



**Bloomington/Monroe County
Human Rights Commission**

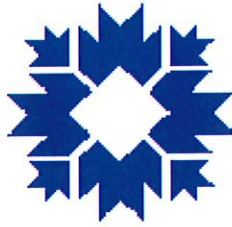
**Monday, November 20, 2023, 5:00 P.M.
City Hall, Hooker Conference Room, Room 245
401 N. Morton, Bloomington, IN 47404
Zoom meeting option available upon request**

- I. Welcome and Introductions
- II. Contract Compliance Committee
 - A. Proposed Revisions of the Contract Compliance Regulations
- III. Approval of Minutes
 - A. October 16, 2023 BMCHRC Meeting
- IV. Report from Staff
 - A. Discrimination Decision Tree
 - B. BMCHRC Website
- V. Reports from Commissioners
- VI. Open Cases
- VII. Assignment of New Cases
- VIII. Unfinished Business
 - A. Safe Haven from Anti-Transgender Laws
 - B. Age Limitation on Complaints
 - C. Monroe County Jail Issues
 - D. Closed Captioning Ordinance
- IX. New Business
- X. Public Input
- XI. Adjournment

Next Meetings:

- December 18, 2023
- January 15, 2024
- February 19, 2024

The City is committed to providing equal access to information. However, despite our efforts, at times, portions of our board and commission packets are not accessible for some individuals. If you encounter difficulties accessing material in this packet, please contact Michael Shermis at human.rights@bloomington.in.gov and provide your name, contact information, and a link to or description of the document or web page you are having problems with. Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call (812) 349-3429 or email human.rights@bloomington.in.gov.



**Bloomington/Monroe County
Human Rights Commission**

**Minutes of October 16, 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, October 16, 2023, in the Hooker Conference Room of Showers City Hall.

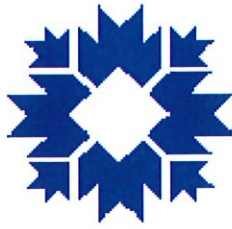
Commissioners Attending: Ryne Shadday, Emma Williams, Byron Bangert, Stephen Coover, Susan Gray, Tonda Radewan, Amy Jackson. A quorum was present.

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

Public Attending: FBI Special Agent Alex Plank, FBI Special Agent Alex Miller, Jennifer Woods, Roger Woods, Justin Carter

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

1. **Woods Electric Appeal:** Brittingham explained to the Committee that the Affirmative Action Plan and Workforce Breakdown were acceptable for Woods Electric's bid for the Trade Center project, however they missed the 24-hour deadline for submission. Jennifer Woods explained that there was an oversight of the deadline requirement. Bangert asked if this was the first time Woods Electric had made a bid. Roger Woods explained that, though they have been in business for 17 years, this is the first time for the company to submit a bid to the City.
 - a. Jackson moved to overturn the City's Findings of Unacceptability. Radewan seconded the motion. Motion passed unanimously, 5-0.
2. **Harrell-Fish Inc. Appeal:** Brittingham explained to the Committee that the problem for HFI was very similar to that of Woods Electric, however the only thing that was not included in their submission prior to the 24-hour deadline was an updated Workforce Breakdown. Justin Carter explained that the administrative staff at HFI is fairly new and overlooked the error.
 - a. Jackson moved to overturn the City's Findings of Unacceptability. Radewan seconded the motion. Motion passed unanimously, 5-0.



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3. **Other Business:** Brittingham proposed an amendment to the Contract Compliance Committee's Rules and Regulations which would eliminate the 24-hour deadline. She elaborated on this topic by explaining that companies are consistently missing the 24-hour deadline, causing more problems than it solves. She proposed the Committee consider removing the deadline and changing the procedure to a requirement of the submission of the Affirmative Action Plan and Workforce Breakdown with bid packets.

Bangert asked if this would cause unintended consequences, such as bidders requesting extensions for bids if Affirmative Action Plans or Workforce Breakdowns are not submitted on time. Brittingham explained that the State requirements mandate that bids cannot be considered if they are submitted after a deadline unless the entire bid process is reopened for public bidding.

Shadday approved Brittingham's request to bring a draft of modified Rules and Regulations to the November meeting.

