

BLOOMINGTON HUMAN RIGHTS COMMISSION

Director's Quarterly Report

July - September 2019

I. Discrimination complaints

A. Pending from previous quarters

1. Commissioner Haughton-Motley's case
 - a. Case alleging discrimination in public accommodations based on race filed in December, 2018
 - b. No probable cause decision issued in July, 2019; not appealed
2. Commissioner Shadday's case
 - a. Case alleging discrimination in employment on basis of sexual orientation, race, sex, and/or disability filed in March, 2019
 - b. Dismissed for lack of jurisdiction in September, 2019 (too few employees); not appealed.

B. New cases

1. Commissioner Haughton-Motley's case
 - a. Case alleging discrimination in public accommodations on the basis of race
 - b. Investigation pending
2. Commissioner Simpson's case
 - a. Case alleging discrimination in employment based on disability filed in August, 2019
 - b. Investigating pending

C. Intakes/discussions that have not yet led to formal complaint being filed

1. Woman said she had been sexually harassed at work. Decided not to pursue complaint at this time.
2. Woman felt mistreated by private educational entity, possibly on the basis of race. Outside of statute of limitations. Referred to federal agencies that regulate such entities.

D. Complaints filed with another agency when BHRC did not have jurisdiction or had a conflict: none

II. Miscellaneous inquiries

- A. Caller said that a coworker told him that other coworkers texted and emailed lies and racial comments about him. He went to HR and HR did nothing. Then he got transferred to a new job without explanation. Not in city limits; referred to MCHRC.
- B. Caller wanted to know what was going on with the complaint she had filed with the BHRC some time ago. She had filed her complaint with the Bloomington, Minnesota HRC; referred her there.
- C. Email writer asked for the forms or steps to take to file an age discrimination complaint; referred to eeoc.gov or the Indianapolis office of the Equal Employment Opportunity Commission.
- D. Caller said that she had been charged with a crime but was not guilty. Referred to criminal defense attorney. Also said that she had lost her subsidized housing because she rented out a bedroom through Airbnb. She thought that was unfair. Not a BHRC matter. Referred to private attorney.
- E. Caller said that his manager assaulted him the day before he called and then later that same day, he was fired. No evidence of race, sex, etc. discrimination. Referred to BPD.
- F. Email writer said he was doing a volunteer research project and wanted to know names of any area women who had defended human rights as part of the 100th anniversary of the 19th amendment. Suggested Charlotte Zietlow.
- G. Caller, a candidate for city council in Southern Indiana, had questions about Bloomington's living wage ordinance and related issues. Answered questions.
- H. Caller said that she had been fired from her Indianapolis job while she was on medical leave. She called the EEOC, who referred her to the BHRC. Explained BHRC does not have jurisdiction over Indianapolis employers; relayed conversation to EEOC, as this happens repeatedly.
- I. Email writer wanted BHRC to investigate leaders of Jehovah's Witnesses as Watchtower terrorist group leaders, claiming proof of murder of Sri Lankan innocents.
- J. Caller said that her roommate was dangerous and she was trying to get a restraining order and to move out. She asked for an air conditioner for her apartment; while she was out of town, landlord installed room air conditioner in roommate's room. Landlord is also

refusing to honor promised rebate. No discrimination issue apparent; referred to HAND and/or Student Legal Services. Caller's mother got on the phone and yelled that the BHRC would help the daughter if she were "colored."

