

RULES AND PUBLIC POLICY COMMITTEE

Date: October 28, 2025

Called to Order: 6:03 p.m.

Adjourned: 8:30 p.m.

ATTENDANCE

ATTENDING MEMBERS

Vop Osili, Chair
Dan Boots, Vice Chair
Joshua Bain
Alison Brown
Michael Dilk
Maggie Lewis
Brian Mowery
Andy Nielsen
Carlos Perkins
Leroy Robinson

ABSENT MEMBERS

Rena Allen
Paul Annee

AGENDA

Review of Enterprise HR Policy Recommendations

Presentations by:

- Indianapolis-Marion County City-County HR Policy
- National Women's Defense League (NWDL)
- Society for Human Resource Management (SHRM)

RULES AND PUBLIC POLICY COMMITTEE

The Rules and Public Policy Committee of the City-County Council met on Tuesday, October 28, 2025, in the Public Assembly Room of the City-County Building. Vice Chair Dan Boots called the meeting to order at 6:03 p.m. with the following members present; Rena Allen, Paul Annee, Josh Bain, Ali Brown, Michael Dilk, Maggie Lewis, Brian Mowery, Andy Nielsen, Vop Osili Carlos Perkins and Leroy Robinson. Councilors Allen and Annee were absent. Also in attendance was Chief Administrative Officer/Policy Director Greg Stowers and General Counsel LeAnnette Pierce representing Council staff.

Vice Chair Boots asked committee members to introduce themselves.

Review of Enterprise HR Policy Recommendations

Indianapolis-Marion County City-County HR Policy (City-County Culture and Employee Resource) Update

Brandon Beeler, Office of Corporation Counsel (OCC), reviewed a Powerpoint presentation in detail, which is attached as Exhibit A.

- Trainings:
 - Harassment training was made mandatory for supervisors and codified in City code – May 2019
 - Mayor Hogsett’s Executive Order No. 1 was signed requiring all employees to complete harassment training – August 2024
 - All City-County employees must complete the training by November 30, 2025
- Anonymous Reporting System
 - Speakfully reporting tool was selected as the internal anonymous reporting system – September 2024
 - Speakfully went live to all City-County enterprise on January 10, 2025
- Internal Working Groups were planned to address employee culture concerns: Advisory, Harassment Policy and Company Culture Group
 - Harassment Working Group was led by Chief Diversity Officer Ben Tapper
 - Key changes: added definitions included more elements of the reporting procedure, and ensured the policy reflected best practices
 - Ongoing: Updated policy being incorporated into City-County HR manual and required acknowledgment form

Councilor Lewis asked if the Harassment Policy Working Group is led by the Chief Diversity Officer and to whom does he report to. Mr. Beeler stated that Ben Tapper is a cabinet level person, and he believes that Mr. Tapper reports to either the Mayor or the Chief of Staff, Dan Parker.

Councilor Nielsen asked if Mr. Beeler could walk the committee through how a person submits a complaint through Speakfully. Mr. Beeler explained that the process varies on a case-by-case basis. If an employee reports inappropriate behavior, the report is initially reviewed by Human Resources. Investigators will then ask a series of questions to begin the process. The employee may keep their ticket open until they decide to move forward. All information gathered is used to initiate the investigation, which includes collecting relevant documents and conducting interviews.

Councilor Nielsen inquired about the process when a complaint involves an elected official, such as the County Executive or a member of this body. Mr. Beeler stated that the procedure depends on the specific circumstances and information available at the time the complaint is filed. He emphasized that complaints

involving elected officials are handled in the same manner as any other complaint. The focus remains on gathering the necessary information to determine whether inappropriate behavior occurred. Employees are informed and reassured that they have a protected right to file complaints, and there are no special triggers or separate processes for complaints involving elected officials. All cases follow the organization's standard operating procedures, and investigations are conducted as independently as possible.

Councilor Bain noted that the working groups are led by Director Tapper and Director Jones, and inquired what qualifications they have outside their current city roles to lead these groups. Mr. Beeler responded that both individuals are generally qualified and suggested that the administration's goal in forming the groups was to ensure a diversity of opinion. He explained that members come from different departments, with varying needs and subcultures, and that the directors were chosen to help identify group members with different perspectives. The aim is to create comprehensive policies that benefit all departments. Councilor Bain asked whether the policy working groups are working with outside HR consultants, as the council had previously consulted HR professionals when reviewing related situations. He noted that he was unsure of Directors Tapper and Jones' HR qualifications. Mr. Beeler explained that the focus of the working groups is different. Their goal is to hear from employees about gaps in support, identify areas where employees feel unsupported, and assess needs within the enterprise. At this time, no outside HR experts have been engaged for this work.

Vice Chair Boots asked whether there is currently any annual reporting, on an aggregate basis, of HR statistics, including the number of complaints filed, their nature, and their disposition. Mr. Beeler responded that no official report has been compiled for internal publication. He provided rough figures, noting that since Speakfully went live, there have been approximately 123 submissions, roughly half categorized as complaints and half as concerns. Of those, only four were complaints of sexual harassment, and only one resulted in a finding that city/county harassment policy was violated. He clarified that five county offices have their own HR departments, and cases originating from those offices would be handled separately.

