



# **CITY OF BLOOMINGTON HUMAN RIGHTS COMMISSION 2018 ANNUAL REPORT**

The Bloomington Human Rights Ordinance promotes equal opportunity in employment, education, housing and access to public accommodations, regardless of race, sex, religion, color, sexual orientation, gender identity, national origin, ancestry, disability, housing status or veteran status. The ordinance also prohibits discrimination in housing on the basis of familial status.

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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.

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

**BLOOMINGTON HUMAN RIGHTS COMMISSION**

**2018 OFFICERS**

**CHAIR** \_\_\_\_\_  
Byron Bangert  
Calloway-Thomas

**VICE CHAIR** \_\_\_\_\_  
Ryne Shadday

**SECRETARY**  
Carolyn

**COMMISSIONERS**

<b>NAME</b> <b>APPOINTED</b>	<b>TERM</b> <b>EXPIRES</b>	<b>BY</b>
Byron Bangert	1/20	Council
Carolyn Calloway-Thomas	1/21	Mayor
Jacob Snodgrass	1/19	Mayor
Valeri Haughton-Motley	1/20	Council
Irena Otten	1/20	Mayor
Rhonda Gambill	1/21	Council
Ryne Shadday	1/20	Mayor

## **2018 STAFF**

### **DIRECTOR/ATTORNEY:**

Barbara E. McKinney

### **ASSISTANT:**

Jan-Aug: Barb Toddy

December: Jessica Oswalt

## **BLOOMINGTON HUMAN RIGHTS COMMISSION**

### **ANNUAL REPORT OF THE CHAIR, 2018**

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 on the Status of Black Males, and the Council for Community Accessibility.

The Commission began the year in January by approving a settlement agreement for a case investigated by Commissioner Ryne Shadday. Commissioners Rhonda Gambill and Carolyn Calloway-Thomas and director Barbara McKinney reported on the organizational meeting regarding a multi-commission bicentennial contest being planned as part of Bloomington's forthcoming bicentennial observance. McKinney reviewed a list of bills pending before the state legislature that may be of interest to commissioners, including one that would add sexual orientation and gender identity to the state's civil rights law. Election of 2018 officers was postponed due to the absence of two commissioners.

In February officers for 2018 were elected as follows: Chair: Byron Bangert; Vice-chair: Ryne Shadday; Secretary: Carolyn Calloway-Thomas. Bangert reported on his presentation to the City Common Council of the Commission's annual Human Rights Award to Bloomington PRIDE, a nonprofit volunteer-run organization whose mission is to create safe and inclusive spaces for people of all ages, celebrate LGBTQ+ arts and culture, and enrich Bloomington and South Central Indiana communities through educational and cultural awareness events. Plans were laid for participation in the VITAL Quiz Bowl. Gambill provided an update on the multi-commission bicentennial event. Commissioners decided to interview all four applicants for the BHRC vacancy on the City's Commission on the Status of Black Males. At subsequent meetings we were able to interview two candidates and selected Kourtney Byrd as the Commission's appointee.

In an April 5 ceremony in the City Common Council chambers, McKinney and Mayor John Hamilton presented the Commission's annual awards to essay and art winners in Grades K-6 on the theme, "What do you think about fair housing?"

The April 23 meeting was followed by the first night of competition for the Commission's "Rights Stuff" team in the annual VITAL Quiz Bowl. We lost, but made a good showing.

At the June 25 meeting new commissioner Jacob Snodgrass was welcomed. Plans for participation in the annual Fourth of July parade, in which we were joined by members of the Monroe County Human Rights Commission, were

finalized. Gambill reported on the multi-commission bicentennial event, for which entries were due on June 29. Bangert reported on citizen John Clower's request that the BHRC sign on to a letter urging Indiana Public Media to investigate the reasons for lack of compliance with Indiana's bias crime reporting law. Commissioners agreed to sign on subject to edits of the letter. The Commission subsequently decided at its July 23 meeting to send its own letter after Clower indicated that he could not incorporate edits into his letter since other entities had already signed on to it as drafted.

