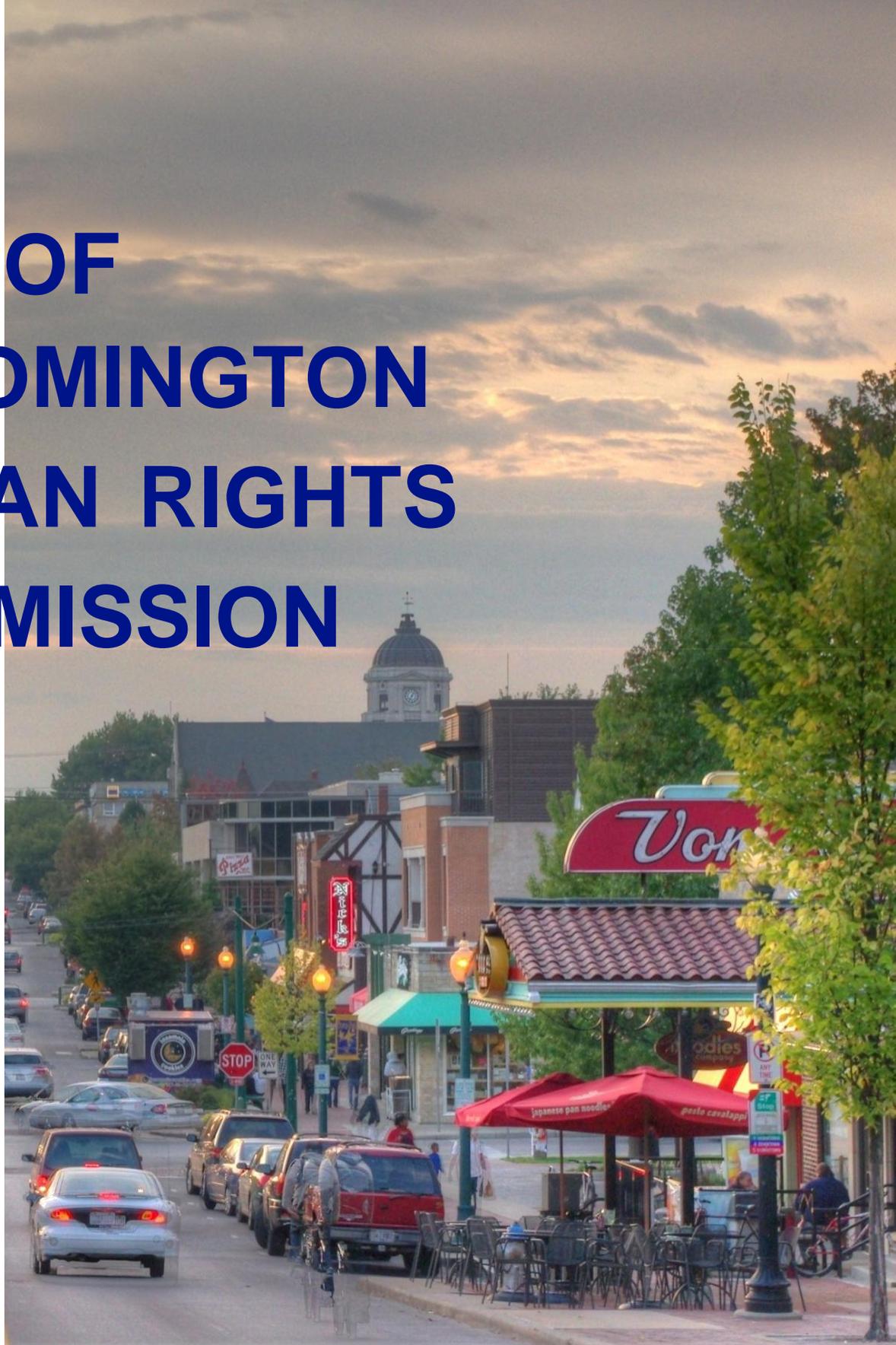


CITY OF BLOOMINGTON HUMAN RIGHTS COMMISSION



**ANNUAL REPORT
2022**

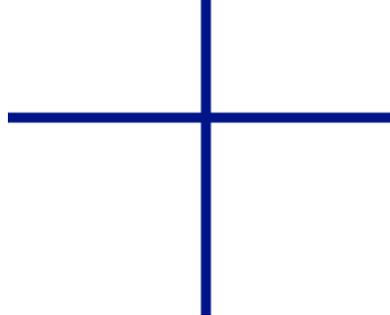


TABLE OF CONTENTS

City Policy	3
Commissioners and Staff	4
Chair's Report	5
Director's Report	9
Comparative Data	12
Summary of 2022 Cases	14
Categorical Breakdown of Cases	16
Miscellaneous Calls	17
Hate Incidents Report	24
Steps in Processing Complaints	25
2023 Meeting Dates	26
Human Rights Award Winners	27
Former Commissioners	28
2022 Photos	31

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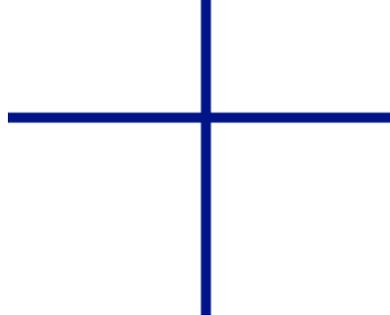
POLICY OF THE CITY OF BLOOMINGTON

It is the public policy of the City of Bloomington to provide all citizens equal opportunity for education, employment, access to public accommodations and acquisition through the purchase or rental of real property including, but not limited to, housing, and to eliminate segregation or separation based on race, religion, color, sexual orientation, sex, disability, national origin, gender identity, ancestry, veteran status or housing status, since such segregation is an impediment to equal opportunity. It is also the policy of the City of Bloomington to prohibit discrimination in housing based on the basis of familial status. Equal education and employment opportunities, equal access to and use of public accommodations and equal opportunities for acquisition of real property are hereby declared to be civil rights.

The practice of denying these rights to persons because of race, religion, color, sexual orientation, sex, disability, national origin, gender identity, ancestry, familial status, veteran status, or housing status is contrary to the principles of freedom and equality of the City, and shall be considered a discriminatory practice. The promotion of equal opportunity without regard to race, religion, color, sexual orientation, sex, disability, gender identity, national origin, familial status, ancestry, veteran status, or housing status is the purpose of the section of this ordinance.

It is also the public policy of the City to protect employers, labor organizations, employment agencies, property owners, real estate brokers, builders and lending institutions from unfounded charges of discrimination.

