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# CITY OF BLOOMINGTON HUMAN RIGHTS COMMISSION 2014 ANNUAL REPORT



The Bloomington Human Rights Ordinance promotes equal opportunity in employment, education, housing and access to public accommodations, regardless of race, sex, religion, color, sexual orientation, gender identity, national origin, ancestry or disability. The ordinance also prohibits discrimination in housing on the basis of familial status.

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## **POLICY OF THE CITY OF BLOOMINGTON**

It is the public policy of the City of Bloomington to provide all citizens equal opportunity for education, employment, access to public accommodations and acquisition through purchase or rental of real property including but not limited to housing, and to eliminate segregation or separation based on race, religion, color, sexual orientation, sex, disability, national origin, gender identity or ancestry, since such segregation is an impediment to equal opportunity. It is also the public policy of the City of Bloomington to prohibit discrimination in housing on the basis of familial status. Equal education and employment opportunities, equal access to and use of public accommodations and equal opportunity for acquisition of real property are hereby declared to be civil rights.

The practice of denying these rights to persons because of race, religion, color, sex, disability, sexual orientation, gender identity, national origin, familial status or ancestry is contrary to the principles of freedom and equality of the City, and shall be considered as discriminatory practices. The promotion of equal opportunity without regard to race, religion, color, sexual orientation, sex, disability, gender identity, national origin, familial status or ancestry is the purpose of this Section.

It is also the public policy of the City to protect employers, labor organizations, employment agencies, property owners, real estate brokers, builders and lending institutions from unfounded charges of discrimination.

### **CITY OF BLOOMINGTON HUMAN RIGHTS ORDINANCE**

Bloomington Municipal Code §2.21.020, as amended

The Bloomington Human Rights Commission usually meets at 5:30 p.m. on the fourth Monday of each month, in the McCloskey Conference Room of the Showers Building, 401 N. Morton. Unless otherwise specified, meetings are open to the public. The 2015 meeting dates are listed on page 21 of this report.

**BLOOMINGTON HUMAN RIGHTS COMMISSION  
2014 OFFICERS**

**CHAIR**  
Byron Bangert

**VICE CHAIR**  
William Morris

**SECRETARY**  
Michael Molenda

**COMMISSIONERS**

<b>NAME</b>	<b>TERM EXPIRES</b>	<b>APPOINTED BY</b>
Byron Bangert	1/16	Council
Carolyn Calloway-Thomas	1/15	Mayor
Valeri Haughton	1/16	Council
Michael Molenda	1/15	Mayor
William Morris	1/17	Council
Beth Applegate	1/16	Mayor
Birk Billingsley	1/16	Mayor

**2014 STAFF**

**DIRECTOR/ATTORNEY:** Barbara E. McKinney

**SECRETARY:** Barbara Toddy

**Bloomington Human Rights Commission**  
Annual Report of the Chair, 2014

The Bloomington Human Rights Commission, established by ordinance enacted by the Bloomington City Council, exercises jurisdiction within the City of Bloomington only. The BHRC promotes equal opportunity in employment, housing, education, and access to public accommodations, regardless of race, sex, religion, color, sexual orientation, gender identity, national origin, ancestry, or disability.

The Commission's Director and members investigate complaints of discrimination filed by residents of Bloomington, issue findings, and pursue negotiated or imposed settlements in those instances where violations are found.

The BHRC also promotes greater community awareness of human rights issues by engaging in public education, various civic activities, advocacy efforts, and diversity and multi-cultural events.

The BHRC collaborates with other City commissions that share overlapping missions, including the Commission of the Status of Women, the Dr. Martin Luther King, Jr., Birthday Commission, the Commission of the Status of Black Males, and the Council for Community Accessibility.

In January the BHRC welcomed Birk Billingsley as a new commissioner. Birk also serves on the Monroe County Human Rights Commission. 2014 was the first year in recent memory when there were no changes in the commission's membership. Commissioner Valerie Haughton was reappointed to serve on the Commission on the Status of Black Males. However, for most of the year the BHRC felt the absence of Commissioner Haughton, who was seriously injured in an automobile accident in March.

Also in January the BHRC selected David Metheny to receive its 2013 Human Rights Award. The award was presented at the April 9 City Council meeting, where Metheny was recognized for his successful effort to "significantly contribute to improving the civil rights of numerous low-income persons, many with disabilities," by getting the new owners of an apartment complex to reverse their decision no longer to accept Section 8 vouchers.

In March the BHRC unanimously endorsed a locally-sponsored resolution to increase the minimum wage. In an award ceremony in City Council chambers on March 27 we recognized the student winners of our annual Essay & Art Contest on the theme, "Choosing Civility: The best examples I've seen for being considerate to others," with an awards ceremony presided over by the Mayor. Our adopted theme for 2015: "What I've Learned about Kindness from Someone Different from Me." In April we again fielded a team called the "Rights Stuff" in the annual VITAL Quiz Bowl fund-raiser for Volunteers in Tutoring Adult Learners, and made it to the semi-final round.

In May, having devoted considerable time in previous meetings to the discussion of what has become our Fair Labor Initiative, the BHRC voted to create a task force to work out details for the implementation of a plan to encourage fair labor practices in Bloomington eating establishments. Chair Bangert appointed Michael Molenda to convene the task force and added William Morris and himself as members.