On August 27 McKinney reported on the multi-commission bicentennial event awards ceremony, which thrilled the students, whose work was on display at the History Center.

In September we began discussion of a theme for our 2019 student essay and art contest. We eventually decided on the topic, "How has welcoming immigrants changed our society?"

The BHRC also met three times in 2018, on February 9, March 26, and August 27, as the Contract Compliance Committee, charged with reviewing compliance with the reporting requirements for companies seeking to do business with the City of Bloomington. In all instances the Committee voted to overrule the director by making an exception for companies whose bids were timely but lacked some necessary documentation, which was subsequently provided, thereby demonstrating unwitting failure to meet full compliance requirements.

This report is not exhaustive. BHRC discussions are often wide-ranging. Conversations about an international children's singing event remains on-going and there is interest among representatives to the multi-commission organizational group to continue working together on issues of shared concern, e.g. the apparently disproportionate discipline of minority students in the Monroe County Community School Corporation schools. There were no nominations this year for our Human Rights Award.

Respectfully submitted,

Byron C. Bangert, Chair

## **CITY OF BLOOMINGTON HUMAN RIGHTS COMMISSION**

### **DIRECTOR'S REPORT 2018**

In 2018, the Bloomington Human Rights Commission continued its long-established efforts to meet its two central, and related, objectives: to investigate complaints in a fair and timely manner and to undertake a variety of educational efforts. Our top priority is always to investigate complaints as promptly and thoroughly as possible to protect the rights of all involved. At the same time, we continue to believe that the more educational efforts we organize, co-sponsor or support, the fewer complaints we will have to investigate.



**DISCRIMINATION COMPLAINTS:** In 2018, we had only four 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 discrimination occurred. I truly appreciate the work and dedication of the commissioners.

Two of our new 2018 cases alleged discrimination in employment on the basis of race, and one alleged discrimination in public accommodations on the basis of race. We found no probable cause to believe discrimination had occurred in one of the employment cases, and our decision was not appealed. We transferred the second employment case to the EEOC to avoid even the appearance of impropriety. The public accommodations case was filed in late December, 2018, and is thus still pending. A fourth case was filed in 2017 and is on hold pending resolution of related litigation.

In 2018, we filed six cases directly with the Equal Employment Opportunity Commission or the Indiana Civil Rights Commission when we did not have jurisdiction. We referred many more individuals directly to these agencies, when time did not permit us to prepare documents for potential complainants.

2018 was the third full year to include veteran status and housing status as protected categories in our ordinance. Thus far, we have had no complaints filed under these protections.

The Human Rights Campaign, a national LGBTQ advocacy group, again included Bloomington in its annual Municipal Equality Index and again gave our city a perfect score. This was the fourth year in a row for the City, and for the fourth year in a row, Bloomington was the only community in Indiana to achieve this score. I believe people who live in Bloomington know we are a welcoming and inclusive city, and it's encouraging to get national recognition of our efforts.

The litigation against the BHRC and three other local Indiana human rights commissions continues and is currently in the discovery phase. Plaintiffs argue that local ordinances prohibiting discrimination on the basis of sexual orientation keep them from offering programs in Bloomington and three other cities, in alleged violation of their First Amendment rights.

**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 2018, I reviewed and approved approximately 124 affirmative action plans. If I find a plan to be unacceptable, the bidder is not eligible to bid unless he or she successfully appeals to the Contract Compliance Committee of the BHRC. In 2018, I found three plans to be unacceptable. The bidders successfully appealed my finding to the Contract Compliance Committee of the BHRC.

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 Davis-Bacon law. In 2018, I attended six pre-bid or pre-construction conferences to remind contractors about their responsibilities under Davis-Bacon. Barb Toddy monitored wage documentation.

This year was the thirteenth year that the Bloomington Living Wage (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 as to 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 LWO was first passed, the amount of the living wage was \$10 an hour. In 2019, the amount is \$13.00 an hour. 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 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 become more aware of their obligations under the ADA, and I try to help resolve complaints from citizens about businesses not being accessible. 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 the CCA's accessibility decals. The CCA is tireless in its efforts to make sure that Bloomington is as accessible as a city with hills and historic buildings can be.

