

ANNUAL REPORT 2021

TABLE OF CONTENTS

City Policy
Commissioners and Staff
Chair's Report
Director's Report 9
Comparative Data12
Summary of 2021 Cases14
Categorical Breakdown of Cases1!
Miscellaneous Calls16
Hate Incidents Report20
Steps In Processing Complaints28
2022 Meeting Dates29
Human Rights Award Winners30
Former Commissioners 31
2021 Photos

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PAGE 02 | TABLE OF CONTENTS

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.

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

2021 OFFICERS

CHAIR VICE CHAIR SECRETARY

Ryne Shadday Latosha Williams Carolyn Calloway-Thomas

COMMISSIONERS	TERM EXPIRES	APPOINTED BY
Byron Bangert	1/22	Council
Carolyn Calloway-Thomas	1/23	Mayor
Pam Jackson	1/23	Council
Valeri Haughton-Motley	1/22	Council
Erin McAlister	1/23	Mayor
Ryne Shadday	1/22	Mayor
Latosha Williams	1/22	Mayor

2021 STAFF

Director/ Attorney: Barbara E. McKinney

Assistant: Nicole DeCriscio Bowe

ANNUAL REPORT OF THE CHAIR, 2021

The Bloomington Human Rights Commission, established by ordinance enacted by the Bloomington Common 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, and the Council for Community Accessibility.

The commission began the year in January meeting virtually, as the COVID-19 pandemic continued virtual meetings through 2021, and tabled the election of officers to February due to a resignation of a commissioner. The commissioners then interviewed a candidate for the Commission on the Status of Black Males who was appointed unanimously. Bloomington resident Vauhxx Booker appeared in front of commissioners to present an unhoused bill of rights and asked that the Commission urge the city council to support this ordinanve, as it was similar to the one the City of Indianapolis had approved. Due to COVID-19, commissioners did not sponsor an essay/arts contest in 2021. McKinney and Shadday attended the virtual MLK, Jr. Day event.

In February, the commission welcomed new commissioner Erin McAlister. Sue Owens of the City's Community and Family Resource Department and the liaison for the Commission on the Status of Women and the Commission on Aging, presented what her commissions helped organize, plan, and address within the City. Owens mentioned that they help plan the women's celebration luncheon, along with new activities which include the legislative subcommittee and listening sessions, which will focus on concerns of Black women. Following this, 2021 officers were elected as follows: Chair: Ryne Shadday, Vice-chair:

Latosha Williams, Secretary: Carolyn Calloway-Thomas. Shadday then requested commissioners review the "Goals and Objectives" from the 1995 and 1996 BHRC. Because those were the last versions of goals and objectives, Shadday then suggested revisiting this and coming up with 2022 "Goals and Objectives." This was to be revisited throughout the year, and then compilated at the end of the year for final revisions. Vauhxx Booker once again went over his proposal for unhoused people and encouraged the BHRC to endorse the proposal, and include the commission's comments about reservations. This was sent to the council via Chair Shadday later in February.

In March, the commission convened on March 15th as the Contract Compliance Committee of the BHRC where assistant city attorney and BHRC director McKinney had found that a bidder was not in compliance with the city's affirmative action requirements. The bidder appeared before the committee and explained its stance. The committee overturned McKinney's finding. The regular March meeting for the BHRC brought a request by Melanie Castillo-Cullather, director of IU's Asian Culture Center, for the commission to endorse a petition from the Indiana Chapter of the National Asian Pacific American Women's Forum to Governor Eric Holcomb. The petition asked for official action to recognize and condemn acts of racism, xenophobia and intolerance against Asian American people, families, faith communities, businesses and institutions, among a list of other objectives. The Commission endorsed the petition unanimously.

The Commission met in a joint meeting with the Monroe County Human Rights Commission in April to discuss common ways the commissions could work together. This began a conversation on how to update both websites to be complementary to each other.

In May, McKinney and Shadday met with Laurence Bolotin, the Executive Director of the American Jewish Committee, via Zoom. Bolotin and his staff presented to the two a list of resources to help fight anti-semitism in the Bloomington community, and provided data on how anti-semitism is expanding in the U.S. During the regularly scheduled May meeting, commission members were asked to look at the BHRC's website and provide feedback as it continued to be updated by BHRC staff. A member of the public also attended the BHRC meeting and expressed frustrations over the closure of Old State Road 37 through Lower Cascade Park.

The BHRC once again met as the Contract Compliance Committee in June to review Director McKinney's decision regarding a company whose affirmative action plan did not comply with CCC rules. The CCC again overturned McKinney's finding. The BHRC then convened and discussed the plan for the Commission's attendance in the 2021 "reverse" Independence Day Parade.

The parade was a warm one, but standing outside during July heat for a few hours didn't hold commission members back from welcoming those attending the 2021 "reverse" Independence Day Parade. Those present

enjoyed waving and saying hello to community members - letting them know that we are here and ready to serve them. Commissioner Williams submitted her "Goals and Objectives" for 2022, which elicited a widevarying conversation about other commission members' goals and objectives.