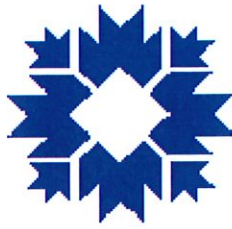
Contract Compliance Committee Meeting Adjournment: Shadday adjourned the meeting at 5:10pm.

Bloomington/Monroe County Human Rights Commission: Shadday called the meeting to order at 5:10pm.

Approval of Minutes of August 21, 2023 Meeting: Williams moved to approve minutes of September 18, 2023. Gray seconded. Passed unanimously, 7-0.

Report from Staff:

- i. Shermis discussed the need for a photo of the Commissioners for use at the Boards and Commissions Appreciation event to be held on October 24. Coover, Gray, and Jackson all indicated that an invitation had not been extended to them. Radewan forwarded the invite to them via email.
- ii. Shermis indicated that the Municipal Equity Index would not be released until Mid-November.
- iii. Shermis discussed changes that are being implemented to the Commission's website, including a Table of Contents and navigation tools.



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- iv. Shermis presented a draft of the Discrimination Decision Tree, which was created after the chairs of a CHIP subcommittee requested resources that would explain where to file different types of complaints of discrimination. Shermis explained that, due to the disbanding of the CHIP subcommittee by the end of 2023, the Commission would take ownership of the resource. Shermis requested feedback from Commissioners.

Radewan asked if the document presented was an internal draft, to which Shermis replied affirmatively. Radewan suggested adding an indication of Internal Use Only at the top of the document.

Jackson asked if there is a Statute of Limitations on housing issues. Shermis indicated that there is and it will be added to the resource.

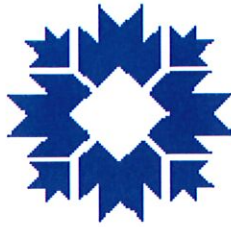
Bangert suggested adding language to explain the difference between human rights and civil rights.

Jackson suggested that all sections of the document should have an indication regarding next steps after filing a complaint. Shermis explained that, while this information is readily available on the BMCHRC website, it can be added to the document. He indicated that, while the paper format will be condensed, the electronic version of this resource will be very detailed, thorough, and available in versions for different populations, including youth and Spanish-speaking individuals.

Radewan suggested adding a statement regarding retaliation against complainants. She also suggested adding a section that explains the Fair Housing Center of Central Indiana and the types of cases that should be sent to them. Additionally, Radewan stated that there should be a statement made about complaints against the City or County entities, as the Commission is unable to investigate those cases. Williams agreed.

Gray suggested a change in the document to incorporate Bloomington and Monroe County, versus just Bloomington.

Radewan asked what the procedure is for complaints regarding IU-owned housing. Shermis answered that these complaints start with IU and they should



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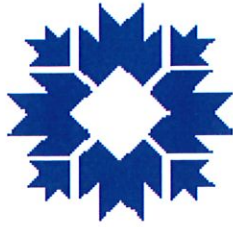
be referring to the appropriate agencies. Jackson suggested that this be added to the front page of the resource. Bangert asked if there are any IU-owned housing entities that rent homes to the general public who are not affiliated with IU. Williams answered negatively.

Williams discussed the need for resources available to inmates at the Monroe County Jail, as the Commission is unable to investigate those cases and the inmates do not have internet access. Radewan provided Williams with a copy of the Indiana Civil Rights Commission's paper complaint form. Jackson asked if there were any resources within the jail for complainants to discuss problems with. Williams responded that she is unsure. Jackson suggested putting this discussion on the agenda for the November meeting and communicating with the Sheriff and Corrections Department to investigate what resources are available for inmates. Shermis instructed the Commission that any communications with the Sheriff or Corrections Department on behalf of the Commission regarding this topic was acceptable and any information obtained should be presented at the next meeting. Radewan asked if it would be acceptable to request the Sheriff or Chief Corrections Officer to speak at a BMCHRC meeting. Williams agreed to communicate this request with the appropriate individuals within the County. Brittingham stated that there should be an inmate liaison for inmates to contact, as well.