In June, after more than a year of consideration and significant input from community members representing homeless persons, we voted to have Director McKinney draft an amendment to our ordinance to include "housing status" as a protected class.

We participated in the annual 4<sup>th</sup> of July parade with a colorful float bearing the theme, “Red, Blue, or White: All Have Human Rights.” With great weather and unusually large crowds, mid-way through the route we exhausted our supply of 1500 activity booklets given to children.

At our July meeting we voted to endorse the “Within Our Lifetime” vision statement calling for more coordinated efforts to move toward racial equality. In light of recently highly publicized deaths of unarmed African-American men at the hands of local police, we can anticipate revisiting the need for such efforts in the coming months.

In September we unanimously approved recommendation to City Council of amendments to the Human Rights Ordinance adding “housing status” and “status as a veteran” (following a change in the Indiana Civil Rights Law) as protected categories. We also approved the design of a decal to be distributed for posting by eating establishments that agree to participate in our Fair Labor Initiative. The FLI task force met numerous times during the year, collaborated with IU Professor Stepanka Koytova and her class on human trafficking, and on December 8 at City Hall publicly launched this voluntary program by awarding decals to the first ten eating establishments to sign the Compliance Agreement created by the BHRC as an affirmation of compliance with fair labor practices. From this chair’s perspective, these were the two most significant accomplishments of the year, although there is much yet to be done to bring these efforts to fruition. The City Council has yet to act on our recommended amendments to our ordinance, and there remain scores of eating establishments we hope will eventually sign our Fair Labor Compliance Agreement.

At our September meeting we were also asked by a member of the public to consider adding another protected category to our ordinance, that of “source of income.” It appears that persons who receive Section 8 vouchers to help pay for their rent often experience discrimination from landlords, as our Human Rights Award honoree David Metheny’s experience corroborates, so there may be warrant for expanding our ordinance to protect such persons against discrimination in housing. This matter was further explored at our October and November meetings, and remains under consideration.

Each quarter the Director prepares, and the Commission reviews and receives, the Quarterly report of contacts made to the BHRC office and the disposition of actual cases, as well as other activities of the Director and BHRC. The number of complaints filed, the number of cases investigated, and the number of hate incidents reported all continue to be at relatively low levels.

Respectfully submitted,

Byron C. Bangert, Chair

## CITY OF BLOOMINGTON HUMAN RIGHTS COMMISSION

### DIRECTOR'S REPORT 2014

In 2014, as in every year, the Bloomington Human Rights Commission continued its efforts to meet two central and related objectives: to investigate complaints in a fair and timely manner and to undertake a variety of educational activities. Investigating complaints has been and will remain our top priority, as that must be done as promptly and as thoroughly as possible to protect the rights of all parties. At the same time, we believe that the more educational programs we organize or co-sponsor, the fewer complaints we will likely have to investigate.

**DISCRIMINATION COMPLAINTS:** In 2014, we had three new complaints filed with us. Each case is investigated by one of the members of the BHRC and me, and together we decide if there was probable cause to believe that illegal discrimination had occurred. I truly appreciate the time and effort each commissioner spends on his or her cases, weighing conflicting testimony, reviewing documentary evidence and applying the relevant law. Our community is the better because of their work and dedication. On average, over the last two years, we closed cases within three and half months.

One of the new cases filed in 2014 alleged discrimination in employment on the basis of disability, one alleged discrimination in public accommodations and/or housing on the basis of gender identity and one alleged discrimination in housing on the basis of racial association.

We resolved five cases in 2014, including two pending from 2013. We found no probable cause to believe discrimination occurred in three of these cases. One of these was appealed, unsuccessfully. We transferred one of these cases to the EEOC at the parties' request to facilitate mediation. And the fifth case was settled to the parties' satisfaction. We ended 2014 with no active cases on the docket, a rare situation.

As is true every year, we receive many inquiries about alleged discrimination that occurred outside of our jurisdiction (Bloomington's corporate city limits), or for which we may have a conflict of interest. In these cases, we often refer the complainant directly to the agency that has jurisdiction. Time permitting, and as a courtesy to the complainant, we meet with the complainant, prepare a complaint and file it with the appropriate agency. In 2014, we referred approximately fifteen people directly to the U.S. Equal Employment Opportunity Commission (EEOC) and filed two complaints with that agency. We referred approximately ten individuals directly to the Monroe County Human Rights Commission and six directly to the Indiana Civil Rights Commission.

#### **AFFIRMATIVE ACTION, COMMON WAGE AND LIVING WAGE ISSUES:**

Pursuant to the Bloomington Human Rights Ordinance, all City bidders with bids of more than \$10,000 are required to submit affirmative action plans to me for approval before the bid opening. In 2014, I reviewed and approved eighty affirmative action plans. If I find a

plan to be unacceptable, the bidder may appeal my finding to the Contract Compliance Committee of the BHRC, but I did not find any plans to be unacceptable in 2014.

The BHRC staff also is responsible for making sure that City contractors pay their employees at least the required common or prevailing wages for work done on covered City projects. Almost all federally-funded projects are covered by Davis-Bacon, a federal law. City-funded projects that cost more than \$350,000 are covered by the state common wage law. In 2014, I attended ten pre-bid or pre-construction conferences, explaining to potential bidders and contractors their responsibilities under applicable laws. Barbara Toddy monitored compliance with these laws by answering questions from contractors and employees, reviewing wage documentation forms and writing letters to employees.