In August, commission members again reviewed new changes to the website, discussed 2022 Goals and Objectives, and were introduced to the Lead Forward Community Grant Program. Because BHRC assistant Nicole DeCriscio Bowe is a Lilly Scholar Alumni, there was an opportunity to partner with a community group for a grant of up to \$2,500. Commissioners discussed options for applying for the grant and ultimately tasked DeCriscio Bowe with coming up with a proposal for the commission to review.

September began by Chair Shadday finally presenting the 2020 Bloomington BHRC Award to recipient Cindy Stone during the month's regularly scheduled, but still virtual, common council meeting. While Stone won the award early in the previous year, the pandemic made it impossible to give during an in-person meeting. The BHRC met later in the month and began discussion on DeCriscio Bowe's proposals for the Lilly Grant. Commissioners settled to vote on the proposals that were presented and asked DeCriscio Bowe to write a proposal for a "brown bag lunch" series, including a community clean-up, an enlightened employer training, a diversity and inclusion panel and a fair housing training. Commissioners then began discussing possible themes for the annual essay/art contest.

October brought discussion of the 2022 BHRC award. While the commission did not have any nominees for 2021, we began to solicit nominations for the 2022 award. DeCriscio Bowe reviewed the grant application and accompanying budget with commissioners, and the grant application was unanimously approved to be forwarded on to the grant committee. Possible Essay/Art contest themes were discussed, mainly around how the pandemic has changed how people view where a person's rights end and when they affect others; what are our rights and responsibilities to others. The commission also agreed to donate \$250 to the King Day Commission for its 2022 celebration.

In November, the commission discussed topics for the Essay/Art contest. This brought further discussion upon the revelation that Commissioner McAlister has had an issue with kids saying the n word in school. She stated that this happens more frequently in Bloomington than it did in Maryland, and she stated that another parent says it happens even more than it did to her kids when they were in Mississippi. It happens in many contexts, and the schools seem to take it seriously only when they are aware of it. The commission requested McKinney invite Rafi Hassan from MCCSC to a future BHRC meeting to discuss the issue.

Although the BHRC was unable to meet in December, the month brought news that the grant from the Lead Forward Community Grant program was awarded to the BHRC. The BHRC is looking forward to implementing the brown bag lunch programming in 2022 and sends its

2021 ANNUAL REPORT

appreciation to DeCriscio Bowe for her hard work in securing the grant.

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, 2021

In my 2020 report, I optimistically wrote, "We all truly hope to return to normal by the spring of 2021." That, alas, did not happen. But in the second year of the pandemic, the Bloomington Human Rights Commission continued to do its best to meet its mission to investigate complaints in a fair and timely manner and to provide opportunities to educate the community on fair employment and fair housing issues.

Discrimination complaints

In 2021, we had four new cases 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 discrimination occurred. Given the pandemic, our investigations were conducted largely through telephone calls and emails.

We had two cases alleging discrimination in housing on the basis of disability. In both cases, the complainant alleged that the landlord had refused to make a modification to the apartment that the tenant needed because of her disability. In both cases, the landlord made the necessary modification at its expense.

We had two cases alleging discrimination in public accommodations. The first alleged race discrimination in public accommodations and the second alleged disability discrimination in public accommodations. Both cases are pending as of this writing.

We also had one case filed with us in 2020 that was not resolved until 2021, a case alleging race discrimination in public accommodations and/or employment. We found no probable cause to believe the respondent violated the Bloomington Human Rights Ordinance, and the complainant did not appeal.

The Human Rights Campaign, a national LGBTQ advocacy group, once again included Bloomington in its annual Municipal Equality Index. Once again, the HRC gave Bloomington a perfect score. For the seventh year in a row, Bloomington was the only community in Indiana to achieve a perfect score. We hope this achievement helps the world know that we do our best to be a welcoming and inclusive city.

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 me for approval before the bid deadline. In 2021, I reviewed and approved

approximately 196 affirmative action 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 to the Contract Compliance Committee of the BHRC. In 2021, 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 Davis-Bacon.

2021 was the sixteenth 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 web site and answered questions about whether the LWO applies to specific situations. The amount of the living wage is adjusted each year to correspond to 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 2021, the amount was \$13.29 an hour. In 2022, the amount is \$14.01, reflecting recent increases in inflation. 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.

ACCESSIBILTY ISUES/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 the City, both as an employer and as a governmental entity, is meeting its obligations under the ADA. I also try to help local businesses understand their obligations under the ADA, and I try to help resolve complaints from citizens about business not being accessible. 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 of local businesses and helping to decide which businesses should receive a CCA decal. For decades, the CCA has helped make Bloomington a more inclusive city by making sure that people with disabilities can enjoy the many opportunities Bloomington provides.

I also serve as the City's Title VI compliance officer. Title VI requires entities that receive federal funds for any of their programs to not discriminate in any of their programs. In 2021, we updated our Title VI Implementation Plan.

EDUCATIONAL PROGRAMS

In 2021, we completed our twenty-second year of publishing our monthly newsletter, Rights Stuff. The newsletter is distributed via email and via copies distributed around town. We use the newsletter to keep the community informed about recent trends in civil rights and about what the BHRC does.