Reports from Commissioners:

- i. Shadday expressed concern about the conflicts in Israel and the rise of anti-Semitism locally and globally. He expressed the desire to recognize recent events. Williams stated that there is also a need to recognize the events unfolding in Palestine and Gaza, as well as the recent hate crime incident in Chicago in which a child was stabbed 26 times and his mother critically injured due to their Muslim faith.

Radewan asked if the Commission wished to make a public statement regarding these issues. Shadday explained that he is happy to draft a statement for the Commission's approval and sign the statement for submission to the Editor. Gray asked if edits can be made to the document if Shadday drafted it and sent it electronically to the Commissioners. Shermis stated that only commentary could be added to any drafted statement and discussion would need to ensue at the November meeting. Gray expressed concern that this would delay the publication



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of such a statement for a month. Bangert stated his concerns of reaching a mutually acceptable statement between all Commissioners. Williams expressed concern that there could be negative backlash for any statement released due to the ongoing backlash from a similar statement from the President of Indiana University, to which Bangert agreed. Jackson stated her unease regarding her own name being associated with such a statement, due to her religious affiliations. Williams agreed that negative consequences are being seen for anyone supporting Palestine in any way. Shadday explained that any statement made would be signed by him, not the Commission. Coover stated that he would have to abstain from any collaboration with this statement, due to a personal conflict of interest. Bangert suggested that any Commissioner who wished to publish a statement should do so as an individual, rather than a statement published on behalf of the entire Commission, due to the amount of conflicts and objections.

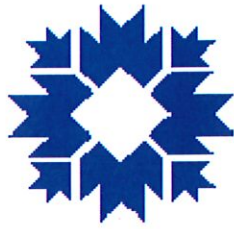
Speaker: Transnational Repression; Alex Plank and Alex Miller, Special Agents, FBI

- i. Special Agents Alex Plank and J. Alex Miller of the Federal Bureau of Investigation presented information regarding Transnational Repression, particularly as it relates to Monroe County residents. For more information on this topic and presentation, please reach out to Agents Plank or Miller at aplank@fbi.gov.

Open Cases

- i. Gray's disability discrimination case has resulted in a request to reinstate the Complainant's employment and a response was received late in the day on October 16. A finding of No Probable Cause is pending.
- ii. Williams' disability discrimination case was found No Probable Cause and findings will be mailed out on October 17.
- iii. Radewan's sexual harassment case remains under appeal. A subpoena was successfully delivered to an additional witness on October 9 with an interview scheduled for November 3.

New Cases



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- i. Jackson was assigned to a racial discrimination in employment case. A meeting to update Jackson on the details of the case and schedule the complainant interview will be scheduled soon.
- ii. Three potential new cases were discussed briefly; two of these cases involve racial discrimination in housing, with one also involving disability discrimination, and the third involves racial discrimination in public accommodations. The next case to be assigned will be given to Coover.

Unfinished Business

- i. A proposed preamble for the Safe Haven resolution was presented to the Commissioners. Proposed changes were discussed in detail.

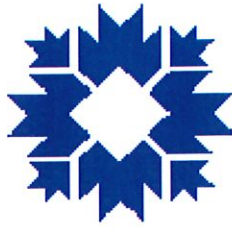
Commissioners Bangert, Williams, and Gray discussed the availability of gender affirming healthcare in the state. Shadday stated that the problem is for people under 18 who are unable to receive medications. Jackson communicated her knowledge of Riley's continued practice of providing treatments to minors. Additional discussion ensued regarding the current injunction in the State of Indiana regarding this issue.

Williams asked if verbiage concerning healthcare should be removed or if the availability of services for IU students should be confirmed first. Shermis to look into this and report back.

Jackson asked about the scope of reach including healthcare, hormone treatments, surgical operations, and non-biological therapies; her concern is that therapies will be at risk if the current injunction fails. Shermis to communicate this question with London Montgomery and report back.

Radewan suggested someone reach out to local service providers for their input on support systems for area children.