- K. Visitor to office said that she has a disability and an emotional support animal. New landlord said she had to pay a pet deposit, which HUD says is not allowed for emotional support animals. Tenants have to pay for any damage the animal causes, but do not have to pay a deposit. Sent landlord a copy of the HUD rule and landlord agreed to change policy.
- L. Caller said that she had been trying to call the EEOC about a pending complaint, but when she does, the voice mail says "Welcome to Verizon." McKinney contacted EEOC; they've changed their phone numbers and apparently the old numbers no longer forward to the new numbers. They agreed to return the caller's call.
- M. Caller, a landlord, had questions about providing accessible parking to a tenant who visits the apartment infrequently; discussed options.
- N. Caller said that her landlord has not properly addressed flooding issues; she has complained to HAND about that and HAND is looking into issue. She is behind in rent and is now being threatened with eviction. She thinks the eviction is related to her complaint to HAND, but admitted she is several months behind in rent. Referred to township trustee and Indiana Legal Services.
- O. Caller, a landlady, said she has a three-bedroom house, currently rented by two women. She is looking for a third person and asked if she could refuse to rent to a man. Said that courts have said that tenants have the right to discriminate as far as who they share living quarters with, but landladies can't, unless they also live in home.
- P. Visitor to office wanted to report someone who had made threats and who owns guns, but visitor didn't want to call police because of bad experiences he has had in the past. Suggested he use anonymous ureport; he agreed to do so.
- Q. Caller said that he had spoken with the BHRC in 2008 and BHRC helped him file a complaint with the EEOC. EEOC gave him a right to sue letter; he went to court. Now he has documents from the court with inaccurate information; the documents say there was a hearing and he had an attorney. He said none of that is true. He wanted to meet to discuss his documents and his rights; referred to EEOC and/or private attorney instead.
- R. Visitor to office said he was mistreated by an employer, not because of a protected category, in a job he left in 2017. Told him it was too late to file a complaint with BHRC and he did not seem to have a claim that

would have fallen under BHRC jurisdiction. He also had concerns about a current court case he has against the former employer; made referrals.

- S. Woman for whom we had filed a complaint with the EEOC in early 2019, against an employer over which the BHRC does not have jurisdiction, said she had received a letter from the EEOC but she didn't understand what it meant. Reviewed letter, explained it was a right to sue letter, and explained it meant that the EEOC had not found probable cause in her case, but she could now find a lawyer and take the matter to court. She wanted BHRC to take the case to court for her; explained we could not do that.
- T. Caller, an African American woman, said that she went to a bar after 9. She said she was not allowed in because she has a tattoo on her neck and it was after 9. The bouncer would not explain why they had that rule. The tattoo is not offensive or graphic. She had been there many times before, sometimes after 9, with the tattoo. She had no reason to think they treated her differently because of her race. She said she knows many African Americans frequent this bar. She will complain to management or the main office of the franchise and will call back if she gets any indication this is a race-related issue.
- U. Caller was upset with how she had been treated by a governmental agency (not the City). No evidence of race, sex, etc. discrimination. Made referral.
- V. Student had questions about fighting words and provocation, believing the issue relevant to the farmers' market controversy. Attempted to answer questions and referred to police and/or prosecutor's office for questions relating to criminal law.
- W. Caller said that her daughter was being harassed by a fellow tenant. Tenant made false reports to CPS, complains about smells without reason, etc. No evidence of race, etc., discrimination, and not in the City limits. Referred to private attorney and/or lease; caller then said daughter was in the midst of being evicted for nonpayment, so she probably won't pursue any remedy. Caller said that every jurisdiction needs code enforcement like Bloomington; suggested she contact her elected representatives.
- X. Caller said that she needs someone to spend the night in her apartment for medical reasons; landlord said the night person can't be a friend but has to be someone from an agency. BHRC has no jurisdiction over the landlord; referred to ICRC, HUD and/or private attorney.
- Y. Caller said that he is from Evansville and had questions about his employment rights. He said he had made numerous calls and had not

