

Tearing Down Fences, Building Bridges

∞ Addressing Diversity in Morgan County ∞



A Publication of the Martinsville and Mooresville, Indiana, Chambers of Commerce, 2003

Tearing Down Fences, Building Bridges

Addressing Diversity in Morgan County

Introduction

Morgan County is a great place to live and work. The way to keep it like that is to make sure that our neighbors—old and new—and our visitors feel welcome and included in the life of our communities. The Martinsville and Mooresville Chambers of Commerce believe that equal and respectful treatment of all law-abiding residents and visitors in Morgan County is essential to the well-being and development of our communities.

Business owners, as community leaders, are in a unique position to set a positive example for all the citizens of Morgan County, and beyond. Your Chambers of Commerce likewise want to set an example that reaches beyond our membership. With this booklet we intend not only to give our members guidance, but also to share our feelings about the importance of respectful treatment with all the members of the community.

Equitable treatment is the right thing to do. It's also the law. This booklet will show you what the law says, and explain the importance of giving other people the same chance at dignity that we all want for ourselves.

Yours for a bright future,

*Martinsville Chamber of Commerce
Mooresville Chamber of Commerce*

1. Why Do We Care?

Do you know the old saying, “Good fences make good neighbors”? The meaning is clear: “You stay where you are, and I’ll stay where I am, and we’ll both be happy.” That’s not very neighborly, is it? It’s based on the assumption that people can’t get along, no matter how hard they try. Many people still believe that, but think about it. Fences keep people out, but they also keep us locked in. We don’t get to find out what our neighbors have to offer, and they don’t get to find out about us.

We all know people who devote a lot of time and energy to building and maintaining fences. They’ve built small fences to keep their current neighbors at a distance, and they’re building big fences to keep new neighbors from coming in. All they’ve really done is pen themselves in. There’s a big world outside the gate that they will never know.

If you’re a business owner, government official, educator, or concerned citizen, you can’t afford to shut out the whole wide world. First, it means a loss of opportunity for

your business, yourself, your children. Second, it’s against the law. Federal and state laws ensure equal opportunity, equal services, and equal protection for everyone.

Being a good neighbor in the 21st century means connecting with other people. It means reaching out to neighbors, old and new. It means learning what they know and sharing what you know. It means tearing down fences, and building bridges—to our neighbors, and to the future.

2. What Goes Wrong?

Many people who harass others or discriminate against them know perfectly well what they’re doing. Nevertheless, some people may engage in unfortunate practices without being aware of what they’re doing. So let’s look at several examples of what harassment and discrimination can be.

1. Robin had worked as a mail clerk for seven years and had an exemplary record. Her supervisors had always praised her work. She had always taken continuing education courses so she could become more successful. When a position came open that would have been a promotion for her, a less qualified male coworker, Jim, who had worked for the company only four years, was given the job. As this was the third time this had happened to her, she asked her manager why she didn’t get the promotion. She was told, “Well, Jim is single and doesn’t have any kids, so he probably has more time to devote to the job.”

2. James, an African-American, came to a restaurant in the late evening to get something to eat. The hostess told him, “I’m sorry, sir, but Marge is going off her shift, and Jane’s got too many customers for me to seat you in her section. There’s an all-night diner just up the road. Why don’t you try that?” As James was getting back into his car, he saw a white couple enter the restaurant and get a table right away.

3. Marie was sitting at the desk in her cubicle when her supervisor, Ralph, came in, leaned down on her desk and put his hand on her shoulder. “Marie, why don’t we stop after work, get a drink, and relax a little while? I’d like to get to know you better.” Taken by surprise, Marie said, “I can’t. I have to get home to fix dinner for my husband and children.” “You’ll never get ahead around here with an attitude like that,” said Ralph.

4. A dispatcher contacted a police car: “A male His-

panic reports being robbed. Please proceed to the scene.” Officer Fratelli asked why Officer Smith didn’t turn the car around. “It was probably another one of his people who did it,” said Smith. “Nothing we need to get involved with. Serves him right for coming up here, anyway. If he’d stayed down in Mexico, he wouldn’t have had any money to steal!”