This year was the ninth year that the Bloomington Living Wage Ordinance (LWO) was in effect, and one of my job duties is to monitor compliance with this law as well. I obtain required documentation from contractors, update the web site and answer questions about whether the LWO is applicable to a specific situation. To date, no one has filed a formal complaint alleging violations of the LWO.

**ACCESSIBILITY ISSUES:** I serve as the City's Americans with Disabilities Act compliance officer, working to make sure that the City, both as an employer and as a governmental entity, is meeting if not exceeding its requirements under the ADA. I also try to help keep businesses aware of their obligations under the ADA, and I try to help resolve complaints from citizens about businesses not being accessible. I work closely with the Council for Community Accessibility, following up on their surveys of local businesses and helping to decide which businesses should receive an accessibility decal. For years, Craig Brenner served as staff liaison to the CCA and we did many evaluations together. He retired this year, but the CCA retains its commitment to make Bloomington as accessible as a City with hills and old buildings can be.

Since 2010, I've been working to keep the special needs dispatch registry program up to date. This program helps first responders know when people calling 911 have disabilities and may need specific services. About 150 people have signed up for the program thus far. Keeping the information current continues to be a time-consuming task, but one we believe is clearly worth the effort.

In 2014, I continued to work with several City departments to update the City's ADA transition plan. This year, the Bloomington Common Council unanimously approved the updated plan.

**EDUCATIONAL PROGRAMS:** Our monthly newsletter, "Rights Stuff," completed its fifteenth full year of publication in 2014. We distribute the newsletter largely through e-mail, but also leave hard copies at coffee houses and at the county library as well as at various festivals and events throughout the year. We use the newsletter to try to inform readers of recent trends in civil rights laws and to let the community know what we do. We also regularly update and distribute our brochures. During the 2014 Fourth of July

parade, we distributed 1500 copies of our ever-popular activity book on diversity in Bloomington.

We are always glad to talk to groups or the media about what we do. In 2014, some of these presentations included talking about fair housing to several Renters 101 classes and to the Monroe County Apartment Association and answering questions from reporters and students, among other activities.

The BHRC can't achieve its goals alone, and wouldn't want to. Thus, we work with like-minded groups to help further our shared goals. In 2014, we staffed a table at the Fiesta del Otono, served as sponsors of the CCA annual awards ceremony and King Day events, participated in the VITAL quiz bowl and ran an ad in the NAACP annual meeting program. We also helped organize, along with the Indiana Civil Rights Commission, a conference on the ADA, passed a resolution urging Congress to raise the minimum wage, sponsored our annual essay/art contest and pledged our support to the Within Our Lifetime: End Racism in Our Lifetime campaign.

The BHRC spent considerable time in 2014 trying to figure out how to encourage all local restaurants to comply with fair employment laws, including those outside of the BHRC's jurisdiction, and how to reduce discrimination against people because of their housing status, veteran status and/or source of income. In December, the BHRC kicked off its Fair Labor Initiative. Already, more than ten restaurant owners or managers have signed documents affirming they comply with applicable fair labor laws. Each has been awarded a decal to let the public know of their commitment to fair treatment of their employees. I'd like to thank Merridee LaMantia for designing our striking decal.

The BHRC wrestled with proposals to expand the list of categories protected by the Bloomington Human Rights Ordinance to help marginalized groups. In September, the BHRC unanimously agreed to ask the Bloomington Common Council to add two new categories: veteran status, as now allowed by state law, and housing status, as a quasi-protected category similar to gender identity or sexual orientation in the current ordinance. The proposal also includes expanding the list of protected categories required to be included in covered bidders' affirmative action plans.

**BUDGET:** The BHRC's budget in 2014 was \$168,867. Of that, \$160,363 went to salaries and benefits for Barbara Toddy and me. The remaining \$8,504 paid for office supplies, instruction, printing, travel, advertising, dues, subscriptions and workshops.

**CITY OF BLOOMINGTON HUMAN RIGHTS COMMISSION**

**2008 - 2014 Comparative Data**

	2008	2009	2010	2011	2012	2013	2014
New complaints within BHRC jurisdiction	6	9	5	3	5	5	3
No probable cause findings issued	2	2	3	1	2	4	3
Settlement agreements reached	2	1	1	2	1	2	1
Complaints withdrawn before determination issued	0	1	2	0	0	0	0
Cases still pending	0	2	1	1	3	2	0
Complaints drafted and forwarded to EEOC	12	9	10	2	4	3	2
Complaints drafted and forwarded to ICRC	2	1	2	1	1	0	0
Complaints drafted and forwarded to HUD	0	0	0	0	0	0	0
Complaints transferred to appropriate federal agency after partial investigation	0	2	0	0	0	0	1
Complaints dismissed for failure to cooperate	1	2	0	0	0	0	0
Complaints drafted but never signed	1	0	0	0	2	2	5
Affirmative action plans reviewed	55	89	73	72	61	78	80
Preconstruction/prebid conferences attended	3	5	8	10	12	9	10
Employer seminars and community speeches	10	9	13	6	7	4	5

