

NSG NO SIR GIFTS

Marion, IN 46953

Web site: NOSirGifts.com

Telephone/FAX: AVAILABLE UPON REQUEST

COMPLAINT FORM

PART I: GENERAL INFORMATION

NAME (Complainant)	[REDACTED]				
ADDRESS	Work: [REDACTED]				
CITY	Marion	STATE	IN	ZIP	46953
DAYTIME TELEPHONE NUMBER	765-[REDACTED]2				
EMAIL ADDRESS (if applicable)					
Date discussed with supervisor (Aeverine Nieves)	10/29/09				

PART II: FORMAL COMPLAINT

[Complainant should keep one copy and give one to his/her supervisor or department head]

Specific statement of complaint:

Date Discussed: 10/29/2009 12:37 AM

Complainant submitted a Facebook friend request to Ms. Nieves. Complainant was notified via Facebook message that was declared ineligible as a Facebook friend of Ms. Nieves.

"Oh, I'm sorry, V [REDACTED]:

Since you work at Grant Blackford Mental Health (GBMHI), you've been declared ineligible, as well as J [REDACTED], M [REDACTED], D [REDACTED], and many more, as a Facebook friend of mine. I have mentioned this back in August with J [REDACTED] about my decision, which came down to a potential conflict of interest.

I understand that this must be devastating and very upsetting for you even though you and I went to Mississinewa.

In the meantime, however, you can suggest Facebook friends of yours you believe that meet the eligibility at http://www.facebook.com/ajax/friend_suggester_dialog.php?newcomer=1669328510&close_handler=null&ref=profile_others

Another alternative is to go to my professional Facebook page (Aeverine Nieves) and become a fan.

No offense, but I have to follow orders from GBMHI since I have been a client since 1987."

Ms. Nieves is giving Complainant an opportunity to appeal decision.

Incidents and/or facts supporting claim of complaint:	Ms. Nieves had a conversation with J [REDACTED] about Ms. Nieves' Facebook policy in July 2009. Ms. Nieves did a Facebook search that month turned 55 results and a majority are current GBMHI employees.
Requested solution or remedy	Complainant believes there ought to be a Social Network policy at Grant Blackford Mental Health and potentially overrule Ms. Nieves' Social Network Policy, thus making it unconstitutional.
Particular area of disagreement with decision of supervisor or department head	According to Complainant, Complainant does not believe Ms. Nieves' Facebook policy is fair, as this is the first time Ms. Nieves has denied a Facebook friend request from a Grant

	Blackford Mental Health employee.
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PART II: REVIEW

[Complainant should keep one copy and give one to his/her supervisor or department head]

Specific statement of complaint:	Date Discussed: 10/29/09 8:00 to 11:35 AM
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Ms. Nieves turned the matter over to Grant Blackford Mental Health to discuss formal complaint with L [REDACTED], L [REDACTED], J [REDACTED], and A [REDACTED] about this.

Ms. Nieves discussed existing Ms. Nieves' GBMHI Facebook policy, and wanting advice. Ms. Nieves informed [REDACTED] and [REDACTED] about the developments, only to find out Ms. Nieves was breaking Federal law.

Ms. Nieves then spoke to [REDACTED] about this and mentioned, "I've never had a problem with a Social Network Policy of mine until today. [REDACTED] informed Ms. Nieves that her Social Network policy does not even affect GBMHI as not all GBMHI have Facebook and/or My Space pages.

Incidents and/or facts supporting claim of complaint:	Ms. Nieves used the business practice of blockbusting meant to encourage non-GBMHI employees, discourage Facebook Friends that don't accept Ms. Nieves and violated Complainant's 1 st Amendment Rights.
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Requested solution or remedy	Overturn Ava's Social Network Policy.
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Particular area of disagreement with decision of supervisor or department head	[REDACTED] thought Ms. Nieves had a good policy on Facebook
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PART III: REVIEW BY NO SIR GIFTS

[Complainant should keep one copy and give one to his/her supervisor or department head]

Specific statement of complaint: Grant Blackford Mental Health, Inc. v. NO SIR GIFTS Venues – Civil issue	Date Discussed: 10/29/09 2:15 PM
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Complainant, [REDACTED] (collectively working for an Agency called Grant Blackford Mental Health, Inc., doing business in Marion, Indiana and a long-time NO SIR GIFTS partner), appeal NO SIR GIFTS' Social Network policy seeking a judicial declaration that a personal Facebook policy of Aeverine Nieves violates the Indiana Constitution.

We reverse and remand with instructions.

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In late 2005, the NO SIR GIFTS General Assembly passed an exploratory allowing the use of social network sites such as Facebook, My Space, and Twitter to boost business. In April of 2009, NO SIR GIFTS began using the big three social network sites mentioned above, and restricted employees of Grant Blackford Mental Health and an employee of NO SIR GIFTS. [REDACTED] fall into the employee category and Ms. Nieves falls in the client category. The policy at issue restricted employees of Grant Blackford Mental Health employees to become Facebook and/or friends with clients. It did not apply, however, to GBMHI clients to become Facebook and/or My Space friends with other GBMHI clients. The GBMHI Social Network Policy additionally made a Facebook alternative for "formerly ineligible GBMHI employees" available to individuals that are currently employed at GBMHI.

