

2012-2013
Annual Report

Fort Wayne
Metropolitan
Human Relations
Commission



**EDUCATION
EMPOWERMENT
ENFORCEMENT**

Dear Residents of Fort Wayne, Fort Wayne City Council, and The Honorable Tom Henry:

One of our mottos here at Metro is to be prepared for change. In 2012 and 2013, that advice would prove to be very wise. True to the steadfast character of the veteran core staff and Commissioners at Metro, we have welcomed the change of 2012 and 2013. Though change, at times, can be an obstacle, the staff at Metro has remained focused on the mission. Metro has continued to enforce the local, state, and federal civil rights Laws by improving the investigative process and improving the written determinations so that employers, housing providers, and complainants are able to understand the evidence that was gathered and the reasons for Metro's determination. We understand that not everyone will agree with our findings; however, Metro provides, in detail, the reasons why the Commission made the determination. We at Metro have also continued and increased the outreach and education so that the citizens of Fort Wayne may be empowered with the knowledge that they have a right to live, work, and play free from discrimination. For example, Metro has more than tripled their diversity training conducted in the community during 2012 and 2013.

One notable change at Metro in 2012 and 2013 is the change in leadership. Often times a change in leadership whether it is as a nation, a corporation, or an organization, people tend to see it as a sign of weakness. I can personally attest this is not the case with Metro. Although the leadership has changed, the staff at Metro whether it be investigators, admin, or the legal staff have continued to serve you. Each member of the staff has taken the opportunity to lead this organization in their own way. Each staff member has contributed their time, their knowledge, and their passion to ensure that the City of Fort Wayne has a reputable, productive, and competent civil rights agency.

The staff devotes a great deal of time sitting down face to face with every individual who feels as if they have been discriminated against. Investigators counsel each individual to determine whether Metro is the correct organization that can help them. If Metro cannot help them, investigators try to direct them to an organization that can better assist them. Investigators use their knowledge to explain what discrimination is and what it is not. For example, discrimination is not all bad or unfair treatment, and there are legal elements that must be met to establish a claim. The investigators are passionate about using their knowledge to explain the legal elements during the face to face intake process so that complainants can understand and recognize discrimination for what it is and what it is not.

Furthermore, the investigators use their time, knowledge, and passion to write full recommendations so that individuals can understand why, based on the legal elements, probable cause was not found or why probable cause was found. The fully analyzed determination provides information so that an individual may pursue the matter further if they so choose. And, it also may assist employers and housing providers by confirming that their policies and practices are working. Or, perhaps, recognize that their policies and practices need some improving so that they can prevent issues in the future.

Another notable change in 2013, is the Metro move. In September of 2013, Metro moved out of its home at the City County Building, a home it had for decades, into its new home at 2310 Parnell Avenue with the Parks and Recreation Department. Admittedly, this change was met with some resistance from the staff, including myself. However, the staff pulled together and made this change a positive experience. We love our new neighbors at the Parks Department and have come to be thankful for the beautiful surroundings of our new location and our spacious office.

Lastly, in July of 2013, my role as staff attorney which I had held for nearly seven years, changed to the role of Director. My focus, along with Metro's new staff attorney, Nikki Quintana, will be on improving Metro's public hearing process. Proceeding in the process after a probable cause finding may mean a public hearing if efforts to conciliate are unsuccessful. Staff Attorney Quintana and I will work to improve the time it takes for a probable cause case to get to a hearing and improve the process leading up to and during the hearing. Steps have already been taken by Metro to improve the efficiency of the process by increasing the pool of eligible hearing officers. To that end, an extensive training program has been designed by Ms. Quintana and I, and we look forward to training individuals of the community that are willing to devote some of their time, knowledge, and passion to ensure that Metro conducts fair and impartial hearings.

I consider it a privilege to be given an opportunity to lead this knowledgeable and passionate staff. The Metro Commissioners, staff, and I are dedicated to continuing to serve Fort Wayne with a local civil rights agency that is reputable, productive, and competent. We will continue to devote our time, knowledge, and passion to Metro so that if a citizen of Fort Wayne should feel that they have been denied an opportunity, treated differently, or denied housing because of their race, gender, religion, disability, national origin, sexual orientation, ancestry, or place of birth, they have a local agency to address their complaints.

Sincerely,

Dawn D. Cummings
Executive Director

Make a career of humanity, commit yourself to the noble struggle for equal rights. You will make a greater person of yourself, a greater nation of your country, and a finer world to live in.