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.

I was honored this year to receive the inaugural municipal ADA/Title VI Coordinator of the Year Award from the State's Coordinator Association. As with the Municipal Equality Index recognition, it's a sign that Bloomington is making strides in creating and maintaining an inclusive community.

**EDUCATIONAL PROGRAMS:** In 2018, we completed our nineteenth year of publishing our monthly newsletter, Rights Stuff. The newsletter is distributed via email and via copies left around town. We use the newsletter to keep the community informed about recent trends in civil rights and to let them know what we do.

During the 2018 Fourth of July parade, we worked with the Monroe County HRC to distribute 2000 bracelets.

We continued to sponsor our annual essay/arts contest for area school children in 2019. In honor of the 50<sup>th</sup> anniversary of the Fair Housing Act, our theme 2018 was "What Do You Think About Fair Housing?" You can see some of the award-winning children's work on page twenty six.

We are always glad to talk with groups, individuals and the media about what we do. This year, I gave talk to a number of groups, including the South Central Indiana Human Resources Association on fair employment laws and the Monroe County Apartment Association on fair housing laws. I particularly enjoyed taking part in a Pay Equity program sponsored by the Monroe County Women's Commission, working with now-Judge Catherine Stafford to explain what questions should and should not be asked in the workplace. We tried to make the program as entertaining as possible, which required me to briefly wear a mustache. I also answered questions from elected officials, the media, students and many others about human rights.

The BHRC works closely with other groups to achieve our shared goals. In 2018, we sponsored the CCA's annual event, King Day events, participated in the VITAL quiz bowl and ran an ad in the NAACP annual meeting program. We also worked with a group representing several City boards and commissions to sponsor an art contest for kids on the theme of the City's

bicentennial. We continue to work with Bloomington United to prepare for possible hate activities in our community.

**CHANGE IN STAFF:** 2018 was the first year in more than two decades to see a change in BHRC staff. In August, Barb Toddy resigned after more than 20 years with the City. I wish her all the best in retirement. In December, Jessica Oswald joined the Legal Department. I look forward to working with her in the coming year.

Respectfully submitted,

Barbara E. McKinney  
 Director, BHRC/Assistant City Attorney

**CITY OF BLOOMINGTON HUMAN RIGHTS COMMISSION**

**2012-2018 COMPARATIVE DATA**

	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
<i>New Complaints within BHRC jurisdiction</i>	5	5	3	4	3	6	3
<i>No probable cause findings issued</i>	2	4	3	2	2	2	1
<i>Settlement agreements reached</i>	1	2	1	0	3	0	0

<i>Complaints withdrawn before determination issued</i>	0	0	0	0	0	0	0
<i>Cases still pending</i>	3	2	0	2	0	2	2
<i>Complaints drafted and forwarded to EEOC</i>	4	3	2	3	3	4	5
<i>Complaints drafted and forwarded to ICRC</i>	1	0	0	0	0	0	1
<i>Complaints drafted and forwarded to HUD</i>	0	0	0	2	0	0	0
<i>Complaints transferred to appropriate Federal agency after partial investigation</i>	0	0	1	0	0	0	1
<i>Complaints dismissed for failure to cooperate</i>	0	0	0	0	0	2	0
<i>Complaints drafted but never signed</i>	2	2	5	1	3	1	4
<i>AA plans reviews</i>	61	78	80	79	100	103	124
<i>Pre-construction/pre-bid conferences attended</i>	12	9	10	6	6	7	6
<i>Employer seminars and community speeches</i>	7	4	5	3	4	4	6

	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>Employment</b>	4	4	1	2	2	2	2
<i>Disability discrimination</i>	1	0	1	1	0	0	0
<i>Sex discrimination (including sexual harassment)</i>	2	2	2	1	1	0	0
<i>Sex &amp; disability and/or retaliation</i>	0	0	0	0	0	0	0
<i>Race and national origin</i>	0	0	0	0	0	0	0

