



**Bloomington/Monroe County  
Human Rights Commission**

**April 21, 2025 Meeting Minutes  
Hooker Conference Room, City Hall  
5:00 p.m.**

The Bloomington/Monroe County Human Rights Commission met at 5:00 p.m. on Monday, April 21, 2025, in the Hooker Conference Room of Showers City Hall.

**Commissioners Attending:** Sharon Baker, Stephen Coover, Amy Jackson, Ryne Shadday, Emma Williams, Lilliana Young.

**Staff Attending:** BMCHRC Liaison Michael Shermis, BMCHRC Assistant Annabelle Vosmeier, City Attorney Audrey Brittingham, Assistant City Attorney Taylor Brown, Senior Assistant City Attorney Anna Holmes, CBU Assistant Director - Environmental Kelsey Thetonia.

**Public Attending:** Sarah Owen (Exodus Refugee Immigration).

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**Contract Compliance Committee**

**Call to Order:** Chair Shadday called the meeting of the Contract Compliance Committee (CCC) to order at 5:06 p.m.

**Committee Business**

1. **SET Environmental:** Audrey Brittingham introduced SET Environmental, a company with multiple contracts with the City. They have an affirmative action plan on file with the City and have consistently complied with them in the past. However, they are hoping to bid on several federal contracts and have ceased tracking the race or gender of their employees to show compliance with recent executive orders. SET Environmental therefore submitted their most recent plan without the workforce breakdown form, stating that they no longer collect that information. They are requesting a waiver from including that form.

Brittingham stated that staff supported the request, as they have complied in the past and their plan is otherwise completely compliant. She feels that they are acting in good faith based on a reasonable legal stance given the circumstances. The form is not required within municipal code, only within the CCC's rules. She also pointed out that employers cannot require their employees to disclose the information included in the workforce breakdown form and that the City does not use or track the information within it.

Kelsey Thetonia shared that we have several ongoing contracts with SET Environmental and that they have been easy to work with in the past. No issues with discrimination have been reported.

Shadday observed that their memo used the inaccurate term "sexual preference" rather than "sexual orientation." This is taken directly from current federal language. He

proposed asking them to change the term. Williams asked the implications of doing so. Brittingham stated that “sex” still covers both gender identity and sexual orientation in employment, based on the EEOC and Supreme Court. The issue is still cloudy and their lawyers are likely trying to comply with federal language.

Jackson moved to approve a signed waiver with redaction of the word “sexual preference,” leaving only the word sex, which would cover gender identity and sexual orientation. Williams seconded. Passed unanimously, 4-0.

2. **Proposed Changes to the Contract Compliance Regulations:** Brittingham suggested the following changes:

- a. Changing “Affirmative Action Plan” to “Equal Employment Opportunity Requirements,” as the documents are not affirmative action plans and are defined using descriptions of equal employment opportunity requirements.
- b. Removing phrase about a potential mechanism of reporting internal complaints to the BMCHRC, which could not investigate them.
- c. Adding section about requesting a waiver from a requirement.
- d. Removing requirements regarding affirmative action and workforce breakdowns, as these likely are or will become impermissible under Supreme Court rulings or include information that we cannot compel people to provide. This will not have practical implications as companies will still be disallowed from discrimination in hiring.
- e. Changing the approved equal employment opportunity plan to be valid for one year instead of six months.

Brittingham will draft a formal revision to the regulations to present at a later meeting.

### **Adjournment**

1. Williams moved to adjourn the Contract Compliance Committee Meeting. Young seconded. Shadday adjourned at 5:51 PM.

### **Bloomington/Monroe County Human Rights Commission**

#### **Call to Order**

1. Shadday brought the BMCHRC to order at 5:51 PM and presented the Land and Labor Acknowledgment.
2. Shadday acknowledged the Commission for stepping up at “this terrible time in human history” to make Bloomington a fair and equitable city.
3. Shadday proposed an amendment to the agenda to add several items. Williams moved and Baker seconded the amendment.

#### **Approval of Minutes of March 17, 2025 Meeting**

1. Young moved to approve the minutes from March 17, 2025. Jackson seconded. Passed unanimously, 6-0.

#### **Report from Staff**

1. **Fourth of July Parade:** In past years, the BMCHRC has marched in the Fourth of July parade and handed out information and small prizes. However, last year, not enough

commissioners were interested or available. Shermis requested a sense of whether the Commission would wish to participate this year. Williams and Jackson stated that they would personally sit out any Fourth of July parades due to a moral opposition to the nationalist atmosphere, but did not necessarily oppose the BMCHRC's participation. Coover will have other obligations with the fire district. Shadday suggested that the visibility at the parade helps reach people who do not necessarily share our common values, helping change perspectives. The Monroe County Fall Festival was suggested. Jackson shared that she has had unfriendly experiences at that event with her family in past years. Baker was in favor of participating in either event as a person with a disability to increase visibility. Coover suggested that participating in the Fourth of July parade could help stand against current national trends away from human rights. Young agreed with Baker's point, stating that she was still considering her position but was in favor of visibility as a trans person and visibility for the trans community as a whole. Shermis stated that twelve people would be the minimum for an effective group and that Barbara McKinney was interested in joining. Shadday suggested moving forward with parade planning for now and seeing if we could get together a large enough group. Williams volunteered to assist with development of handouts and materials, which should be versatile enough to work at both Fourth of July and at PrideFest.