CITY OF BLOOMINGTON HUMAN RIGHTS ORDINANCE Bloomington Municipal Code §2.21.020, as amended



2022 OFFICERS

CHAIR

Ryne Shadday

VICE CHAIR

Erin McAlister

SECRETARY

Carolyn Calloway-Thomas

COMMISSIONERS

TERM EXPIRES

APPOINTED BY

Byron Bangert

1/24

Council

Carolyn Calloway-Thomas

1/23

Mayor

Pam Jackson

1/23

Council

Valeri Haughton-Motley

1/24

Council

Erin McAlister

1/23

Mayor

Ryne Shadday

1/24

Mayor

Tonda Radewan

1/24

Mayor

Latosha Williams*

1/22

Mayor

Latosha resigned in June, 2022

2022 STAFF

Director/ Attorney: Barbara E. McKinney

Assistant: Nicole DeCriscio Bowe

ANNUAL REPORT OF THE CHAIR, 2022

The Bloomington Human Rights Commission, established by ordinance enacted by the Bloomington City Council, exercises jurisdiction within the City of Bloomington only. The BHRC promotes equal opportunity in employment, housing, education, and access to public accommodations, regardless of race, sex, religion, color, sexual orientation, gender identity, national origin, ancestry, housing status, status as a veteran, disability, or familial status (in the case of housing only).

The Commission's director and members investigate complaints of discrimination filed by residents of Bloomington, issue findings, and pursue negotiated or imposed settlements in those instances where violations are found.

The BHRC also promotes greater community awareness of human rights issues by engaging in public education, various civic activities, advocacy efforts, and diversity and multicultural events.

The BHRC collaborates with other City commissions that share overlapping missions, including the Commission of the Status of Women, the Dr. Martin Luther King, Jr., Birthday Commission, the Commission of the Status of Black Males, the Council for Community Accessibility, and the Commission on the Status of Children and Youth.

For a second year, the Commission began the year meeting virtually, as the COVID-19 pandemic continued virtual meetings through March of 2022. The Commission began with officer elections, re-electing Ryne Shadday as chair, Erin McAlister as vice chair and Carolyn Calloway-Thomas as secretary. Following election officers, the Commission began discussion on its "goals and objectives." In the past, the Commission had a cohesive document of "goals and objectives" to follow as a guiding document. While it was discarded in the mid to late 90s, Shadday wanted to revive the effort for a forward thinking document to help the Commission focus on activities and galvanize around specific objectives to lead the Commission in the 2020s. The Commission decided the theme for the annual Essay/Art Contest, which was "My Rights, Your Rights, Our Rights." The director informed the Commission of planning for the use of funds from the Lilly Lead Forward Community Grant. The Commission also heard an update on the "Future of Policing Task Force" from Calloway-Thomas, the representative of the Commission on the task force. The task force is meeting with focus groups and doing ride-alongs.

In February, the Commission met in a joint meeting with the Monroe County Human Rights Commission. The commissioners discussed projects and issues they could collaborate on, more than just the annual Fourth of July Parade.

Other topics discussed were the “Future of Policing Task Force” that BHRC Commissioner Calloway-Thomas serves on—with a focus on how this is supposed to be a community wide initiative, but the county has not acted with cooperation; the new jail and criminal recidivism; the unhoused—noting that the City’s ordinance includes housing status as protected, as does the County’s, how both Commissions investigate complaints, but sometimes complainants have difficulty identifying which Commission to report to. And, also, how many residents do not know about either Commission or their ability to investigate discrimination complaints.

In March, the Commission celebrated the return of in-person/hybrid meetings, as COVID-19 limitations were lifted. Commissioner McAlister brought forward ideas to better address racial bias incidents in the community, as a mother of one of her son’s friends alerted her to incidents going on that have gone unreported. Furthermore, it was noted by other Commission members that racial bias in MCCSC is more widespread than what was expected. This led to a discussion during the March meeting about what the Legal Department and Commission can be doing to get these incidents reported. The BHRC and MCHRC reviewed web pages to make it easier to navigate and report bias incidents to the correct commission. Further discussion on how to engage residents through social media, including having commissioners contribute to that effort through a creation of a Google Drive for content. The BHRC selected the winner of the 2022 City of Bloomington Human Rights Award, Sandy Keller of My Sister’s Closet, unanimously.

When the Commission met in April, Commissioner McAlister asked to revisit the issue of racist language in schools, noting that she would really like to know what MCCSC is doing about the issue. Associate Superintendent for MCCSC, Dr. Winston, was scheduled for a future meeting to discuss these topics and more. Director McKinney reported on the Lead Forward Lilly Grant. McKinney gave a fair employment talk to Bloomington Chamber of Commerce members in March and the grant paid for box lunches; and a Bloomington clean-up day was scheduled for June.

The month of May started off with awarding the winners for the Commission’s annual essay and art contest. Mayor Hamilton presented the awards to this year’s winners who wrote essays and created art to the theme of “My Rights. Your Rights. Our Rights.” Commissioners Calloway-Thomas, Jackson, Haughton-Motley and Bangert were the judges for the contest. During the May meeting, Calloway-Thomas discussed the work of the Future of Policing Task Force, letting commissioners know that they should read the latest report.

Commissioner Shadday began June by presenting the Bloomington Human Rights Award to Sandy Keller at the council meeting at the first of the month. The following Saturday, Commission members, members of the community, and department staff met for a few hours to participate in a community clean-up day, funded by the Lead Forward Lilly Community Grant.

July's warm weather brought with it the annual Fourth of July parade. Many commissioners from both the BHRC and MCHRC participated, waved, and passed out bubbles to parade attendees.

In August, Director McKinney reported to the Commission that she had completed one of the objectives that group has been working on—which is distributing material at the Bloomington Community Farmers' Market, sitting at a table at the CCA ADA anniversary event and at the Mayor at the Market table. The Commission also approved a settlement agreement for a tenant requesting an accessible parking space and access aisle for his disability from their landlord who originally would not allow a space.

September began with the Commission welcoming its newest commissioner, Tonda Radewan. Following Commissioner Radewan's introduction, commissioners had a wide ranging discussion with Dr. Markay Winston, MCCSC Associate Superintendent of Curriculum and Instruction. This discussion focused on issues surrounding racial bias incidents within the county's schools. Currently, the school system is working on a student led anti-racist, anti-micro aggression policy and how to enforce the policy. The school system is hoping to have this completed by January of 2023. A tip line has also been installed for students to make reports. It was also reported to commissioners that the city and county planned to merge the BHRC and MCHRC into one joint commission in 2023.

