

BLOOMINGTON HUMAN RIGHTS COMMISSION

Minutes of September 28, 2020 Meeting

The Bloomington Human Rights Commission met on Monday, September 28, 2020, beginning at 5:34 p.m., via Zoom. Present for the meeting were commissioners Ryne Shadday, Byron Bangert, Carolyn Calloway-Thomas, Latosha Williams, Jacob Simpson, Pam Jackson and Valeri Haughton-Motley. A quorum was present. Also present were Nicole DeCriscio Bowe, BHRC legal assistant; Vauhxx Booker, a member of the public, and Barbara E. McKinney, BHRC director/attorney.

Call to order: Chair Shadday called the meeting to order and called the roll at 5:34 p.m.

Approval of minutes from August 24, 2020 meeting: The BHRC approved the August 24, 2020 minutes by consensus.

Unfinished business

2021 Essay/arts contest: McKinney noted that the BHRC had tabled this item at the August meeting, wanting to have more time to think about it, and asking McKinney to reach out to teachers for their feedback. She said she had reached out to several teachers and parents to get their ideas about holding the contest again this year, given the pandemic. Only one teacher responded, who let McKinney know she had retired. McKinney said that teachers may just be overwhelmed at this time. Calloway-Thomas suggested that a decision be tabled until the January meeting, when we may have a better sense of the progress of a vaccine. The commissioners agreed.

2021 Human rights award: The commissioners agreed to table this as well. Shadday said he would reach out to Cindy Stone, the recipient of the 2020 award, about perhaps awarding her award to her at a council meeting via Zoom.

Decision in IFI case: McKinney explained that four Indiana human rights commissions, including the BHRC, had been sued in 2016 by three conservative organizations, the Indiana Family Institute, Indiana Family Action and the American Family Association. The groups alleged that the amendment of the Indiana Religious Freedom Restoration Act after it was initially passed but before it went into effect harmed their ability to refuse service to members of the GLBT community, and that the ordinances in Bloomington and other communities, which prohibit discrimination on the basis of sexual orientation, kept them from operating in those communities. Both the trial court and in September, 2020, the Indiana Court of Appeals,

have found for the human rights commissions. The Court of Appeals said that the plaintiffs did not have standing to sue, as they did not face credible threats of being prosecuted under the local ordinances, and as they had no evidence that they had ever excluded people from their programs because of their sexual orientation. The plaintiffs could still seek transfer to the state supreme court. McKinney thanked the litigators in her office, Mike Rouker and Larry Allen, who represented the BHRC in this matter.

Calloway-Thomas and Haughton-Motley asked for a copy of the decision; McKinney will send it to them.

New business

Agreement with Monroe County Human Rights Commission:

McKinney said she had talked to Margie Rice, her counterpart with the MCHRC, and with Will Smith, a member of the MCHRC. They wanted a way to make sure that people can get referred to the correct agency. They decided to come up with a preliminary pre-intake form that people could complete on the respective web sites. If someone who worked in the county filled out the BHRC form, McKinney could quickly refer them to the MCHRC, and vice versa. McKinney drafted a form and sent it to Rice for her and the MCHRC to consider.

McKinney said that Rice also wanted to have an agreement to have the two agencies work together on educational activities. Rice is working on the agreement; McKinney said she hoped to have that to present to the BHRC in October.

Williams asked how the BHRC can better support all residents. She said she has read the quarterly reports and noted that we often refer people to other agencies. She asked how we can remove barriers for people to submit complaints. Haughton-Motley said that people with a complaint need to be able to follow through. McKinney said that when people have a complaint outside of the jurisdiction of the BHRC or the MCHRC, she often does an intake and prepares a complaint for them, and she files it for them once they have reviewed and signed it. She does this as time permits, particularly for people who appear to her not be able to tell their story in a succinct manner.

Bangert said the initial contact is not so hard for people, but it can be hard and laborious for people to follow through with their complaint.

McKinney said it's not unusual for people to be very upset when they call, often the day they got fired, but in a few days, they have decided not to pursue the complaint.

Bangert said that the MCHRC is exploring expanding its jurisdiction to include Ellettsville and Stinesville, if those towns want to do that.

Future speakers: Shadday noted that the commissioners enjoyed presentations from Michael Shermis, Chief of Police Mike Diekhoff and Melissa Stone. He asked if anyone had ideas for future speakers. Williams suggested talking to more staff people who work with commissions in the Community and Family Services Department. McKinney said she would invite them to attend future meetings.

Assignment of new case: Williams accepted a new case alleging discrimination in public accommodations on the basis of race.

Other business: Williams asked if McKinney had heard about a complaint of IU students causing a disturbance at a Black-owned business. She said no. Williams said she would follow up.

Public input: Vauhxx Booker said he appreciated the work the BHRC does.

Adjournment: Meeting adjourned at 6:15 p.m.

Respectfully submitted,

Barbara E. McKinney, BHRC director/attorney