2. **EEOC:** The BMCHRC signs a worksharing agreement each year with the EEOC to become a Fair Employment Practices Agency (FEPA). However, this year, the EEOC did not return the document with its final signature and no one noticed. Jeremy Sells, our contact with EEOC, attempted to remedy this with new leadership, but federal guidance forbids them from signing any new documents. Therefore, the BMCHRC is not currently a FEPA. Two recent employment cases have been filed individually with the BMCHRC, not dual-filed as is typical. The complainant must file the EEOC case separately if they would like to. The BMCHRC can still consult with the EEOC. One possibility is of signing a new worksharing agreement in November to become a FEPA again. Another possibility is to contract with the EEOC. In that case, the BMCHRC would be paid \$850 per case but would take on additional staff work and filing requirements. Legal is reviewing their sample contract. Shermis will know more next month.
3. **Human Rights Award:** Nominations are due May 1. There is currently one organizational nomination, but often they are sent in during the last week. Commissioners can nominate people and organizations. Flyers with a QR code to the nomination form were handed out.
4. **Contacts with Other Organizations/Commissions:** Shermis stated that commissioners should consult with him before contacting other commissions or City staff and should CC him on emails.

### Reports from Commissioners

1. Young: An event to protest Lieutenant Governor Micah Beckwith's visit on April 28 at 7pm has been planned.
2. Williams: "If When How" is a reproductive justice and healthcare group at the law school that Williams is a part of. She spoke to the current president who was interested in putting together a local reproductive healthcare resource guide. The group was interested in partnering with the BMCHRC for assistance distributing the guide. Shadday said that they should share the draft with the Commission when it is ready.

3. Jackson: Jackson and Young had a lovely time at Jaripeo and suggested tabling again next year. It was a great event and good turnout and especially poignant in the current political climate. Jackson spoke to Sarah Owen from Exodus at the event and invited her to attend today.
4. Williams: An individual reported on a forum walking in Bloomington when someone in a passing car yelled an offensive comment at them including a racial slur. Will send the link to staff to add to the hate incident report.

### Open Cases

1. Jackson: Disability discrimination in employment. Jackson interviewed complainant last week and decided to move the case forward. The affidavit has been sent to the respondent. Jackson was not sure a strong case could be made but found a few unresolved questions that made continuing worth it.
2. Young: Disability discrimination in housing. Respondent interviews were scheduled for April 15 after a lack of cooperation and responsiveness. The respondent canceled the interviews at the last minute with no explanation. Subpoenas were served via email, certified mail, and personal delivery for interviews scheduled for April 22; they have not confirmed receipt of the subpoenas. Brown confirmed that if they do not appear for the interviews or respond in some way, they can be found in default and a probable cause settlement issued.
3. Coover: Racial discrimination in public accommodations. Affidavit was sent to respondent, who missed 20-day deadline for response and has been nonresponsive. A ten-day warning was issued, after which they can be found in default and a probable cause settlement issued.
4. Williams: Disability discrimination in employment. Respondent decided to withdraw after respondent sent position statement. The case will be closed in a few days.
5. Shadday: Disability discrimination in employment. Affidavit was sent to respondent, who missed 20-day deadline for response and has been nonresponsive. A ten-day warning was issued, after which they can be found in default and a probable cause settlement issued.

Brown stated that he could not guess the perspectives of other attorneys, but that it seemed plausible that company counsels are focused on large issues with federal compliance and the BMCHRC papers are not even crossing their desks. The consequences of nonresponse are not large enough to make response a priority.

### Assignment of New Cases

1. Two potential cases remain from previous months. A complainant alleging race discrimination in housing continues to review and make changes to the affidavit. A complaint of gender identity discrimination in public accommodation remains in private mediation.

### Unfinished Business

1. **Safe Haven for Transgender Life Resolution:** The Legal department did not approve the changes passed at the previous meeting, namely the addition of the phrase “sanctuary city” and the removal of the phrases “to the greatest extent of the law.” It is doubtful that

the Office of the Mayor will act on a document without Legal's approval. Taylor Brown shared that adding "to the greatest extent of the law" gives the lawyers a better position to argue that the City's actions are in compliance. Williams stated that "sanctuary city" is associated with immigration issues and would be unnecessarily confusing in this case. Young believed that "safe haven" would accomplish everything necessary. Commissioners agreed to move the first document ("safe haven" and "to the greatest extent of the law") straight to the Office of the Mayor. Jackson said that Brown's point was compelling that including "to the greatest extent of the law" empowered City lawyers to advocate.

Baker moved to submit both versions to the Office of the Mayor, the one passed at the prior meeting with the changes ("sanctuary city" and without "to the greatest extent of the law") and the original document approved by the Legal department ("safe haven" and "to the greatest extent of the law"). Coover seconded. Passed 4-2, Jackson and Williams voting against. Jackson and Williams were in favor of only submitting the original version approved by the Legal department ("safe haven" and "to the greatest extent of the law").

2. **Bylaws:** A set of bylaws will be provided to review at the next meeting.
3. **Seventh Commissioner:** Shermis heard that a new commissioner would be appointed soon, although a specific date was not given. Asked Commissioners to share a brief biography and photo to compile an introduction for the new commissioner.
4. **Arts and Essay Contest:** The celebration ceremony will be held on Thursday, April 24.
5. **Municipal ID Program:** Discussion was tabled due to lack of time.

#### **New Business**

1. None.

#### **Public Input**

2. **Exodus:** Sarah Owen introduced the work of Exodus Refugee Immigration. They have been working in the community for several years and have welcomed upwards of 500 people to Bloomington. They are about to move into a more central location. Exodus is interested in partnering with the BMCHRC in the future and is especially looking for an opportunity at a future meeting to give a full presentation on their work.

**Adjournment:** Chair Shadday adjourned the meeting at 7:03 p.m.