Commissioners met in October and committed to donating funds to both the Council for Community Accessibility's "Gather 'round the Table" event and the annual Dr. Martin Luther King, Jr. Birthday Celebration in January of 2023. Commissioner Radewan asked the commission if it could do an educational/outreach event during the month of April, which is Fair Housing Month. Commissioners also settled on the theme of "Are people in the US getting more or less tolerant of others?" for the annual arts/essay contest. DeCriscio-Bowe also announced that it was her final meeting with commissioners as she would be leaving the department in December.

Finally, in December, the Commission met as the Contract Compliance Committee to review affirmative action appeals by two companies. They also further discussed the future of the BHRC and MCHRC, approved a settlement agreement in a case alleging disability discrimination in housing. The landlord agreed to waive fees allegedly owed by a tenant who moved out early because her apartment had become inaccessible. Lastly, the Commission celebrated Director McKinney's well-deserved retirement. The Commission was introduced to Michael Shermis and Audrey Brittingham who would be filling the large shoes of Director McKinney beginning in the new year. The Commission appreciates Barbara's 30+ years of dedication, direction and service to the BHRC, and the Bloomington Community. Bloomington is better because of the many people she has dedicated her life to, the many causes she has championed, and all the people she has helped along the way. Mayor Hamilton issued a proclamation dedicating December 13, 2022 as Barbara McKinney Day, which Chair Shadday read. Beth Cate, Corporation Counsel, concluded the meeting by letting Barbara know how much she has meant to both the City and the Commission.

This report is not exhaustive. BHRC discussions are often wide-ranging. Conversations about how to continue to make Bloomington a more welcoming and inclusive place to live and work for everyone are typical. We are committed to making Bloomington the beacon of Indiana, with our work as commissioners, both within our Commission, and in our personal lives.

Respectfully submitted,

Ryne Shadday, Chair

DIRECTOR'S REPORT, 2022

2022 was a year of change for the BHRC. As COVID -19 waned, or at least began to wane, we returned to meeting in person. It was great to meet with the commissioners without any technical glitches. City Legal plans to ask the Common Council for the authority to move the BHRC's director work from the Legal Department, where it has always resided, to the Community and Family Resources Department, which is in many ways a better fit. We will also ask the Council to authorize the merger of the City and County Commissions. The new Commission will be called the Bloomington/Monroe County Human Rights Commission. Nicole DeCriscio Bowe, BHRC assistant since 2020, found a new position that will better use her considerable talents. And finally, and least importantly, I'm retiring from the City as of December 30, 2022. My thirty-four years with the City have been rewarding, but it's time for a new person, or rather new people, to take the helm. Beginning in 2023, the plan is for Michael Shermis to be the B/MCHRC director, and Audrey Brittingham to provide legal advice. I have complete confidence in their ability to take the Commission to new heights.

DISCRIMINATION COMPLAINTS

In 2022, we had eight new complaints filed with us. Each case is investigated by one of the commissioners and me, and together we decide if there is probable cause to believe that the respondent violated the Bloomington Human Rights Ordinance.

Five of these complaints alleged discrimination in housing on the basis of disability, an unusually high number. In three of these cases, we found no probable cause to believe discrimination had occurred; the landlords said they had addressed the issues and the complainants never rebutted the landlords. In one, the landlord agreed to install an access aisle adjacent to the tenant's accessible parking space, and the BHRC approved the settlement requiring him to do that. The fifth case was also settled. The landlord agreed to waive fees allegedly owed by the complainant when she moved out of the apartment that was no longer accessible to her.

We had one case alleging discrimination in public accommodations on the basis of disability. A woman said she had paid to stay in a hotel for two nights with her service animal, but on the second day the hotel required her to leave and refused to refund the fee for the second night's stay, without explanation. The hotel strongly disputed the complainant's account, and the complainant failed to rebut their response. The BHRC withdrew this case for failure to cooperate in December.

And we had two cases alleging discrimination in employment on the basis of disability. One case alleged sex discrimination and one alleged sexual orientation discrimination. Both are still pending as of this writing.

Also in 2022, we resolved two cases that were filed in 2021. One alleged race discrimination in public accommodations; we found no probable case in that case and our finding was not appealed. The second alleged discrimination in public accommodations on the basis of disability. The provider of public accommodations offered a settlement but the complainant rejected it; instead, he withdrew his complaint with the BHRC in January of this year and planned to file a complaint with the Department of Justice instead.

AFFIRMATIVE ACTION, PREVAILING WAGE, AND LIVING WAGE

The Bloomington Human Rights Ordinance requires all City bidders with bids of \$10,000 or more to submit affirmative action plans to City Legal for approval before the bid deadline. In 2022, I reviewed and approved approximately 180 plans. If I find a plan to be unacceptable, the bidder is not eligible to be awarded a contract unless she or he successfully appeals the finding to the Contract Compliance Committee of the BHRC. In 2022, I found two plans to be unacceptable, but in both cases, the bidder successfully appealed my finding to the CCC.

The BHRC staff is also responsible for making sure City contractors pay their employees at least the required prevailing wages for work done in whole or in part with federal funds, as required by the federal Davis-Bacon Act. 2022 was the seventeenth year that the Bloomington Living Wage Ordinance (LWO) was in effect, and one of my duties is to monitor compliance with this law. We obtained required documentation from covered contractors, updated the website, and answered questions about whether the LWO applies to specific situations. The amount of the living wage is adjusted each year to correspond with changes in the cost of living. In 2006, when the ordinance was first passed, the amount of the living wage was \$10 an hour. In 2022, the amount was \$14.01, and in 2023, the amount will be \$15.29, reflecting the inflation that we are all dealing with. Up to 15% of this amount may be in the form of the employer's contribution to health insurance for which the covered employee is eligible.

ACCESSIBILITY ISSUES/TITLE VI

I serve as the City's Americans with Disabilities Act compliance officer, and in that capacity, I work to try to make sure that the City, both as an employer and as a governmental entity, is meeting its obligations under the ADA. This year, we had complaints about scooters blocking sidewalks, impeding traffic for everyone but creating particular problems for people with disabilities. The City has hired two people to move abandoned scooters from pathways. We also had complaints about some documents on the City's website not being accessible to people with visual impairments. Our ITS department is working to train employees on how to avoid that problem.

I also try to help local businesses understand their obligations under the ADA, and I try to help resolve complaints from citizens about businesses not being accessible. Sometimes we can resolve those complaints through education and sometimes formal complaints and investigations are necessary. And I try to help landlords understand their obligations under the accessibility provisions of the Fair Housing Act. I work closely with the City's Council for Community Accessibility, following up on their surveys and helping decide which businesses should receive a CCA decal. For decades now, the CCA has helped make Bloomington a more inclusive city by making sure that people with disabilities can enjoy the many opportunities Bloomington provides.

