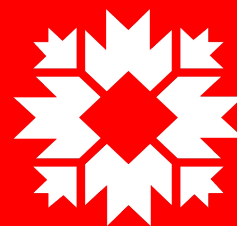


RIGHTS STUFF

A Publication of The City Of Bloomington Human Rights Commission



CITY OF BLOOMINGTON

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Foster Closet Items Needed in Monroe County



The Monroe County Foster Closet is in need of several items.

When foster families receive a referral, they sometimes do not have the supplies and clothing needed for their new child. The Foster Closet aims to give foster and kinship families what they need to care for the child at no cost to the family.

Their current wish list includes boys' clothing sizes 4 to 6, girls' clothing size 10 to 12, new underwear and socks of all children's sizes, kid and teen clothing that is new or gently used, pajamas of all sizes, toys (especially those that help

children learn) and linens such as sheets, mattress protectors, blankets and bed pillows. The wish list also includes gift cards.

Items can be provided in one of two ways.

Either email Foster Closet at MonroeCountyinFosterCloset@gmail.com with what you have available, which will be listed on a registry. When those items are needed, Foster Closet will reach out to you.

The other way is to email Foster Closet and arrange for the items to be picked up by one of their volunteers to give to foster or kinship families.

City Must Allow Group Home in Single-Family Zone

Anoka, Minnesota had a rule that no more than four unrelated people could live together in a single-family dwelling. One Love Housing asked for an exception to the rule so that up to seven unrelated people recovering from alcoholism could live in a single-family home.

They argued that people in recovery benefit from sharing a bedroom because this arrangement provides for mutual support and monitoring. Having seven people also helps the home be financially self-sustaining, according to One Love.

The city council held a hearing on the request. At the hearing, one council member asked if a person has to be a drunk to be a resident, or a drunk trying to quit. He said he has just sold a house across the street from the One Love house to a single woman, "and now seven unemployed drunks are going to be living across the street from her." Some people expressed concern that One Love's house would devalue neighboring houses. The council rejected One Love's request. One Love sued, alleging discrimination on the basis of disability in violation of the Americans with Disabilities Act and/or the Fair Housing Act, and won.

Anoka argued that One Love is not a person with a disability, and that its residents are not necessarily people with disabilities. The court disagreed, noting that alcoholism is a disability, and that the council members regarded the residents as having a disability.

The court also found that granting One Love's request was a reasonable accommodation. Granting the request would not cost the city anything. The home had ample room for seven people and had considerable off-street parking.

And the court found that the requested accommodation – allowing up to seven unrelated people to live in a house -- was necessary to "ameliorate the effects of the disability." Having more than four people in the house helps the residents to provide each other with continual mutual support and monitoring to prevent relapse, and it is critical that people in recovery share a bedroom for support and monitoring.



The court found ordered Anoka to grant One Love its request to house seven people in the dwelling.

The case is One Love Housing, LLC v. City of Anoka, 2021 WL 3774567 (D.MN 2021). If you have questions about fair housing, please contact the BHRC.

RIGHTS STUFF'S MISSION

The purpose of Rights Stuff is to provide information about civil rights litigation as a way to encourage adherence to best practices for landlords, providers of public accommodations and employers. We do this by publishing relevant and timely articles from around the country. Please see the reports in this issue to learn more.

University of Chicago Loses Case

Janet Spencer began working for the University of Chicago's facilities services as a program manager in 2013. She said one of her white male supervisors, Kevin Austin, harassed two Black female coworkers. And he repeatedly asked her to spend time with him outside of work, which she always declined.

Spencer said that after she declined Austin's invitations, he began harassing her the way he had harassed her Black female coworkers, who had been fired. She said he mocked her at management meetings, disparaged her around the office and undermined her to her subordinates.

When a new white man, Gerald McGillian, became one of Spencer's supervisors, he rated her poorly in communication skills because of her issues with Austin. She asked him to help diffuse the situation, and said he "chuckled and said he would not." She said McGillian observed Austin continuing to harass her and encouraging other men to harass her, but he did nothing about it.

Spencer said because facilities services employees are not allowed to complain to human resources, she complained in writing to McGillian about her hostile work environment in February, 2016. He did nothing.

A few months later, Jim McConnell, a white man, was assigned to oversee the entire department. He told Spencer that McGillian was "not going anywhere," so she needed to "figure it out." He told her that if she had any additional complaints, she had to file them with McGillian.

