



**Bloomington/Monroe County
Human Rights Commission**

**Minutes of January 22, 2024
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, January 22, 2024, in the Hooker Conference Room of Showers City Hall.

Commissioners Attending: Byron Bangert, Stephen Coover, Tonda Radewan, Amy Jackson, Susan Gray, Ryne Shadday (Chair), Emma Williams. A quorum was present. Attendance was taken via roll call.

Staff Attending: BMCRHC Director Michael Shermis, Assistant City Attorney Audrey Brittingham, and Community and Family Resources Office Manager/Program Assistant Aubrey Seader.

Contract Compliance Committee Call to Order

Chair Shadday called the meeting to order.

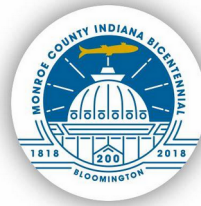
1. Proposed Revisions of the Contract Compliance Regulations:

Brittingham spoke on the proposed changes to contract and reviewed the section requiring EEO provisions within contracts. Since the affirmative action plan requires EEO, this section would create redundant language. Non-collusion and non-discrimination clauses are required of all contracts regardless of the dollar threshold and 10k standard.

Bangert and Radewan noted typos within the document. No other questions or concerns were voiced.

2. Affirmative Action Plan Changes

Brittingham proposed that approved Affirmative Action Plans not have a required deadline. A non-Public Works contract only has to go to bid if it is \$150,000 or more. By asking the contractor to have an approved Affirmative Action plan in before the bid, it is much more stringent than other contracts. In the proposed change, a contracted agency would be required to turn in a Harassment and Affirmative Action Policy in good faith before the execution of the contract. This would still require any plans submitted to be brought into compliance with City requirements before we'd enter into the contract.



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Commissioners expressed concern that if a company was not able to be brought into compliance, it would stall City projects as the project would have to be put up for bid again. Brittingham reassured them that only one vendor has ever refused to come into compliance. Everyone else has worked with the City and changed policies quickly, with the average amount of time a project is on hold being a month. Jackson suggested adding a provision stating that, should a company refuse to come into compliance, another vendor from the previous process could be considered. Brittingham accepted this.

There was some concern about the language “in good faith,” which some commissioners interpreted as reducing the importance of the Affirmative Action and Harassment policies to a legal afterthought. Brittingham said that, legally, this is not how the language is interpreted. However, if the commissioners felt that the public would see it this way the language could be changed.

The vote on the proposed changes was pushed to next month’s meeting so the commissioners could continue to review the changes. Motion to adjourn the contract compliance committee was seconded and passed unanimously, 7-0.

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Shadday called the meeting to order.

Approval of Minutes of November 20, 2023 Meeting

Minutes of November 20, 2023 were passed unanimously via roll call vote, 7-0.

Report from Staff (Director Michael Shermis)

1. **Black History Month Black Market Event:** The Black History Month Black Market event will take place on Saturday, February 17, from 10am-2pm. Commissioners Radewan, Williams, and Shadday volunteered to staff a table at the event. Shermis will provide materials for the table
2. **Quarterly Report:** Shermis sent the quarterly report out to the commissioners. No changes were requested. Motion to accept the quarterly report passed unanimously, 7-0.



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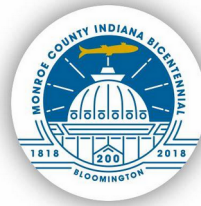
3. **Hate Incidents Technology Challenges:** A number of reported hate incidents were not received by the BMCHRC due to a technological failure in which complaints made via the BMCHRC website were not received. Shermis has now received the data and will review and respond to the complaints, of which there are 8 or 9, several of which are from people he has worked with in the past. The complaints will be added to the annual hate incident report. The Bloomington Police Department also experienced technological challenges in sharing their hate incident reports, but Shermis has now gotten access to that data.
4. **BMCHRC Appointments and Re-Applying:** Shermis reminded Commissioners Bangert, Radewan, and Shadday to re-apply by the end of January to retain their appointments.

Reports from Commissioners

None.

Open Cases

- i. Bangert's disability discrimination in housing is underway. The respondent denied all claims made and interviews with witnesses will begin. The case may be complex.
- ii. Coover's racial discrimination in housing case has completed the first round of interviews. The case should be finished by the next meeting.
- iii. Radewan's discrimination in employment based on disability case: the deadline for response is tomorrow. The employer will hire outside counsel rather than handling the complaint internally and has requested a time extension to respond. We are potentially looking at settlement and the respondent may decide that before the position statement.
- iv. Jackson's racial discrimination in employment case is pending a response from the complainant, due by February 5. The employer sent a comprehensive response and the complainant did not reply. The previous extension Shermis offered the respondent went unanswered.
- v. Williams's discrimination based on national origin case was settled internally with the respondent (quick and easy). Radewan moved to close the case as the



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complainant has formally withdrawn their complaint. Jackson seconded. Motion to close the case passed unanimously, 7-0.

New Cases

- i. Shermis working on an initial intake interview; after an affidavit is submitted, a formal interview with a lawyer present will be required because the complainant is a minor. Shadday will take the case once an affidavit is submitted.
- ii. No other new cases. Shermis explained that many complaints are currently being referred due to jurisdiction issues.

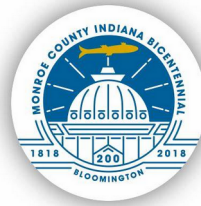
Unfinished Business

- i. **Safe Haven from Anti-Transgender Laws:** Bangert moved to recommend the Safe Haven from Anti-Transgender Laws statement to City Council for their adoption. Gray and Radewan will take the resolution to County Commissioners. Motion to move resolution to the Council passed unanimously, 7-0.