**BREAKDOWN OF BHRC COMPLAINTS  
2008- 2014**

	2008	2009	2010	2011	2012	2013	2014
<b>EMPLOYMENT</b>	<b>4</b>	<b>7</b>	<b>4</b>	<b>3</b>	<b>4</b>	<b>4</b>	<b>1</b>
Race discrimination	0	3	2	0	0	2	0
Disability discrimination	0	1	2	1	1	0	1
Sex discrimination (includes sexual harassment)	3	0	0	0	2	2	0
Sex & disability and/or retaliation	0	0	0	0	0	0	0
Race & sex	0	0	0	0	0	0	0
Sexual orientation & disability	0	0	0	0	0	0	0
Race and national origin	0	0	0	1	0	0	0
Religion	1	1	0	0	0	0	0
Disability and/or race	0	0	0	0	0	0	0
Sex/religion/disability/retaliation	0	1	0	0	0	0	0
Sex/religion/retaliation	0	1	0	0	0	0	0
Sexual orientation	0	0	0	0	1	0	0
Disability and/or national origin	0	0	0	0	0	0	0
Sex/sexual orientation and/or religion	0	0	0	0	0	0	0
Sex and/or disability	0	1	1	0	0	0	0
National origin	0	0	0	1	0	0	0
<b>HOUSING</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>
Sex discrimination	0	0	0	0	0	0	0
Disability discrimination	0	0	0	0	0	0	0
Race discrimination	0	0	0	0	0	0	0
Familial Status discrimination	1	1	0	0	0	0	0
Sexual orientation	0	0	0	0	0	0	0
Racial association	0	0	0	0	0	0	1
<b>PUBLIC ACCOMMODATIONS</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>
Race discrimination	0	0	0	0	1	0	0
Gender identity	0	1	0	0	0	0	1
Sex	0	0	0	0	0	0	0
Sex/race and/or national origin	0	1	1	0	0	0	0
Sexual orientation	1	0	0	0	0	0	0
Disability	0	1	0	0	0	1	1

## BLOOMINGTON HUMAN RIGHTS COMMISSION

### SUMMARY OF 2014 CASES

**BHRC Docket #0652:** African American man said that he had been working for a business for a couple of years without any reprimands. He applied for a part-time job with another related business. He was not offered the part-time job, and the day after his interview for that job, he was fired by his primary employer. He believed his termination might have been related to a complaint of race discrimination he filed against a related organization several years earlier, a complaint which was settled by the EEOC and which might have been uncovered when the prospective employer checked his references. He believed the prospective employer might have told his primary employer about the EEOC complaint. He filed a complaint alleging retaliation for having filed a previous EEOC complaint. Our investigation revealed no evidence that either the primary employer or the prospective employer had any knowledge of the previous EEOC complaint, and thus we had no evidence to find retaliation. (Complaint filed in November, 2013; no probable cause finding issued in February, 2014; appealed unsuccessfully; investigated by Commissioner Morris.)

**BHRC Docket #0653:** Woman said she worked at a restaurant where the owner and a co-owner subjected her to sexual harassment and other mistreatment. When she complained, she said her hours were reduced and then she was effectively fired. She filed a complaint alleging sex discrimination in employment. We were unable to find evidence that her hours had reduced after she complained or that she was fired; the undisputed documentation seemed to show her hours increased after she complained. (Complaint filed in December, 2013; no probable cause finding issued in August, 2014; not appealed; investigated by Commissioner Molenda.)

**BHRC Docket #0654:** Woman said she applied for a temporary job and was given a time for an interview via a telephone conversation. She mentioned during the conversation that she has only one arm. Later, the interview was cancelled, allegedly because the positions had been filled. But the web site still listed openings, and when she called back using a different name, she was told they still had openings. She filed a complaint alleging disability discrimination in employment. The complaint was transferred to the Equal Employment Opportunity Commission at the parties' request to facilitate mediation. (Complaint filed in April, 2014; transferred to the EEOC in August, 2014; investigated by Commissioner Billingsley.)

**BHRC Docket #0655:** Pre-operational transgender individual, male to female, said that she spent the night in a homeless shelter. She said the shelter required her to sleep with men, against her strong preference. She said she was harassed while at the shelter and did not return. She filed a complaint alleging discrimination in housing or public accommodations on the basis of gender identity. Our investigation established that under the current state of the law, requiring an individual to stay on the side of the shelter with

people who match her anatomical status is not illegal. The shelter does not have sufficient space to have a separate sleeping area for transgender individuals. The evidence was contradictory as to whether the complainant was harassed or whether she harassed other residents, or both. (Complaint filed in June, 2014; no probable cause finding issued in August, 2014; not appealed; investigated by Commissioner Bangert.)

**BHRC Docket #0656:** White woman said that when her landlady said she would not have rented to her had she known about her African American boyfriend. Landlady said the boyfriend was living at the woman's apartment and so she had to add boyfriend to the lease. Before she could add him to the lease, she had to do a background check on him, even though she had not done one on the tenant. Complainant said her boyfriend does not live with her. Landlady has threatened eviction. (Complaint filed in August, 2014; BHRC approved settlement in November, 2014; landlady agreed to let complainant out of her lease early without penalty; investigated by Commissioner Calloway-Thomas.)