The BHRC was happy to participate in the 2021 Fourth of July parade

2021 ANNUAL REPORT

after the 2020 parade was cancelled due to COVID-19. Because of the continued pandemic, the 2021 parade was a reverse parade, with parade entries remaining stationary while the public drove or walked by.

COVID concerns led us to cancel our annual essay/arts contest for area school children in 2021, but we will bring back the contest in 2022.

The BHRC works closely with other groups to achieve our shared goals. In 2021, we sponsored the CCA's annual Gather 'Round the Table event and the King Commission's King Day events, among others. We continue to work with Bloomington United to prepare for possible hate activities in our community. I work closely with a small group called CO•RE to help develop a web page that provides resources to anyone concerned about a student being recruited by white nationalists. We hope our page will be a national model.

With the considerable help of my assistant, Nicole DeCriscio Bowe, we updated our web page to provide a thorough summary of our work and an explanation of when we can help people facing difficulties.

And a big part of what I do is answer questions from people around Bloomington, and sometimes around the country, about human rights and a variety of other issues. You can see some of those inquiries beginning on page 16.

We are truly hoping to return to something like normalcy by the spring of 2022.

Respectfully submitted,

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

COMPARATIVE DATA, 2015-2021

New complaints within BHRC jurisdiction	4	3	6	3	6	4	4
No probable cause findings issued	2	2	2	1	1	4	2
Settlement agreements reached	0	3	0	0	1	0	0
Cases still pending	2	0	2	2	2	1	2
Complaint resolved before investigation	0	0	0	0	0	0	1
Complaints drafted and forwarded to EEOC	3	3	4	5	4	0	2
Complaints drafted and forwarded to ICRC	0	0	0	1	0	0	0
Complaints drafted and forwarded to HUD	2	0	0	0	0	0	0
Complaints transferred to appropriate federal agency after partial investigation	0	0	0	1	2	1	0
Complaints dismissed for failure to cooperate	0	0	2	0	0	0	0
Complaints drafted but never signed	1	3	1	4	5	1	1
Complaint resolved and withdrawn before investigation	0	0	0	0	0	0	1
AA plans reviewed	79	100	103	124	170	150	196
Pre-construction/pre-bid conferences attended	6	6	7	6	7	3	3
Employer seminars and	3	4	4	6	6	1	1

	2015	2016	2017	2018	2019	2020	2021
Employment	2	2	2	2	3	2	0
Disability discrimination	1	0	0	0	1	0	0
Sex discrimination (including sexual harassment)	1	1	0	0	0	0	0
Sex/retaliation	0	1	0	0	0	0	0
Sexual orientation	0	0	1	0	0	0	0
Sex and/or disability	0	1	0	0	0	0	0
National origin	0	0	0	0	0	0	0
Race discrimination	0	0	1	0	1	2	0

	2015	2016	2017	2018	2019	2020	2021
Housing	2	1	1	0	1	0	2
Disability	1	1	0	0	1	0	2
Familial Status	0	0	1	0	0	0	0
Sexual	1	0	0	0	0	0	0
orientation							
Racial	0	0	0	0	0	0	0
association				 	 	 	

	2015	2016	2017	2018	2019	2020	2021
Public	0	0	0	0	0	0	2
Accommodations							
Race Disability	0	0	0	0	0	0	0
Race	0	0	0	0	0	0	2

SUMMARY OF 2021 CASES

BHRC Docket #0682: Black man said he went to the restaurant where he worked with his family for dinner. He alleged he was mistreated there as a customer on the basis of his race, and that his complaint to his supervisor was ignored. He resigned and filed a complaint alleging discrimination in employment and/or public accommodations on the basis of race. Investigation failed to establish racial discrimination. Complaint filed in September, 2020; investigated by Commissioner Williams; no probable cause decision issued in June, 2021; not appealed.

BHRC Docket #0683: Individual with a disability alleged that landlady refused to install grab bar in restroom. She filed a complaint alleging discrimination in housing on the basis of disability. By the time landlady had received the complaint, she had installed the grab bar. Complaint filed in March, 2021; investigated by Commissioner McAlister; complainant withdrew complaint in April, 2021.

BHRC Docket #0684: Individual with a disability and her partner alleged that landlady refused to enlarge door to restroom. They filed a complaint alleging discrimination in housing on the basis of disability. Before BHRC could investigate, landlady had enlarged the door. Complainants did not withdraw complaint, despite indicating repeatedly that they would. Complaint filed in June, 2021; investigated by Commissioner Shadday; no probable cause decision issued in November, 2021; not appealed.

BHRC Docket #0685: Black man alleged that he was discharged from medical facility on the basis of his race. He filed a complaint alleging discrimination in public accommodations on the basis of race. Complaint filed in October, 2021; investigated by Commissioner Haughton-Motley; investigation pending.

BHRC Docket #686: Man with disabilities said he was told to leave bar because he was accompanied by his service dog. He filed a complaint alleging discrimination in public accommodations on the basis of disability. Complaint filed in November, 2021; not yet assigned an investigating commissioner; investigation pending.