Dr. Martin Luther King, Jr.

DIVERSITY TRAINING

As mentioned in the Message from the Director, Metro has more than tripled its diversity training during 2012 and 2013. Below is a short synopsis of the training.

Metro identifies three types of discrimination: the overt, the covert, and the unconscious. The diversity training addresses the unconscious discrimination. Unconscious discrimination is the result of our deep rooted prejudices and stereotypes that have developed over years and years that we may not even recognize. The key to addressing unconscious discrimination is recognizing it and then adjusting our behavior. The goals of Metro's training are for the individuals to be able to recognize the following: 1.) Everyone has their own prejudices; 2.) It's not their fault that they have prejudices; 3.) There are many factors that contribute to our prejudices, i.e. family, school, church, media, etc.; and 4.) Even though it's not our fault we have prejudices, it's our responsibility to recognize the prejudices that we do have and adjust our behavior and compensate for those prejudices.

Diversity is not about political correctness, it is not about tolerance, it is not about blaming other people. Diversity is about respecting, appreciating, and understanding varying characteristics. While race is a big factor in the discussion about diversity, it is not the only varying characteristic in the discussion. There are many different cultures and many cultures within cultures from which our differences arise.

We take all our differences and our uniqueness to work with us every day. At times these differences and an individual's uniqueness can cause misunderstandings which can lead to discipline, complaints, and a disgruntled workplace. However, diversity should not and does not have to be seen as another hassle or difficulty facing employers. Hiring diverse individuals and embracing diversity in the workplace leads to increased profits by diverse individuals bringing new ideas for products, new ideas to solve ongoing issues, and developing new practices to handle the ever changing workplace. If we were all the same and had the same ideas, not only would this world be boring, but we would never be able to solve new and ever changing issues in the workplace.

During 2012 and 2013, Metro teamed up with the City of Fort Wayne to provide diversity training to all City departments. This is an ongoing project that will continue through 2014. Furthermore, Metro has provided diversity training to various employees and groups in the community. In addition to diversity training, Metro provides training to housing providers, employers, and citizens concerning rights and responsibilities of such topics as Fair Housing, anti-harassment, disability, and the Metro process.

LEGAL UPDATES

PROTECTIONS AGAINST DISCRIMINATION BASED ON GENDER STEREOTYPING PROTECTS LESBIAN, GAY, BISEXUAL, AND TRANSGENDER INDIVIDUALS

In 2012 and 2013, the Equal Employment Opportunity Commission ("EEOC") issued a number of opinions and issued a policy directive stating that discrimination based on sexual orientation, sexual identity, and transgender is protected under the sex provision of Title VII of the Civil Rights Act of 1964 ("Title VII") based on gender stereotyping. The prohibition of sex discrimination based on sex is just not discrimination based on biological sex but also encompasses cultural and social aspects associated with masculinity and femininity. In 2012, the EEOC directed agencies that lesbian, gay, and bisexual individuals who believe they have been discriminated against because of their sexual orientation should be counseled that not only do they have a right to file under state and local protection for sexual orientation and/or sexual identity, but they also have right to file a charge under Title VII, because they may have experienced sex discrimination.

Decades ago the Supreme Court recognized gender stereotyping as a form of sex discrimination.¹ Gender stereotyping is a type of sex discrimination that is motivated by the employer's perceived nonconformance to gender roles with respect to dress, speech, mannerisms, and behavior. For example, the belief that men should only marry women or that women should only have sexual relationships with men is a stereotype. If an employer takes an adverse action against an individual because they do not conform to that stereotype, it may constitute sex discrimination. Furthermore, the very facts that define transgender people as transgender are those that contradict stereotypes of gender appropriate appearance and behavior. Actions taken by an employer because a person is in transition or is transgender may be discrimination based on sex.

¹ *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989)

AFFIRMATIVELY FUTUREING FAIR HOUSING
HUD'S Proposed Rule
2013

Local and state governments that receive Community Development Block Grants (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grants (ESG), and Housing Opportunities for Person With AIDS (HOPWA), as well as public housing agencies (PHAs) are required to affirmatively further the purposes of the Fair Housing Act. Until 2007, Affirmatively Furthering Fair Housing (AFFH) was merely a formality—until the Westchester County case. In the Westchester County case, it was alleged that the County had accepted over \$50 million in CDBG grant funds under false and fraudulent Affirmatively Furthering Fair Housing Certifications. In other words, the County claimed they had met their AFFH obligation, when it had not. A consent decree was reached which among other stipulations required the County to return \$30 Million in grant funds to the U.S. Department of Housing and Urban Development (“HUD”). As you can imagine, this sent many local and state governments into a panic questioning exactly what it means to be affirmatively furthering fair housing and how do we do it.