## CITY OF BLOOMINGTON HUMAN RIGHTS COMMISSION

### PUBLIC INQUIRIES

The Bloomington Human Rights Commission, by ordinance, has a fairly limited jurisdiction. We are authorized to investigate complaints of alleged discrimination on the basis of sex, race, sexual orientation, national origin, color, gender identity, ancestry, religion or disability in employment, public accommodations, education or housing, as long as the complaints arose within the City limits of Bloomington within the past 180 days. We are authorized to organize educational efforts, such as seminars, talks, brochures, awards and essay/art contests, to combat discrimination. We may and we do join forces with like-minded groups to achieve our joint goals. Fulfilling our mandate under the Bloomington Human Rights Ordinance keeps us busy.

However, perhaps because of the broad name of our commission, we often receive calls about matters that are not within our jurisdiction. We try to be familiar with the applicable laws and community resources, and we try to give callers an appropriate referral or other helpful advice. Again this year, we received many inquiries which did not lead to complaints being filed with our office. Some people sought general legal information; some needed to be referred to other agencies; some seemed to need only a sounding board. What follows is a categorical breakdown and a summary of some inquiries for the purpose of illustration.

### CATEGORICAL BREAKDOWN

**Sexual Orientation/Gender Identity:** Callers often had questions or concerns about sexual orientation and/or gender identity discrimination. These callers included students wanting the definition of "sexual orientation" or "gender identity" and gays, lesbians, transgender individuals and employers wanting to know their rights and responsibilities under our ordinance. Again this year, we had several calls from communities from around the country considering implementing their own sexual orientation and/or gender identity ordinance, and were glad to provide assistance in this area.

**Americans with Disabilities Act:** We receive many calls about the Americans with Disabilities Act. Most of the calls are from employers or employees wanting to know their rights and responsibilities under this federal law or from contractors wanting information on ADA regulations. The BHRC director, as the ADA compliance officer for the City, is quite familiar with the ADA and is able to give informed general advice and to make referrals when necessary. The City's Accessible Bloomington web page helps answer questions as well.

**Housing Code Violations/Landlord Tenant Disputes:** Many callers mistakenly believe we have jurisdiction over housing code problems or landlord/tenant disputes

that don't involve discrimination. We refer such calls to the City's housing code enforcement office and/or to a private attorney.

**Wage Disputes:** Employees who cannot obtain their last paycheck or pension benefits often call us. These cases do not usually have a discrimination element and are referred to the State Labor Board.

**FMLA:** People often call us to learn about their rights under the federal Family and Medical Leave Act. We answer general questions when we are able and refer callers to the Federal Wage and Hour Division of the Department of Labor for additional information.

**Workers' Compensation:** We received many calls about workers' compensation in 2014. Our staff lacks expertise in this area and refers all such calls to private attorneys and/or the State Labor Board.

**Unemployment benefits:** People fighting for unemployment benefits often call us, wanting us to represent them in an upcoming unemployment hearing. This is not a BHRC issue and so we make referrals.

**Other:** Many of our calls do not fall under any of the categories. Some of those calls are described below.

### **OTHER INQUIRIES**

Caller said that he was a private investigator investigating the number of hate crimes against Asians. Explained BHRC's role in hate incidents reports and sent him a copy of our last three hate incidents reports.

Caller said he applied for unemployment benefits but was denied because he is a white male who didn't like working for a black woman. Explained BHRC could not help with this issue and explained his appeal options.

E-mail writer from Minnesota invited BHRC to annual meeting of Minnesota Human Rights Commission. Asked if she intended to invite the Bloomington, MN HRC to this meeting; yes.

Caller said that her daughter is a college student. School's policy strongly discourages students from working. Daughter got a part-time job; woman from school called employer and said daughter was not allowed to work. Mother said woman has it in for her daughter, possibly because of sex discrimination. BHRC has no jurisdiction over school; referred to school's affirmative action office and/or private attorney.

Caller, who has repeatedly called BHRC for issues not within BHRC jurisdiction, asked how to get documents from an entity. Explained that if entity is considered a unit of government, could file a public records request.

Caller, who has called frequently with issues not within the jurisdiction of the BHRC, called to complain that a provider of public accommodations said she had to stop her service dog from barking. Explained that providers of public accommodations have to allow service dogs, but have the right to require that the service dogs be controlled, including being quiet, unless they are barking to warn the person with a disability.

Caller, who has visited or called the BHRC many times off and on over the years, complained about discrimination issue to mayor's office. When mayor's office suggested he call the BHRC, he said he didn't want to do that because McKinney was no longer "youthful or perky."

E-mail writer had questions about hostile work environments; answered questions.

Caller, who frequently calls BHRC with questions not within BHRC's jurisdiction, said her service dog had been injured and she did not have money for vet bills. Tried to make referrals.

Caller had questions about whether he was entitled to living wage; his job is not covered by Bloomington's living wage ordinance.

E-mail writer had questions about what constitutes hostile work environment. Her boss was demanding and mercurial, but no evidence of discrimination on the basis of protected classification. Referred to his employer's HR department and to Community and Justice Mediation Center.

