

**BLOOMINGTON HUMAN RIGHTS COMMISSION**  
**Director's Quarterly Report**  
**January-March 2019**

- I. Discrimination complaints
  - A. Pending from previous quarters
    - 1. Commissioner Bangert's case
      - a. Case alleging discrimination in housing on basis of familial status filed in June, 2017
      - b. Case put on hold pending outcome of related litigation; dismissed in March, 2019 at request of complainants' counsel.
    - 2. Commissioner Haugton-Motley's case
      - a. Case alleging discrimination in public accommodations on the basis of race filed in December, 2018
      - b. Investigation pending
  - B. New cases
    - 1. Commissioner Bangert's case
      - a. Case alleging discrimination in employment on basis of race filed in January, 2019
      - b. Amended to include disability discrimination in March, 2019
      - c. Investigation pending
    - 2. Otten's case
      - a. Case alleging discrimination in housing based on disability filed in March, 2019

b. Investigation pending

C. Intakes/discussions that have not yet led to formal complaint being filed--Woman said she was fired for alleged sexual harassment, which she denied. She felt she was fired because of her race. Scheduled and cancelled several appointments, saying she was too stressed to do an intake.

II. Miscellaneous inquiries

- A. Caller said that he had questions about HIPPA and couldn't get anyone to answer the phone at the federal office. Explained about the government shutdown and tried to make referral.
- B. Caller had a litany of complaints going back to NAFTA and GE's leaving Bloomington. Tried to make referrals. One problem is alleged discrimination on the basis of disability by her landlord. She had scheduled several appointments with the BHRC in the past but never showed up. (BHRC does not have jurisdiction over her landlord but offered to meet with her to do intake and prepare documentation.) Offered to do this again; she said that was the first time we had told her she could file a discrimination complaint. Reminded her of the missed appointments. She said she had broken her foot. Offered to do intake over email and sent her questions to answer so we could prepare documents; she agreed but thus far has not answered most of the questions. She also complained that she had read that the BHRC had only eight complaints filed in one year that she knew for a fact there were more violations than that, and that we were covering up the "sorry state of Bloomington."
- C. Caller said her husband is Latino. New property management is not treating her husband well, demanding only on-line payments, refusing to let him have his company truck in parking lot, restricting him from use of facilities, etc. Landlord not in city limits; referred to MCHRC.
- D. Visitor to office said she had been fired by religious employer. Employer allegedly required her to engage in Bible study and required her to stop taking medications. Her job performance suffered when she went off her meds, and employer fired her because of her job performance. Said would follow up with more information but thus far has not. Advised her to file for unemployment. She said employer had claimed they did not have to

participate in the unemployment compensation program; advised her to file anyway.

- E. Caller said that his landlord had taken him and his sister/roommate to court the day he called BHRC. Judge ordered landlord to give tenants two weeks to move out and to give them some of their deposit back as soon as landlord inspects apartment, so tenants would have deposit funds. Caller is sure landlord won't give him any of the deposit back. Caller said landlord has harassed tenants by watching their apartment constantly, visiting them unannounced, etc. No evidence of race, etc. discrimination, and rental property not in city limits. Referred to private lawyer and/or Indiana Legal Services and/or small claims court if landlord does not actually refund deposit without sufficient cause.
- F. Caller said that he had been a landlord for 30 years. He has some units that have been rented only by students or young adults and no children. These units are quiet because the tenants are respectful. Now he has a prospective tenant with a young child. He asked if he could legally refuse to rent that unit to this applicant, offering him another unit at a different location to rent instead. No, this would likely constitute familial status discrimination, and landlords are not supposed to decide which units are suitable for tenants; tenants are.
- G. Caller wanted to file complaint against former employer in Daviess County, Indiana. Referred to Indiana Civil Rights Commission.
- H. Many callers from Indiana, and a couple from Kentucky, called to complain that they could not reach anyone at HUD or EEOC. Explained about the partial federal shutdown.
- I. Caller said that employer had fired him without notice and told him he could not file for unemployment benefits. No evidence of race, etc., discrimination. Explained to caller that he had the right to file for unemployment benefits if he so chose, and that former employer could not prohibit him from filing. Referred to Workforce Development.
- J. Email writer, an African American woman, said that she felt she had been mistreated at a place of public accommodation. Staff imposed a rule on her and her companions that she did not think they imposed on white customers. Before she contacted BHRC, she talked to