CATEGORICAL BREAKDOWN

Sexual Orientation/Gender Identity: Callers often had questions or concerns about sexual orientation and/or gender identity discrimination. These callers included students wanting our definition of "sexual orientation" or "gender identity" and gays, lesbians, transgender individuals and employers wanting to know their rights and responsibilities under our ordinance. Again this year, we had several calls from communities around the country considering their own sexual orientation and/or gender identity ordinance, and were glad to provide assistance in this area.

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.

Workers' Compensation: We received many calls about workers' compensation in 2021. Our staff lacks expertise in this area and refers all such calls to private attorneys and/or the state Workers' Comp Board.

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

Email writer said he felt targeted when he and his husband received a personal letter advocating for a religion which he feels is hostile to the GLBT community. Asked how he could stop receiving such letters in the future. Suggested he write the person who wrote him and asked to be taken off any mailing list.

Caller, a Black man, said that he had been threatened with action by his landlord for being loud, for threatening another tenant and for skating in the hallway for an Instagram video. He said white tenants are also loud, that he didn't threaten anyone but did use the F word and that the skating did not go on very long. Landlord not subject to the jurisdiction of the BHRC; referred to the ICRC and/or Indiana Legal Services.

Email writer complained that he lives in a block without sidewalks and has to walk in the street. Referred to Public Works. Sidewalk is under INDOT's jurisdiction; let email writer know.

Caller, speaking very fast and crying, said in a voice mail message her human rights were being violated because she was being held without consent by a health care provider after the police brought her there. She left a telephone number, but her speaking was so rushed, it was incomprehensible.

Email writer urged the BHRC "to ensure that anyone can talk to any professional about any condition they have and make decisions free of political, illegal or ideological manipulation."

Caller said her bank accounts had been hacked and the car she lived in had been stolen. She said she reported this to law enforcement. She said police know where one of her cars is but have not retrieved it. She said her father-in-law had stolen items from her. Explained these issues are not within our jurisdiction and referred her to Indiana Legal Services and law enforcement.

Caller said she had been fired by an employer in Southern Indiana for laying her hands on another employee, which she denied having done. She said the employer never liked her and had told her before that he would fire her if she were a temp. She had called EEOC, and EEOC referred her to BHRC. Explained employer not within BHRC's jurisdiction; explained Indiana is an employment-at-will state; referred to ICRC.

Caller said he had been fired, allegedly because he had violated HIPPA, but he said the real reason was because he had complained about race discrimination by a coworker. Said he would email some documentation but did not do so.

Caller, who works for an employer outside the county, said he had been unfairly accused of talking inappropriately with women at a place of public accommodation. His employer has put conditions on his return to work relating to these unfair and unfounded accusations. Employer not within the jurisdiction of the BHRC; referred to employer's HR department and to ICRC.

Email writer asked for recommendations for fair housing and fair employment training; gave recommendations.

Caller said her husband had quit his job and had questions about whether he would be paid for remaining PTO. She said he had been asked to do tasks he was not physically able to do. We left a message explaining that the Indiana Department of Labor could answer PTO-related questions and suggested he call back if he has disability discrimination questions.

Caller left message saying he was being evicted and that the landlord was not happy "about money," without further details. In turn, left message asking him to call us back if he feels he is being discriminated against on the basis of a protected classification, and referring him to a private lawyer, Indiana Legal Services or Student Legal Services.

Email writer said she had been abused by her employer. She said her employer was upset with her for wanting to work fewer hours and falsely accused her of theft. No illegal discrimination apparent; referred to Wage and Hour Division of Indiana Department of Labor, as employer may have treated employee as a salaried employee when she was legally an hourly employee.

Email writer said she felt her employer was discriminating against her on the basis of her sexual orientation. Sent her an email with intake questions; no response.

Email writer said that Brown County had created a citizens' advisory commission on human rights and asked for information about all complaints BHRC had received that came from Brown County. Replied that we didn't have data on that; we typically would just refer the out-of-county resident to the Indiana Civil Rights Commission. Offered to help new commission out if we could.

Email writer asked if he had to provide an ASL interpreter for a zoom meeting where captioning is available; suggesting asking the person making the request for an ASL interpreter if captioning would work and if not, provide the interpreter.

Business owner required to submit affirmative action plan had questions about best recruitment practices; discussed in general and gave advice.

Caller left message saying she is being denied prenatal care. She said she is 46 and desperate and feels her rights are being violated. She said she believes in God. Left her a message in turn. Caller said he had been denied internal transfers and let go. He said he was the only Black employee and they never considered his requests for more responsible or visible positions. Former employer not in city limits; referred to MCHRC.

Email writer had questions about age discrimination; answered.

Email writer said in early January that she felt landlord was discriminating against her on the basis of race and committing hate crimes. Repeatedly promised to submit photos and emails but never did and stopped responding. In late March, she wrote again, saying she was being evicted and landlord was using fake photos to show she had damaged her apartment. Referred to Indiana Legal Services.

Email writer had questions about emotional support animals and landlords; answered questions and sent him a copy of HUD's memo.