Caller, for whom we had filed a complaint with the EEOC in the previous quarter, had questions about EEOC procedures and whether she should accept reinstatement offer. Gave general advice and made referrals.

E-mail writer said she had multiple problems relating to her disability, which resulted in her losing her financial assistance, which resulted in her inability to pay rent for eight months, which has led to her being threatened with eviction. BHRC does not have jurisdiction over her educational institution or her landlord. She has a complaint pending with a federal agency. Gave general advice about eviction proceedings and made referrals.

E-mail writer said he had been fired by an employer in Southern Indiana. After an appeal, he has been offered reinstatement with some conditions. Asked how to answer questions in the future if asked if he had ever been terminated. Referred to private attorney.

E-mail writer, from Bloomington, Minnesota, wanted to file complaint of housing discrimination on the basis of disability, as her landlord won't allow her to keep her emotional support animal. Referred to Bloomington, MN HRC.

Caller said he owns a trailer outside of the city limits. Landowner put in a new pipe and caller recently injured himself falling in a hole left by the contractor. Landowner does not want people who rent the trailers to be friends. Landowner tells tenants they cannot have people visiting after 10 p.m. None of this is a BHRC issue, and caller does not live within City. Referred to personal injury lawyer and/or Indiana Legal Services.

Caller left early morning message saying she and several co-workers had complaint that "will definitely be worth millions." Returned call within two hours; she said all had been resolved.

Caller said she had lost her apartment, and the only hotel she can afford won't allow her service dog to accompany her. Gave her fact sheet from Department of Justice explaining the ADA's provisions on service dogs and hotels, and asked her to call BHRC back if hotel did not change its mind. Called back weeks later and said the problems were continuing. Scheduled appointment for later the same day but did not show. Tried to follow up, but phone was out of service.

Caller said that she had personality conflicts with her new supervisor and had been terminated and offered severance pay. She wanted to know her rights. No evidence of race, sex, disability, etc. discrimination; mainly evidence of a possibly difficult-to-get-along with new supervisor. Referred to private attorney to discuss options, including negotiating for increased severance pay.

Caller said jail was violating her daughter's civil, human and "person" rights. After prolonged discussion, determined that daughter was in jail in Bloomington, Illinois. Referred to Illinois agencies.

Caller said that the apartment complex advertised its apartments as accessible, but is not; his sister, a tenant, can't get from her apartment to her car because of a curb. Manager said tenant would have to pay \$2800 to install curb cut. Advised talking to higher-up to see if they would pay for curb cut as it would benefit all of the tenants, not just his sister, or to get a contractor to submit a more reasonable quote. He will call back if unsuccessful.

In late October, e-mail writer complained that someone had put up display of a human figure with a black face, hanging from a tree. He wanted to report this as a hate incident. Display was possibly a Halloween decoration. Address not in City limits; referred to Monroe County HRC. Drove by later; tree still had figure and yard was now full of Halloween decorations.

Caller said his friend is a salaried employee, and employer requires him to work overtime doing manual labor without additional pay. He wanted to know if that was legal. Referred to Wage and Hour Division of Indiana Department of Labor.

Visitor to office wanted to know how long employer had to pay former employee. Last paycheck is supposed to be given to employee on the next regular payday.

E-mail writer said she was a recent journalism grad and wanted to do volunteer work for the BHRC newsletter. E-mail was full of typos, so declined her generous offer.

Caller said that property manager told her that she could switch from a two-bedroom apartment to a one-bedroom apartment, but then said he had none available and ordered her to leave the office or he would call the police. She believed this was sex discrimination as she did not think he would treat a man that way. But she didn't know of any man who had made a similar request. She didn't think there were any one-bedroom apartments available and thought he was lying earlier when he said there was. Agreed to try to talk to property owner before making an appointment for an intake.

Caller said that she was in a restaurant with her female partner, not in Monroe County. Some patrons made offensive comments about the couple that the caller did not hear, but her partner did. Within three minutes of their leaving the restaurant, the police pulled them over and caller was charged with driving while under the influence. She had issues with how her alcohol level was tested, how her car was towed, what she was allowed to say in court and how her public defender defended her. She had pled guilty, but thought the entire incident was motivated by a hate crime because she believed the patrons reported her to the police in the first place. Explained that none of this was within the jurisdiction of the BHRC and that she might want to talk to her public defender's office or the Indiana Disciplinary Commission to complain about the public defender's work.

Caller said she had been in jail in another Indiana county when she went into premature labor. The jailors refused to believe she was in labor until very late in the process, and she ended up giving birth in the jail transport van. Both she and the baby are healthy and happy, but she wanted to take action against the jail for its negligence. Referred to American Civil Liberties Union of Indiana.

Caller left long messages saying that her phone outlets in her apartment are not flush with the wall and that she has been trying to resolve this issue for two years. She said the complex managers, who are sisters, are white, fat and lazy. Referred to HAND.

IDS writer sent e-mail saying, "I know you guys are Human Rights Commission, but do you know anything about animal rights as far as abuse goes? I'm writing an article for the school paper on abused and neglected horses." Referred to Bloomington Animal Shelter.