management, who told her the staff person had been wrong. Management apologized and promised to do training for staff. Email writer is not planning on filing a formal complaint with BHRC at this point but did want BHRC to be aware in case of future incidents.

- K. Caller said a friend told her that a social service agency which provides emergency housing does not allow guests to have emotional support animals. Sent agency documents showing that shelters do need to accept emotional support animals under fair housing laws.
- L. Received forwarded complaint from consumer division of state attorney general's office about conditions at a social service agency. Complainant alleged the agency had numerous problems, some of which might constitute sex discrimination. Emailed complainant, who did not respond.
- M. Email writer said her husband needed to move to the basement for access reasons. Basement needs repair; she thinks the homeowners' association should pay for a repair and HOA thinks homeowner is responsible. Not a fair housing issue; referred to HAND for possible rehab or emergency repair assistance, and/or to private attorney.
- N. Caller had questions about local ordinance; answered questions.
- O. Email writer said he was unfairly convicted in Monroe County court about 15 years ago. He wanted an apology from the judge, a refund plus interest and the case removed from his record. Referred to private attorney for expungement advice and maybe post-conviction relief. No human rights issue apparent.
- P. Caller, an African American woman, said that her supervisor, a white woman, had made a comment about how the caller looked good in bright colors and she wished she had the skin tone to wear those colors. Caller felt this was an example of a micro-aggression and wanted to file a complaint. Explained that the comment, alone, was likely not evidence of an adverse employment action and suggested talking to the supervisor about the comment before filing a complaint.
- Q. Caller, an African American woman, said that last week a white co-worker called her both the b word and the n word and left the workplace, slamming the door as she did so and apparently quitting.

But the white woman returned to work two days later, apparently still employed and apparently not having been disciplined for her comments. Caller asked if she could still file a complaint if she quit; yes. She may call back after she explores her options.

- R. Visitor to office felt mistreated by judge, who he felt was saying slanderous things about him outside the courtroom. Explained he could file a complaint with the state supreme court and printed up copies of complaint form for him.
- S. Caller said employer said he had to accept a transfer because he was color blind. He had been doing the job for years without a problem, but employer wanted to transfer him to follow regulatory recommendations. Explained that most courts have not found color blindness to be a disability under the ADA and that company was not in City limits. Prepared complaint for him to file with MCHRC.
- T. Email writer wanted police and HRC to investigate an individual. The email writer alleged that the individual and a religion had engaged in sex trafficking, pornography, passport theft and sexual assault. Writer was from another Bloomington; referred to correct Bloomington.
- U. Caller said her son rented an apartment in a new building last fall. She and her mother visited recently and elevator was not working; has never worked. Referred to county building department.
- V. Caller had questions about hate crimes bill. Asked if it would apply to someone who makes insults; not unless insults qualified as a crime. Asked repeatedly if it would apply to someone who gave something to someone and someone else was not happy about that gift. No, likely not.
- W. Visitor to office said he had filed a complaint with the EEOC against an employer who is not subject to the Bloomington Human Rights Ordinance. EEOC gave him a right to sue letter; he had 90 days to file a lawsuit; after 60 days had passed, his lawyer said he could not file a lawsuit for him. Asked BHRC to file a lawsuit for him. BHRC can't do that; referred to private attorney.
- X. Visitor to office said he had been fired based on unfounded charges that he had sexually assaulted a coworker. He denied the charges but agreed that the employer was dealing with a he-said she-said

situation, with no witnesses, and had to decide whom to believe. He is African American but did not believe race played a role in the termination. Explained that his allegations did not come under the Bloomington Human Rights Ordinance and suggested he file for unemployment benefits. He asked if he could sue the woman for slander; referred to private attorney.