<i>Religion</i>	0	0	0	0	0	0	0
<i>Sex/retaliation</i>	0	0	0	0	1	0	0
<i>Sexual orientation</i>	1	1	0	0	0	1	0
<i>Sex and/or disability</i>	0	0	0	0	1	0	0
<i>National origin</i>	1	1	0	0	0	0	0
<i>Race discrimination</i>	0	2	0	0	0	1	2

	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>Housing</b>	0	0	1	2	1	1	0
<i>Sex discrimination</i>	0	0	0	0	0	0	0
<i>Disability discrimination</i>	0	0	0	1	1	0	0
<i>Race Discrimination</i>	0	0	0	0	0	0	0
<i>Familial status discrimination</i>	0	0	0	0	0	1	0
<i>Sexual orientation</i>	0	0	0	1	0	0	0
<i>Racial association</i>	0	0	1	0	0	0	0

	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>Public Accommodations</b>	0	1	1	0	0	2	1
<i>Race discrimination</i>	0	0	0	0	0	1	1
<i>Gender identity</i>	0	0	1	0	0	1	0
<i>Sex</i>	0	0	0	0	0	0	0
<i>Sex/race and/or national origin</i>	0	0	0	0	0	0	0
<i>Sexual orientation</i>	0	0	0	0	0	0	0

<i>Disability</i>	0	1	1	0	0	0	0
	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>Education</b>	0	0	0	0	0	1	0
<i>Race discrimination</i>	0	0	0	0	0	1	0

## **BLOOMINGTON HUMAN RIGHTS COMMISSION**

### **SUMMARY OF 2018 CASES**

**BHRC Docket #0666:** Couple with five children said they bought a mobile home in a trailer park. Landlord refused to rent the land where the trailer was parked to the couple, saying they had too many children for the mobile home. Couple said home had large bedrooms and they believed it was sufficient for their needs. Couple filed a complaint alleging discrimination in housing on the basis of familial status. Complaint filed in June, 2017; being investigated by Commissioner Bangert; investigation on hold pending related litigation.

**BHRC Docket #0670:** African American man said his employer did not respond appropriately to his complaints about racially insensitive comments. Investigation showed that employer had taken action in response to his complaints. Complainant resigned or took a leave of action because pending criminal charges kept him from doing his job, not because of any racial comments. Complaint filed in April, 2018; investigated by Commissioner Shadday; no probable cause issued in July, 2018; not appealed.

**BHRC Docket #0671:** African American man said he was placed on paid leave until his one-year contract was over because of comments he had made at work. He said a white employee in a similar situation would not have been placed on paid leave. Complaint transferred to EEOC to avoid possible appearance of impropriety. Complaint filed in May, 2018; investigated by Commissioner Calloway-Thomas; transferred to EEOC in December, 2018.

**BHRC Docket #0672:** African American man said he was denied service at a fast food restaurant. He said restaurant employees called the police on him and prohibited him from returning for six months. Complaint filed in December, 2018; being investigated by Commissioner Haughton-Motley.



## **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 the 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 and Labor Board or 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 2018. 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 the categories. Some of those calls are described below.

## **PUBLIC INQUIRIES**

The Bloomington Human Rights Commission, by ordinance, has a fairly limited jurisdiction. We are authorized to investigate complaints of alleged discrimination on the basis of sex, race, sexual orientation, national origin, color, gender identity, ancestry, religion, disability, veteran status or housing status in employment, public accommodations, education or housing and complaints of familial status discrimination in housing, as long as the complaints arose within the City limits of Bloomington within the past 180 days. We are authorized to organize educational efforts, such as seminars, talks, brochures, awards and essay/art contests, to combat discrimination. We may and do join forces with like-minded groups to achieve our joint goals. Fulfilling our mandate under the Bloomington Human Rights Ordinance keeps us busy.