5. Sam and Harry teased Ron at work: “Hey, Ron, when are you going to get a girlfriend? Don’t you want something like this?” they asked, as they shoved an open *Playboy* in his face. “Guys, guys, leave me alone already. I’ll get a girlfriend when I’m ready—or maybe I won’t,” said Ron. “Listen, Ronnie-boy,” Sam replied, “we all know what the Good Book says about your kind. We don’t need the likes of you around here!”

6. Sandra had a disability that made it hard for her to speak clearly, but she was qualified for the job for which she was applying. The store owner said, “I’m sorry, I’m sure you could do the job, but I just don’t think my customers would have the patience to listen to you! Nothing personal, but I can’t hire you. I’m sure you understand.”

7. Fifty-three year old George had worked for XYZ Corporation for ten years. He had always been complimented on his work and was one of the best-paid employees in his classification. One day he was called into the office of his manager and was told, “George, we really appreciate the dedication you have shown to the company, but we are having to cut back on employees. I’m sorry to have to tell you this, but we’re going to have to let you go.” As George was reading through the want ads a few days later, he noticed an ad for his former position.

Maybe seeing incidents like this described in black and white helps you recognize that “casual” comments and reactions create serious obstacles for employees, customers, and recipients of public services. Things like this go on every day all over the United States. They happen in Morgan County, too, but they shouldn’t. They’re illegal. They’re bad for the county’s economy and bad for its reputation. And they’re just plain wrong.

3. What Does the Law Say?

State and federal laws protect workers and customers on the basis of several characteristics. Employers and employees need to be aware of their rights and responsibilities under these laws. Civil rights laws are civil, not criminal laws. That means that there are no special police who arrest violators. Perpetrators don’t do jail time. Instead, these laws allow individuals to file lawsuits to recover lost pay and damages when the laws have been violated. Getting sued can be expensive, regardless of the verdict. Court

costs alone can be \$30,000 to \$50,000, and settlements against larger companies are often for millions of dollars.

The Indiana Code (IC 22-9-1-2) prohibits discrimination on the basis of race, religion, color, sex, disability, national origin, or ancestry. The code clearly states: “It is the public policy of the state to provide all of its citizens equal opportunity for education, employment, and access to public conveniences and accommodations.”

The “granddaddy” of federal civil rights laws that protect workers is Title VII of the Civil Rights Act of 1964 (with revisions made in 1991). Title VII prohibits discrimination in employment on the basis of race, color, religion, sex, or national origin. The federal Equal Employment Opportunity Commission (EEOC) is responsible for ensuring compliance with employment civil rights laws.

Let’s define the terms in Title VII. “Race” and “color” include physical characteristics typically associated with particular races, like hair texture, skin color, or shape of facial features. “Religion” covers both religious affiliation, if any, and the observances that go along with that affiliation. “Sex” means whether a person is male or female. “National origin” refers to the country where an individual or his/her ancestors were born, and characteristics associated with those origins, including appearance, languages spoken, and customs.

For more information about Title VII, call the Indianapolis office of the Equal Employment Opportunity Commission, or visit www.eeoc.gov/.

Since 1964, other laws have been written and court cases have been decided that expand on these protections, and that offer protections to other categories of people.

Here is a more detailed description of some of the issues in Title VII, along with a list of some laws and other legal issues that employers should know about.

Racial and ethnic harassment and discrimination.

Racial discrimination remains a serious problem throughout the United States. It isn’t correct to assign it to just a few localities. There were over 6,600 complaints about racial discrimination made to the federal Equal Employment Opportunity Commission (EEOC) in 2000. That’s more than twice the number in 1991. On the other hand, the whole country continues to try to solve this problem. So it’s hardly correct to say that there are places where the effort isn’t necessary, either. Morgan County needs to address it just like every other community in the U.S.

Racial harassment can still be ugly, even in the 21st century. The EEOC has seen a significant increase in the placement of hangman’s nooses at companies where there are African-American employees. This hateful “joke” has

cost several employers, including some in Indiana, millions of dollars. Muslims and people of Mideastern descent, too, have experienced dramatic increases in discrimination and harassment, both on the job and in everyday life.

Workers come to the job to work; customers come to stores for goods and services. No one comes to be insulted, degraded, humiliated, or threatened. Make sure that isn't a "service" your employees provide!

What Should I Do?