Vice Chair Boots asked about the disposition of the one sexual harassment case. Mr. Beeler stated that he did not know but could report back with that information. Vice Chair Boots then asked whether complainants are routinely updated on the stage or phase of an investigation. Mr. Beeler said that complainants are generally kept informed according to SOPs, though he acknowledged that timing and logistics can sometimes delay updates. He emphasized that the department actively works to ensure employees know their complaints are being addressed and that they feel safe throughout the investigation process.

Councilor Brown expressed concern about the loss of trust in the current reporting processes, noting unease with reports going directly to senior leadership on the 25th floor, given prior experiences. She asked whether it would be possible to receive an anonymized report from Directors Tapper and Jones regarding the activities of the Harassment Policy Working Group and the Company Culture Working Group. She emphasized the importance of protecting individuals while keeping councilors informed, so they can be responsive to employees raising concerns. Mr. Beeler acknowledged these concerns and stated that he would take the request internally and work to provide anonymized information to help rebuild trust and transparency.

Councilor Mowery expressed concern about the current reporting process, noting that directing complaints straight to the 25th floor has contributed to a loss of trust. He stated that having reports go to the person implicated in prior issues undermines confidence in the process and may discourage employees

from coming forward. Councilor Mowery suggested exploring alternative reporting channels that remove the 25th floor from the process to ensure employees feel safe and confident that their concerns will be handled appropriately, both legally and ethically. He emphasized the need to address these concerns to rebuild trust.

Councilor Hart emphasized the importance of continuing the discussion about alternative reporting methods. He noted that, in addition to the Policy Advisory and Company Culture working groups, documentation indicates that nine additional focus groups were conducted to gather more data and deeper insights. He asked whether alternative reporting methodologies were considered during that process and, if so, why they were ultimately not implemented, leading to the decision to route reports to the 25th floor. Mr. Beeler clarified that the nine focus groups were organized by the company conducting the survey to gather information and prepare survey results and were not directly related to the Policy Advisory or Harassment and Company Culture working groups. He explained that the purpose of these groups was to be inclusive and collect input from employees who might otherwise feel disconnected from the enterprise, and acknowledged the points raised regarding alternative reporting. Councilor Hart responded that, as part of the council's working group, they had reviewed a variety of ideas and consulted legal counsel regarding which options could be implemented. He stated that, moving forward, it would be helpful to understand what alternative reporting methods were considered and the reasons why certain approaches were not incorporated into policy recommendations.

Vice Chair Boots asked about the current means for a complainant to appeal an HR decision if they disagree with the outcome. Mr. Beeler explained that after the investigatory process is complete, a complainant who disagrees with the result—whether that a policy violation did not occur or that the discipline imposed was insufficient—can appeal to either the Equal Opportunity Commission (EOC), an independent investigatory agency for workplace conduct, or the Indiana Civil Rights Commission (ICRC). He noted that both avenues provide similar review processes, and that this information is included on employee information sheets, as some employees were previously unaware that this option was available.

Councilor Perkins sought clarification regarding the distinctions between the various initiatives: the working groups, the culture assessment survey, focus groups, and the anonymous reporting system. He noted that some questions appeared to conflate these separate efforts. He asked whether the working groups were established internally to review policies and practices, while the survey and focus groups were conducted to gather deeper insights following the culture survey, and whether these were distinct from the anonymous reporting system. Mr. Beeler confirmed that this understanding was correct. He clarified that the Company Culture Working Group was responsible for developing the survey and collecting employee feedback to better understand company culture. Councilor Perkins then asked whether the final harassment policy approved in fall 2025 by the advisory group could be shared, including the recommendations made by the working group. Mr. Beeler responded that the policy had been shared briefly with some councilors and confirmed that it could be shared more broadly.

Councilor Delaney referenced the seven recommendations previously presented, which included the appointment of a temporary ad hoc Inspector General and the creation of an independent Human Resources board. She noted that both recommendations were intended to ensure true independence from the current reporting systems, particularly in cases involving complaints against senior leadership or elected officials. She asked how such complaints could be fairly adjudicated, highlighting concerns about the potential conflict between independence and public records requirements, which might require information held by an independent board to become public. Mr. Beeler responded that various models, including different Inspector General structures, had been evaluated, but implementing a truly

independent system for the city is challenging. He noted that a key concern is protecting the confidentiality of witnesses, survivors, and complainants, which could be compromised if investigatory materials were transferred to another board and made public. While independent oversight remains a goal, the practical limitations of government processes make achieving full independence difficult at this time.