This year, Michael Shermis updated the City's ADA transition plan and presented it to the Common Council in December. This was the first update since 2014. The update highlights our accomplishments and shows where we still need to make progress.

EDUCATIONAL PROGRAMS

In 2022, we completed our twenty-third year of publishing our monthly newsletter, *Rights Stuff*. The newsletter is distributed via email and via copies distributed downtown. We use the newsletter to keep the community informed about what the BHRC does and about recent trends in civil rights.

The BHRC was happy to participate in the 2022 Fourth of July parade, along with the Monroe County HRC. The 2021 parade was a reverse parade, with parade entries remaining stationary while the public drove or walked by, but the 2022 parade was back to normal. We distributed thousands of bottles of bubbles to children along the route.

The theme for our annual essay/arts contest in 2022 was "My Rights. Your Rights. Our Rights." The winners were Jo Fitzgerald, Cora Hall, Robert Cole, Cameron Christie, Reese Korte, Carter Bailey, and Phoebe Mendola.

And a big part of what I do is answer questions from people around Bloomington, around the state, around the country, and even occasionally from outside the country, about human rights issues and a variety of other issues. You can see some of those inquiries beginning on page 17.

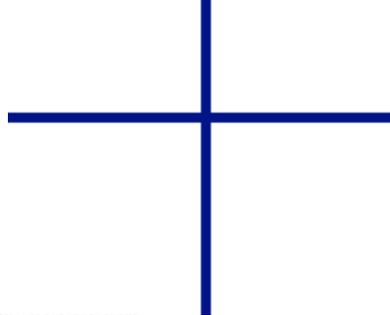
Thank you for all you've done to support the BHRC all of these years.

Respectfully submitted,

**Barbara E. McKinney,
Director, BHRC/Assistant City Attorney**

COMPARATIVE DATA, 2016-2022

	2016	2017	2018	2019	2020	2021	2022
Complaints within BHRC jurisdiction	3	6	3	6	4	4	8
No probable cause findings issued	2	2	1	1	4	2	4
Settlement agreements reached	3	0	0	1	0	0	2
Cases still pending	0	2	2	2	1	2	2
Complaint resolved before investigation	0	0	0	0	0	1	0
Complaints drafted and forwarded to EEOC	3	4	5	4	0	2	3
Complaints drafted and forwarded to ICRC	0	0	1	0	0	0	0
Complaints drafted and forwarded to HUD	0	0	0	0	0	0	0
Complaints transferred to appropriate federal agency after partial investigation	0	0	1	2	1	0	1
Complaints dismissed for failure to cooperate	0	2	0	0	0	0	1
Complaints drafted but never signed	3	1	4	5	1	1	2
Complaints resolved and withdrawn before investigation	0	0	0	0	0	1	1
AA plans reviewed	100	103	124	170	150	196	180
Pre-construction/pre-bid conferences attended	6	7	6	7	3	3	2
Employer seminars and community speeches	4	4	6	6	1	1	3



	2016	2017	2018	2019	2020	2021	2022
Employment	2	2	2	3	2	0	2
Disability discrimination	0	0	0	1	0	0	0
Sex discrimination (including sexual harrassment)	1	0	0	0	0	0	1
Sex/retaliation	1	0	0	0	0	0	0
Sexual orientation	0	1	0	0	0	0	1
Sex and/or disability	1	0	0	0	0	0	0
National orgin	0	0	0	0	0	0	0
Race discrimination	0	1	0	1	2	0	0

	2016	2017	2018	2019	2020	2021	2022
Housing	1	1	0	1	0	2	5
Disability	1	0	0	1	0	2	0
Familial Status	0	1	0	0	0	0	0
Sexual orientation	0	0	0	0	0	0	0
Racial association	0	0	0	0	0	0	0

	2016	2017	2018	2019	2020	2021	2022
Public Accomodations	0	0	0	0	0	2	1
Race Disability	0	0	0	0	0	0	0
Race	0	0	0	0	0	2	0
Disability	0	0	0	0	0	0	1

SUMMARY OF 2022 CASES

BHRC Docket #0685: Black man alleged that a medical facility discriminated against him on the basis of race by tolerating mistreatment of him by an employee and by requiring him to leave the facility. Investigation established insufficient evidence to believe that the employee's alleged mistreatment was motivated by race, and showed that the facility took appropriate action. Investigation also established non-discriminatory grounds for the facility to ask the complainant to leave. Complaint filed in October, 2021; no probable cause decision issued in July, 2022; not appealed; investigated by Commissioner Haughton-Motley.

BHRC Docket #0686: Man with a service dog alleged that public accommodation required his dog to leave the facility and filed a complaint alleging discrimination in public accommodations on the basis of disability. Public accommodation offered to settle by paying \$1000, providing training to staff, and evaluating the business for accessibility barriers. Complainant believed the offer was inadequate and withdrew his complaint so he could file a complaint with the Department of Justice. Complaint filed in December, 2021; withdrawn in January, 2022, before it could be assigned to a commissioner.

BHRC Docket #0687: Woman said her landlord was charging her a pet fee for her emotional support animal. She filed a complaint alleging discrimination in housing on the basis of disability. Landlord provided evidence that the tenant had failed to provide adequate documentation that she had a disability and that she needed a support animal to alleviate her disability. Woman said she would pay the pet fee and withdraw the complaint, but never withdrew the complaint. Complaint filed in March, 2022; no probable cause decision issued in July, 2022, because complainant failed to withdraw complaint; not appealed; investigated by Commissioner McAlister.

BHRC Docket #0688: Woman said landlord unfairly charged her for the mess her service dog made without verifying that her dog made the mess and refused to provide her with an accessible thermostat. She filed a complaint alleging discrimination in housing on the basis of disability. Landlord agreed to waive the cleaning fee and said it was working with the complainant to get an accessible thermostat installed. Complainant never responded to numerous requests for rebuttal to respondent's response. Complaint filed in April, 2022; no probable cause decision issued in June, 2022; not appealed; investigated by Commissioner McAlister.

BHRC Docket #0689: Man said that his landlord provided him with accessible parking space near his apartment, along with required sign, but refused to provide him with an access aisle. He filed a complaint alleging discrimination in housing on the basis of disability. Landlord agreed to install an access aisle. Complaint filed in May, 2022; settlement approved in August, 2022; investigated by Commissioner Calloway-Thomas.