On October 29, 2009, [REDACTED], along with [REDACTED] and [REDACTED] filed an amended complaint seeking a declaration that NO SIR GIFTS' Social Network Policy restricting Grant Blackford Mental Health employees from becoming Facebook and/or My Space friends with clients violates Article 1, Section 3; Article 1, Sections 9 and 11; and Article 9 of the Indiana Constitution.

On a somewhat unrelated case just nearly three weeks before ██████████'s complaint and NO SIR GIFTS ruling is based on an eight year policy declared unconstitutional on October 10, 2009, the NO SIR GIFTS Venues Social Network Media Policy imposed a "new substantive qualification on the right to assemble on social media network websites, not authorized by the Indiana Constitution."

██████████ alleges that Ms. Nieves has violated Article 1, Sections 3, 9, and 11 of the Indiana Constitution, no law shall in any case control the free exercise, of interference with the rights of conscience; restraining the free interchange of thought and opinion, restricting the right to speak, write, and/or print freely, on any subject whatever; the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search or seizure, shall not be violated; and no warrant shall issue; respectively.

Further, ██████████ alleged that due to being employed at an asylum for those persons (as mentioned Article 9 of the Indiana Constitution), who by reason of other misfortune, have claims upon the sympathies and aid of society, which Ms. Nieves had several misfortunes since graduating from Mississinewa High School, including Ms. Nieves' "wrongful dismissal" from Indiana Wesleyan University, the deaths of Ms. Nieves' mother on May 10, 2002, the suicide of Ms. Nieves' brother on August 10, 2002, and Ms. Nieves' eventual gender transition from male to female beginning in December 2004.

... The NO SIR GIFTS Grievance Committee declared to the contrary that the statute was constitutional, because inherent differences make social network sites more susceptible to improper influences and, therefore, "it is reasonable that the legislature believed it in the interest of NO SIR GIFTS Venues customers and Grant Blackford Mental Health clients to more stringently govern free speech and free assembly." Because of this conclusion, ██████████ contends that it is irrational for Ms. Nieves to deny Facebook and/or My Space friendship to Ms. ██████████, Ms. ██████████, Mr. ██████████, Mrs. ██████████, Mrs. ██████████, and Grant Blackford Mental Health employees, past present, and future. The Grievance Committee has no choice but to agree with ██████████'s findings.

If it is reasonable to "more stringently govern Social Network Media ineligibility," then it follows that a statute that imposes a less stringent requirement for certain individuals who meet Ms. Nieves' high standards than for other who are ineligible would not be reasonable. This is what Ms. Nieves' Social Media Policy does.

The NO SIR GIFTS Grievance Committee now conclude that the class created by Indiana Code sections 35-46-2-1 and is based in part upon an arbitrary or unnatural characteristic which grants an unequal privilege to all employees and customers of NO SIR GIFTS Venues and Grant Blackford Mental Health and fails to treat individuals similarly situated uniformly.

The nature of state licensed care facilities and the inherent natural characteristics in this case of almost one out of three customers of NO SIR GIFTS Venues happen to be clients of Grant Blackford Mental Health, which may make them subject to certain directed legislation, however, Ms. Nieves and NO SIR GIFTS' Social Media policies denial of Grant Blackford Mental Health employees of becoming Facebook and/or MySpace friends is found to be discriminatory, as mentioned by Indiana Code 35-46-2-1-1 states a person who knowingly or intentionally denies to another individual based on familial status the use of services, or goods in an establishment that offers its services, facilities to the general public. Moreover, the privilege Ms. Nieves has previously denied those individuals in the class is found to be excessive and found to be unnecessary when it is acknowledged that those individuals already have an opportunity to Facebook, MySpace, and/or other social media giants.

The Grievance Committee's also contends that Ms. Nieves and the NO SIR GIFTS Social Media policy with GBMHI create a class of unequally treated persons not supported by inherent characteristics. Moreover, the Grievance Committee's contention that the statute is being applied unequally by permitting GBMHI clients and immediate families to be on social media sites despite a lack of specific details is not properly brought in this facial attack of NO SIR GIFTS' Social Media Policy and those affected by this decision.

Incidents and/or facts supporting claim of complaint:	Indiana Constitution: ARTICLE I, SECTIONS iii, ix, xi; ARTICLE IX Indiana Code 35-46-2-1
NO SIR GIFTS RULING:	Based on the foregoing, we conclude that Ms. Nieves' and NO SIR GIFTS' Social Media Policy violates Indiana Constitution Article I, Sections iii, and policy restricting GBMHI employees must be declared void because it regulates in a manner that is

not uniform and impartial.