However, perhaps because of the broad name of our commission, we often receive calls about matters that are not within our jurisdiction. We try to be familiar with the applicable laws and community resources, and we try to give callers an appropriate referral or other helpful advice. Again this year, we received many inquiries which did not lead to complaints being filed with our office. Some people sought general legal information; some needed to be referred to other agencies; some seemed to need only a sounding board. What follow is a categorical breakdown and a summary of a few inquiries for the purpose of illustration.

## **OTHER INQUIRIES**

- Caller had questions about emotional support animals. Answered questions.
- Caller said that he was not allowed to smoke at a bar and said that was a violation of his rights. Explained that the human rights ordinance does not protect the right to smoke and that ordinances and state laws prohibit smoking in restaurants. He said Indiana law protects his right to smoke; explained that Indiana law does say employers can't fire people because they smoke, but employers do not have to allow smoking in the workplace, and law does not protect right to smoke in a restaurant.
- Caller said he needed accessible parking in front of his home; referred to Parking Enforcement Division.
- Caller, a manager in a restaurant, had questions about how to deal with sexual harassment complaints. Discussed best practices in general and referred to private attorney.
- Caller said his son lived in his grandmother's condo with his children; grandmother owns condo but does not live there. Homeowners association is considering changing rules to say condos have to be owner-occupied. Caller said this would be illegal discrimination; depends on facts. Suggested that grandmother and other condo owners work against change in rules and to call back if rule were actually changed.
- Caller said she works for an employer outside of city limits. She got injured off the job and may have to use wheelchair for six months. Employer won't let her in the building in wheelchair because it would set off the metal detector. Referred to Monroe County HRC.

- Visitor to office said that she was fired when she needed to take time off for an off-the-job injury. Employer claimed he fired her for causing problems in the workplace, but fired her in response to a text about the injury and her need to take time off. Employer not covered by FMLA; her short-term injury likely did not qualify as a disability. Decided not to file discrimination complaint; will pursue unemployment benefits instead.
- Caller said he lives in Indianapolis. He said he has a speech impairment which makes it hard for him to communicate, and sometimes get treated badly by others because of his communication problem. McKinney had no trouble understanding him. He said he filed a complaint with the ICRC but they had not helped so far. Explained that BHRC has no jurisdiction and tried to refer him to disability rights advocates in his area. He said they all refused to help him. Suggested he talk to a private attorney who handles disability issues. He said that private attorneys only do employment cases and that was discriminatory. Explained that attorneys may choose what type of cases to take, and some do non-employment cases; he said McKinney was wrong. McKinney said we would have to agree to disagree and if she thought of any more referrals, she would call him back. He said that saying they could agree to disagree was discriminatory on its face, that he had recorded her discriminatory comment and that she would be hearing from his attorney.
- Caller said that her brother, who has a disability and is living on disability payments, owes money for child support based on his income before his disability. Referred to family law attorney.
- Caller said she had been a victim of a hate crime a couple of years earlier. This led to her missing work at her business and financial problems that continue to build up. Asked if BHRC could help her with tax issue; no, but referred to victim's compensation fund.
- Caller from Georgia said that a couple of years ago, he had received a letter from a woman with a Bloomington return address. He still had letter but lost the envelope and was trying to locate her. Gave suggestions on how to possibly find her, but explained that woman had never contacted BHRC. He demanded that BHRC call police, BHA, etc.

Told him if she contacted BHRC, we would let her know he was looking for her. He became angry that we would not do more to find her.