- ◆ Have a written policy protecting workers and customers from racial and ethnic discrimination and harassment
- ◆ Show your workers, through training and example, that you're serious
- ◆ Instruct supervisors to monitor the workplace for harassment and discrimination, and to take action when necessary

Applicants and workers with disabilities. The EEOC estimates that 70% of qualified workers with disabilities can't get hired. The Americans with Disabilities Act (ADA) of 1990 requires employers to make "reasonable accommodations" to permit workers with disabilities to perform their jobs. The law does not require employers to hire disabled workers if they are not qualified for a job. But it does prohibit failing to hire, or firing, workers solely on the basis of a disability they may have, if the employer could make reasonable adjustments that would allow them to work. Accommodations can include installing special hardware or software on computers for visually impaired and hearing-impaired employees, allowing service animals such as seeing-eye dogs at work, and widening doorways or desk openings for wheelchair access. The majority of accommodations are not costly.

The ADA may also require that stores, restaurants, and other public facilities be made accessible to people with handicaps.

What Should I Do?

- ◆ Hire qualified workers with disabilities if you can reasonably accommodate them
- ◆ Make reasonable accommodations for current employees
- ◆ Consider how to make your facilities accessible to customers

Sexual harassment and gender discrimination. Title VII prohibits treating workers of one gender differently from those of the other gender. In 1986, in the case of *Meritor Savings Bank vs. Vinson*, the U.S. Supreme Court ruled that sexual harassment is a form of sex (gender) discrimination. At the time, the court recognized that sexual harassment is a kind of employment obstacle placed before women (mostly) that men rarely have to face. In the years since then, we have realized that men *and* women may be subject to sexual harassment, and sometimes by a member of the same sex.

Sexual harassment takes two forms. The first is creation of a "hostile work environment," in which an individual may find it impossible to do his/her job because of sexual jokes, requests for sex or discussions of sex by coworkers, suggestive or vulgar photos and drawings, and other unwanted sexual behavior.

The second form is called "*quid pro quo*," a Latin term meaning 'this for that.' This kind of harassment occurs when a supervisor or boss demands sex from a worker in exchange for keeping a job, or improving a job situation. This is the most serious kind of harassment. The liability for it will always fall to the employer, even if the employer did not know it was happening. Therefore, it's essential to let your supervisors know that such behavior will not be tolerated.

Increasingly, juries and the courts have been finding in favor of workers who are victims of same-sex harassment. Same-sex harassment may be homosexual in nature, but it isn't always. Sometimes men considered "too effeminate," or women considered "too masculine" suffer harassment from co-workers.

What Should I Do?

- ◆ Have a written policy protecting workers and customers from gender discrimination and sexual harassment
- ◆ Show your workers, through training and example, that you're serious
- ◆ Instruct supervisors to monitor the workplace for harassment and discrimination, and to take action when necessary

Religion in the workplace. Religion is a volatile issue in today's society. Many people have more intense religious feelings than were the norm a few years ago. More people hold religious beliefs that were previously rare in the United States. Increasingly, some believers feel that their beliefs are not getting the respect they should from society at large. For all these reasons, workers may be

touchy about the degree to which they are permitted to follow their own religious practices at work, and about observance of other religious practices.

Title VII clearly states that employers may not discriminate against workers on the basis of their religion. However, what this means in practice is not so clear.

In general, the EEOC advises that only faith-based organizations, such as churches and religious schools, may use religious belief as a basis for employment. Employers and supervisors of secular businesses and public agencies who screen potential employees for their religious beliefs, or pressure current employees to hold particular beliefs, are violating the law.

Employees have the right to wear religious symbols and apparel. Employers are expected to make reasonable accommodations for workers who need to perform religious observances. But wise employers will balance this right against the right of other employees to be free of harassment for their own religious beliefs, or for their lack of beliefs.

Sometimes homosexuals are harassed in the name of religious belief. Religious beliefs are people's own business, but their public behavior is not just their own business. Homosexuals, at work and school, are entitled to be free from harassment and physical violence, just like everyone else.

What Should I Do?

- ◆ Don't use religion as a basis for employment decisions
- ◆ Make reasonable accommodations for employees' religious needs
- ◆ Protect workers from harassment based on religion

For more information on most federal employment laws, call the Indianapolis office of the Equal Employment Opportunity Commission, or visit www.eeoc.gov/.