SUMMARY OF 2022 CASES

BHRC Docket #0690: Woman said that she needed shade outside her home because of a disability and that HOA was planning to treat the tree that provided shade in a way that she believed would harm the tree. Investigation revealed that HOA responded to neighbor complaints by coming up with plans to save trees while also addressing flooding issues and damages to the roof. Complaint filed in August, 2022; no probable cause finding issued in October, 2022; not appealed; investigated by Commissioner Bangert.

BHRC Docket #0691: Woman said employer retaliated against her when she complained about sexual harassment by changing the way it counted her hours worked and PTO hours, and fired her for having violated attendance policy. Complaint filed in August, 2022; investigation pending; being investigated by Commissioner Haughton-Motley.

BHRC Docket #0692: Woman said she has a disability and could no longer access her apartment. She said she asked management if she could transfer to an accessible apartment. They didn't reply so she gave notice and moved out. She said they charged her unfair fees. She filed a complaint alleging discriminating in housing. Complaint filed in August, 2022; BHRC approved settlement in December, 2022; landlord agreed to waive fees; investigated by Commissioner Jackson.

BHRC Docket #0693: Woman said she had a disability and a service dog. She said that she called a hotel before reserving a room and confirmed that they would accept her service dog. But on her second day at the hotel, they ordered her to leave and refused to refund her the payment for the second night. Hotel said that the woman said she would be the only guest, but a man was staying with her in the room, unauthorized. He, too, had a dog, which caused problems. Complainant said she would rebut the hotel's response but did not, despite several requests. Complaint filed in August, 2022; withdrawn for failure to cooperate in December, 2022; investigated by Commissioner McAlister.

BHRC Docket #0694: Man said he interviewed for a job and was all but offered a position, but when he said he was a gay man, the employer said it had decided not to fill the position. He said they re- advertised for the position shortly thereafter. Complaint filed in October, 2022; investigation pending; investigated by Commissioner McAlister.

CATEGORICAL BREAKDOWN

Americans with Disabilities Act: We receive many calls about the Americans with Disabilities Act. Most of the calls are from employers or employees wanting to know their rights and responsibilities under this federal law or from contractors wanting information on ADA regulations. The BHRC director, as the ADA compliance officer for the City, is quite familiar with the ADA and is able to give informed general advice and to make referrals when necessary. The City's Accessible Bloomington web page helps answer questions as well.

Housing Code Violations/Landlord Tenant Disputes: Many callers mistakenly believe we have jurisdiction over housing code problems or landlord/tenant disputes that don't involve discrimination. We refer such calls to the City's housing code enforcement office and/or to a private attorney.

Wage Disputes: Employees who cannot obtain their last paycheck or pension benefits often call us. These cases do not usually have a discrimination element and so we refer the callers to the State Labor Board or a private attorney.

FMLA: People often call us to learn their rights under the federal Family and Medical Leave Act. We answer general questions when we are able and refer callers to the federal Wage and Hour Division of the Department of Labor for additional information.

Unemployment Benefits: People fighting for unemployment benefits often call us, wanting us to represent them in an upcoming unemployment hearing. This is not a BHRC issue and so we make referrals.

Other: Many of our calls do not fall under any of these categories. Some of those calls are described on the next page.

MISCELLANEOUS CALLS

Caller said her rent is due on the first, but she doesn't receive her disability check until the 3rd. She said landlord has agreed orally to accept rent on the third without a late fee, but she wants this promise in the lease. Said that as long as the landlord does not unfairly charge her a late fee, it is providing her with adequate accommodation. Asked her to call back if he stopped accepting rent on the 3rd without penalty.

Email writer said that his religion requires him to never harm a fellow human being, so he wants to teach his spring class virtually instead of in person because of the increase in Covid-19 cases. Employer is not allowing him to do so. BHRC does not have jurisdiction over his employer. Referred to HR, and/or EEOC and/or ICRC.

Caller said she has a tenant with two emotional support animals. Tenant had both of them in the office. One was on a leash; the other was not and was bothering other dogs and people. Caller told tenant she needed to put both dogs on a leash. Tenant said she didn't have to because it was an ESA. Law requires service animals and emotional support animals to be under the control of the owner, whether or not they are on a leash.

Caller wanted information about signing up for Smart911; provided.

Caller said employer had not paid her for three weeks; referred to Wage and Hour Division of Indiana Department of Labor.

Caller wanted information about transportation for older people and people with disabilities. Left him message, referring him to Bloomington Transit and to Area 10 Agency on Aging. He called back and said his landlord was not providing transportation to him as it did for other tenants and wondered if that was based on race. All of the tenants are white, including caller, so it's not race discrimination; may be an insurance issue. Referred to Bloomington Transit Access.

Woman submitted hate incident report saying she was being bullied. Asked for more information; replied that she was being bullied, then sent another reply with a number of issues, all of which seemed to be from years ago and/or not issues the BHRC can help with. Replied letting her know what the BHRC does and asking her to contact us if she has a problem we can help with and made referrals.

IU grad student asked for data about antisemitism in Bloomington; referred to BHRC's web page for ten years of hate incident reports.

Caller said that her previous employer had discriminated against her on the basis of her disability, race, sex, and “everything else.” Said she had 70 pages of documentation and would email it all to the BHRC, and then call BHRC to discuss. She sent the documents weeks later; not in BHRC jurisdiction; made referral.

Caller said his emotional support animal was hurt by the actions of his landlord and that he been evicted months ago. Also said that landlord had cameras all over his apartment, probably including infrared cameras. He had not found any cameras but knows they are there. Explained BHRC could not represent him in appeal of eviction and could not override judge’s decision. Referred to Indiana Legal Services.

Email writer said she was a property manager. She told a prospective tenant that they did not typically rent to students. He said that was age discrimination and thus a violation of the Fair Housing Act; she asked if that was true. Explained that the FHA does not explicitly include age as a protected category, and that being a student is not a protected category under federal or local law.

Caller, a woman in her 70s, said she called her mortgage company for assistance. She had trouble communicating with the first several customer service representatives because of their accents. When she reached someone she could understand, the man asked her how old she was and said that he loved her and wanted to marry her. She asked what she should do. Advised her to write the company a letter explaining how inappropriate and demeaning his comments were.

Caller with disability said that landlord charges tenants for reserved spaces and wants to charge her for accessible reserved space. Explained to her that DOJ has said that may well be a violation of the Fair Housing Act. She said she would try to talk to landlord about this and if not successful, will call back.

Staff members at Indiana Civil Rights Commission asked to be on mailing list for BHRC’s monthly newsletter as they found it “very informative.” Added to mailing list.