- Email writer, a director of a local HRC, asked for information about Bloomington and hate incidents, including copy of ordinance and resolution. Provided information.
- Caller said that when she got hurt at work, employer would not pay for her medical bills and fired her. Referred to Indiana Worker's Compensation Board, Indiana Legal Services and Volunteers in Medicine.
- Caller said that there was a dispute between his wife and the maintenance person at their apartment complex. He believes his wife's version; the property manager believed the maintenance person's version. Now the property manager is refusing to renew their lease. Caller said that he thought illegal discrimination might be a motivating factor in the property manager's decision. He scheduled an appointment for intake but did not show.
- E-mail writer, a Korean student working in Oregon, sent a survey to a number of human rights commissions in the US, hoping to get guidance and ideas for creating a human rights commission in South Korea. Answered questions and sent a copy of local ordinance and 2017 annual report.
- E-mail writer, an undergraduate who is interested in becoming a civil rights lawyer, had questions about what the BHRC does and whether he could serve on the BHRC. Answered questions.
- Caller had a complicated story involving losing her job because her former employer went out of business, an estranged husband with secret bank accounts and property, a friend who has been terribly mistreated by the justice system in another county, etc. Referred to family lawyer, ACLU of Indiana, unemployment office and/or township trustee.
- Caller said after he complained to HAND about his landlord, landlord threatened him with eviction. No evidence of race, etc. discrimination. Tried to make referrals.

- Visitor to office said she felt harassed by people downtown, but did not have names or specific allegations. Tried to make referrals.
- Caller wanted help getting his \$100,000 school loan cancelled because of his disability. Loans can be cancelled if the debtor is unable to work because of his disability; caller's disability was a broken leg. Tried to make referral; caller became irate when BHRC was unable to provide assistance.
- Caller said she was working with new business to develop affirmative action plan; sent her City's model AAP and the City's job posting list. She also had questions about drug policies state law requires for some government contractors; provided her with the citation for state law.
- Caller had questions about hate incidents statistics; provided copies of recent reports and answered questions.
- Director of a local human rights commission asked about how Bloomington reports hate crimes to FBI; referred to BPD.
- Caller said she had been fired from her job, not within City limits. She said her boss said she had not been doing her job well. Caller denied that and said she was being fired for having told the state inspector the truth. Not a discrimination issue; referred to private lawyer for possible whistleblower case and to workforce development to file a claim for unemployment benefits.
- E-mail writer, a student teacher, asked for suggestions of possible speakers on immigration, labor studies, and civil rights movement. Gave suggestions.
- Caller had a long list of grievances against landlord going back several years, mostly involving her landlord allegedly not giving her a ramp, not allowing her to move into a more accessible apartment at the same complex and not providing her with accessible parking space. She scheduled three intake appointments but cancelled all.
- Caller said she had a new landlord who was requiring her to pay a pet deposit for an emotional support animal. Suggested she give landlady

HUD handout on issue; if that does not persuade her, call us back. Called back the next day and said she had not been able to persuade landlord. We sent landlord HUD information about security and pet deposits for emotional support animals. Landlord emailed back with questions; answered. Tenant called and said the landlord wanted all of the tenants to be responsible for any damages the emotional support animal does; referred to Student Legal Services.

- Caller said her child is in jail outside of Monroe County and is being disciplined unfairly, possibly based on sexual orientation. Made referral.
- Email writer sent a long message to his landlord, cc'ing McKinney, saying that he was being unfairly threatened with eviction for trying to help a neighbor who he thought might be in danger. Neighbor apparently called police when email writer was at her door asking if she were ok. He said that the landlord yelling at him made his disability worse. Responded that BHRC did not have jurisdiction over his landlord and referred him to HUD/or ICRC.

# **BLOOMINGTON HUMAN RIGHTS COMMISSION**

## **HATE INCIDENTS REPORT**

**January 1, 2018 - December 31, 2018**

**\*\*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, 2018, we received a report from an individual. He was serving tables at a restaurant. Customers, apparently from a sorority, entered the restaurant and



yelled, “Whatsup my niggas” at the server and at a Middle Eastern male customer sitting nearby. A female customer objected to the comments, but did not persist in objecting after being told, “It’s America. I can say whatever I want.”