Email writer said when he didn't have heat in his apartment, he used the stove for heat and broke it. Now his landlord is refusing to renew his lease because he broke the stove. No evidence of race, sex, etc., discrimination. Referred to Indiana Legal Services.

Caller, from northern Indiana, said that his employer was retaliating against him for having filed a workers comp claim and was trying to make him do tasks he said he is not physically able to do. He said employer was claiming he had never contacted appropriate employees about his medical status, even though he had documentation he had done so. No evidence of race, sex, etc., discrimination, and not within Bloomington's city limits. Referred to OSHA and private attorneys.

Landlord asked if he had to allow a tenant to have a service dog. Told him yes and explained what he could legally request from tenant. Landlord said he "knew" this dog would damage the property in excess of the security deposit and asked if he could charge a pet fee. Explained that he could not for a service dog, but at the end of the lease, he could charge the tenant for the actual damages, if any. Asked how he could get the law changed; said he could call his congressional representative. He said we were "useless" and hung up.

Caller said she had a serious mold issue in her apartment. Referred to HAND.

Caller said that a neighbor is harassing her, breaking into her apartment, setting fires, attacking her. Not a BHRC matter; referred to IU Law School's Protective Order Project and BPD.

Caller wanted to file a HIPAA violation complaint with the BHRC. Referred to U.S. Health and Human Services' web page.

Caller said that her son's landlord repeatedly turned off the elevator and kept it off for months. He also entered apartments without notice. No discrimination issue (son did not have disability); referred to HAND and Student Legal Services.

Caller said that she uses a walker and can't get to the parking lot or trash area if people park in front of her apartment, blocking the curb cut. Landlord has tried to address issues but other tenants still park there. After discussion, landlord allowed tenant to move out early without penalty.

Caller said landlord is not renewing her lease, allegedly because of cat urine smell and cockroaches. She said she has given away her cat and has cleaned the apartment, and that she does not have more cockroaches than other tenants; she blames that problem on the landlord. She said moving would be difficult for her because of her disability. She thinks landlord doesn't like her because of her sexual orientation but had no evidence of that. No evidence of illegal discrimination; referred her to sources that maybe could help her avoid having to move or help her with moving if it comes to that.

Caller, mother of an IU student, was upset that IU announced that COVID-19 vaccinations are mandatory for students. Referred to IU and ICRC.

Caller said that she had all but been offered a job until employer learned she would need a service animal with her at work (interviews had all been virtual). Not in BHRC jurisdiction; made referral.

At least five IU students called to complain that IU was mandating that students receive vaccines. Referred to IU and ICRC.

Caller said that her neighbor's dogs had attacked her husband. Referred to animal shelter.

Caller said that her daughter has disabilities. After 13 years, landlord is no longer accepting Section 8. Not illegal. Referred to Indiana Legal Services and to Bloomington Housing Authority.

Caller said he had been unfairly arrested. He said BPD officer told him to call "Wendy in city legal" to get the charges dropped. Explained that no one named Wendy worked in city legal, and city legal does not deal with criminal matters.

Email writer said he felt he might be experiencing discrimination or might experience in the future. Asked for help with current discrimination and how to avoid in the future. Responded with request for more information; he said a private entity had denied his membership because of how he had treated a member years earlier before he received treatment for disability. Not covered by Bloomington Human Rights Ordinance; made referrals. Also asked how to request accommodations from employers; sent handout from the Job Accommodation Network (JAN).

Caller, a municipal attorney, had questions about Bloomington's reserved residential parking for people with disabilities. Answered questions.

Caller said she had been fired unfairly. Employer claimed it had a video of her at work with a box containing illegal drugs and supplies. They would not show her the video; she denied having or using drugs. No evidence of illegal discrimination; referred to workforce development to file for unemployment.

Woman made report on hate incidents site, reporting that landlord promised her an apartment but now says there is not one available and also that "black boys" keep knocking on her door. Landlord not subject to BHRC's jurisdiction; referred to ICRC or HUD. Suggested if she thinks the young men are committing a crime, she should call 911.

Caller uses a manual wheelchair. She looked at an apartment advertised as accessible, but it had a thick carpet, making it hard for her to maneuver. She asked if she had the right to ask the landlord to remove the carpet at landlord's expense; yes, as carpet height arguably violates accessibility standards. She will call back if effort not successful.

Woman, a walk-in, said that she had been required to work on a holiday and had not received any extra pay. She is Black. Her companion, a white man who works for the same employer, also was required to work on a holiday and had not received any extra pay. Indiana law does not require extra pay on holidays or paid holidays. No evidence of illegal discrimination.

Caller left a message saying she had moved her son into an apartment that day. She said that the apartment smelled like mold and was quite dirty. Called her back the next day; she had gotten the landlord to let her son out of the lease and had found him another apartment. She still wanted to report the landlord; gave her contact information for Housing and Neighborhood Development.

Caller said that her roommate had committed fraud and caller was held responsible by landlord. Landlord not subject to Bloomington Human Rights Ordinance: referred to ICRC.

Caller said she had a friend who wanted to sign up for BPD's Smart 911 program. Provided information.