4. What Can You Do at Your Business or Organization?

Your job as an employer includes training workers to treat each other with respect. You should have a written policy prohibiting harassment and discrimination. The policy should also state clearly the consequences for doing so. Supervisors need to know that their responsibilities include watching out for all kinds of harassment and discrimination. Prompt action to stop these practices helps keep workplaces functioning smoothly, and increases employee loyalty and productivity. And it doesn't hurt to mention again that clear policies and training can protect you from

a lawsuit. The courts can be hard on employers who have not trained their employees to avoid discriminatory behavior.

Several not-for-profit agencies and government offices in the Central Indiana area offer training and advice on maintaining a respectful, inclusive, and legal workplace. Often there is no cost. Invite a speaker from a nearby human rights commission, race relations organization, or disability advocacy group to address your employees. For a list of resources, see page 6.

5. Reverse Discrimination?

Some people ask the question, "Why are only certain groups protected by civil rights laws? What about *my* rights?" There are good answers to these questions. The first one is that for the most part, civil rights laws don't protect only certain people. They apply equally to everyone. The categories in Title VII cover every person. "Race" and "color" can mean white as well as black; "gender" means men as well as women; "religion" covers every religion, as well as the absence of religion; and "national origin" includes any place a person or his family is from. Anyone who feels that he has been treated unfairly because of his membership in one of these categories is entitled to make a complaint to the proper authorities, and to sue, if necessary, to make things right again.

Another good answer is that for those laws which do protect certain people, the characteristics in question are things that either could happen to anyone—such as developing a disability, or will happen to everyone—such as getting old. Anyone who feels these laws protect only "other people" is not being realistic about his or her own vulnerability and mortality.

6. What Can You Do in Everyday Life?

In your daily life, you have to show tolerance for others and a willingness to understand "different" people on their own terms. But you have to go one step further. You have to let your family members, co-workers, friends, and fellow citizens know how you feel about things. Some people are "brave" enough to say unkind things about a whole range of people. The rest of us have to be brave enough to tell them they're wrong. Many people could truthfully say, "No one's ever complained about the things I say before—why should I change?" A lot of these "brave" souls aren't so brave at all. They depend on the silent cooperation of the rest of us to avoid them to avoid their ugly messages.

What Should I Do?

- ◆ Show tolerance and understanding
- ◆ Let others know how you feel about their intolerant comments and actions

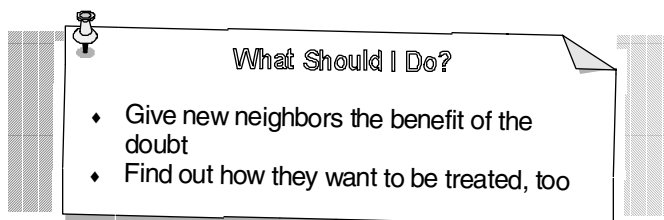
7. New Neighbors: Building That Bridge...

Morgan County, like the rest of Indiana, is experiencing rapid growth in residents who were born in other countries, even though the actual numbers remain small. Remember that there have been waves of immigration to the area in the past. Those immigrants were the ancestors of today's "native" sons and daughters of Morgan County. The descendants of today's immigrants will be in the same position in the near future.

People in Morgan County represent over two dozen nationalities, and have many different customs and lifestyles. Some are here for a shorter time and have been sent by their companies. Other workers may have come on their own, and, whether they realize it or not now, are likely to stay in the United States for a long time.

Don't forget, though, that appearance alone doesn't determine where a person is from. Americans are of many backgrounds. Their ancestors could easily have come to the United States before yours did. In the case of Latinos, their families may have been on current U.S. soil before there *was* a United States. So be welcoming, but don't assume someone is "foreign" just by looks. That can make people feel left out, too.

Customs. People who were born abroad, or who have a particular upbringing, are likely to have customs and expectations different from yours. A natural reaction can be to find things that foreigners do to be strange and outlandish. But remember, in many countries, things we take for granted can be considered odd, too—even insulting. In certain places, showing the bottoms of your feet to another (for example, while sitting) is considered rude. So is gesturing for someone to come with a bent finger, extending your left hand to another person, touching a member of the opposite sex, or looking someone directly in the eye. Immigrants and visitors quickly learn to give Americans the benefit of the doubt when it comes to these cultural signals. Americans need to learn the same habit. Give the other person the benefit of the doubt. If you don't understand, or feel that something's gone wrong, try to clear things up in a calm and objective manner.