Bangert asked how the City is currently furthering transgender equity. Shadday mentioned the continued efforts by the City to include "gender identity" to most policies. Shermis stated that it is likely that this phrase will be removed from the preamble as the process of editing gets further along. Jackson states the desire to leave the verbiage in the preamble if the City has contributed to transgender equity efforts even once in history. Brittingham stated that this will be presented to City Council if it continues to be drafted in this way; otherwise, it should be revised to be a declaration by the Commission. Radewan suggested a similar



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statement be included in the final draft if the City has shown support in some way in the past. Gray stated that the City and County have both shown support, due to the inclusion of this language in the Human Rights Ordinances.

Bangert asked if gender affirming healthcare is currently lawful in Indiana. Shadday and Gray responded affirmatively.

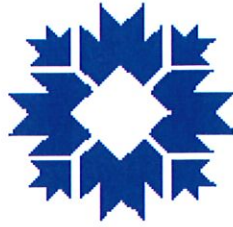
Jackson asked if the proposed resolution should also be presented to County Council. Gray and Coover agreed that it should be presented to County Council. Williams asked if it should only be presented to the County because Bloomington is part of the county. Brittingham clarified that two separate documents should be drafted, one for the City and one for the County, due to the two being separate entities and having separate procedures and policies.

Radewan asked what control the City has over healthcare professionals. Brittingham stated that there is little control over this, but that the goal of this resolution would be to assure citizens that lawsuits regarding gender affirming healthcare will be made the City's lowest priorities. Shadday asked why it would be an issue in Bloomington if it hasn't been an issue elsewhere. Brittingham explained the differences between Bloomington and its law enforcement and Kansas City and its law enforcement. Williams asked if BPD has created unspoken rules regarding marijuana arrests or if a new law was passed. Brittingham clarified that no law has been passed and written policies cannot exist that state the unwillingness of law enforcement to not enforce laws. Administration can have some authority in regards to what their priorities are, but no rules saying they won't pursue certain laws. Gray asked about the Monroe County Prosecutor's opinion on this issue. Shermis read a response written by Monroe County Prosecutor Erika Oliphant.

Bangert stated that this issue should not be isolated as the single lowest priority. Coover stated that there was a similar statement made in regards to the no smoking ban.

Gray stated her desire to keep the section in the resolution that states that there will be no response to other jurisdictions, such as giving medical information to the State. Shadday agreed. Brittingham suggested adding a phrase to indicate that information will not be shared unless otherwise required by law.

Radewan commented on the City's inability to collect or enforce judgments, as that is a county court procedure. Bangert asked if it would be appropriate to take



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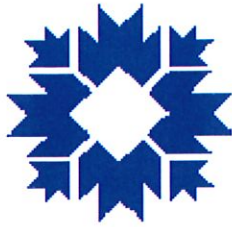
portions of the proposed resolution to the Prosecutor and request she write something she is willing to do. Brittingham reiterated her understanding of the Prosecutor's response, in that she will not sign onto anything. Bangert questioned the reasoning behind moving forward with this process if the Prosecutor will not back it up. Brittingham stated that the Prosecutor has control over criminal remedies, whereas this resolution would cover civil and administrative courses of action. Bangert suggested taking the word "criminal" out of all applicable sections.

Jackson stated that the Kansas City resolution was a great place to start the conversation, but might be problematic in inapplicable language and verbiage. She stated that it might make more sense to start with a list of what the Commission wants the City to do and write its own resolution with Brittingham's help. Brittingham stated that the options surrounding the Commission's support of this issue do include the Commission writing a statement of support, versus a resolution that would need to go through a bigger process. Brittingham also stated that it would be helpful for her to see a list of what the Commission would hope to accomplish with a resolution and asks the Commissioners to send these items to her for her research and review; these items could include topics such as biological meds, therapies, medical care for minors, etc.

Radewan suggested continuing to modify the preamble, removing any reference to criminal punishment and other things outside of the City's jurisdiction. Brittingham stated that this was appropriate. Shermis stated that items should be sent to Brittingham up to two weeks prior to the next meeting to ensure adequate time for research.

- ii. Shermis asked the Commissioners if an age limit should be placed on complaints. Brittingham discussed her research concerning age limitations in the State as it pertains to employment, housing, public accommodations, and education, as well as how the law treats children in other areas, such as custody arrangements. Brittingham advised that the Commission set an age limit of 14, with anyone from 14-18 being required to have a parent or guardian with them due to the possibility of the Commission bringing the case to the Monroe County Courts.