Caller said he had a complaint against a city in northern Indiana. He said he has filed a complaint with the ICRC but they are not sure his complaint if valid. So he wanted to file a complaint with the BHRC as well. Explained he could not. Referred him to the EEOC; he said he has left messages but they have not called him back. Told him that we tried to return his call several times but always reached a "voicemail box" full message, and suggested he call EEOC back.

Caller, an employer, said he wanted to conduct employee training and had secured a free meeting location in a religious building. One employee objected to meeting in this religious building. Advised that in general, employers have to provide accommodations for religious objections if doing so is not an undue burden and suggested alternative meeting locations.

Caller said that she had lost her appeal for unemployment benefits. She said she needed someone to represent her, but she didn't want to use Indiana Legal Services. Explained that BHRC could not represent her and made referrals.

Caller said that he lived near a city park and that park's trees were overhanging his roof. Referred to Parks and Recreation.

Caller said that she felt her landlord, not subject to BHRC jurisdiction, was discriminating against her on the basis of her race. Referred to Indiana Civil Rights Commission.

Email writer asked for names of landlords in Bloomington who provide affordable rents for senior citizens. Not a BHRC issue; referred to HAND, South Central Community Action Program, Area 10, Bloomington Housing Authority. Writer emailed back, saying "Problem solved!"

Caller said she had a conflict with a coworker at work and her employer believed the coworker. Caller was suspended for a week and her hours were reduced. No evidence of race, sex, etc., discrimination. She also believed her employer had violated HIPAA. Referred to Health and Human Services.

Email writer, a pastor, said that member of his congregation, a senior citizen, had huge increase in rent. He asked what the City could do to help to help prevent this person from becoming homeless. Made referrals; he soon sent another email saying "All resolved!!"

Caller said that his employer was telling people who was and who was not vaccinated for COVID-19. He does not work in Monroe County. He asked if he should file a complaint with the EEOC; suggested he call the EEOC and see if they considered that a violation of federal law.

Caller said she and two members of her family had been fired because of a domestic abuse situation that occurred at her home. She said she and her relatives were the victims in the situation. Employer not in city limits; made referrals.

Caller said that the sidewalk in front of his house was in violation of the ADA. He said he had been complaining about it for years but nothing was done. Referred to public works.

Caller said he knew of a blind tenant who was about to be evicted for nonpayment of rent. Referred to Indiana Legal Services.

Caller, a Black man with a disability, said he was treated badly by property manager. He was threatened with eviction for his conduct; he won his case and now they don't want to renew his lease. He had already filed a complaint with the Indiana Civil Rights Commission; can't file with both BHRC and ICRC.

Email writer, working with a group in a small town exploring the creation of a human rights commission, asked for information about training commissioners. Answered questions and referred to the Indiana Consortium of State and Local Human Rights Agencies' upcoming conference.

Email writer said that she had a relative with limited English proficiency who lives in Bloomington. He had storm damage to his house; the insurance company's contractor repaired it poorly and weeks later, has not corrected the errors. Both contractor and insurance company are outside of Bloomington, so referred to HUD and helped draft complaint.

Woman said she wanted to file a Violence Against Women Act complaint against her landlord. She said she had signed a document about the VAWA when she signed the lease. Asked her if the document said with whom she should file a complaint; she got angry and said she was getting "nowhere with no one" and would hire a lawyer.

Caller said she had been harassed ever since she bought a house on contract, including by the city where she lived. Not in Bloomington or Monroe County; referred to ICRC and/or HUD.

Caller said that he had been waiting for an order in a restaurant when he began chatting with another customer about Christianity. He said they were having a pleasant, quiet conversation when an employee told them she didn't want to hear that type of conversation. He and the other customer were shocked. He talked to the corporate office and was told the local owner would get back to him, but no one has. He didn't want to file a complaint with the BHRC; he just wanted the woman to apologize. Told him that his voicemail box had been full when we tried to return call several times and said maybe the local owner had encountered the same problem. Suggested he call corporate again, explain that he had not received a call back and let corporate know he just wanted an apology. Suggested he call BHRC back if unhappy with the resolution.

Caller said she was calling on behalf of a veteran with a disability. She said the veteran's landlord had provided the veteran with a designated parking place near her door, but had not provided an access aisle, which the tenant needs. Explained how to complain internally and suggested the tenant call back if internal complaint was not successful. Later talked to veteran and to landlord and explained legal requirements.

Caller said that she and her landlord had an agreement, approved by the court, that she would move out of the apartment by a certain date. Three days before the date, she came home to find her locks changed and her apartment trashed. Not a BHRC matter; referred her to Indiana Legal Services.

Caller said that he and his partner were losing their housing and he needed immediate help. Referred to Shalom, BHA and BPD social service worker.

Caller said that a friend, a member of a minority group, had been experiencing harassment by a neighbor. Harassment included parking on the street in front of the friend's house and being loud in his yard when friend was having people over. No overt evidence of racism; referred to CJAM.

Caller said she had been unfairly fired from her job in central Indiana. She had told her supervisor that she was planning to return to school, and would need to work part time during part of her education. A week later, she was fired for making a minor mistake. No discrimination claim apparent. Referred to unemployment office and to private lawyer.