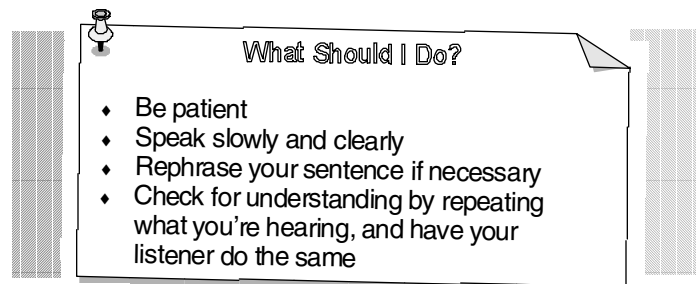
What Should I Do?

- ◆ Give new neighbors the benefit of the doubt
- ◆ Find out how they want to be treated, too

Language. Since the United States is a land of immigrants, lots of languages have always been spoken within its borders. Spanish has been spoken on much of the territory of the present United States for longer than English has been spoken. In the 1800s and 1900s, immigrants from all over the world brought their languages with them, including German, Italian, Chinese, Japanese, Hungarian, and Swedish. Many descendants of those immigrants still speak those languages, and new immigrants and visitors continue to bring their languages with them. When you meet someone who doesn't speak English well, remember: You can't speak her language, either.

Having a conversation with someone who doesn't speak your language well can be challenging. But there are certain things you can do to make it easier. First, be patient. A person struggling with a language can tell when someone else is tense or annoyed, and it just makes him or her more nervous. Second, adjust your speaking to make things easier for the other person. Speak slowly and clearly. (Speaking LOUDLY doesn't help!) Use simpler words if necessary, and simple, short sentences. If the person is having trouble understanding, think of a different way to say it rather than just repeating. For example, if someone doesn't seem to understand "Make a right at the light," you might try, "Turn right at the traffic signal."

Finally, use restatement to check understanding. Say back to the other person what you think she meant to say, and ask her to do the same for you.



What Should I Do?

- ◆ Be patient
- ◆ Speak slowly and clearly
- ◆ Rephrase your sentence if necessary
- ◆ Check for understanding by repeating what you're hearing, and have your listener do the same

8. In Conclusion

Contentment, success, and prosperity don't just happen. *People* make them happen. Those people are employers, employees, customers, clients, and residents. Attractive, appealing, welcoming communities bring people to them, and those people help make things better. That's the American way, and it always has been.

Morgan County is a great place to live. Let's make it great for everybody!

Remember: People who respect themselves respect others, too.

Resources

Rights protection – Government agencies

Federal offices:

U.S. Equal Employment Opportunity Commission (EEOC)

National office

(800) 669-4000 (voice)

(800) 669-6820 (TTY)

www.eeoc.gov/

Indianapolis Office

Danny G. Harter, Director
101 West Ohio Street, Suite 1900
Indianapolis, Indiana 46204
(317) 226-7212 (voice)
(317) 226-5162 (TTY)
(317) 226-7953 (fax)

Publications Distribution Center

P.O. Box 12549
Cincinnati, Ohio 45212-0549
(800) 669-3362 (voice)
(800) 800-3302 (TTY)
(513) 489-8692 (fax)

State offices:

Indiana Civil Rights Commission

Sandra Leek, Executive Director
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, Indiana 46204
(800) 628-2909 (voice)
(800) 743-3333 (TTY)
(317) 232-6580 (fax)
hscott@crc.state.in.us
www.in.gov/icrc/

Also through the ICRC:

Indiana Fair Housing Task Force

Indiana Hate Crimes Reporting Network

Indiana Commission for Women

Annette E. Craycraft, Executive Director
10 North Senate, SE 204
Indiana Government Center South
Indianapolis, Indiana 46204
(317) 232-6720 (voice)
(317) 232-7485 (fax)
ICW@state.in.us
www.in.gov/icw/

