



**Bloomington/Monroe County
Human Rights Commission**

**Minutes of September 18, 2023
Meeting 5:00 p.m.
Hooker Conference Room, City
Hall**

The Bloomington/Monroe County Human Rights Commission met at 5:00 p.m. on Monday, September 18, 2023, in the Hooker Conference Room of Showers City Hall.

Commissioners Attending: Ryne Shadday, Emma Williams, Byron Bangert, Stephen Coover, Susan Gray, Tonda Radewan, Amy Jackson. A quorum was present.

Staff Attending: BRHC Director Michael Shermis, Assistant City Attorney Audrey Brittingham, and Legal Administrative Assistant Ashley Sparks

Public Attending: London Montgomery, Dr. Markay Winston, Dr. Mary Priester-Hanks, Amy Morwick

Call to order: Chair Shadday called the meeting to order at 5:01 p.m.

Preliminary Matters: Introductions were made by Dr. Winston.

Approval of Minutes of August 21, 2023 Meeting: Coover moved to approve minutes of August 21, 2023. Gray seconded. Passed unanimously, 7-0.

Report from Staff:

- i. Shermis spoke about the United Against Hate forum and asked for feedback from Commissioners. Radewan asked if the quick succession of segments negatively affected attendees. Shermis answered that there have not been any complaints relaying this concern. Radewan asked if the materials provided by law enforcement at the event could be scanned into a PDF format. Sparks will create these documents. Radewan asked for clarification on her own participation in the event. Shermis responded that she was welcome to participate as a Commissioner as she wished. Shermis asked the Commissioners for ideas on how to entice more participants for a spring forum. Coover responded with suggestions.



Bloomington/Monroe County Human Rights Commission

- ii. Shermis discussed the event participant who provided a detailed description of a hate incident at the forum. Shermis explained that he offered plenty of support to her and informed her of the forum earlier in the day on September 7. Gray asked why the incident was considered a hate incident rather than a hate crime. Brittingham explained the legal aspects of the two terms and the Indiana statute's enforceability.
- iii. Radewan asked for guidance on potential dual reports and for the Commission's assistance in the creation of a flow chart depicting reporting venues and which incidents to report to which agencies. Shermis explained where some reports go and that more than one report to different agencies can be filed as long as it is communicated. Shadday asked if a video flow chart should be placed on the Commission's website. Radewan and Shermis agreed that it should be created and placed on the website. Shadday expressed a desire to bring Commissioners into the spotlight and become faces of the Commission more often. Jackson suggested creating an introductory video for the flow chart resource. Williams expressed a desire to keep resources in a digital format. Radewan will mention this conversation in the next CHIP IDB meeting.

Reports from Commissioners:

- i. Shadday expressed concern about the inability for the Commission to interact with concerns at IU and the inability to hold IU accountable. Concerns and suggestions surrounding possible remedies, including a letter to the IU President, were expressed by the Commissioners.
- ii. Williams expressed concern about a classmate who encountered racial harassment near Bloomingsfoods and the inaction of Dispatch to this incident. Radewan asked if the Commission should provide resources to the Dispatch and the police department for situations such as these. Williams requested the Commission target more students in outreach projects, considering the amount of time spent off-campus. Jackson expressed a desire to have a conversation with Bloomington Police Department regarding protocol and response v nonresponse. Shadday asked if there was a procedure within the City of Bloomington in which a complaint can be made against the police department. Coover expressed concern about the incident being a dispatch error or the police department's unresponsiveness; Coover also informed the board of the potential avenues to file complaints. Gray described a similar incident in which a note with vulgar verbiage was left on a Complainant's property and the Sheriff's office did respond to the call regarding this incident. Radewan stated that, even though the



Bloomington/Monroe County Human Rights Commission

Commission cannot investigate the City of Bloomington's Police, the complaint could have been made and would have appeared in the quarterly report. Brittingham stated that the student also could have called the Indiana Civil Rights Commission.

- iii. Jackson described the experience of tabling the MCCSC International Student Welcome event and expressed interest in participating in the event in the future. She also requested that the Commission's printed materials be reproduced in other languages for future events. Gray informed the Commissioners about the assistance she has gotten for other events and organizations through the IU Language Department.

Unfinished Business

- i. Brittingham provided information regarding the legal aspects of the Safe Haven Resolution in Kansas City, Missouri. Brittingham has spoken with a councilperson in Kansas City regarding the effects of the resolution within the city and tangible actions the resolution has been able to allow aside from showing support for the transgender community. The Kansas City Councilperson responded that the resolution is too new to determine an answer to this. Brittingham stated that she asked if the State has initiated repercussions against Kansas City due to their adoption of the resolution. The Kansas City Councilperson reported to Brittingham that the State of Missouri does not like the resolution and wants to retaliate against Kansas City. Brittingham noted that Bloomington is not as large as Kansas City and therefore does not have as much leverage as Kansas City. Brittingham reported that she has spoken with City Attorney Mike Rouker, who advised that his concerns regarding the State's reaction are not considerable, but did advise that the politics and publicity of the Attorney General's position on this issue would likely be considerable. Brittingham advised that it will be unlikely that the resolution would have any changes to criminal procedures.