Email writer, an attorney, asked for sources for fair housing training for client, a landlord. Provided resources.

Caller said that he had a disability and landlord was not charging him the correct amount of rent. Also said that landlord had done renovations very poorly. He said he didn't think he was being treated badly because of his disability, but because landlord is a poor landlord. Referred to HAND, Bloomington Housing Authority and Indiana Legal Services.

Caller said that he owns a mobile home and rents a lot outside of the city limits of Bloomington. He said he pays his rent each month in cash, on time, and also pays his utility bills on time. He has never gotten a receipt; landlord is now threatening to evict him for not paying rent for three years and is threatening to take his trailer as payment. No evidence of illegal discrimination. Referred to Community and Justice Mediation Center and to Indiana Legal Services.

Email writer said she is being harassed by coworkers because of lies her ex-husbands have told her coworkers. Has a complaint pending with HR: will call BHRC back if necessary. Referred her to Middle Way because of allegations of abuse.

Caller said that her son had been unfairly disciplined by a school. No evidence that alleged unfair treatment was based on a protected class. Referred to ACLU of Indiana and/or private attorney.

Caller said that employer was refusing to accommodate his disability unless he brought in doctor's note, but disability is obvious. Not in city limits; referred to MCHRC.

Caller said that she feels she is being discriminated against by her employer on the basis of race. Employer not subject to BHRC's jurisdiction; referred to EEOC.

Caller wanted to file a complaint against former employer for not paying wages for six weeks. Referred to Wage and Hour Division of Indiana Labor Board.

Caller said that she has been the victim of cyberstalking and actual stalking, possibly by a former supervisor, but she can't prove that. None of the incidents occurred in Bloomington or Monroe County. Referred to law enforcement, ACLU of Indiana and tried to give general advice. She also said her name was a musical note.

Caller said that landlord is retaliating against her because of her disability and/or religious artifacts. Landlord not subject to the jurisdiction of the BHRC; referred to ICRC.

Caller said that he cannot wear a mask because of a disability. A restaurant refused to serve him because he was not wearing a mask and/or because he was coughing. He said his cough is caused by his disability, not by COVID. He said he preferred to talk to a private lawyer rather than file a complaint with the BHRC; he believes the city is responsible for the mask mandate, despite our explanation to the contrary.

Caller said that landlady was requiring her to clean up apartment and remove boxes. She said her apartment is not that dirty or cluttered. She thinks her landlady may know she has a hidden disability and may be discriminating against her on the basis of her disability. Reviewed letter from landlady; suggested caller contact the contact person mentioned in the letter and see what exactly they want her to do, to see if it was reasonable, before filing a formal complaint.

Caller said that her son had been unfairly disciplined by a school. No evidence that alleged unfair treatment was based on a protected class. Referred to ACLU of Indiana and/or private attorney.

Email writer asked McKinney, and many other city employees, to schedule an appointment with President Biden to talk to him about the Illuminati and their powers, including the power to make you dream, be hungry or thirsty, the ability to make you faint, the ability to make you drown on your saliva and the power to block radio, tv and internet signals, all with electromagnetic waves.

Email writer said he needed to talk to someone immediately about his housing concerns. Responded, in a voicemail message, asking him to give a summary of what his issues were via email, or to provide a telephone number and a good time to call. No response.

Email writer said that his son had been hurt by an adult and that he was not happy with how the incident had been handled by law enforcement and child protection services. Not a BHRC issue; made referrals.

Caller said that she slowed down because a company truck was tailgating her. Driver of truck passed her and spat tobacco at her car. She complained to company and was told by the owner that both she and the driver were at fault. Wanted to file a complaint with BHRC; not under BHRC jurisdiction.

Email writer said he disclosed his arrest record to employer; got hired and then a few weeks later was fired because of his arrest record; was told to reapply when the issue was resolved. Employer not in city or MCHRC limits; referred to ICRC.

Caller said that a health care facility called the police on her daughter, who has mental health issues, instead of providing her care. Explained not an issue the BHRC can investigate; suggested she talk to a BPD social worker to explore better outcomes.

Caller said that men in her neighborhood bother her and make unwanted comments. She wants to be friendly but not that friendly. No evidence of violation of human rights ordinance. Discussed options, including setting boundaries, talking to her counselor about her anxiety, talking to the resource officer at BPD, talking to her landlord about a transfer, etc.

Local attorney who represents landlords asked for template policy for landlords to handle reasonable accommodation requests. Provided.

Caller said that she pays rent for her brother, who has a disability. Landlord charged a late fee when she paid the rent late for circumstances outside of her control. No evidence of discrimination on the basis of disability; late fee rule is enforced evenhandedly.

Caller said he had been referred to McKinney by a friend. He had just been terminated from his employer for no cause. Caller's job was in Bloomington, Illinois; referred to BHRC in Bloomington, Illinois. Caller said that McKinney helped his friend and he was upset she would not investigate his complaint.

Caller, a Black woman, said she rented office space and was not happy with maintenance. Also said that she feels disrespected by landlord's administrative staff. BHRC has no jurisdiction over business leases; referred to private attorney.