Shermis asked for insight on the need for parental involvement throughout the investigation. Brittingham expressed concern over potential problems and liabilities that could arise in working with a minor without parental presence. Shermis asked if this included initial intake calls. Brittingham stated that the call



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could take place, but for the main purpose of telling the complainant that a parent or guardian must accompany them.

Jackson stated her concern with the absence of parents or guardians, as it places the Director at risk to speak alone with a minor. Radewan affirmed, stating concerns of any child speaking with an adult without a third party present.

Williams asked what avenues are available for minors who do not wish for their parents to know about their complaints, giving an example of a transgender child who does not wish to reveal their gender identity to their parents. Gray suggested adding verbiage to include another trusted adult, such as a school guidance counselor or grandparent. Jackson stated that other adults would not have legal authority over the minor. Brittingham stated that our investigations are subject to public freedom of information requests and it is therefore unlikely that a child would come to us to do a public investigation in this instance.

Radewan asked if parental consent in the form of a waiver could be available that would allow for an agent to accompany the child, such as Social Services. Brittingham stated that this would be a possibility, but if the case went to the court system, only a parent or guardian has legal authority to stand behind the child.

Jackson suggested looking at CASA as a model to see how similar situations are addressed. Coover stated that CASA representatives are court-appointed and ordered, versus being chosen via waiver.

Williams stated her continued concern regarding the inability to assist teenagers. Brittingham explained the lack of legal options available to minors unless they are emancipated.

Brittingham stated that the safest option is to deny investigations for anyone under 18 unless they have been emancipated. Shermis asked if initial conversations could be had over the phone with persons under 18. Brittingham agreed to accompany Shermis for these calls, should they come in.

Jackson asked what the Indiana Civil Rights Commission does in these instances. Brittingham will research.

New Business



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None.

Public Input

None.

Adjournment: Shadday adjourned the meeting at 7:13 p.m.

RULE 4

AFFIRMATIVE ACTION PLANS

§4.1 Prior to Award of Contract

(A) Notice of Requirements

For every City contract reasonably expected to be covered under §2.1(A) of these regulations, there shall be notice given to bidders that an acceptable bid must include an affirmative action plan, and that the Contract Compliance Officer shall be available to answer questions about and assist in the formulation of an affirmative action plan, and such notice shall include the name, address and telephone number of the Contract Compliance Officer. Such notice shall appear each and every time and in the same place and manner in which a notice for an opportunity to bid on the City contract appears.

(B) Submission of Plans

All those persons who bid on City contracts reasonably expected to be covered by §2.1(A) of these regulations shall be required to submit, **separately from their bid and at least twenty-four hours prior to the end of the bidding time limit**, an affirmative action plan describing in detail the good faith efforts they intend to make, as well as any efforts they have already made, to comply with the "Equal Opportunity" provision of the contract, including but not being limited to affirmative action and goals and timetables regarding any future affirmative action. This plan shall include the following:

- a policy statement of equal employment opportunity that covers all applicants and employees and that says the company will not discriminate on the basis of race, religion, color, sex, national origin, ancestry, disability, sexual orientation, gender identity, veteran status or housing status;

- a designation of the person responsible for implementing the affirmative action plan;

- a provision for informing people, both internal and external, of the company's

affirmative action plan;

-a statement that the plan applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, duties, wages, benefits, use of facilities, layoff, discipline, and termination;

-a provision for recruitment from minority groups;

-a provision for equal access to training programs;

-a prohibition against retaliation for filing grievances;

-and a workforce breakdown that is up-to-date (no more than six months old).

This plan must be submitted to the Contract Compliance Officer separately from the bid.

When the affirmative action deadline described above falls on a weekend or City holiday, the deadline is moved up to 5:00 p.m. on the last city work day before the bid deadline.

