, the number of folks who really don't  
3 know about the Commission and what it does. And  
4 so, we're finding that this process -- we believe  
5 this process will help us out in terms of  
6 increasing awareness in the community.

7 I have a lot of support from my  
8 Commission. They back us all of the way. I  
9 think we're doing a pretty good job. Public  
10 input, feedback that I'm getting, particularly  
11 here of late, suggests that people are very  
12 pleased that the Commission is being -- is  
13 asserting itself and being more aggressive about  
14 identifying areas where people are being  
15 discriminated against and taking appropriate  
16 action.

17 In fact, I had a comment just within the  
18 last hour or so about how an individual felt that  
19 we were not backing down from the issues, and so  
20 that's just our position and we plan to continue  
21 to operate in that manner.

22 Any questions that you'd like to ask me?  
23 I can tell you this: Right now our caseload is

1 about 25. We have disposed of 14, I believe,  
2 this year. I believe that three were -- three  
3 were probable causes and the rest were no  
4 probable causes.

5 And sometimes people have a problem  
6 understanding that process as well, but we try to  
7 do our best to explain to them that, you know,  
8 you've got to have sufficient evidence and that  
9 to -- well, your evidence should be objective  
10 when you do your investigation, and then you make  
11 your finding based on what's there in the file.

12 So, anything that I might have missed?  
13 Better say it now while they're here.

14 (Laughter.)

15 MR. CHAPPELL: We won't get this  
16 chance again for a while.

17 COMM. RAMOS: I have a question for  
18 you.

19 MR. CHAPPELL: Sure.

20 COMM. RAMOS: From a standpoint  
21 across the state, but particularly in your area  
22 here, are you seeing incidents, either from a  
23 growing number of rights being addressed to you

1 from the Hispanic side or from the -- and I know  
2 gay, bi and lesbian, you know, gender. Do you  
3 see any issues in your area?

4 MR. CHAPPELL: From the Hispanic  
5 side, but not formally. And again, a lot of  
6 that, as I talk to people in the community, it  
7 has to do with the location. That's why we  
8 decided to implement this program, and I believe  
9 our next presentation will be in the area that is  
10 predominantly inhabited by the Hispanic  
11 community. So, we'll see what happens with that.

12 COMM. RAMOS: Thank you.

13 CHAIRMAN BAYNARD: Charles?

14 COMM. GIDNEY: (Shook head no.)

15 MS. CDE BACA: I have a question for  
16 you.

17 MR. CHAPPELL: Sure.

18 MS. CDE BACA: When you find probable  
19 cause, what -- I mean, you know, with us, it then  
20 can go through our administrative process through  
21 Judge Lange. When you find probable cause, then  
22 what happens?

23 MR. CHAPPELL: We find probable



1 cause, we send a notice to the respondent and the  
2 charging party informing them of that. We  
3 initially try to work a consent agreement between  
4 the two. If that's successful, then everybody's  
5 home free. If not, then a hearing has to be  
6 scheduled, and then I would get the case to a  
7 hearing officer that's paid for by the city.

8 MS. CDE BACA: Oh, okay.

9 MR. CHAPPELL: And then the hearing  
10 officer would render his finding.

11 CHAIRMAN BAYNARD: Thank you very  
12 much. Is there anything else?

13 COMM. RAMOS: I have a question for  
14 Deputy Director Cde Baca. Do you have an update  
15 on some of the education stuff? You know I have  
16 a passion for that.

17 MS. CDE BACA: Some of the education  
18 activities are that -- I mean I think -- well, I  
19 guess here in Richmond you probably don't know,  
20 but we do have an active Indiana Civil Rights  
21 Commission Education Steering Committee. We have  
22 had one full meeting of the Committee that  
23 occurred September the 12th.

1           We are having our next full Committee  
2 meeting -- and this -- the Committee consists of  
3 members statewide. A couple of our Commissioners  
4 are on the Committee. We have legislators, state  
5 legislators, on the Committee, we have community  
6 members, superintendents from various school  
7 districts across the state, members from colleges  
8 and universities across the state, including IU,  
9 Purdue, Ball State, University of Indianapolis,  
10 Indiana State University.

11           Because within our statutes, it does call  
12 for the Indiana Civil Rights Commission to  
13 collaborate and work with these groups, the  
14 Department of Education, to study the origins of  
15 prejudice and discrimination, and then, you know,  
16 hopefully, eventually eliminate all of that.

17           The first area that the Committee is  
18 working on is with regard to disparities and  
19 inequities in the education system, specifically  
20 with regard to discipline. So, we have a couple  
21 of different ideas and plans of action of how  
22 we're going to proceed with that, but as I said,  
23 our next full committee meeting is January

1 the 23rd.

2 And we've been working specifically a lot  
3 with the researchers from IU, because, as you  
4 know, they've done a lot of research and produced  
5 a lot of papers on equity issues and discipline  
6 issues with the school -- various school systems  
7 across the state.

8 MR. CHAPPELL: Similarly, our  
9 ordinance does provide for us to be able to do  
10 something of a similar nature. We've attempted  
11 to do that on a couple of occasion, and we've met  
12 with a lot of resistance, hostile resistance at  
13 that, and so we've been, I guess, kind of  
14 rehashing how we might approach accomplishing  
15 that task, but we want to do the same thing.

16 MS. CDE BACA: Well, I think with us,  
17 what the -- and I have to tell you, with the  
18 assistance of -- I have -- there's a member of  
19 our staff who is our education specialist, and  
20 she has only been on board for about six months,  
21 and has just come in and really kind of taken the  
22 bulls by the horn with regard to that and  
23 assisted me in approaching all of the people that

1 I just mentioned.

2 I think the main thing that -- why we've  
3 been successful and why we have had such interest  
4 is that we're not the Department of Education, so  
5 when we approach the school districts, it's not  
6 that "We're here telling you what you have to do,  
7 but we want to come to the table. We want  
8 everyone to come to the table and feel like they  
9 have a voice at the table so that we can address  
10 these various issues."

11 And -- but bottom line is, you know,  
12 everywhere we go and every person that we meet  
13 with, the first thing that we say is, "Education  
14 is a civil right," and when you have people from  
15 the Department of Education saying, "Well, I  
16 never realized that was in your statute, and --  
17 but we're so glad you're here" --

18 MR. CHAPPELL: Uh-huh.

19 MS. CDE BACA: -- then that makes us  
20 feel like we know we're doing the right thing.

21 MR. CHAPPELL: Right.

22 MS. CDE BACA: So -- but it is -- you  
23 know, oftentimes it is just, you know, baby