- found anyone who could help him. Asked if he had contacted the Evansville-Vanderburgh County HRC for help; he said Evansville did not have an HRC. Gave him the telephone number of the Evansville HRC.
- Z. Caller said former landlord won't allow her to move back in even though she had not caused problems before. She said she needed an emotional support animal and that her landlord didn't like her because she didn't want to mix with mixed people. Not in BHRC's jurisdiction; referred to ICRC.
- AA. Caller left a voice mail message saying he had talked to the BHRC approximately a year or two earlier and wanted to talk to BHRC again. Number he left is not a working number.
- BB. Visitor to office said that he had an eviction hearing the next day. He had numerous issues, including mental health issues, adjusting to medications issues, communication issues, anxiety issues, etc. Made referrals.
- CC. Caller said that he had filed a complaint with the EEOC 15 months earlier and he had not heard anything since. Said he now wanted to file his complaint with BHRC instead. Explained that he was outside BHRC's statute of limitations and his employment had not been in Bloomington; gave him telephone number of EEOC.
- DD. Caller said that he owns a business. He does not allow pets in his store. A customer came in with what he called an emotional support dog; the dog defecated in the store and chewed on some merchandise. Customer told store owner that he couldn't take any action against him because he has a disability and his dog is an emotional support animal. Explained difference between service animal and emotional support animal (stores don't have to allow emotional support animals in) and explained that business has right to eject an animal that is misbehaving in this fashion. Sent him DOJ handout on service animals and emotional support animals.
- EE. Caller said that landlord is giving Section 8 tenants a hard time, possibly because he wants to convert the property to student housing. No evidence of sex, race, etc. discrimination. Referred to Tenant Assistance Project and BHA.
- FF. Caller said that landlady was unfairly charging her a pet fee for her emotional support animal. Sent landlady a copy of HUD policy saying tenants can't be charged a pet fee for emotional support animals, but can be charged for damages caused by the animal. Landlady said they didn't charge caller for her first cat, an emotional support animal, but did charge her for the second one, which caller initially said was an emotional support animal for her first cat. Landlady said they had charged caller for a new carpet because the cats had urinated and

defecated on the carpet. Caller denied her cats had damaged the carpet, saying what the landlady called feces was actually just a hairball and saying the landlady should have had the item tested to see what it was. Referred to private attorney or CJAM since issues were more complicated than simple accommodations.

- GG. Caller wanted to make appointment to complain about how restaurant had reorganized its tables so that none of them were accessible to people who use wheelchairs. Before scheduled meeting, director of operations for restaurant reached out to caller to rectify the issue. Caller met with McKinney anyway to provide documentation of incident, in case anyone else brings up similar problem in the future.
- HH. Email writer, an IU student, asked for list of accessible restaurants in Bloomington, number of people who use wheelchairs in Bloomington and their income. Provided her with list of businesses that have been given a CCA decal and made referrals for other questions.

III. Publicity

- A. Emailed 100 copies of monthly newsletter, Rights Stuff, to individuals, organizations and businesses and distributed copies of library and coffee houses, along with fair housing brochures
- B. Helped organize Bloomington United gathering
- C. BHRC and MCHRC marched in 2019 4th of July parade, distributing 2,000 wristbands.

IV. Networking/education

- A. McKinney attended several Bloomington United meetings to help organize community solidarity gathering, held on August 27
- B. McKinney gave talk on fair housing to new realtors
- C. McKinney gave talk to social work class on BHRC
- D. McKinney and Michael Shermis from CFRD met with Mandela Fellows to talk about accessibility issues
- E. McKinney, Oswalt and Jackson attended Bloomington United gathering
- F. McKinney attended Nonviolent Civic Engagement Initiative meeting
- G. McKinney attended planning meetings for 2020 Women's History Month Lunch, which will celebrate 100 years of women's suffrage
- H. McKinney attended webinar on hate crime reporting
- I. McKinney attended CLE talk on constitutional challenges for our democracy, presented by Trevor Potter

V. Affirmative action/living wage/common wage/fair labor initiative

- A. McKinney reviewed and approved 31 affirmative action plans
- B. McKinney updated bidder packet to include sexual harassment information
- C. Oswalt and McKinney updated Fair Labor Initiative information on City's web page

VI. ADA issues

- A. McKinney attended CCA meetings
- B. McKinney worked with Michael Shermis on letters to businesses with accessibility issues.