Vice Chair Boots asked when the employee manual was last substantially revised. Mr. Beeler responded that, based on his knowledge, the last significant revision was in 2022, though some uncertainty exists between 2021 and 2022, which is stamped on the manual. Vice Chair Boots then asked whether the upcoming recommendations from the Company Culture and Harassment Policy working groups would result in minor updates or more substantial changes to the current policies. Mr. Beeler explained that the updates to the Workplace Harassment Policy represent a significant overhaul. The revisions include clearer definitions and more detailed explanations of HR procedures, so employees better understand the investigatory process. He noted that many employees have previously expressed confusion about how complaints are handled, and these updates aim to increase transparency. While further work remains, these revisions constitute a major upgrade compared to prior updates.

National Women’s Defense League (NWDL)

Emma Davidson Tribbs, Director and Co-Founder of the National Women’s Defense League

Ms. Davidson Tribbs thanked Chairman Boots and the members of the Rules Committee and Working Group. She noted that NWDL is a nonpartisan organization focused on preventing sexual harassment and protecting survivors through research, policy, and advocacy. She apologized for not being able to attend in person.

Ms. Tribbs stated that, at the Council’s invitation, NWDL reviewed the proposed recommendations for structural and procedural reforms. Their review was guided by two lenses: (1) their expertise in policy and process, and (2) their role as advocates for those whose courage has brought these issues to public attention. She noted that many of the proposed steps—such as creating independent oversight, expanding reporting channels, and mandating regular training—align with effective models across the country. These evidence-based practices, if implemented properly, could strengthen compliance and accountability within city government. Based on their review, NWDL identified three priorities that should remain central to any reform effort: Require unbiased third-party support for reporting, investigations, and resolution.

Ms. Tribbs expressed appreciation that the working group’s main recommendation is to centralize investigative authority and ultimately create an independent Human Resources Board. She emphasized that investigations involving senior officials must be conducted by an entity independent from elected officials and city employees. She recommended vetting third-party investigators for any conflicts of interest. Independent investigations, she noted, prevent conflicts and increase employee confidence that cases will be handled fairly—an essential and non-negotiable component of an effective process. NWDL supports expanding reporting tools but urged the working group to include more than one confidential reporting channel. Best practices show that offering several options—such as online forms, confidential hotlines, and designated HR or oversight contacts outside the employee’s supervisory chain—significantly increases reporting and reduces fear of retaliation. Ms. Tribbs cautioned that a single reporting path can deter complaints, especially when the alleged harasser holds authority. A unified intake system with clear escalation and trained investigators ensures reports are not lost or mishandled. Ms. Tribbs noted that the current recommendations do not explicitly address confidentiality protections, retaliation prevention, or public transparency. She stressed that these components are essential for any functional complaint process. Survivors must feel safe, protected, and believed, while the public must have confidence in the system through regular anonymous reporting and audits.

Ms. Davidson Tribbs supports the working group's recommendations on structural and procedural reforms for addressing sexual harassment. She emphasized three key priorities:

Independent oversight: Investigations, especially involving senior officials, must be handled by unbiased third parties to prevent conflicts of interest and ensure fairness.

Multiple confidential reporting channels: Employees should have several safe options for reporting misconduct to increase reporting and reduce fear of retaliation.

Survivor protections and transparency: Policies must safeguard confidentiality, prevent retaliation, and maintain public accountability through regular reporting and audits.

Ms. Tribbs noted that clear, consistent systems build trust, reduce confusion, and demonstrate that the city's processes work fairly. She highlighted that transparency reports and survivor-informed policies strengthen both internal and public confidence. She concluded by stressing that the proposed reforms are essential for creating a culture of prevention, fairness, and public integrity and affirmed NWDL's commitment to assisting Indianapolis in implementing these changes.

Councilor A. Brown noted that union employees have agreed that they need an advocate who can represent their interests, even in situations involving the union itself. She emphasized that HR typically protects the enterprise and asked how the city could create a structure that ensures employees have an advocate whose primary responsibility is to them. Ms. Davidson Tribbs responded that true confidentiality is critical and that a third-party component, fully separate from the internal workings and political aspects of government, is essential. She suggested the creation of an Ombudsman or Public Advocate position, as seen in other cities, to serve as the intake point for complaints. This position would have the authority to investigate and act independently from political interference. Tribbs noted that this could be a step toward establishing a fully independent third-party system while allowing the structure to operate effectively.

Councilor Hart stated that from the recommendations, how can we or if there are other examples in the past that you may have worked with where you were able to keep those records private and still have a third party. Ms. Davidson Tribbs expressed interest in exploring options for reports to be submitted directly to a third-party entity, bypassing the internal HR system. She noted that she has shared several approaches used by other cities facing similar challenges. Tribbs emphasized that employees submitting complaints expect the investigating body to receive the information directly, highlighting the importance of an anonymous reporting option. She recommended that, whenever possible, complaints be sent straight to the independent investigative body to ensure impartiality and maintain confidentiality.

Councilor McCormick Ms. Davidson Tribbs discussed the creation of a centralized intake system and Ombudsman position for handling complaints. Councilor McCormick asked whether the "third party" refers to another internal city entity, rather than an independent law firm or external company. Tribbs confirmed that the recommendation is for the intake and investigative function to remain within the city, while emphasizing that employees should have the option to submit complaints directly to this body, bypassing the internal HR system. She noted that some cities use law firms as centralized hubs, but the preferred model is a dedicated city department or cabinet-level office whose sole purpose is to investigate complaints, ensuring true independence from political influence and internal conflicts of interest. She highlighted the importance of anonymous reporting options to maintain confidentiality and build employee trust.