Email writer said that he had applied for an apartment and had been told they had an apartment available. But when he said he had an eviction on his record, the property manager said she had to deny his application. Not an issue under the jurisdiction of the BHRC; referred to Indiana Legal Services.

Caller said that he feels his employer is monitoring his phone conversations when he is at work or outside of work, and that coworkers make comments to him based on his private conversations. Not within BHRC's jurisdiction. Tried to make referrals.

HATE INCIDENTS REPORT

January 1, 2021 – December 31, 2021

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 January, 2021, we received a report from an individual who said she had received a nomination for a recognition award with offensive answers. The nomination form gave the nominee's name as Aunt Jemima; the email address was a curse word. The answers to the questions on the form were "syrup was it" and "bitches need syrup." The nominator gave his/her name as Adolf Hitler.
- In February, 2021, we received a report from an individual who reported his family had been harassed while using a shared lounge space at an apartment complex. A man who said he was a property owner told them, rudely, that the space was under maintenance and that they had to leave. He told them they could not read, apparently based on their accents, and called them "intruders" and "thieves." He accused them of stealing his keys until he found them. He identified himself repeatedly as "Mickey Mouse." A bit later, the family saw the man in the shared lounge space with others, watching the Super Bowl. The incident happened in Monroe County; referred to MCHRC.

2021 ANNUAL REPORT

- In April, 2021, the IDS reported that an Asian man had been attacked in February, 2021. He was working as an Uber driver when five people tried to get in his car. He told them that no more than four people could ride in his car and canceled the ride. The man in the front seat refused to leave and repeatedly asked him, "Do you eat bats?" The driver called 911 and told the passenger that the police were on their way. The passenger got out of the car and tried to tackle the driver; the driver avoided the blow, but fell on the concrete, scraping his hands. His glasses fell off when he fell; the passenger smashed them. Police investigated.
- In April, 2021, a member of the public reported that a tree on public property had been vandalized. Someone had carved the word "nigger" and the letters "KKK" in the bark of a tree. Parks investigated and removed the carvings.
- In June, 2021, we received a report that "KKK" had been spray painted in two City parks. Parks staff promptly cleaned up the graffiti.
- In July, 2021, we received a report from a citizen that offensive graffiti had been painted on the B-Line trail. According to the citizen, someone had painted Nordic runes on the trail that mean "faith in Nazism, Lebensraum and pure blood" and "Ice, torch, hail, torch," which is possibly a way to say "Heil Hitler" using Nordic runes. Parks promptly removed the graffiti.
- In October, 2021, the IDS reported that four mezuzahs had been torn off doors on campus since the start of the Jewish new year (September 6, 2021). One student had her mezuzah torn down twice. A mezuzah is a scroll that Jewish people affix to their doors as a symbol of God's presence. IUPD investigated.
- In December, 2021, we received reports from individuals and the media about six swastikas having been painted on public and private property on different days. Police investigated and asked for neighbors to share any security videos they might have.

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.

2022 MEETING DATES

The Bloomington Human Rights Commission typically meets on the fourth Monday of each month at 5:30 p.m. in the McCloskey Conference Room.

Please note that due to the COVID-19 public health emergency, meetings, until additional notice is given, will take place via Zoom. The link to those meetings will be posted both at City Hall and on the City's calendar event for the meeting.

Meetings are scheduled as follows:

January 24, 2022

February 28, 2022

March 28, 2022

April 25, 2022

May 23, 2022

June 27, 2022

July 25, 2022

August 22, 2022

September 26, 2022

October 24, 2022

November 28, 2022

December 19, 2022

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.

- 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

1960's

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

1970's

Frank Thomas

Clarence Gilliam

Dr. Joseph Russell

Dr. Jerry Ruff

La Verta Terry

Fr. Robert Borchertmever

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

Ouincy Erickson

Mary Hayes

Rev. Joseph Walker

Richard Randall

Rev. William Webster

David Jimenez

Robert Cole

2021 ANNUAL REPORT

1980's

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

1990's

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

2000's

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

2021 ANNUAL REPORT

2010's

Luis Fuentes-Rohwer

Amy Jackson

Teri Guhl

Drew Larabee

Beth Applegate

Rhonda Gambill

Beth Kreitl

Dorothy Granger

Alice Tischler

William Morris

Pete Giordano

Emily Bowman

Alexa Lopez

Michael Molenda

Birk Billingsley

Jacob Snodgrass

2020's

Rhonda Gabmill Jacob Simpson

Irena Micajkova-Otten

PHOTOS



BHRC Chair Ryne Shadday presents Cindy Stone with the 2020 Human Rights award. Due to the COVID-19 health emergency, Stone was not presented with the award until 2021.

PHOTOS







Photos from top left: Commissioners decorate the BHRC's entry for the Fourth of July Reverse Parade; Commissioners Pam Jackson and Erin McAlister work to bundle balloons as decorations. From left, Nicole DeCriscio Bowe, Ryne Shadday, Erin McAlister, Carolyn Calloway-Thomas, Barbara E. McKinney, Pam Jackson and Paige Jackson pose in front of the BHRC's entry in the parade.