**BLOOMINGTON HUMAN RIGHTS COMMISSION**  
**HATE INCIDENTS REPORT**  
**July, 2013 – June, 2014**

In August 1990, the Bloomington Common Council unanimously approved an amendment to the Bloomington Human Rights Ordinance which gave the Bloomington Human Rights Commission the explicit authority to collect data and issue reports on hate incidents in our community. We accept reports from police departments, individuals, groups and the media. We also accept anonymous reports. Our goal is not to investigate these incidents, as we do not have the training, authority or resources to conduct these types of investigations. Rather, our goals are to serve as a referral resource and sounding board for victims, to work with community groups to coordinate responses to hate incidents when appropriate and to make our community more aware of the prevalence of hate incidents through issuing these annual reports. Some of the language in these reports may be offensive. We feel it's necessary to include the actual language in order to convey the true ugliness of these incidents.

In August, 2013, we received a report from BPD about harassment. An African American man said he was standing in an alley when a white man in a pick-up began backing up toward him. Friends of the African American man yelled at the driver because they did not think the driver saw the African American man. The driver said, "You niggers need to watch out when I'm trying to back out." The African American man and his friends, also African American, yelled at the driver until they were asked to leave by a staff person nearby. BPD told the African American that no crime had been committed. Nevertheless, they tried to investigate, without success.

In August, 2013, we received a report from BPD about a battery. An Asian man said he had been to parties in his apartment complex with some of his friends. He saw that these friends were at a party next door, introduced himself and talked to some of the young women present. A group of males, black and white, called him "Jackie Chan" and made jokes about his national origin. He protested their comments. They became angry and threw him out of the apartment. Then they followed him to his apartment, and assaulted him. When BPD interviewed him, his left eye was red and swollen and his lip was bloody. BPD was unable to locate the alleged attackers.

In January, 2014, we received a report from BPD about battery at a school. A fight between students was apparently motivated by one student repeatedly calling another student "nigger" on Facebook. BPD investigated.

In April, 2014, we received a report from BPD about intimidation. A white woman said that as she was checking out at a grocery store, an African American man had made rude comments to her and reached across the counter in a rude fashion. She said words were exchanged between him and her outside. She said that the man drove recklessly close to her daughter and tried to swing at her through the car window. Other witnesses said the woman and her daughter called the African American man "nigger" while they were in the store. When the woman heard what witnesses had said, she said she didn't want to

pursue a complaint and told her daughter not to sign a statement. The African American man said the woman and her daughter made snide comments to him and ordered him to move while they were in the store. He said the woman's husband called him "nigger" and told him, "Go back to your car, nigger." He said he was upset but didn't say anything. As he left, the daughter said, "Go ahead, try to hit me." Neither party wanted to press charges.

In May, 2014, we received a report from BPD about a battery. Two men engaged in a fight outside of a bar. One man said the other man called him a "kike" and instigated the fight. One of the men was charged with disorderly conduct and illegal consumption of alcohol by a minor. The other man was charged with disorderly conduct.

## **BLOOMINGTON HUMAN RIGHTS COMMISSION**

### **STEPS IN PROCESSING A FORMAL COMPLAINT**

- 1. Complainant who believes he/she has been discriminated against makes an appointment with a BHRC staff member.**
- 2. The director or assistant interviews the complainant to determine if the BHRC has jurisdiction. If we do, the complaint is written, signed and notarized. If not, the complainant is referred to the appropriate agency.**
- 3. The respondent is notified of the complaint by certified mail and has 20 days to respond.**
- 4. The case is assigned to a commissioner, who will investigate the complaint along with the director.**
- 5. The director and investigating commissioner collect and summarize the facts. They interview both parties and witnesses, do legal research and collect documentation to obtain the best evidence available for each side.**
- 6. If the respondent wishes to settle the complaint before an investigation is completed, the director and investigating commissioner strive to mediate a settlement between the complainant and respondent. This agreement must then be approved by the full BHRC.**
- 7. If the case is not settled, the director and investigating commissioner, after a complete investigation, make a determination that probable cause or no probable cause exists to believe discrimination has occurred.**
- 8. Both parties are notified of the finding.**
- 9. If the finding was no probable cause, the complainant has 10 days in which to file a written appeal with the chair of the BHRC. A hearing is then held and the chair has 20 days to either uphold the finding or overturn the finding. If the finding is overturned, then the case proceeds to negotiations as if probable cause had been found originally.**
- 10. If the finding is probable cause, the director and investigating commissioner attempt to negotiate a settlement that is agreeable to both parties. If the attempt is unsuccessful, the BHRC will hold a formal public hearing. The BHRC's decision after the hearing can be appealed to court by either party.**



## OUT OF THE MOUTHS OF BABES

Each year the BHRC sponsors an essay/art contest for local school-age children. This year the theme was "Choose Civility: The Best Examples I've Seen of People Being Considerate to Others." The following are excerpts from some of this year's winning essays.

- ◆ "Compassion isn't something you just talk or think about. It's something you do. Making peace, serving, forgiving, and volunteering are very compassionate things to do."
- ◆ "We should all enjoy each others' company and be kind to each other because all lives are precious."
- ◆ "I see acts of kindness around me each day. The greatest acts I've seen are helping the homeless, assisting the elderly, raising money for cancer and giving things to the people who are less fortunate."
- ◆ "Civility is a friendly expression, accepting each other's beliefs or differences, learning from one another, listening, and being respectful. Civility is knowing that we are all the same and following it."
- ◆ "The next time you see a person struggling or see a person that needs help, feel free to be kind to them because one small act of kindness is never forgotten."