Vice Chair Boots raised a question regarding mandatory reporting. He emphasized that employees should not be forced to submit complaints if they are uncomfortable doing so. Boots noted that requiring a complaint could create legal ramifications for the city, particularly if a supervisor becomes aware of a

situation but the complainant chooses not to report it. He asked how such cases should be handled, especially when a complaint might arise years later, after the employee is no longer with the city, highlighting the complex legal issues that can result from delayed reporting. Ms. Davidson Tribbs agreed and highlighted that best practices have shifted away from mandatory reporting since the #MeToo movement in 2017–2018. She explained that mandatory reporting in many government entities did not serve survivors or the organization well. Tribbs emphasized the importance of transparency and regular, anonymized reporting to provide insight into the scope of issues without forcing individual cases to move forward. She noted that such policies cannot always prevent dangerous behavior but said that the goal is to build trust, so survivors feel comfortable providing full information and sharing their experiences.

Society for Human Resource Management (SHRM)

Tracy Justice, IndySHRM, Director of Government Affairs

- HR's Role In An Organization- Employee and Labor Relations Strategy
 - HR isn't just about transactions (payroll, benefits, hiring) any longer. HR must elevate its role to a strategic one — aligning people practices with organizational strategy, contributing to business/local government outcomes.
- Driving change and transformation
 - HR is central in leading organizational change—because people are the asset, and change involves capability, culture, systems and behaviors.
- Building culture, capability, and employee experience
 - The HR role includes shaping the work environment, fostering culture, enabling learning & development, and creating the conditions for employees to thrive.
- Key SHRM Guidance Highlights
 - Policy architecture: employee handbooks should be reviewed and updated to reflect evolving anti-harassment/anti-discrimination laws and training requirements.
 - They suggest policies clearly define harassment, discrimination, retaliation, and protect individuals who report in good faith.

Councilor A. Brown stated that if an elected official does not directly hire, fire, or supervise someone, can they sexually harass that person without legal consequences unless there is physical assault. And if reporting is delayed due to trauma, does that mean there is effectively no protection. Ms. Justice said that employment law is built on the idea that an organization cannot fix a problem unless it knows about it, and that reporting is how the employer gets the chance to act. At the same time, that framework assumes people are able to recognize and report harassment immediately, which often is not realistic—especially when power dynamics or trauma are involved. Many people do not report right away because they are afraid, confused, or still processing what happened. So, while disclosure is important, a system that only works when someone reports instantly is not actually protecting people. If we want meaningful accountability, we need processes that recognize delayed reporting as normal and use trauma-informed approaches to investigations and support, rather than treating delay as a failure on the employee's part.

Councilor Perkins stated that he is trying to reconcile two things they have been told. On the one hand, we are told we should not force someone to report harassment, especially because of trauma and fear of retaliation. On the other hand, employment law says organizations can only act if they know something has happened, which often depends on disclosure. Ms. Justice said that the reconciliation is this: we should not force individuals to report, but organizations still have a responsibility to create multiple safe ways for information to surface—including anonymous reporting, third-party reporting, and reporting by witnesses or supervisors. That way, accountability does not rest entirely on the person who was harmed, and the organization can still meet its obligation to address harassment when it becomes aware of it. The

goal is not mandatory reporting by victims; it's ensuring the organization cannot ignore harm once it has notice in any form.

Councilor McCormick stated that they are trying to work through how to structure HR so it can do its job with appropriate independence, while still sitting within the executive branch. The council does not direct day-to-day administration—that's the mayor's role—but we *do* have a responsibility to set policy that ensures HR has enough independence and authority to act when issues arise, including issues involving leadership. Right now, they are struggling to articulate how to do that from our position as a council. We can see the problem, but we do not yet have a clear solution. Councilor McCormick said that she works in higher education under Title IX, so she understands both the benefits and the downsides of being a mandatory reporter. Ms. Justice said that the tension is this: how do we ensure the organization receives the information it needs to act, while still respecting confidentiality, timing, and the needs of the person reporting. That is why multiple reporting avenues matter—not just HR, but potentially roles like an Inspector General or another independent channel. This raises an important question: should there be a reporting option that functions as an advocate for employees—someone whose primary role is to receive concerns safely—rather than a function that is perceived as protecting the enterprise first. How those roles are defined matters for trust. She said that ultimately, this comes back to culture. Policies and mandatory reporting requirements are necessary, but they are not sufficient on their own. If employees do not trust the system, they will not use it. Our challenge is figuring out how to build a structure and a culture that makes reporting feel safe, supported, and meaningful—while still allowing the organization to meet its legal responsibilities.