- Y. Email writer, after reading the March issue of BHRC's monthly newsletter, Rights Stuff, asked several questions about what the BHRC does and about articles. Answered questions.
- Z. Jail inmate wrote letter complaining about conditions in the jail. Not a BHRC issue; made referrals.
- AA. Email writer said that he had asked his landlord to let him and his wife transfer to an apartment with almost no carpet for medical reasons; wife has asthma. Doctor's note said tile would be best for wife's medical condition; also said that best for her to have an apartment that had not had pets. Landlord refused transfer because apartment they wanted had had a pet, but email writer said tile could be thoroughly cleaned and it would be better than where they were currently living. Apartment is not in Bloomington or Monroe County; offered to help prepare complaint for filing with ICRC and/or HUD if further discussions with landlord are not productive.
- BB. Caller, same caller as in V above, had questions about a probate bill pending before the Indiana legislature. Asked McKinney to explain the legislative process and how she could influence the language of the bill. McKinney did so to the best of her ability. Asked McKinney if she (McKinney) could draft an amendment to the bill. No. Asked McKinney if she charged for her services. No. Asked if she could call again with questions and not be charged. Yes. Called again in 15 minutes and asked when the bill she was concerned about would go into effect; if passed, July 1. Asked how that could be delayed. Suggested she contact her state representative or senator.
- CC. Email writer had questions about overtime, breaks and employer taking tips. Referred to wage and hour division of state labor board.
- DD. Caller said she had a client with increasing mobility issues. Her business is not accessible; it's in an old building and she cannot afford to make it accessible. Her employees have been carrying the

client into the building. Asked if she could be sued for refusing to serve this client. Gave general information about the ADA and referred to private attorney.

EE. Caller said she had a disability. She said she was evicted and landlord refused to accept full rent payment and reinstate her after the court order of eviction as a reasonable accommodation for her disability. Not subject to BHRC jurisdiction; referred to HUD and/or ICRC.

FF. Inmate who wants to move to Bloomington upon his release wrote city legal asking for advice; made referrals.

GG. Visitor to office said he wanted to know when a nonprofit board meets but didn't want to ask them himself. Agreed to email head of board to try to find out.

HH. Caller had questions about laws on service animals; referred to Department of Justice's frequently asked questions on line.

### III. Publicity

A. Emailed 100 copies of monthly newsletter, Rights Stuff, to businesses, agencies and individuals, and distributed copies at coffee houses and library, along with fair housing brochure

B. McKinney participated in FaceTime Live program on hate crime laws

C. Bloom interviewed McKinney about hate crimes

D. Two IU journalism students interviewed McKinney about BHRC and hate crimes in separate interviews

E. IDS student interviewed McKinney about independent contractors and discrimination

F. Oswalt updated BHRC brochures, newsletter and posters

G. Oswalt and Shadday staffed information table at Women's History Month lunch

### IV. Networking/education

- A. McKinney attended meetings of planning committee for 2019 Women's History Month lunch; McKinney, Oswalt, Bangert and Shadday attended lunch
  - B. McKinney attended Bloomington United meeting
  - C. McKinney attended continuing legal education conference on unemployment law
  - D. McKinney attended webinar on Human Rights Campaign's 2019 municipal equality index
  - E. McKinney attended continuing legal education conference on intersection of sports and equality
- V. Affirmative action/living wage ordinance/common wages
- A. McKinney reviewed and approved 43 affirmative action plans
  - B. McKinney attended one pre-bid meeting
  - C. McKinney answered LWO questions
- VI. ADA issues
- A. McKinney attended CCA meetings
  - B. McKinney worked with Michael Shermis on letters to businesses with accessibility issues
  - C. McKinney met with property manager to discuss tenants and emotional support animals