### 2014 Essay Winners

Coleman C. Oliphant  
Brooke Liao  
Catherine Maria Stanton

Samuel Carlson  
Maggie Doyle  
Kira Kunzman

### 2014 Art Winners

Alex Herron  
Lisa Rodriguez  
Austin Spier  
Grace Bennett  
Sofia Bolda

Tess Babcock  
Peter Storm  
Katrine Bruner  
Eliza Henne  
Child's 5th Grade Class

## 2015 BLOOMINGTON HUMAN RIGHTS COMMISSION

### MEETING DATES

January 26, 2015	5:30 p.m.	McCloskey Room
February 23, 2015	5:30 p.m.	McCloskey Room
March 23, 2015	5:30 p.m.	McCloskey Room
April 27, 2015	5:30 p.m.	McCloskey Room
*May 18, 2015	5:30 p.m.	McCloskey Room
June 22, 2015	5:30 p.m.	McCloskey Room
July 27, 2015	5:30 p.m.	McCloskey Room
August 24, 2015	5:30 p.m.	McCloskey Room
September 28, 2015	5:30 p.m.	McCloskey Room
October 26, 2015	5:30 p.m.	McCloskey Room
November 23, 2015	5:30 p.m.	McCloskey Room
December 28, 2015	5:30 p.m.	McCloskey Room

The Human Rights Commission usually meets every fourth Monday of the month, with the exception of the May meeting.

Meetings will be held in the Showers Building, 401 N. Morton St., McCloskey Conference Room #135, on the first floor. The public is welcome to attend.

## FORMER COMMISSIONERS

### 1960s

Rev. E. Daniel Butler  
Mrs. David Dansker  
Jack N. Ray  
Dr. Harry Yamaguchi  
William H. Andrews  
Rev. Robert Kirk, Sr.  
Rev. A. Hardy Nall, Jr.

David S. McCrea  
Dustin McDonald  
Betty Rowan  
Robert F. Terry  
Regina Friedman  
Irving Fell  
Mrs. Russell DeMotte

Bill Hayes  
Dr. Harry Day  
Samuel M. Loescher  
E.E. Bridgewaters  
Rev. Joe Emerson  
Brad Bayliss  
Craig Tregilgas

### 1970s

Frank Thomas  
Clarence Gilliam  
Dr. Joseph Russell  
Dr. Jerry Ruff  
La Verta Terry  
Father Robert Borchertmeyer  
Joan Simkowitz  
William Jairrels  
Wilanna Smith  
John Irvine  
Tobiatha Eagleson  
Viola Taliaferro

Howard Canada  
Christine Iannucilli  
Daniel Gad  
Valerie Tarzian  
Robert Tucker  
Frederick LaCava  
Christine Mitchell  
William Gephart  
Mary Mitchell  
Ronald Foley  
Fran Koski  
Robert Epps

Jorge Oclander  
Mary Foster  
Tula Kavadias  
Mark Schenk  
Charles Webster  
Quincy Erickson  
Mary Hayes  
Rev. Joseph Walker  
Richard Randall  
Rev. William Webster  
David Jimenez  
Robert Cole

### 1980s

Robert Cole  
John Pickel  
Quincy Erickson  
Tobiatha Eagleson  
Ron Foley  
George Foster  
Tula Kavadias  
Christine Mitchell  
Jorge Oclander

Bob Tucker  
Ben Waxler  
Frona Powell  
Nora Peoples  
Lorraine Rodts  
Lorelei Meeker  
Bridget McKinney  
Chris Gardner  
Jerry Vuke

Roscoe Ellis  
Bob Dunn  
Edwin McClean  
Rev. Charles Rogers  
Mary Ellis  
Wanda Reisz  
Lauren Robel  
Cassandra McConn  
John Pickell

Doris Sims

Wilanna Smith

**1990s**

Harry Yamaguchi  
Mary Ellis  
George Foster  
Henry Hofstetter  
Steve Sanders  
Dr. Michael Wenzler  
Alan Yip

Marie Phillips  
Charlie Laganza  
Barbara Fawcett  
Bob Dunn  
Lauren Robel  
Rev. Greg Wilson  
Barbara Wolf  
Doug Bauder

Patty Muller  
Doug Bauder  
Dr. Fritz Lieber  
Gwen Jones  
Rev. Michael Anderson  
Jack Hopkins  
David Reidy  
Steve Sanders

**2000s**

Dr. Fritz Lieber  
Steve Sanders  
Vicki Pappas  
Pam Huggins  
Jeff Harlig  
Luis Fuentes-Rohwer

David Reidy  
Josh Cazares  
Doug Bauder  
Nancy Metz  
Maria del Pilar File-Muriel  
Dorothy Granger

Rev. Michael Anderson  
Melanie Castillo-Cullather  
Suzette Sims  
Shaunica Pridgen  
Emily Bowman  
Beth Kreitl

**2010s**

Luis Fuentes-Rohwer  
Amy Jackson  
Teri Guhl

Beth Kreitl  
Dorothy Granger  
Alice Tischler

Emily Bowman  
Alexa Lopez