Councilor Bain wanted to clarify what they are trying to understand from a legal and policy perspective. They have been discussing a case from another jurisdiction that analyzes Title VII protections and the definition of “personal staff” of an elected official. He said that the question is not about that specific case controlling our outcome here, but about what lessons it raises for us as we consider our own policies. Mr. Beeler stated that case law from another circuit does not automatically apply to us. This is the Seventh Circuit, not the Tenth. But those cases can still be instructive in identifying gaps or risks in how employment protections are structured—especially when it comes to employees who work closely with elected officials or within the executive branch.

Vice Chair Boots said that the question they are trying to answer is how to design an HR and accountability structure that protects employees while also remaining fair to the accused and insulated from political pressure. They are not trying to legislate around a single case; we're trying to build a coherent, durable policy framework. That includes recognizing that public employees have dual sets of rights. Employees who bring complaints deserve safety, confidentiality, and a fair process. At the same time, employees who are accused—particularly in the public sector—also have due-process interests, because discipline by a government employer is a form of state action. Mr. Beeler said that while those protections are not the same as Miranda rights in a criminal case, they do require fair notice, a thorough investigation, and an opportunity to respond before discipline is imposed. Investigations must protect all parties involved, including witnesses, whose willingness to come forward is often critical to determining what actually occurred.

Councilor Hart stated that the Council understands that HR can investigate, make findings, and offer recommendations. They also understand that leaders—including elected officials—are trained on these policies and are subject to them. The problem is what happens when HR makes recommendations, those recommendations are elevated to the highest level, and they are not acted upon, and later it becomes clear that wrongdoing occurred. That is the accountability gap they do not currently have an answer for. Ms. Justice said that in some smaller jurisdictions, there may be a board or governing body an employee can

appeal to over an elected official's head. In our structure, it is not clear that such a pathway exists. That raises the question of whether this is something we can address internally through policy, or whether it requires a legal or structural change. At the end of the day, the employer has a non-delegable responsibility to ensure a safe workplace. HR is supposed to help lead that effort, including culture-building—not just compliance. But if HR lacks the authority or independence to ensure action when leadership fails to act, then we have to ask what tools we, as a council, actually have to fix that.

Public Testimony

Councilor Nielsen moved, seconded by Councilor A. Brown, to amend the rules for this evening's meeting to extend the public comment time limit from two minutes to four minutes per speaker. The motion carried.

Morgan Mickleson, citizen and former employee of the Hogsett administration stated that she led the Office of Sustainability from March 2021 to September 2024 and managed a team of three. She remains in regular contact with current city employees, and I'm speaking tonight from direct, first-hand experience. Ms. Mickelson said that the culture inside the administration remains deeply broken. While much of the public discussion has focused on past misconduct by the mayor and former members of his leadership team, the culture that allowed that behavior to occur has not gone away. It is still present inside the City-County Building today. When the first reports became public in 2024, she raised concerns about the lack of systems to protect current staff from harm. Those concerns were dismissed by leadership that remains in place today. When pushed further, it became clear the focus was on controlling the situation—not on accountability or prevention. That is why she strongly urges you to pursue a truly independent, third-party solution. Ms. Mickelson shared a personal experience with HR by reporting inappropriate behavior before the Speakfully system existed. HR asked me to share my experience, then stopped following up. When I reached out again, I was told they were "getting to it." Nothing ever happened, and this is not an isolated experience. Any reform must include accountability and transparency. She supports the recommendations shared earlier by Emma from the National Women's Defense League. The council should require mechanisms to ensure recommendations are implemented and reported on publicly. Transparency is possible without compromising individuals, and it is essential to rebuilding trust. Ms. Mickelson asked that the Council does not rely solely on internal working groups or reports filtered through existing leadership. They are not hearing the full story. Find ways to hear directly from employees.

Vice Chair Boots stated that, as they look ahead, they have taken in a great deal of information and from prior work. The next step is to distill that input, refine our recommendations, and increase public engagement. This work involves complex legal and fiscal considerations, and we will continue working with HR, legal counsel, and external organizations to ensure our approach is informed and responsible. He said that he was surprised by the limited attendance this evening, which tells us we need to do more outreach. We welcome input from all perspectives and will continue seeking it as this process moves forward.

There being no further business, and upon motion duly made, the meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

City-County Culture and Employee Resource Update

Office of Corporation Counsel



Trainings

- May 13, 2019: Harassment training was made mandatory for supervisors and codified in City code
- August 19, 2024: The Mayor signed Executive Order No. 1, 2024, requiring all employees to complete harassment training
- December 31, 2024: Due date for all City-County employees completed harassment training
- September 9, 2025: Annual harassment training was sent out to all City-County employees and must be completed by November 30th, 2025

Anonymous Reporting System

- August 14, 2024: Demonstrations of third-party vendor solutions for a new, anonymous reporting system began
- August 26, 2024: A temporary, internal anonymous form was made available to employees
- September 16, 2024: Speakfully was selected in consultation with City-County Council members Carlino, McCormick, and Nielsen
- October 3, 2024: Speakfully was announced to the City-County enterprise
- Winter 2024: Ongoing internal implementation
- January 10, 2024: Speakfully went live
 - Flyers for how to access have been posted in all offices and is part of the monthly Human Resources newsletter