- In January, 2018, we received a second-hand report from an individual. He reported that a friend of his had received the following message on the Grindr dating app: “Are ya too crossed eyed or too chink eyed to see the words? You’re hated here man. We hope you see the way out.”
- In March, 2018, we received a report from BPD. A man reported that another man had harassed him, called him racial slurs and punched him and another man. Police investigated.
- In April, 2018, we received a report from an individual that a friend of his was pumping gas and speaking a language other than English. A man approached him and said, “Shut up and speak English.”
- In May, 2018, we received a report from BPD about an assault and racial slurs. A man reported that another man came up to him when he was in line at a food truck, punched him in the chest, called him a racial slur and told him to go back to where he came from. Police found the alleged assailant, who claimed to be a member of the Aryan Nation. He yelled racial insults at the officers as well. He was charged with battery and disorderly conduct.
- In June, 2018, we received a report of an assault from BPD. A dispute about how a pet was being held led to one person saying, “I’ll kill you, nigger” and threatening to come back with a knife. Police investigated.

- In June, 2018, we received a report from BPD about a dispute. When security at a residence would not allow a visitor in after hours, the visitor allegedly said, “Fuck you nigger, I’ll fucking kill you.” He was charged with intimidation and drug possession.
- In July, 2018, we received a report from BPD about an incident at a fast food restaurant. An intoxicated man was walking through the drive through, harassing customers and pushing over signs. Officers told him to leave; as he walked away, he said he would “kill all those niggers.” An officer told him to not make those comments and to walk away. The man continued to make racial slurs to passersby and to the officers. He was arrested and charged with public intoxication.
- In September, 2018, we received a report from an individual that several students, including one Chinese student and one Korean student, were subjected to verbal harassment from people in a passing car. A young white man in the car yelled, “Go back to China, bitch.”
- In October, 2018, we received a report from BPD about a dispute. A woman allegedly shoved another woman’s child out of her way with a backpack. The child’s mother told the first woman not to touch her child. The woman called the mother a “nigger” and hit her in the face several times. The mother said she had “blacked out” because of the injuries; the responding officer saw no physical injuries. The mother hit the woman in return. The woman said she had accidentally bumped the child. The mother became very angry. The woman said the mother hit her first and that she pushed the mother back in self-defense. Police investigated.

## **BLOOMINGTON HUMAN RIGHTS COMMISSION**

### **STEPS IN PROCESSING A FORMAL COMPLAINT**

1. Complainant who believes he/she has 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 was 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 the 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.



Bloomington Human Rights Commission

# From Bloomington's Future Leaders!

## Art/Essay Contest 2018

Each year the BHRC sponsors an essay/art contest for local school-aged children. This year the theme was "What do you think about Fair Housing?" in honor of the 50th anniversary of the Fair Housing Act. The following are excerpts from some of 2018's winning essays.

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**" Sometime YOU might be discriminated against, but fair housing laws are there to help. And REMEMBER, everyone deserves a home!!!"**

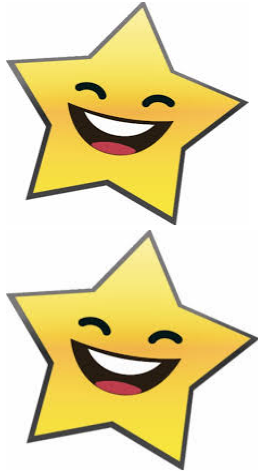
**"All landlords must be kind. Everyone should be welcome here. Everyone should have a roof over their head."**

**"Housing is a basic need, like food, clean water, clothing, education, and heat in the winter. Because these are basic human needs for all humans, access to these things should be protected by human rights laws."**

**" What I am saying is, everyone should have a safe and warm house to live in. If people are still being discriminated against, then someone needs to do something about it, I think some rules should change and there should be strict laws that landlords have to follow. The world should be fair. I don't see why it can't be! Discrimination is ridiculous and it should stop!"**

**"Housing discrimination is not a thing of the past, and it is definitely not going away anytime soon, unless we do something about it."**

**" There are also smaller programs like the Shalom Center or South Central Indiana Housing Opportunities. I think that we need establish more of those infrastructures."**