Municipal offices:

Indianapolis Division Of Equal Opportunity

Robert Ransom, Administrator
1501 City County Building
200 East Washington Street
Indianapolis, Indiana 46204
(317) 327-5261 (voice)
rransom@indygov.org

Bloomington Human Rights Commission

Barbara McKinney, Executive Director
City Hall
P.O. Box 100
Bloomington, Indiana 47402
(812) 349-3429 (voice)
human.rights@city.bloomington.in.us
www.city.bloomington.in.us/legal/hrc/index.html

Rights protection – Private organizations

Indiana Civil Liberties Union (ICLU)

John Krull, Executive Director
Price Building
1031 East Washington Street
Indianapolis, Indiana 46202
(Correspondence must include return address)
(317) 635-4059 ext. 224 (voice)
indclu@aol.com
www.iclu.org/

Information and advocacy — Private organizations

Urban League Diversity and Race Relations Institute, Indianapolis

Marilyn Sadler, Director
777 Indiana Avenue
Indianapolis, Indiana 46202
(317) 693-7603 (voice)
(317) 693-7613 (fax)
msadler@indplsul.org
www.indplsul.org

National Association for the Advancement of Colored People (NAACP), Monroe County Branch

P.O. Box 243
Bloomington, Indiana 47402-0243
www.bloomington.in.us/~mcbnaacp/

Indiana State Hispanic Chamber of Commerce

Mary Jane Gonzalez, President
P.O. Box 80171
Indianapolis, Indiana 46240
(317) 860-2806 (voice)
(317) 860-2801 (fax)
mjgo@gscind.com

Asian-American Alliance, Inc.

June Kiyomoto, Executive Administrator
1000 E. 116th Street
Carmel, IN 46032
(317) 818-6699 (voice)
(317) 818-6788 (fax)
jkiyomoto@aaalliance.org

Indianapolis Hispanic Chamber of Commerce

Ivan A. Schumann, Executive Director
PMB No. 103 East 82nd Street, Suite C-9

Indianapolis, Indiana 46250
(317) 767-7585 (voice)
www.ihcc1.com
ivan@ihcc1.com

Indiana University Office of Gay, Lesbian, Bisexual and Transgender Student Support Services

Doug Bauder, Director
705 East 7th Street
Bloomington, Indiana 47405-3809
(812) 855-4252 (voice)
(812) 855-4465 (fax)
glbtserv@indiana.edu
www.iub.edu/~glbt

Center for Disability Information and Referral, Indiana Institute on Disability and Community

2853 East Tenth Street
Bloomington, IN 47408-2696
812-855-9396 (voice)
800-437-7924 (voice/TTY)
812-855-9630 (fax)
www.iidc.indiana.edu/cedir

Domestic violence assistance

Desert Rose Foundation, Inc.

Marsha MacPhee-Webster, Chair
P.O. Box 1754
Martinsville, Indiana 46151
(765) 346-0365
desertrosefound@netscape.net

Sheltering Wings Center for Women

April Bordeau, Executive Director
P.O. Box 92
Danville, Indiana 46122
(317) 745-1496
help@shelteringwings.org
www.shelteringwings.org

Morgan County Prosecutor's Office

Victims' Assistance Division
(765) 342-1286

Pro Players House (a program of Middle Way House, Bloomington)

Jackie Wintin, Advocate
St. Francis Hospital
1201 Hadley Road
Mooresville, Indiana 46158
(317) 834-5857 (voice)
(317) 834-5815 (fax)
proplayershouse@yahoo.com

Middle Way House 24-hour assistance

(812) 336-0846 (can call collect)

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Greater Martinsville Chamber of Commerce

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www.scican.net/~chamber/

Mission Statement

The mission of the Greater Martinsville Chamber of Commerce is to foster a favorable environment and quality of life for business and community growth.

Greater Mooresville Chamber of Commerce

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26 South Indiana Street
Mooresville, Indiana 46158
(317) 831-6509
(317) 831-9548 (fax)
mrsvlcoc@comcast.net
www.mooresville-in.com/

Mission Statement

To provide an environment and services for Greater Mooresville Chamber of Commerce members to ensure their success, integrate new business into membership, and promote continuous improvement of commerce in the Greater Mooresville area.