(C) Review of Plans

The Contract Compliance Officer shall review all of the affirmative action plans submitted under §4.1(B) of these regulations and make a determination as to the acceptability or unacceptability of each plan. If the Contract Compliance Officer finds the plan to be acceptable, he or she shall make such finding in writing and submit it to the official or body of the City of Bloomington awarding the contract and to the bidder. Such findings of acceptability shall have the same force and effect in law as a finding of acceptability by the Bloomington Human Rights Commission, without the need for any further processing by the Commission. If the Contract Compliance Officer finds any plan submitted to be unacceptable, he or she shall make this finding in writing, stating the reason(s) the plan is unacceptable and present the finding to the Contract Compliance Committee and to the non-complying bidder with notice of its right to appeal the finding to the Contract Compliance Committee within seven (7) calendar days of receipt of the notice of the finding of unacceptability. The Contract Compliance Committee shall expeditiously hear any appeal

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In the preamble, suggest stating something, in part, like the following: "This commission is against proposed state laws that prevent doctors from providing gender affirming care to Indiana residents; and any such law that requires municipalities to enforce such law would violate City of Bloomington Ordinances 2.21.020."

BE IT RESOLVED BY THE ~~COUNCIL OF BLOOMINGTON CITY COUNCIL KANSAS CITY:~~

Section 1. That the Mayor and Council hereby declare the City of ~~Kansas City Bloomington~~ a Safe Haven for Gender Affirming Healthcare.

Section 2. That the City of ~~Kansas City Bloomington~~ hereby adopts the following Gender-Affirming Healthcare Policy:

1. City Personnel shall not ~~criminally prosecute or~~ impose administrative penalties on an individual or organization for providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare, except as otherwise required by law.
2. In the event any law or regulation is passed in the State of ~~Missouri Indiana~~ which imposes ~~criminal punishment~~, civil liability, administrative penalties, or professional sanctions, on an individual or organization for providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare, City personnel shall make enforcement of said law or regulation their lowest priority.
3. City personnel shall not enforce laws of other jurisdictions that impose ~~criminal punishment~~, civil liability, administrative penalties, or professional sanctions, on an individual or organization for providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare ~~and shall decline any request to stop, arrest, detain, continue to detain, or transfer into out of state custody individuals on the basis of such conduct being criminalized, penalized, or prosecuted in said jurisdiction.~~
4. ~~Except as required by lawful authority,~~ City personnel shall not respond to any request for information from another jurisdiction if the request is related to that jurisdiction's laws, rules, or regulations imposing criminal punishment, civil liability, administrative penalties, or professional sanctions, on an individual or organization for providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare, except as otherwise required by law.
5. ~~Except as required by lawful authority,~~ City personnel shall not enforce or facilitate the collection of any judgment of another jurisdiction to the extent the judgment arises out of a cause of action in that jurisdiction based on providing, seeking, receiving, or assisting another individual who is seeking or receiving gender-affirming healthcare, except as otherwise provided by law.
6. ~~That the Kansas City, Missouri Police Department is hereby encouraged to adopt a similar Gender-Affirming Healthcare Policy.~~

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ORDINANCE 23-xx

**TO AMEND TITLE 4 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
"BUSINESS LICENSES AND REGULATIONS"**

- Re: Adding Chapter 4.34 (Closed Captioning in Places of Public Accommodation)

WHEREAS, pursuant to its home rule power, the City of Bloomington may promote the quality of life, health, safety, and welfare of its citizens; and

WHEREAS, the Bloomington/Monroe County Human Rights Commission and the Council for Community Accessibility have considered this ordinance [at their meetings on (dates) and recommend its passage; and

WHEREAS, the City of Bloomington's Comprehensive Plan was adopted on March 20, 2018 and provides a long-range vision for the community; and

WHEREAS, the Comprehensive Plan includes the following:

Goal 1.1 Inclusivity (p.28): Prioritize programs and strategies that support inclusive recreational and cultural activities.

Policy 1.1.2: Continue and enhance programs that embrace Bloomington's diversity of cultures, languages, gender orientations, and abilities, and support populations that have traditionally been excluded.

Goal 2.3 Resilient Public Spaces (p.39): Ensure public spaces are of high quality, engaging, and active.

Policy 2.3.2: Ensure public spaces are accessible to all ages and abilities and serve to connect all generations.

Policy 2.3.3: Ensure public spaces and facilities are well-maintained and frequently updated and that these spaces and facilities are responsive to cultural and technological changes.

