

# **BLOOMINGTON HUMAN RIGHTS COMMISSION**

## **Director's Quarterly Report**

**January-March, 2022**

### **I. Discrimination cases**

#### A. Pending from previous quarters

1. Commissioner Haughton-Motley's case
  - a. Man filed complaint alleging discrimination in public accommodations on the basis of race in October, 2021
  - b. Investigation pending
2. Unassigned case
  - a. Man filed complaint alleging discrimination in public accommodations on basis of disability
  - b. Business quickly offered settlement in compliance with BHRC's authority to award remedies
  - c. Man withdrew his complaint so he could file with the Department of Justice, hoping to get a larger settlement, before case was assigned to commissioner; case closed.

#### B. New case – Commissioner McAlister's case

1. Woman filed disability discrimination in housing case in March, 2022
2. Woman said she wanted to withdraw her complaint and pay pet fee instead, but has not yet done so

### **II. Miscellaneous inquiries**

- A. Caller said her rent is due on the first, but she doesn't receive her disability check until the 3<sup>rd</sup>. 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 3<sup>rd</sup> without penalty.
- B. 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.

- C. 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.
- D. Caller wanted information about signing up for Smart911; provided.
- E. Caller said employer had not paid her for three weeks; referred to Wage and Hour Division of Indiana Department of Labor.
- F. 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.
- G. 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.
- H. Caller left a message saying he had some questions. Tried to call him back several times, but voice mail box was always full. By the time we reached him, he had resolved the issue.
- I. Caller said she had possible racial issues with her landlord. Landlord not under the jurisdiction of the BHRC; referred to ICRC.
- J. IU grad student asked for data about antisemitism in Bloomington; referred to BHRC's web page for ten years of hate

incident reports.

- K. 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.
- L. 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.
- M. 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.
- N. 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.

### **III. Publicity**

- A. Emailed monthly newsletter, Rights Stuff, to 100+ individuals and organizations and distributed copies in City Hall
- B. Updated Facebook page
- C. Updated BHRC web page

- D. Distributed information about BHRC's annual essay/art contest to area schools
- E. Distributed BHRC brochures and newsletter at State of the City address
- F. Solicited nominations for annual human rights award in newsletter, local media and on Facebook and web ages

#### **IV. Networking/education**

- A. McKinney participated in webinar on accessible online hiring documents and webinars
- B. McKinney participated in EEOC webinar on recent developments in race discrimination in employment cases
- C. McKinney participated in webinars on FMLA at 29 and FMLA's impact on working women
- D. Began planning fair employment and fair housing programs
- E. McKinney participated in Equity in Focus webinar
- F. McKinney participated in Municipal Equality Index webinar
- G. McKinney participated in EEOC webinar on the Equal Pay Act
- H. McKinney participated in ADA Indiana monthly meetings
- I. DeCrisicio Bowe completed online training for notary publics
- J. McKinney gave talk to 30 Chamber members on fair hiring practices, using Lead Forward Lilly grant funds

#### **V. Affirmative action, common wages/living wages/drug testing policies**

- A. McKinney reviewed and approved 37 affirmative action plans
- B. DeCrisicio Bowe reviewed contractors' wage payments for Davis Bacon compliance

C. McKinney reviewed one drug testing policy

**VI. ADA Issues**

A. McKinney answered questions about accessibility issues at private properties and followed up when appropriate.

B. McKinney worked with Michael Shermis and other city employees on updating the City's ADA Transition Plan