Things did not improve for Spencer. Austin and McGillian would direct staff members to report on Spencer's projects at meetings. They would interrupt her at meetings and ask male employees to corroborate that she was telling the truth. Austin lobbied to have Spencer's staff reduced, and it was reduced, from five to zero. McGillian and McConnell transferred the work of another group from Austin to Spencer, but over time reduced the number of employees in that group from six to one. All the while, they insisted that she had to continue to meet deliverables, making her work longer hours without a promotion or additional pay.

Spencer also complained about a white male employee, Nicholas Neu, who reported to her and

who was Austin's friend. She said that when she presented McMillian with documented examples of Neu's misconduct, McMillian threw her papers across the table and told her he never wanted to see documentation like again. Neu then received a promotion and a raise. Later, McMillian told her she had to remove her evaluation of Neu from his file. She then complained to the university's labor relations department, where she was asked, "Why don't you leave?"

By November, 2017, Spencer said she "recognized the futility of continuing to remain" in her job, and she resigned. The university replaced her with a white male. He had the same job duties as she had had, but was given a more prestigious job title and more money.

Another female employee, Sara Popenhagan, had similar experiences. When Popenhagan complained about being paid less than male employees doing similar work, she was told "It's nice that you are a woman in STEM (science, technology, engineering and mathematics), but we don't have to pay you as such."

Eventually, McGillian offered Popenhagan a raise and a promotion, but said he would not give her a title higher than manager, because that would upset "the guys." When he misrepresented her job duties on her new job description and refused to correct his errors, she complained. He then refused to give her the promised promotion or raise. Only after her lawyer wrote a letter on her behalf did she get her raise and promotion.

Both women sued. The court said that Spencer's allegations were sufficient for the court to have to consider whether she had suffered a hostile work environment and whether she had been constructively discharged. Both women alleged sufficient facts to state a sex discrimination claim and a retaliation claim.

The women's claims will now be decided by a judge or jury unless the parties reach a settlement.

The case is Spencer v. Austin, 2021 WL 4448723, N.D. Ill (2021).

If you have questions about fair employment rights, please contact the BHRC.

ACLU Files Lawsuit Against Indiana School

In November, the American Civil Liberties Union of Indiana announced that it was suing the Vigo County School Corporation for alleged discrimination.

According to the lawsuit, Terre Haute North High School discriminated against transgender students by not allowing them to use the restrooms and locker rooms that correspond with their gender identity. It says the school also has not instructed teachers to use the names and pronouns the students prefer. The lawsuit also asks the court to order the school

to use the students' preferred names in school publications such as its yearbook.

Ken Falk, ACLU of Indiana's legal director, said that "Denying a student the right to use the correct restroom is discrimination, plain and simple. Schools should be a safe place for kids and the refusal to allow a student to use the correct restroom can be extremely damaging."

Lawsuits give only one side of a controversy. Transgender students have generally prevailed in similar cases around the country.

If you have questions about your rights or responsibilities under the Bloomington Human Rights Ordinance, please contact the BHRC.

(Article based on "Indiana school sued over transgender restroom access," by the Associated Press, published in the Bloomington Herald-Times on November 10, 2021, page 8A, and "Indiana high school sued by American Civil Liberties Union over transgender bathroom access," by the Associated Press, published on www.abc7chicago.com on November 9, 2021.)

Need Help Getting Your High School Diploma?

According to the Census Bureau, more than 30 million adults in the United States do not have a high school diploma. If you don't have a high school diploma, or know someone who doesn't, you might want to consider the Excel Center. The Excel Center Bloomington is a free high school for adults that

provides students with an opportunity to earn their high school diploma along with dual college credits and industry-recognized certifications. According to their materials, they provide free childcare onsite, transportation support and a life coach. The program is sponsored by Goodwill.

Students may enroll in the program year-round by going to www.excelcenter.org. Once you enroll, you attend an orientation and then meet with a life coach whose goal is to help you remove barriers and map out a path to success. For more information, call 812-353-8084. The Bloomington school is located at 2088 S. Liberty Drive, Suite 101.

Nominations Open for 2022 Human Rights Award

Nominate an individual or group to be recognized for their Human Rights work in Bloomington. Forms can be found at <https://bloomington.in.gov/boards/human-rights>