Shermis will determine how to move the resolution to the Council, suggesting sharing London Montgomery's and Lilliana Young's names as contacts for the Council. There is not yet a formal sponsor on City Council.

- ii. **BMCHRC Regulations:** Brittingham has changed the name, made some gendered language more neutral, and changed the age limitation to require a parent or guardian for minors (under 18).
- iii. **Human Rights Award:** No nominations have yet been submitted. Shadday suggested waiting another month and then potentially extending the due date. Commissioners may make suggestions for nominees. Commissioners suggested considering nominees from previous years.
- iv. **Art/Essay Contest:** Shermis brought suggestions for themes. Williams suggested a language change. Radewan suggested giving teachers the information and reaching out to Girls, Inc., Boys and Girls Club, and other afterschool programs. Gray suggested the Teen Spaces at the Library. Jackson suggested a deadline in March.

The topic "What is the most important human right to you?" was proposed. Bangert moved, Gray seconded, and the motion to select the topic passed



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unanimously, 7-0.

Susan Gray and Emma Williams will judge essay submissions, while Byron Bangert and Amy Jackson will judge art submissions.

New Business

- i. **Anti-LGBTQ State Legislation Presentation by London Montgomery:** Montgomery discussed HB 1291. This is the first anti-trans, anti-LGBTQ+ bill in the Indiana state legislature this year, following 18 anti-trans, anti-LGBTQ+ proposed bills in Indiana last year. Three of these bills passed last year and are extremely negative for LGBTQ+ rights in Indiana.
 - a. This bill changes the designation on legal documentation (including driver's licenses and birth certificates) from "gender" to "biological sex".
 - b. Discussion about the document's definition of marriage. Paraphrased from page 58 of the proposed legislation, "only a biological man can marry a biological woman and only a biological woman can marry a biological man." Therefore the bill may be seeking to nullify the marriages of same-sex couples and transgender couples in Indiana or to seek to challenge the Supreme Court ruling legalizing gay marriage on the federal level.
- ii. **Police Response to ID discrepancies:** Lilliana Young comments that police have, historically, responded far too aggressively to discrepancies in IDs, creating an unsafe environment. "I want to know if there is any way that local police can be directed to de-prioritize these things or even ignore it."
 - a. Shadday responded that this was a major topic in the resolution. The Commissioners had hoped that the City could direct the police to do this but came to the conclusion that it would not be possible.
 - b. Brittingham: Unless a statute is created and passed that changes a criminal code in such a way that the police can de-prioritize something, we cannot ask them to de-prioritize or not enforce a criminal statute. Any statute that de-prioritizes something has to pass the state legislature. Audrey would have to talk to the Legal department and consult some criminal lawyers, but she doesn't believe that the state can tell a police department to de-prioritize crimes against LGBTQ+ folks. They can propose that kind of legislation, the AG can put a lot of executive force behind changing code, but Audrey doesn't think that they can enforce a directive. Any order to de-prioritize would come in the form of a law that we would have advance notice about.
- iii. **Style Guide:** London Montgomery asked whether there are city or county materials to be used to demonstrate that trans lives exist (that there are more



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- people who exist outside of this limited legal definition). Montgomery suggested a style guide with a guide to preferred language and offered to send an example. Montgomery and Young agreed to come up with language for a guide. Brittingham will ask the Legal department about a style guide.
- iv. **Addressing State Legislature Committees:** Jackson asked whether City/County commission representatives are allowed to address a committee of the State Legislature on behalf of the commission they serve.
- a. Brittingham will ask for input from Legal. She expects the Mayor's office will want input on any statement made on behalf of the BMCHRC. Speaking to a committee would require more preparation than writing a statement, as the committee would often ask follow-up questions and those answers would have to be agreed upon by the commission.
- v. **Section of Bill Challenging Marriage Equality Ruling:** Commissioner Coover asked Montgomery and Young to provide more information on how House Bill 1291 would affect marriage equality. Montgomery stated that Conservative justices have been planning to overturn the Marriage Equality ruling (written into Roe v. Wade) and that many believe this bill is trying to give Indiana a reason to challenge the marriage equality ruling at the Supreme Court. Language in the proposed bill would make same-sex marriages "void in Indiana even if it was lawful in the place it was solemnized."
- a. Question: What effects will this bill have on our population? Answer: Bloomington has one of the highest rates of LGBTQ+ populace in the nation (in the top 10).
- b. House Bill 1406 is pushing incarcerated people to be assigned to prison based on biological sex.
- vi. **Responsibility of BMCHRC to Spread Awareness of Proposed Bills like HB 1406 and HB 1291:** Jackson asks how the BMCHRC can help spread awareness of what legislation is going into the Indiana statehouse, so people know what human rights legislation is in committee (local, state, federal). Emma says that (with respect to outreach) it would be good to reach a larger audience, especially among people of college-student-age. When Emma was a student at IU she didn't subscribe to City emails, but she registered to vote locally. College age kids would really care about these things and many of them register to vote in Indiana. Radewan volunteered to do tabling/outreach.

Public Input

Tonda Radewan's daughter: "It's nice having people in the community that are putting



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forth effort to make change, and to do something about these bills that will affect people in my school.”

Adjournment

Meeting was adjourned at 6:45 PM.