

South Bend Human Rights Commission

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July 2015

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42nd Annual Indiana Consortium of State and Local Human Rights Agencies Training Conference

The annual Human Rights Agencies training conference was held in Richmond, Indiana, June 23-25, 2015. The theme for the conference was Examining Emerging Issues in Human Rights, Equity & Diversity. This conference is held each year for Human Rights Commissions across the State. Representatives from the American Civil Liberties Union (ACLU) of Indiana, Lawyers' Committee for Civil Rights Under Law, Indiana Civil Rights Commission, Indiana University East, U.S. Attorney's Office, U.S. Equal Employment Opportunity Commission, U.S. Department of Housing and Urban Development and the U.S. Department of Justice all presented invaluable information to the attendees.

This conference was created in 1973 to provide support and resources to the staff and commissioners of the agencies in Indiana.

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Sex-Based Discrimination

Sex discrimination involves treating someone (an applicant or employee) unfavorably because of that person's sex. Sex discrimination also can involve treating someone less favorably because of his or her connection with an organization or group that is generally associated with people of a certain sex. Discrimination against an individual because that person is transgender is discrimination because of sex in violation of Title VII. This is also known as gender identity discrimination. In addition, lesbian, gay, and bisexual individuals may bring sex discrimination claims. These may include, for example, allegations of sexual harassment or other kinds of sex discrimination, such as adverse actions taken because of the person's non-conformance with sex-stereotypes.

Sex Discrimination & Work Situations

The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

Sex Discrimination Harassment

It is unlawful to harass a person because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.

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HUD & ASSOCIATED BANK REACH HISTORIC \$200 MILLION SETTLEMENT OF 'REDLINING' CLAIM

Largest-ever HUD-initiated redlining settlement resolves claims of unfair lending against minority borrowers in Upper Midwest

The U.S. Department of Housing and Urban Development (HUD) announced an agreement with Associated Bank, N.A. (Associated) to resolve a disparate treatment redlining case, one of the largest redlining complaints brought by the federal government against a mortgage lender. At approximately \$200 million, it is the largest settlement of this kind HUD has ever reached.

The settlement stems from a HUD Secretary-initiated complaint alleging that from 2008-2010, the Wisconsin-based bank engaged in discriminatory lending practices regarding the denial of mortgage loans to African-American and Hispanic applicants and the provision of loan services in neighborhoods with significant African-American or Hispanic populations.

Over the next three years, Associated will pay nearly \$10 million in the form of lower interest rate home mortgages and down payment/closing cost assistance to qualified borrowers in majority-minority census tracts in the housing market areas of Chicago; Milwaukee; Minneapolis-St. Paul; Racine, Wisconsin; Kenosha, Wisconsin; and Lake County, Illinois. In addition, the bank agrees to:

- Invest nearly \$200 million through increased home mortgage lending activity in majority-minority census tracts in these areas;
- Provide nearly \$3 million to help existing homeowners repair their properties in these predominantly minority communities;
- Pay \$1.4 million to support affirmative marketing of loans in the above census tracts;
- Commit \$1.35 million for community reinvestment and fair lending education and training;
- Open four loan production offices in majority-minority census tracts (three in the Chicago area and one in the Milwaukee area), subject to regulatory approval, in addition to three branches Associated has opened or is committed to opening in or near majority-minority census tracts in Chicago, Milwaukee, and Racine since HUD's complaint was filed; and
- Offer fair housing training to all its employees and agents with substantial residential lending activity within six months and maintain a second level review process for all denied residential loans.

Background

HUD's Assistant Secretary for Fair Housing and Equal Opportunity filed a disparate treatment fair housing complaint alleging that between 2008 and 2010, Associated Bank discriminated on the basis of race and national origin regarding the denial of mortgage loans to qualified African-American and Hispanic applicants and the provision of loan services in majority-minority census tracts. HUD's analysis of Associated Bank's mortgage lending activity indicated that, compared to other mortgage lenders, Associated made few loans in majority-minority census tracts in five metropolitan areas in Illinois, Wisconsin, and Minnesota, but did make loans in nearby predominantly white tracts.

The *Fair Housing Act* makes it unlawful to discriminate in the terms, conditions, or privileges of sale of a dwelling because of race or national origin. The Act also makes it unlawful for any person or other entity whose business includes residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race or national origin.

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Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted). The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Sex Discrimination & Employment Policies/Practices

An employment policy or practice that applies to everyone, regardless of sex, can be illegal if it has a negative impact on the employment of people of a certain sex and is not job-related or necessary to the operation of the business.