Caller felt that law enforcement had violated his rights by falsifying allegations against him. Referred him to appropriate governmental entity and/or ACLU of Indiana.

Caller said her landlord built her an inadequate ramp and it’s hard for her to leave her home. The ramp is very steep and does not have railings. Her landlord is her nephew so she didn’t want to get him into trouble; her home is not within the City limits. Sent her memo on ADA ramp requirements to share with her nephew/landlord.

Caller said he is having trouble finding affordable housing in Bloomington. He found a room he could afford, but landlord said he rents only to IU students. He asked if that was legal; yes, being an IU student, or not being an IU student, is not a legally protected category in Bloomington.

Caller said his son and another man rented an apartment from 8/1/21 to 7/31/22. Landlord said he sent them a text in December asking if they wanted to renew; tenants deny ever receiving text. Now landlord has rented apartment to new tenants for the fall of 2022. Caller asked if this is legal; yes, if no evidence of race, religion, etc. discrimination, and the lease does not give tenants right to renew. Caller said landlord should be required to send notice by certified mail; explained no law requires that, and that tenants had right to end their tenancy on 7/31 without notice as well.

Caller, a Purdue student working on a school project, had questions about the BHRC, including how many of the commissioners are affiliated with IU and what the BHRC does in Bloomington. Answered questions.

Caller said he had been mistreated by unidentified jail; he said he was held two days after he was supposed to be released. He said he was not fed and was attacked. Not in BHRC jurisdiction; referred to ACLU of Indiana and/or private attorney.

Woman said she had been approved for housing in Bloomington, but landlord says he doesn't have any accessible apartments. Landlord not subject to BHRC jurisdiction; made referral.

Caller left a voicemail message saying her child was facing discrimination in school. Tried to return call several times; voicemail not set up.

Caller, who works with people facing eviction, said she sometimes talks to people who feel their landlords have sexually harassed them. Asked how BHRC can help with these cases; explained how BHRC works and explained that BHRC is always willing to talk to people about their issues and then they can decide later if they want to file a formal complaint.

Caller said he had been unfairly terminated by his employer, possibly because of his disability. Employer outside of City limits; referred to MCHRC and/or ICRC.

Caller asked how he could begin the process of impeaching Biden and Harris; explained we have no expertise in that area.

Caller said she wanted a protective order against a coworker who was spreading gossip about her. Referred to protective order project.

Caller said that he had been denied a mortgage because his income comes from Social Security. Referred to Indiana Legal Services.

Email writer asked if local entity was covered by the City's Living Wage Ordinance; we found no agreement between the entity and the City that would require the entity to comply with the LWO.

Caller asked if he would be violating any ordinance if he flew the Ukrainian flag; told him not that we know of. Asked if he could get in trouble with his landlord; told him that would depend on his lease. Asked if his lease prohibited this; told him he would need to read his lease to find out.

Caller said she had witnessed a server be very rude and hostile to customers who appeared to be homeless, apparently for no reason other than the men appeared to be homeless. Wrote a letter to the restaurant explaining the allegations and the Bloomington Human Rights Ordinance, which prohibits discrimination in public accommodations on the basis of housing status. Offered to provide training to employees on customer relations.

Caller, not in Bloomington or Monroe County, said that she had a disability and that her rent had increased by \$98 while her neighbor's rent increased by only \$45. Referred to local human rights advisory board, ICRC and/or HUD.

Caller said he had been a temp at a facility that produced medical equipment and supplies. After going through orientation for two weeks for a new job, he was told he had to switch back to his previous job because he has psoriasis and it could contaminate the product. He was willing to wear different protective garments if necessary. Not in city limits; referred to MCHRC.

Caller told a long story about years of mistreatment by her supervisor, a podiatrist. Caller lives and works in Bloomington, MN; referred to appropriate agency. She said they refused to talk to her again and said the Bloomington, IN BHRC was her last chance. Explained we have no jurisdiction and referred to private attorney.

Email writer said that state governmental entity lost or stole his green card and office is not helping him replace it. He had to cancel an overseas trip. Made referrals.

Caller said he was in jail, not in Monroe County, and that he believed that the jail was keeping people imprisoned without intending to ever let anyone out. He said he wanted us to know his name if he were killed in jail. He left his name but it was inaudible on the voicemail message.

Caller said employer was requiring her to get counseling because they said she had been rude and harassing to staff. She said she has tapes proving she had been polite, but they would not listen to the tapes. She believed she was being mistreated because her employer regarded her as having a disability. Suggested she talk to employer's HR department; she said HR department was requiring her to get counseling. Employer not subject to BHRC's jurisdiction; referred her to ICRC and/or EEOC.

Caller said she was having custody issues in another county. Explained that BHRC does not have jurisdiction over custody issues and made referrals. She asked what we do; we explained. She said she was experiencing discrimination in employment, but her employer is in another county. Made referrals.

Visitor to office said he had been mistreated by medical personnel. Referred to Indiana office that investigates such complaints.

Person completing online initial intake form said his landlord was discriminating against him on the basis of his disability. Not within BHRC jurisdiction; made referral.

Person completing online initial intake form said her landlord had cut off utilities. Not within BHRC jurisdiction; made referral.

Caller said that he believed he filed the first complaint alleging discrimination on the basis of sexual orientation in the country when he filed a complaint against a bar with the BHRC in 1975. He said he was writing his memoir and he wanted the date he filed his complaint. After some digging, let him know the date: March 5, 1976. Also found him several articles about the case from BHRC scrapbook records. He promised to thank McKinney in his book.

Caller said that patron brought in service dog; asked what documentation she could require. People with disabilities are not required to provide documentation for service dog; caller could ask patron only two questions if need for a service dog was not obvious: Is the dog required because of a disability, and what work or task has the dog been trained to perform.

Caller said that she complained about landlord not repairing washer and dryer to HAND and then landlord refused to renew her lease. When she was upset about this at work the next day, employer cut back her hours; employer is friends with landlord. No evidence of race, sex, etc. discrimination; referred to HAND, private attorney and/or small claims court.

Email writer said he was banned from a trailer park outside of the city limits for no reason and it was "embarrassing." Referred to MCHRC.

Woman upset that judge found against her when she missed an appointment because of COVID. Became irate when we could not help her and said she would go to media. Called again a few days later; asked how to fill out an intake form; talked over DeCriscio Bowe when she tried to explain how to fill out an intake form; complained that no one would help her and hung up.

Email writer said he called a potential landlord on behalf of some recent arrivals to the area. Landlord expressed reluctance to rent to people who are not fluent in English and seemed to assume tenants would not be good tenants. Not in BHRC jurisdiction; made referrals.