Employee Resources

- **Employee Assistance Program**
 - Free to all employees and their families
 - Provides counseling as well as guidance for legal, financial, and work-life balance needs
 - Offers 24/7 confidential support
 - Services are available in-person, by phone, chat, or video visit
- **Marathon Behavioral Health**
 - Free to employees and their dependents age 12 and older who are covered under one of the City-County sponsored health plans
 - Provides health coaching and patient-centered, outcomes-based therapy
 - Offers treatment for stress, anxiety, depression, grief, and more
 - Services are available in-person, by phone, or via video visit
- **Expanded Employee Support Resources**
 - Speakfully
 - Handout explaining reporting and investigation process

Internal Working Groups

- August 2, 2024: An internal planning group to address employee culture concerns was created
 - Led work to procure Speakfully
 - Obtained consultant, Raftelis , to assist with deployment of a culture assessment survey and associated data analysis
 - Developed, distributed, reviewed, and assigned employees to working groups based on members preferences and to ensure diversity of representation
 - Outlined objectives for each working group
- January 2025: Working groups began meeting. Included an Advisory Group, Harassment Policy Working Group, and Company Culture Working Group
- Still ongoing: The internal planning group is creating departmental surveys to capture information regarding practices, policies, and procedures for each department, agency, and office

Harassment Policy Working Group

- The Harassment Policy Working Group was led by Chief Diversity Officer Ben Tapper
- Key changes: added definitions, included more elements of the reporting procedure, and ensured the policy reflected best practices
- Fall 2025: An updated harassment policy was approved by the Advisory Group
- Ongoing: Updated policy being incorporated into City-County HR manual and required acknowledgment form

Company Culture Working Group

- The Company Culture Group has been led by Director of the Office of Audit and Performance Wesley Jones and Chief Diversity Officer, Ben Tapper
- The group reviewed and edited survey questions
- Developed survey rollout process aimed at ensuring employee buy-in and engagement
- Ongoing: will help create and implement recommendations from survey data

Employee Survey

- Spring 2025: Raftelis was selected to help develop, execute, and analyze results based on their experience and expertise working with government entities
- August 5, 2025: A pre-survey webinar was hosted to provide an overview of the survey and answer potential employee questions
- August 11, 2025: Survey opened to all City-County employees
- August 29, 2025: Survey closed
- Week of October 6, 2025: Nine focus groups were conducted to collect more data and glean deeper insights
- End of year 2025: Final results and recommendations will be received

Thank You



Human Resource Presentation

Summary of Recommendations for Structural and Procedural Reforms in Indianapolis-Marion County City-County Human Resources and Investigations

1. Temporary Appointment of an Ad-Hoc Inspector General
2. Creation of an Independent Human Resources Board
3. Consideration of an Independent Office of Equal Opportunity
4. Promoting Awareness and Access to Reporting Tools
5. Audits of HR Investigations
6. Creating a Universal Harassment-Free Work Environment
7. Yearly Aggregate Reporting of Harassment Statistics



Questions?

If it's a Work Thing, It's a SHRM Thing!

AFFILIATE OF



BETTER WORKPLACES
BETTER WORLD™



Tracy Justice

IndySHRM, Director of Government Affairs

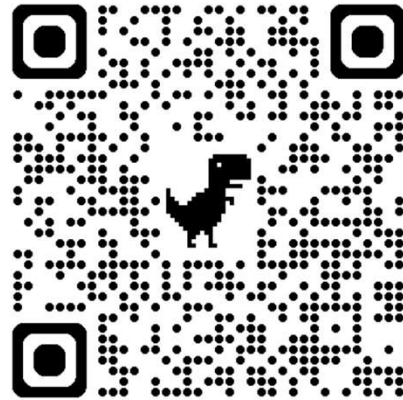
Providing HR perspectives for educational purposes. It's recommended to speak with your legal counsel to confirm if these perspectives make sense for your organization.

Mission:

IndySHRM serves and advances the Human Resource profession in Central Indiana by developing strategic business partners through comprehensive programming and collaborative development opportunities.

Vision:

Transforming Human Resources throughout Central Indiana as the premier provider of human capital management resources.



Summary of Recommendations for Structural and Procedural Reforms in Indianapolis-Marion County City-County Human Resources and Investigations

01

Temporary Appointment of an Ad Hoc Inspector General

02

Creation of an Independent Human Resources Board

03

Consideration—but Not Recommendation—of an Independent Office of Equal Opportunity

04

Promoting Awareness and Access to Reporting Tools

05

Additional Policy Concerns Not Included in the Report:

- a. Audits of HR investigations
- b. Creating a universal harassment free work environment
- c. Yearly aggregate reporting of harassment statistics

IndySHRM is neutral on the recommendations. However, what structural safeguards are necessary to ensure HR independence from political influence?



HR's Role In An Organization- Employee and Labor Relations Strategy

From tactical to strategic partner

HR isn't just about transactions (payroll, benefits, hiring) any longer. SHRM emphasizes that HR must elevate its role to a strategic one — aligning people practices with organizational strategy, contributing to business/local government outcomes.

