



**City of Bloomington
Human Rights
Commission**

**Minutes of May 15, 2023 Meeting
5:00 p.m.
Hooker Conference Room, City Hall**

The Bloomington Human Rights Commission met at 5:00 p.m. on Monday, May 15, 2023, in the Hooker Conference Room of Showers City Hall. Commissioners Attending: Ryne Shadday, Emma Williams, Byron Bangert, Carolyn Calloway-Thomas, Erin McAlister, Valeri Haughton-Motley and Tonda Radewan. A quorum was present. Staff Attending: BRHC Director Michael Shermis, City Attorney Audrey Brittingham, and Legal Administrative Assistant, Ashley Sparks. Others: London Montgomery.

Call to order: Shadday called the meeting to order at 5:00 p.m.

Preliminary Matters: None.

Approval of Minutes of April 17, 2023 Meeting: Bangert moved to approve minutes of April 17, 2023. Calloway-Thomas seconded. Passed unanimously.

Report from Staff:

- i. Shermis spoke on the United Against Hate seminar, hosted by the US Department of Justice. The Department of Justice contacted Shermis about hosting the first seminar in Indiana in Bloomington. The seminar will be on how to stop, report, and deal with hate. There will be a 30-minute planning meeting in the next couple weeks.
- ii. Shermis asked for clarity about offering anonymity in the HRC intake/hate incident report forms. Shermis relayed that the issue of submitting a form anonymously would mean the complaint goes nowhere. Anonymity means no investigation can occur since there is no e-mail address attached to it. Since information in it could not be discussed in public, nothing about what was said in the forms can be relayed at meetings.

Shadday said it would need to state on the form that if you remain anonymous, there cannot be an investigation. The specific idea was to provide the Commission with a general idea of issues of discrimination within the community.

Radewan & Calloway-Thomas agreed that it would be helpful to have that information with or without contact information for follow-ups.

Radewan reminded the Commission that people are concerned about filing complaints due to retaliation—especially in housing, it skews the numbers low due to less reporting from fear of retaliation.

Shadday said it needs to be *clearly obvious* that anonymous tips will *not* resolve the issue, as we have no way to follow up if we cannot investigate.

Brittingham quoted the rules: a commissioner/investigator can investigate if they believe there is reason to investigate with or without identifying information. But it still needs to be clear that unless there is identifying information, no settlement can be reached with complainant and respondent.

It was suggested that Michael talk to Barbara to see how best to proceed for investigations. There was no guidance in the rest of the rules/regulations on what that investigation would look like. But Shermis pointed out that we cannot initiate an investigation without contact.

Williams said if someone downloads an app it can hide email addresses to prevent direct communication – is that an option? Shermis said the Google forms that are used do not work that way.

Bangert suggested it could be done through investigative journalism. An anonymous tip can send someone in undercover to investigate and expose the practice.

Commission members suggested creating a stat database so that we could, at least, compile a list of discrimination by protected classes. But if there was substance in the complaint (name/place/time), investigate if it's meaningful.

Shadday said people have reasons for staying anonymous, so if there is an avenue where we can take information and investigate one way or another, that would be helpful to get a better picture of what is going on in the community.

Brittingham suggested that if we do move forward with anonymity, we need to decide if we are going to move forward with *any* complaints without a complainant. There was a concern about a situation where something truly awful comes in and we investigate that but not others.

Shadday suggested we gather more information first and Shermis should talk to the CFRD department head.

iii. Montgomery introduced herself and spoke of anti-transgender laws sweeping the country, including an emergency action from the Attorney General in Missouri that all gender affirming healthcare be banned, such as surgeries and hormones.

Montgomery provided information regarding the mayoral declaration in Kansas City, Missouri, stating that the City be a safe haven for the community. This safe haven declaration directs city personnel to not criminally prosecute or impose penalties for providing transgender care.

Haughton states support of the effort to bring the policy to Bloomington. She asked where the BHRC would need to start to begin the process of implementing a similar

declaration. Shermis responded that if the BHRC wanted to take action, Shadday would need to present to City Council.

Radewan asked if there would be a need to rephrase or reinforce the existing anti-discrimination jargon to specifically identify transgender. Haughton replied that health care is outside of the municipal code. Discussion ensued on the specifics of effectiveness and reach of municipal code between City and County.

Commission members asked how to address this issue at a State level. Shermis stated that it can sometimes take years for resolutions to get passed.

Shadday will contact councilmembers. Shermis will contact CFRD department head.

iv. Shermis stated the Quarterly Report is near completion and will be issued before the June meeting.

v. Feedback on the *Rights Stuff* newsletter was requested by Shermis.

Reports from Commissioners: None.

Unfinished Business

- A. Human Rights Award was discussed in detail.
 - a. Radewan moved to nominate Equity Ambassadors (MCCSC), McAlister seconded. Bangert stated he was open to nominating this recipient if an individual would also be nominated.
 - b. Radewan amended her first motion to nominate to include Bangert's stipulation. McAlister seconded the amended motion. Equity Ambassadors unanimously voted as Human Rights Award winner for the group award.
 - c. Bangert moved to nominate Rev. Forrest Gilmore for the individual Human Rights Award. Calloway-Thomas Seconded. Forrest Gilmore unanimously voted as Human Rights Award winner for individual nominations.
 - d. Shermis stated he will get the presentation of these awards on the agenda for City Council and inform Commissioners of the date when available.
- B. Shermis briefly discussed the Essay/Art Contest winner. Radewan and Calloway-Thomas both stated their expected attendance.
- C. Shermis stated that the official combination of the BHRC and MCHRC will take effect July 1.

Shermis reminded all commissioners that they must reapply to serve on the new joint commission before June 30.

Commissioners asked questions about how the new Commission will be appointed. Discussion ensued.

Open Cases

- A. Shermis stated that there are currently 5 open cases, in various stages of investigation.

Shermis asked if failure of a complainant to reply to a withdrawal letter requires a vote from the Commission to fully close the case. Brittingham confirmed.

Bangert moved to formally withdraw the discussed case. Haughton-Motley seconded the motion. Motion passed unanimously to close the case.

- B. Haughton-Motley's case was found NPC. Shermis stated that an appeal is possible, but that the individual has just a month to do it. The deadline is drawing near and the case can be officially closed out next month.
- C. McAlister's case has been set for interviews with the respondent on June 7.
- D. Bangert's case is pending complainant interview.
- E. Shadday's case is pending complainant interview.
- F. Conflict of interest requires an unassigned case to be referred to the EEOC for investigation.

New Business

- A. Shermis asked for the Commission's interest in participation for the July 4 parade this year. Discussion surrounding the theme and float ensued. Haughton-Motley will be out of town and unable to attend. Commission decided to use Bangert's vehicle for the parade. Promotional materials and candy were discussed in detail.

New Cases

- A. Two concurrent disability discrimination in public accommodation cases were discussed and tentative assignments made to Calloway-Thomas and Williams.

Other Business

- i. Radewan discussed an upcoming training in September entitled Implicit Bias 101 and asked if any other Commissioners were interested in taking this training. Radewan asked if any Commissioners would be willing to speak at monthly CHIP meetings. Shermis stated information could be shared collectively on the Google Drive. Google Drive to be re-shared with Commission.
- ii. Commission discussed Dr. Markay Winston returning to speak with Commission. Visit expected to occur in August or September with members of other commissions to attend.
- iii. Brittingham asked if the June meeting would take place on the scheduled date, as it is a holiday. The need for rescheduling the meeting ensued and new date will be proposed soon.

Adjournment: Shadday adjourned the meeting at 6:45 p.m.