Woman submitted initial intake form saying that she had been the victim of various crimes in the 1980s, including human trafficking, terrorism, rape, theft and lynching. Explained that the BHRC had no jurisdiction over crimes and referred to law enforcement.

Caller said that employer, not in Bloomington or Monroe County, was not allowing her to return to her job after she was injured because of her requested accommodations, and was not letting her work remotely, either. Explained the concept of reasonable accommodations and referred her to the EEOC.

Email writer said that she had provided documentation for an emotional support animal but landlord said it was not sufficient. Therapist told her landlord was wrong and she should sue. Explained that HUD does allow landlords to ask for additional information when it's reasonable and recommended providing the requested information before filing a complaint.

Email writer asked if Monroe County Public Library was covered by the Living Wage Ordinance; no.

Email writer sent multiple messages, saying things such as "Black kill a Spaniard they kill a porta rican in florida. Now they are killing families and they want to investigate a hate letter. Whites flood there they going to kill like here and Missouri with the riots. These blacks are being allow by judges. These blacks are paying to kill us." (Sic.) He was from another Indiana city; referred him to the HRC in his community.

Man left a rambling message calling his apparent employers serial killers; talked about conspiracies, working employees too hard and not letting him go home to get his prescription. Did not leave a name or a number.

Caller said that she had rented commercial space and then found out it was full of mold. She said landlord locked her out of premises and she could not retrieve her possessions. BHRC does not have jurisdiction over commercial rentals; referred to private attorney and/or small claims court.

Attorney said she had a client who had already filed a complaint with the Indiana Civil Rights Commission. She had questions about their process; answered questions. She asked if client could also file with the BHRC; would have to withdraw his complaint with the ICRC first.

Caller said he was calling on behalf of friends who had rented an apartment in Bloomington and paid the security deposit. Caller said that when they arrived in Bloomington, they learned that the current tenants had signed a new lease for the same apartment. Landlord apologized and offered to refund their deposit and help them find a new apartment. Caller thought the landlord was not doing enough to help his friends because of their accent, but it wasn't clear what else the landlord could do in late August in Bloomington when rentals are scarce.

Woman filled out an online intake form saying she could not find an apartment in Bloomington that she could afford and all she gets is hateful excuses. Responded with referrals.

Caller asked if the BHRC or anyone at the city or state could help her with addressing gross human rights violations of a United Nations treaty. No; referred to law school, where someone might have expertise on this issue.

Caller said that his landlord had cancelled his month- to-month trailer lot lease without any reason. He believed a neighbor had complained about the many ambulances that have come to his trailer and that was the reason for the termination. Not in the city limits; referred to MCHRC.

Individual completed an online ADA complaint form to complain about the lack of a centralized way to complain about scooters blocking accessible paths. Replied with steps the City is taking to address this issue, including hiring people to monitor the scooters, and with information on how to complain. No response.

Prospective City bidder said that his company did not want to submit an affirmative action plan to the city, but was willing to submit a statement affirming that it was in full compliance with applicable fair employment laws. He asked if that would be sufficient. Explained that director would have to find their plan to be unacceptable, and the company would not be eligible to be awarded a City contract unless and until it successfully appealed the finding to the Contract Compliance Committee of the BHRC. He said his company likely would not bid.

Caller said that there is ugly graffiti on the property adjacent to his that he can see from his kitchen window. He has complained to the property owner, a company, but they haven't removed it. He asked if the City had an ordinance against such graffiti; no; referred to public works to see if they had any suggestions.

Woman said she asked her employer for a one-year leave of absence to be with her newborn. They denied her request and she wanted to file a complaint of pregnancy discrimination in employment. She said she knew of no other employee who had taken an extended leave of absence, but said this was common in Norway where she is from. Told her that no federal, Indiana or Bloomington law required employer to grant this request.

Caller said that after she complained to HAND about conditions in her apartment, landlord began eviction process for no legitimate reason. Referred to Housing & Eviction Resource Project and Indiana Legal Services.

HATE INCIDENTS REPORT

January 1, 2022 – December 31, 2022

****Warning: this report includes offensive language to provide an accurate portrayal of these incidents.****

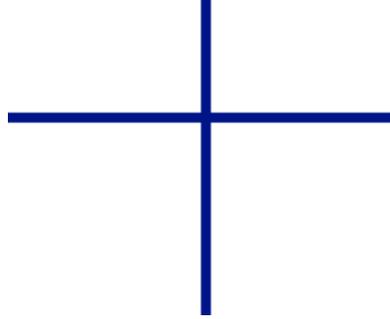
In August, 1990, the Bloomington Common Council unanimously approved an amendment to the Bloomington Human Rights Ordinance which gave the Bloomington Human Rights Commission the explicit authority to collect data and issue reports on hate incidents within our community. We accept reports from police departments, individuals, groups and the media. We also accept anonymous reports. Our goal is not to investigate these incidents, as we do not have the authority, training or resources to conduct that type of investigation. Rather, our goals are to serve as a referral resource and sounding board for victims, to work with community groups to coordinate responses to hate incidents when appropriate and to make our community more aware of the prevalence of hate incidents by issuing these periodic reports.

Please note, not all of these incidents constitute crimes, but all do indicate apparent bias.

- In February, we received reports from the media and members of the public about anti-Semitic comments posted on GreekRank saying that Jewish students should get off campus, that all Jewish Greek houses should be boycotted and that Jewish students should be back to the gas chambers where they belong. Campus police investigated.
- In March, 2022, we received a report from City staff that three swastikas were painted on the B-Line Trail near downtown. City staff removed them.
- In September, 2022, we received a report that Nazi symbols and other racist markings were drawn on a tree in a City park with markers. Staff covered up the graffiti.
- In October, 2022, we received a report of two swastikas in the downtown area. One was made out of toilet paper and left on the floor of a restroom on Kirkwood, and the other was painted with charcoal on a downtown sidewalk.