- For example, in "From Alignment to Integration" they note that HR strategy must be fully integrated with business strategy to drive profitability.
- In "The Transformation Playbook" they describe HR professionals needing to understand the business, its goals, and identify where HR practices can influence performance.

Driving change and transformation

HR is central in leading organizational change—because people are the asset, and change involves capability, culture, systems and behaviors.

- "Mastering HR-Led Transformations: The Crucial Role of Change Management" emphasizes that HR must manage "its most valuable asset: its people" in context of transformation.
- "The Evolving Landscape of HR" identifies that HR shapes policies and culture that enable talent and learning, and respond to shifts in work.

Linking workforce and business strategy

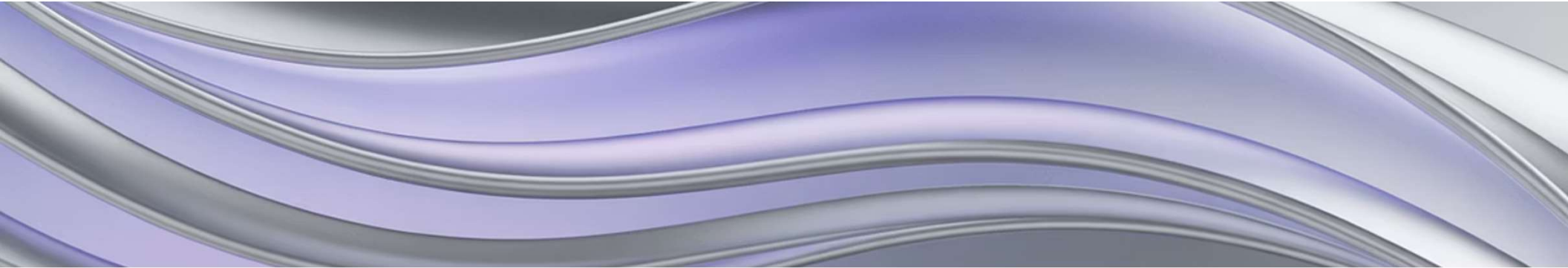
HR must ensure the workforce is aligned with the organization's strategic goals — not just fulfilling current roles but enabling future direction.

- SHRM's tool "Developing HR Strategy" identifies key components: **Accelerate Performance, Champion Culture, Maximize Talent, Optimize Intelligence.**
- It's noted that HR practices that are aligned with business strategy improve performance, engagement, innovation and financial results.

Building culture, capability, and employee experience

The HR role includes shaping the work environment, fostering culture, enabling learning & development, and creating the conditions for employees to thrive.

- SHRM's research indicates that HR "plays a seminal role in shaping the policies and culture that allow an organization to access specialized talent, enable continual learning, and respond to changing workforce dynamics."
- Also, "Staffing the Human Resource Function" toolkit focuses on aligning HR with business strategy through talent acquisition, learning & development.



Public Sector HR

Public HR exists not to control employees, but to ensure fairness, transparency, and lawful stewardship of the public trust.

Its ultimate duty is to balance compassion with compliance, rights with responsibility, and trust with transparency.

Constitutional Protections

Unlike private-sector HR, **public-sector HR operates under constitutional law** because government employers are *state actors*. This means every employment policy must respect the following protected rights:

First Amendment – Freedom of Association and Expression

Public employees retain the right to form personal, romantic, and social relationships, and to speak freely outside the scope of their official duties.

Fourteenth Amendment – Right to Privacy and Due Process

Government cannot intrude arbitrarily into employees' private lives, nor discipline them without fair process and a legitimate governmental interest.

Equal Protection Clause

Policies must be applied equally and not discriminate on the basis of sex, orientation, marital status, or other protected traits.

✅ You may regulate conduct that affects operations, but you can't police private life without a demonstrable connection to the work itself.

Public-sector HR professionals must always:



Evaluate whether a personnel action could **implicate constitutional rights**.



Provide **due-process safeguards** (notice and opportunity to respond) before imposing discipline.



Ensure policies like non-fraternization, social-media rules, or off-duty conduct codes are **narrowly tailored** to legitimate business or governmental interests.



Document that decisions serve an **operational necessity** (e.g., preventing conflicts of interest or maintaining public trust).

Key SHRM Guidance Highlights

Here are some of SHRM's major themes and practical pieces for building respectful and inclusive workplace policies.

Policy architecture

- SHRM offers a sample "Nondiscrimination/Anti-Harassment Policy and Complaint Procedure" template for HR professionals.
- They emphasize that employee handbooks should be reviewed and updated to reflect evolving anti-harassment/anti-discrimination laws and training requirements.
- They suggest policies clearly define harassment, discrimination, retaliation, and protect individuals who report in good faith.

Complaint & investigation processes

- SHRM highlights that "no complaints doesn't mean no harassment" — i.e., absence of reports is not a safe signal.
- They outline best practices for how to strengthen complaint procedures (e.g., multiple channels for reporting, confidentiality, avoidance of retaliation) so that employees trust the system.
- They cover investigation, code of conduct enforcement and non-discriminatory discipline as key elements.