Shadday asked what the Commission could craft to provide a positive outcome for the transgender community in Bloomington. Brittingham responded that the Commission could review the Kansas City resolution in detail and make changes to tailor it more towards its goals for Bloomington's community.

Radewan asked about adding verbiage to the resolution that would indicate that it does not dictate the actions of the Prosecutor's Office. Brittingham suggested calling the Prosecutor's Office to get their point of view.



Bloomington/Monroe County Human Rights Commission

Shadday asked that this conversation regarding potential or desired changes to the resolution be completed via email thread throughout the next month. A discussion regarding the implementation of these changes should be planned for the October meeting for the purpose of drafting a resolution to present to City Council.

Open Cases

- i. Bangert's racial discrimination case has been settled. Commissioners signed the settlement agreement.
- ii. Gray's racial discrimination case from the Monroe County Human Rights Commission will close if no appeal is filed by September 24. Verbiage was suggested to the Respondent indicating an anti-harassment policy.
- iii. Gray's disability discrimination case has resulted in a request to reinstate the Complainant's employment.
- iv. Williams' disability discrimination case has completed interviews with Complainant, Respondent, and witnesses. Additional evidentiary documents have been requested.
- v. Radewan's sexual harassment case remains under appeal. The first series of interviews with additional witnesses has been completed. A subpoena is desired for an additional witness.
- vi. Coover's disability discrimination case will close if no appeal is filed by September 24.

New Business

- i. Shermis discussed a complaint that was made by a minor against their school. The issue of age limitations on complaints was discussed. Brittingham will research and will make a recommendation to the Commission regarding this issue.

Radewan asked what age is acceptable in a court of law for the provision of testimony. Brittingham advised that there is not an age limit on providing testimony.



Bloomington/Monroe County Human Rights Commission

Radewan asked how old a child must be in the State of Indiana to choose a parental residence or request emancipation. Brittingham advised that a child must be 14 to choose parental residence, but is not certain about emancipation.

Radewan asked if there are jurisdictional issues. Brittingham advised that this is a potential issue.

Bangert asked if there was anything in the human rights ordinances regarding this issue that could be revised for clarification purposes. Brittingham will check on this, but advised that the Commission has the ability to set regulations.

Bangert asked if a new ordinance should be drafted now that the Bloomington and Monroe County commissions have combined or amended to ensure consistency and provide clarification. Brittingham stated it would be better to update rules and regulations. Shermis said he is in the process of updating them.

New Cases

No new cases were assigned. Shermis informed the Commission of recent calls for complaints; Jackson is the next in line for a case assignment.

Other Business

- i. Dr. Markay Winston, Dr. Mary Priester-Hanks, and Amy Morwick presented information on MCCSC's Anti-Racism policy and the Student Equity Ambassador program.

Radewan asked if there is a method of reporting incidents outside of MCCSC. Dr. Winston stated that the current system is still being implemented and is currently internally focused.

Shadday asked if teachers, faculty, and staff feel comfortable saying "gay." Dr. Winston responded that most teachers talk about their lives and are open, though some do fear the topic of pronouns.

Shadday asked how the school system is handling the book banning pushes. Dr. Winston indicated that the majority of the book bans go into effect in January and the school system is working on official responses for when that happens; she indicated that they are anticipating pushback from the community, but intend to



Bloomington/Monroe County Human Rights Commission

remain supportive.

Jackson asked about the script or process for students who wish to be addressed by a nickname or a different name or pronoun as it applies to recent legislation. Dr. Winston replied that the school system “stand(s) behind (its) students – period.” She stated that they will continue to abide by legislation, but will support students no matter what, including honoring students’ wishes regarding pronouns and names.

Williams asked what MCCSC is doing for transgender children who wish to play sports. Dr. Winston responded that the school system has worked with attorneys to discuss this matter. She indicated that when it comes to the waiver process, some kids continue with the process and some do not; this is a bigger issue in the middle schools and the school system is trying to find workarounds.

Shadday left the meeting at 6:30 p.m., and Vice Chair Radewan took over running the meeting.

- ii. Commissioners discussed translation services for the website, in addition to additional written materials.

Public Input

London Montgomery thanked the Commission for its work on the Safe Haven Resolution and indicated no new information regarding this matter. Montgomery asked to be included in the email correspondence regarding changes the Commission wishes to be made to the resolution. Shermis will provide Montgomery with results from the discussions.

Just prior to the end of the meeting, after the Public Input, the Commission discussed the previous request from CAPS to endorse the alternative public safety report. Bangert moved to not table the discussion and allow commissioners to endorse the report as private citizens, rather than as a Commission. Williams seconded. Motion passed unanimously, 6-0.

Adjournment: Radewan adjourned the meeting at 6:50 p.m.