STEPS IN PROCESSING A FORMAL COMPLAINT

1. Complainant who believes he/she/they have been discriminated against makes an appointment with a BHRC staff member.
2. The director or assistant interviews the complainant to determine if the BHRC has jurisdiction. If we do, the complaint is written, signed and notarized. If not, the complainant is referred to the appropriate agency.
3. The respondent is notified of the complaint by certified mail and has 20 days to respond.
4. The case is assigned to a commissioner, who will investigate the complaint along with the director.
5. The director and investigating commissioner collect and summarize the facts. They interview both parties and witnesses, do legal research and collect documentation to obtain the best evidence available for each side.
6. If the respondent wishes to settle the complaint before an investigation is completed, the director and investigating commissioner strive to mediate a settlement between the complainant and respondent. This agreement must then be approved by the BHRC.
7. If the case is not settled, the director and investigating commissioner issue a finding after a complete investigation.
8. Both parties are notified of the finding.
9. If the finding is no probable cause, the complainant has 10 days in which to file a written appeal with the chair of the BHRC. A hearing is then held and the chair has 20 days to either uphold the finding or overturn the finding. If the finding is overturned, then the case proceeds to negotiations as if probable cause had been found originally.
10. If the finding is probable cause, the director and investigating commissioner attempt to negotiate a settlement that is agreeable to both parties and approved by the BHRC. If the attempt is unsuccessful, the BHRC will hold a formal public hearing. The BHRC's decision after the hearing may be appealed to the court by either party.



2023 MEETING DATES

The Human Rights Commission typically meets on the third Monday of each month at 5:00 p.m. in the McCloskey Conference Room.

Meetings are scheduled as follows:

- January 31, 2023
- February 20, 2023
- March 20, 2023
- April 17, 2023
- May 15, 2023
- June 19, 2023
- July 17, 2023
- August 21, 2023
- September 18, 2023
- October 16, 2023
- November 20, 2023
- December 18, 2023

HUMAN RIGHTS AWARD WINNERS

The BHRC began recognizing individuals and groups who have made specific, significant contribution to improving civil rights, human relations or civility in our community in 1997. Here is a current list of those who have been honored.

2021- Sandra Keller

2020- Cindy Stone

2017- Bloomington PRIDE

2015- Bloomington Police Department Resource Officer Program

2014- Bill Breeden

2013- David Metheny

2012- Guy Loftman

2011- Virginia Hall and Father Charlie DuPree

2009- New Leaf / New Life

2008- Voices & Visions and Helen Harrell

2006- Lillian Casillas

2005- Roberta McCloskey

2004- WFHB and Doug Bauder

2003- Bill of Rights Defense Committee and Congressman Frank
McCloskey

2002- Council for Community Accessibility and Rev. Ernest D. Butler

2001- Clarence and Frances Gilliam

2000- Daniel Soto and John Clower

1999- Study Circle Project and Dick McKaig

1998- Bloomington United on behalf of “all citizens of Bloomington who stood up
for inclusion and against hatred”

1997- Bloomington High School North

FORMER COMMISSIONERS

1960s

Rev. E Daniel Butler

Mrs. David Dansker

Jack N. Ray

Dr. Harry Yamaguchi

William H. Andrews

Rev. Robert Kirk, Sr.

Rev. A. Hardy Nall, Jr.

David S. McCrea

Dustin McDonald

Betty Rowan

Robert F. Terry

Regina Friedman

Irving Fell

Mrs. Russell DeMotte

Bill Hayes

Dr. Harry Day

Samuel M. Loescher

E.E. Bridgewaters

Rev. Joe Emerson

Brad Bayliss

Craig Tregilgas

1970s

Frank Thomas

Clarence Gilliam

Dr. Joseph Russell

Dr. Jerry Ruff

La Verta Terry

Fr. Robert Borchertmeyer

Joan Simkowitz

William Jairrels

William SMith

John Irvine

Tobiatha Eagleson

Viola Taliaferro

Howard Canada

Christine Lannucilli

Daniel Gad

Valerie Tarzian

Robert Tucker

Frederick LaCava

Christine Mitchell

Robert Epps

William Gephart

Mary Mitchell

Ronald Foley

Fran Koski

Jorge Oclander

Mary Foster

Tula Kavadias

Mark Schenk

Charles Webster

Quincy Erickson

Mary Hayes

Rev. Joseph Walker

Richard Randall

Rev. William Webster

David Jimenez

Robert Cole

1980s

Robert Cole

John Pickle

Quincy Erickson

Tobiatha Eagleson

Ron Foley

Geroge Foster

Tula Kavadias

Christine Mitchell

Jorge Oclander

Doris Sims

Bob Tucker

Ben Waxler

Frona Powell

Nora People

Lorraine Rodts

Lorelei Meeker

Bridget McKinney

Chris Gardner

Jerry Vuke

Wilanna Smith

Roscoe Ellis

Bob Duncan

Edwin McClean

Rev. Charles Rogers

Mary Ellis

Wanda Reisz

Lauren Robel

Cassandra McConn

John Pickell

1990s

Harry Yamaguchi

Mary Ellis

George Foster

Henry Hofstetter

Steve Sanders

Dr. Michael Wenzler

Alan Yip

Marie Phillips

Charlie Laganza

Barbara Fawcett

Bob Dunn

Lauren Robel

Rev. George Wilson

Barbara Wolf

Patty Muller

Doug Bauder

Dr. Fritz Lieber

Gwen Jones

Rev. Michael Anderson

Jack Hopkins

David Reidy

2000s

Dr. Fritz Lieber

Steve Sanders

Vicki Pappas

Pam Huggins

Luis Fuentes-Rohwer

Maria del Pilar File-

Muriel

David Reidy

Josh Cazares

Doug Bauder

Nancy Metz

Dorothy Granger

Melanie Castillo-

Cullather

Rev. Michael Anderson

Suzette Sims

Shaunica Pridgen

Emily Bowman

Beth Kreitl

Jeff Harlig

2010s

Luis Fuentes-Rohwer
Amy Jackson
Teri Guhl
Drew Larabee
Beth Applegate
Rhonda Gambill

Beth Kreidl
Dorothy Granger
Alice Tischler
William Morris
Pete Giordano

Emily Bowman
Alexa Lopez
Michael Molenda
Birk Billingsley
Jacob Snodgrass

2020s

Rhonda Gambill
Latosha Williams

Jacob Simpson

Irena Micajkova-Otten

PHOTOS



Photos from top: From left, Commissioners Erin McAlister, Valeri Haughton-Motley, Ryne Shadday, Pam Jackson, Director Barbara E. McKinney, Assistant Nicole DeCriscio Bowe, Carolyn Calloway-Thomas, Byron Bangert and Tonda Radewan pose for a photo; Members of the Monroe County Human Rights Commission and the BHRC decorate a vehicle for the 2022 Fourth of July Parade.

PHOTOS



Photos from top:
Volunteers pose
for a photo during
the BHRC's trash
clean-up day;
BHRC Chair Ryne
Shadday and his
partner Joshua Fix
pick up trash.



PHOTOS



Top: BHRC Director Barbara E. McKinney speaks to a group of Chamber of Commerce members about fair employment practices.

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Left: McKinney dresses up as a bubble queen for the ADA Anniversary celebration.