## Winners

## 2018 Art/Essay

### Third place winners

Zara Hall

Livi Easton

Tatum Jones

Adeline Pugh  
Laudeman

Olivia Robb

Lilly

Nevaeh Hicks

### Second place winners

Pheobe Mendota  
Williams

Nora LoPilato

Ruby

Avery Beck

Betsy Bennett

### First place winners

Eli Bryant

Elizabeth Livingston

Lydia Scales

Ezra Milius-Posto

Nola Somers Glenn

Ziaoyan Wang





## **2019 BLOOMINGTON HUMAN RIGHTS COMMISSION**

### **MEETING DATES**

January 28, 2019	5:30 p.m.	McCloskey Room
February 25, 2019	5:30 p.m.	McCloskey Room
March 25, 2019	5:30 p.m.	McCloskey Room
April 22, 2019	5:30 p.m.	McCloskey Room
May 20, 2019	5:30 p.m.	McCloskey Room
June 24, 2019	5:30 p.m.	McCloskey Room
July 22, 2019	5:30 p.m.	McCloskey Room
August 26, 2019	5:30 p.m.	McCloskey Room
September 23, 2019	5:30 p.m.	McCloskey Room
October 28, 2019	5:30 p.m.	McCloskey Room
November 25, 2019	5:30 p.m.	McCloskey Room
December 16, 2019	5:30 p.m.	McCloskey Room

The Human Rights Commission typically meets every 4th Monday of the month.

## **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.

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	David S. McCrea	Bill Hayes
Mrs. David Dansker	Dustin McDonald	Dr. Harry Day
Jack N. Ray	Betty Rowan	Samuel M.
Loescher		
Dr. Harry Yamaguchi	Robert F. Terry	E.E. Bridgewaters
William H. Andrews	Regina Friedman	Rev. Joe Emerson
Rev. Robert Kirk, Sr.	Irving Fell	Brad Bayliss
Rev. A. Hardy Nall, Jr.	Mrs. Russell DeMotte	Craig Tregilgas

### **1970's**

Frank Thomas	Howard Canada	Jorge Oclander
Clarence Gilliam	Christine Lannucilli	Mary Foster
Dr. Joseph Russell	Daniel Gad	Tula Kavadias
Dr. Jerry Ruff	Valerie Tarzian	Mark Schenk
La Verta Terry	Robert Tucker	Charles Webster
Father Robert Borchertmeyer	Frederick LaCava	Quincy Erickson
Joan Simkowitz	Christine Mitchell	Mary Hayes
William Jairrels	Robert Epps	Rev. Joseph
Walker		
William Smith	William Gephart	Richard Randall
John Irvine	Mary Mitchell	Rev. William Webster
Tobiatha Eagleson	Ronald Foley	David Jimenez
Viola Taliaferro	Fran Koski	Robert Cole

### **1980's**

Robert Cole	Bob Tucker	Roscoe Ellis
John Pickle	Ben Waxler	Bob Dunn

Quincy Erickson  
Tobiatha Eagleson  
Charles Rogers  
Ron Foley  
George Foster  
Tula Kavadias  
Christine Mitchell  
Jorge Oclander  
Doris Sims

Frona Powell  
Nora People

Edwin McClean  
Rev.

Lorraine Rodts  
Lorelei Meeker  
Bridget McKinney  
Chris Gardner  
Jerry Vuke  
Wilanna Smith

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. Greg Wilson  
Barbara Wolf

Patty Muller  
Doug Bauder  
Dr. Fritz Lieber  
Gwen Jones  
Rev. Michael Anderson  
Jack Hopkins  
David Reidy

### **2000's**

Dr. Fritz Lieber  
Anderson  
Steve Sanders  
Cullather  
Vicki Pappas  
Pam Huggins  
Jeff Harlig  
Luis Fuentes-Rohwer

David Reidy  
Josh Cazares  
Doug Bauder  
Nancy Metz  
Maria Del Pilar File-Muriel  
Dorothy Granger

Rev. Michael  
Melanie Castillo-  
Suzette Sims  
Shaunica Pridgen  
Emily Bowman  
Beth Kreitl

### **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

Captured   
Memories



Captured  Memories