In July of 2013, HUD issued the long awaited proposed Affirmatively Further Fair Housing proposed rule which gives some clarification as what is exactly required to meet this obligation. The rule provides a standardized assessment process with supporting data, guidance, and technical assistance. Under the AFFH, the fair housing goals are as follows: (1) reduce segregation, (2) eliminate racially and ethnically concentrated areas of poverty, (3) reduce disparities in access to important community assets such as quality schools, job enters, and transit, (4) narrow gaps that leave families with children, people with disabilities, and people of difference races, colors, and national origins with more severe housing problems.

Notably, one of the big changes in AFFH obligation is that the Analysis of Impediments (“AI”) will be replaced by a new Assessment of Fair Housing (AFH). Problems with the AI were that the requirements were not clear, HUD provided no data, and the standards of review were not clear. In addition, there was no guidance on what to do with the data once the AI was completed. The proposed rule addresses each of these issues and gives communities a road map to satisfying its AFFH obligations. HUD will provide data necessary to assess fair housing issues, it will provide feedback and review the AFH, and assist in incorporating the AFH into housing and community development plans.

Reporting Period: January – December 31, 2012

BUDGET REPORT

City: \$661,123.00

EEOC: \$156,850.00

HUD: \$139,180.00

Total: \$957,153.00

CASE PROCESSING NUMBERS-EMPLOYMENT

| | | | | | | | |
|-------------------------------|--------------|----------------------------|----|-----------------------------|----|--------------------------------------|----|
| Total Number of Intakes: | 403 | Race (Black) | 21 | Race (Black) | 67 | Race (Black) | 13 |
| Total Number of cases closed: | 231 | Color | 2 | Race (White) | 2 | Race (Other) | 0 |
| No probable cause: | 172 | Race (Other) | 3 | Race (Other) | 4 | Nat Orig | 1 |
| Withdrawals: | 8 | Nat Orig | 4 | Nat Orig | 7 | Gender (Female) | 2 |
| Administrative Closures: | 13 | Race + Gender | 25 | Race + Gender | 14 | Gender (Male) | 1 |
| Employment Cases: | 215 | Race + Retal | 11 | Race + Retal | 16 | Retaliation | 2 |
| Housing Cases: | 1 | Race + Multi | 1 | Race + Multi | 12 | Disability | 2 |
| Education Cases: | 3 | Gender (Female) | 12 | Gender (Female) | 12 | Sexual Orient | 7 |
| Public Accomodation: | 12 | Gender (Male) | 1 | Gender (Male) | 6 | Sexual Or + Oth | 1 |
| Total Settlements (37) | \$144,170.23 | Gender (Preg) | 3 | Gender (Preg) | 6 | <u>Basis for City Ordinance Only</u> | |
| | | Gender + Retal | 6 | Gender + Retal | 8 | | |
| | | Gender + Other | 1 | Gender + Other | 2 | | |
| | | Retaliation | 14 | Retaliation | 14 | | |
| | | Religion | 1 | Religion + Other | 1 | | |
| | | Religion + Other | 2 | Disability | 24 | | |
| | | Disability | 12 | <u>Basis for Dual Filed</u> | | | |
| | | Disability + Retal | 2 | (Local and Federal) | | | |
| | | Age | 31 | | | | |
| | | Age + Other | 27 | | | | |
| | | <u>Basis for EEOC only</u> | | | | | |
| | | (Outside Jurisdiction) | | | | | |

CASE PROCESSING NUMBERS-HOUSING

| | | | | | | | |
|-------------------------------|------------|---------------------------|---|-----------------------------|----|--------------------------------------|---|
| Total Number of Intakes: | 42 | Disability | 1 | Race (Black) | 6 | Race (Black) | 2 |
| Total Number of cases closed: | 33 | <u>Basis for HUD Only</u> | | Race (White) | 2 | <u>Basis for City Ordinance Only</u> | |
| No probable cause: | 14 | | | Nat. Orig(Hispanic) | 4 | | |
| Administrative Closures: | 5 | | | Nat. Orig (Burmese) | 7 | | |
| Inquiries: | 6 | | | Race + Retal | 1 | | |
| Metro Only: | 2 | | | Race + Dis. | 1 | | |
| Transfer to HUD: | 1 | | | Disability | 16 | | |
| Transfer from HUD: | 1 | | | Dis. + Retaliation | 1 | | |
| Total Settlements (6) | \$2,355.00 | | | Familial Status | 3 | | |
| | | | | Retaliation | 3 | | |
| | | | | <u>Basis for Dual Filed</u> | | | |
| | | | | (Local and Federal) | | | |