Preventing hostile environments and bullying

- SHRM stresses that prevention goes *beyond* what's legally required: workplace culture, leadership behavior, training and optics matter.
- They advise organizations explicitly inform staff of the employer's policy against discrimination/harassment/bullying and **the requirement to act if they experience or witness it.**

Training & communication

- SHRM underscores the need for ongoing training (not just "once and done") on anti-harassment and discrimination, tailored to different roles (supervisors, employees), with scenario-based applications.
- They recommend clear, accessible communication of policies, rights, and procedures — and that leadership visibly supports them (i.e., "tone at the top").

Alignment with strategy & culture

SHRM implicitly and explicitly links anti-harassment / non-discrimination efforts to risk management (legal/moral), to employee engagement, to inclusive culture, and to leadership accountability.



Let's look at a public employment law case study:



Helm v. Kansas (10th Cir. 2011)

Facts overview

- Plaintiff Christie Helm worked as an administrative assistant for two Kansas district court judges.
- One of the judges allegedly sexually harassed her over nearly ten years — including non-consensual touching, fondling, forced kissing, etc.
- Helm sued the State of Kansas for sexual harassment under Title VII.

Legal issues and holding

The case depended on two principal issues:

1. **"Employee" status under Title VII** — whether Helm was an "employee" of the State of Kansas (or was she part of the "personal staff" of the judge and thus exempt) under 42 U.S.C. § 2000e(f).
2. **Employer liability for supervisor harassment** — whether the State could be held vicariously liable for the judge's harassment under the supervisory harassment standard, or whether the affirmative defense under *Faragher v. City of Boca Raton/Burlington Industries, Inc. v. Ellerth* applied.

Holding:

- The Tenth Circuit *did not* decide the "employee" issue because it held for the State on the second issue. It found that the State successfully invoked the *Faragher/ Ellerth* affirmative defense, so it was *not* liable for the judge's harassment.
- The court therefore affirmed summary judgment for the State.

The Legal Questions Before the Court

The case involved two major legal issues:

1

Was Helm even covered by Title VII?

- Title VII protects "employees," but excludes certain categories — such as "personal staff" of elected officials (like judges).
- The State argued that Helm was part of the judge's *personal staff* and therefore not protected.
- The court did not fully decide this issue, because of the outcome on the next issue.

2

Even if she was covered, is the State liable for the judge's harassment?

- This question turns on *employer liability* under Title VII's **Faragher/Elterth framework** (two major Supreme Court cases from 1998).

The Faragher/Ellerth Framework (the key doctrine)

These two Supreme Court cases — **Faragher v. City of Boca Raton** and **Burlington Industries, Inc. v. Ellerth** — set out rules for when an employer is automatically liable for sexual harassment and when it can defend itself.

Here's the summary:

Type of Harassment	Employer Liability
If harassment results in a tangible job action (like firing, demotion, pay cut)	Employer automatically liable
If harassment does not result in a tangible job action	Employer can avoid liability if it proves: (1) It took <i>reasonable care</i> to prevent and correct harassment, and (2) The employee <i>unreasonably failed</i> to report or use those procedures

This is called the **Faragher/Ellerth affirmative defense**.

What the Court Decided in *Helm v. Kansas*

The Tenth Circuit **sided with the State of Kansas** — not because the harassment didn't happen, but because the State met the **Faragher/ Ellerth defense** requirements.

Here's how they reasoned it:

01

The State had policies and procedures in place to report harassment.

- There was an anti-harassment policy.
- There were mechanisms to complain or report misconduct.

02

Helm did not report the harassment for many years.

- She endured the conduct for almost a decade before taking action.
- The court found her delay "unreasonable," which satisfied the second part of the defense.

03

Therefore, the State wasn't liable, even if the judge's actions were severe and clearly unlawful under Title VII.

Why This Case Is Significant

1. It shows how employers can still avoid liability for supervisor harassment

Even when harassment is egregious, an employer (including a state or public entity) can escape liability **if it can prove both parts** of the Faragher/Ellerth defense:

- They acted reasonably to prevent/correct harassment (had a policy, trained staff, etc.)
- The employee failed to use those procedures

→ This emphasizes that employers should have **strong reporting policies** and **regular training** to meet their legal obligations.

→ This also means that if a **public employee** sexually harasses someone, the **individual** (not the government) can be personally liable in tort (not Title VII), because the harassment is outside their job duties.

Takeaways for Practice

For Employers (including government entities):

- Have clear, well-communicated harassment reporting procedures.
- Train all levels of staff — including managers and supervisors — on what to do.
- Investigate all complaints promptly and thoroughly.
- Keep records showing that employees were informed of their rights and how to report misconduct.

For Employees:

- Know the policy: read your employer's anti-harassment procedures. Ask questions if you need to.
- Report or document incidents early — even if you fear retaliation.
- Seek support (e.g., HR, legal counsel, or state civil rights agency) if internal reporting seems unsafe.

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