Outcomes & Indicators (p. 40):

Outcome: Celebrate all forms of difference in Bloomington.

Number of cases investigated and resolved through municipal anti-discrimination laws
Number of local festivities and events that celebrate diverse cultures (racial, ethnic, sexual, artistic, etc.)

Rates of retiree attraction and retention

WHEREAS, the lack of communication access to the audio content on television programming in public places presents a barrier for individuals with certain disabilities; and

WHEREAS, television's audible content has not been accessible to some individuals, including persons who are deaf, hard of hearing, have hearing loss, have developmental disabilities, have sensory disabilities, are non-native English speakers, and others; and

WHEREAS, when businesses enable the "closed captions" function on their televisions, a transcript of the program's audio content is shown scrolling across the bottom of the screen; and

WHEREAS, visible captions would reduce or eliminate a significant communication barrier for people with hearing loss and other disabilities by providing access to the information being given by speakers on television programming in all of Bloomington's public places; and

WHEREAS, visible captions would also increase access to information for the general public, because televisions are often located in crowded and noisy commercial spaces

where everybody may have difficulty hearing;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. A new Chapter 4.34 shall be added to Title 4 of the Bloomington Municipal Code. The chapter shall be entitled "Closed Captioning in Places of Public Accommodation" and shall be inserted into the Table of Contents for Title 4 and shall read as follows:

Chapter 4.34 - CLOSED CAPTIONING IN PLACES OF PUBLIC ACCOMMODATION

Sections:

- 4.34.010 Purpose and Applicability**
- 4.34.020 Definitions**
- 4.34.030 Activation of Closed Captioning**
- 4.34.040 Enforcement**
- 4.34.050 Other Applicable Laws**

4.34.010 Purpose and Applicability

The purpose of this Chapter is to expand access to closed captioning in places of public accommodation within the corporate boundaries of the City of Bloomington ("the city").

4.34.020 Definitions

When used in this Chapter, the following terms shall have the following meanings:

"Closed captioning" means a transcript or dialog of the audio portion of a television program that is displayed on a portion of a television receiver screen when the user activates the feature.

"Closed captioning television receiver" means a receiver of television programming that has the ability to display closed captioning, including but not limited to a television, digital set top box, and other technology capable of displaying closed captioning for television programming.

"Place of public accommodation" has the meaning set forth at Bloomington Municipal Code 2.23.120(23) for the term "public accommodation".

"Regular hours" means the hours of any day in which a place of public accommodation is generally open to members of the general public.

"Responsible Person" means an owner, employee, manager, or agent with the authority to control a closed captioning television receiver in a place of public accommodation.

4.34.030 Activation of Closed Captioning

- (a) A responsible person at a place of public accommodation in the City of Bloomington must activate and leave activated closed captioning on any closed captioning television receivers in use in any part of the place of public accommodation that is open to the general public during regular hours.
- (b) Exceptions. A responsible person is not required to:
 - (1) turn on a closed captioning television receiver that is off;
 - (2) provide a closed captioning television receiver in the place of public accommodation; or
 - (3) upgrade or replace a receiver of television programming that is incapable of displaying closed captioning.

4.34.040 Enforcement

- (a) An individual may allege a violation of Chapter 4.34 by filing a complaint with the Bloomington/Monroe County Human Rights Commission ("Human Rights

Commission”).

- (b) The Human Rights Commission shall have the authority to investigate complaints brought before it and issue appropriate orders pursuant to Bloomington Municipal Code 2.23.

4.34.050 Other Applicable Laws

Nothing in this ordinance shall be construed to imply an exemption from state and federal requirements, such as those for effective communication and reasonable accommodations required under the Americans with Disabilities Act.

SECTION 2. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. This ordinance shall be in full force and effect beginning on January 1, 2026.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2023.

SUE SGAMBELLURI, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2023.

NICOLE BOLDEN, Clerk,
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2023.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance is sponsored by Councilmember Volan and makes amendments to Title 4 of the Bloomington Municipal Code to add a new Chapter 4.34 entitled “Closed Captioning in Places of Public Accommodation” that would require places of public accommodation to activate closed captioning on closed captioning television receivers.