Reporting Period: January – December 31, 2013

BUDGET REPORT

City: \$641,670.00

EEOC: \$156,229.00

HUD: \$149,952.00

Total: \$947,851.00

CASE PROCESSING NUMBERS-EMPLOYMENT

| | | | | | | | |
|-------------------------------|--------------|----------------------------|----|-----------------------------|----|--------------------------------------|----|
| Total Number of Intakes: | 387 | Race (Black) | 28 | Race (Black) | 80 | Race (Black) | 13 |
| Total Number of cases closed: | 257 | Nat Orig | 6 | Race (Other) | 11 | Nat Orig | 2 |
| No probable cause: | 185 | Race + Gender | 6 | Nat Orig | 12 | Race + Gender | 2 |
| Withdrawals: | 19 | Race + Retal | 3 | Race + Gender | 10 | Race + Multi | 1 |
| Administrative Closures: | 12 | Race + Multi | 3 | Race + Retal | 20 | Gender + Retal | 1 |
| Employment Cases: | 246 | Gender (Female) | 4 | Race + Multi | 6 | Retaliation | 1 |
| Housing Cases: | 1 | Gender (Male) | 2 | Gender (Female) | 11 | Retal + Other | 1 |
| Public Accomodation: | 10 | Gender (Preg) | 2 | Gender (Male) | 6 | Disability | 6 |
| Total Settlements (41) | \$203,420.46 | Gender + Retal | 8 | Gender (Preg) | 2 | Age | 1 |
| | | Gender + Other | 1 | Gender + Retal | 13 | Sexual Orient | 2 |
| | | Retaliation | 12 | Gender + Other | 2 | Gender Stertyp | 1 |
| | | Ret. + Other | 1 | Retaliation | 13 | <u>Basis for City Ordinance Only</u> | |
| | | Religion | 1 | Retal + Other | 1 | | |
| | | Religion + Other | 2 | Religion + Other | 5 | | |
| | | Disability | 15 | Religion | 1 | | |
| | | Age | 17 | Disability | 21 | | |
| | | Age + Other | 28 | Gender Stertyp | 2 | | |
| | | <u>Basis for EEOC only</u> | | No basis | 1 | | |
| | | (Outside Jurisdiction) | | <u>Basis for Dual Filed</u> | | | |
| | | | | (Local and Federal) | | | |

CASE PROCESSING NUMBERS-HOUSING

| | | | | | | | |
|-------------------------------|----------|---------------------------|---|-----------------------------|----|--------------------------------------|---|
| Total Number of Intakes: | 38 | Race (Black) | 1 | Race (Black) | 9 | Race (Black) | 1 |
| Total Number of cases closed: | 34 | Disability | 2 | Race (White) | 2 | Race + Fam. St. | 1 |
| No probable cause: | 16 | Race + Dis. | 1 | Race (Bi-racial) | 1 | Familial Status | 1 |
| Administrative Closures: | 4 | <u>Basis for HUD Only</u> | | Nat. Orig(Hispanic) | 2 | <u>Basis for City Ordinance Only</u> | |
| Inquiries: | 3 | | | Race + Sex | 1 | | |
| Metro Only: | 2 | | | Race + Retal | 1 | | |
| Transfer to HUD: | 1 | | | Race + Dis. | 2 | | |
| Transfer from HUD: | 1 | | | Sex (Female) | 2 | | |
| Total Settlements (5) | \$500.00 | | | Sex (Male) | 5 | | |
| | | | | Sex + Harassment | 1 | | |
| | | | | Disability | 11 | | |
| | | | | Dis. + Retaliation | 1 | | |
| | | | | Retaliation | 2 | | |
| | | | | <u>Basis for Dual Filed</u> | | | |
| | | | | (Local and Federal) | | | |

2012 Commission Outreach Report

The Commission provides education seminars to the general public, through the year, which are open to everyone. Commission outreach report also includes training provided to business and their employees as well as participation in various community events or committees which encourage diversity.

| Month | Type of Training | |
|-----------|---------------------------------------------------|----------------------------------------------------------------------|
| January | Diversity Training-Multiple Sessions | City Department-Per Request |
| | Diversity and Harassment Training | City HR Department-Per Request |
| | Metro Process and General Information | IPFW – HR Class (2 sessions) |
| | Fair Housing Training | Per Request |
| | Informational Booth and Table Sponsor | Dr. Martin Luther King Jr. Celebration |
| April | Fair Housing Training-Rights and Responsibilities | HANDS Board |
| | | |
| | Fair Housing Conference | Fair Housing Month |
| May | | |
| | Fair Housing Training | FW Community Development |
| | Harassment Training-Multiple Sessions | FW Airport (5 sessions)-Per Request |
| | Participant | Martin Luther King Jr. Bridge Dedication |
| | Created Fair Housing Video | Aired Access TV |
| June | | |
| | LGBT Developments in the Law | Indiana Consortium |
| July | Informational Booth | 3 Rivers Festival |
| August | Fair Housing Training | FW Community Development |
| | | |
| | Metro, Legal Update (Gender Stereotyping) | CLE Training |
| | | |
| September | Metro Process and General Information | Black Chamber-Per Request |
| | First Time Homebuyer | FW Community Development |
| | Metro Process and General Information | IVY Tech-Government Class |
| | Fair Housing Training | Urban League-Per Request |
| | Informational Booth | Downtown Improvement Event |
| October | Human Trafficking | Mayor’s Commission on Domestic Violence, Rape, and Sexual Harassment |
| | First Time Homebuyer | FW Community Development |
| November | Fair Housing Training | Wayne Township Trustee-Per Request |
| December | Fair Housing Training | Wayne Township Trustee-Per Request |

2013 Commission Outreach Report

The Commission provides education seminars to the general public, through the year, which are open to everyone. Commission outreach report also includes training provided to business and their employees as well as participation in various community events or committees which encourage diversity.

| Month | Type of Training | |
|-----------|-------------------------------------------|----------------------------------------|
| January | First Time Homebuyer's Education | FW Community Development |
| | Panel Participant | Dr. Martin Luther King Jr. Event |
| | Table Sponsor | Dr. Martin Luther King Jr. Celebration |
| February | First Time Homebuyer's Education | FW Community Development |
| | Fair Housing Training | FW Community Development |
| March | Metro Process-General Information | National College-Per Request |
| April | Housing – Four D Housing Academy | Public Safety Academy |
| | Fair Housing Overview | Open to the Public |
| | Equal Pay Day | Served on Panel |
| | First Time Homebuyer's Education | FW Community Development |
| | Housing – Service Animals | Open to the Public |
| | Diversity Training | Wayne Township-Per Request |
| | Fair Housing Training | Per Request |
| May | Fair Housing Training | Per Request |
| | Informational Booth | Disabilities Expo |
| June | Fair Housing – Quarterly Realtor Training | Upstar-Per Request |
| | Fair Housing Training | Per Request |
| | Indiana Consortium-Variou Training | |
| | Metro Process General Information | FW Chamber-Per Request |
| July | Diversity Training | Vincent House-Per Request |
| | Diversity Training | Phil's Hobby Shop |
| | First Time Homebuyer | FW Community Development |
| | Fair Housing-Domestic Violence | YWCA-Per Request |
| August | Domestic Violence – Day for Children | Citizen's Square |
| | Diversity | FW Airport (4 Sessions)-Per Request |
| | First Time Homebuyer's | FW Community Development |
| | Metro Process | IVY Tech Government Class |
| | Diversity Training-Multiple Sessions | City Departments-Per Request |
| | Anti-Bullying | Day for Children |
| | Metro Process/General Information | Friends of Bethany –Per Request |
| September | Sponsor/Participant | NAACP Banquet |
| | Fair Housing Training | Per Settlement Agreement |
| | Fair Housing – Quarterly Realtor Training | Upstar-Per Request |
| | Fair Housing Training | Urban League-Per Request |
| | Metro Process and General Information | Trine University Class |
| October | Hearing Officer Training | Metro Offices |
| | Informational Booth | IVY Tech Hispanic Heritage |
| | Fair Housing Training | Per Settlement Agreement |
| November | Fair Housing Training | Housing Authority-Program Participants |
| | Hearing Officer Training | Metro Offices |

PLEASE DIRECT ANY QUESTIONS OR COMMENTS REGARDING THIS REPORT TO:

DAWN CUMMINGS, EXECUTIVE DIRECTOR
2310 PARNELL AVENUE
FORT WAYNE, IN 46805

260-427-1146