

**CITY OF LINCOLN, NEBRASKA
COMMISSION ON HUMAN RIGHTS
MINUTES**

Thursday, May 25, 2023
555 S 10th Street, 1st Floor
City County Building, Council Chambers

CALL TO ORDER:

The May 25, 2023, meeting of the Lincoln Commission on Human Rights (LCHR) was called to order at 4:32 p.m. by Emira Ibrahimasic, Chair.

ROLL CALL:

The roll was called.

MEMBERS PRESENT:

Commissioners: Emira Ibrahimasic (Chair), Alyssa Martin (Vice Chair), Haroon Al Hayder, Sarah Cohen Walker, John Goldrich, and Ryan Kelly.

MEMBERS ABSENT:

Commissioners: Sheri Blok, Rose Godinez and Davetta Nelson.

STAFF PRESENT:

Sara Houston, Rob Rowan, Marna Munn, Jocelyn Golden, Thuyhong Le and Shanna Eckman.

APPROVAL OF April 27, 2023, MINUTES:

A motion was made by Goldrich and seconded by Cohen Walker to approve the minutes of the April 27, 2023, meeting. Hearing no discussion, Ibrahimasic asked for the roll call. Voting “aye” were Ibrahimasic, Al Hayder, Cohen Walker, Goldrich and Kelly. Martin abstained. Motion carried.

APPROVAL OF May 25, 2023, AGENDA:

A motion was made by Martin and seconded by Goldrich to approve the agenda. Hearing no discussion, Ibrahimasic asked for the roll call. Voting “aye” were Ibrahimasic, Martin, Al Hayder, Cohen Walker, Goldrich and Kelly. Motion carried.

CASE DISPOSITIONS:

LCHR No.: 21-0608-008-H and 21-0608-009-H

Steinhour, Rebecca v. Koenig, Heather and Bustamante, Rio v. Koenig, Heather

A motion was made by Cohen Walker and seconded by Kelly to recommend the approval of the Final Order of Findings of Fact and Conclusions of Law by the Hearing Officer and the approval of award for Complainant.

Hearing no discussion, Ibrahimasic asked for the roll call. Voting “aye” were Ibrahimasic, Martin, Al Hayder, Cohen Walker, Goldrich and Kelly. Motion carried.

LCHR No.: 22-0228-007-H

Raley v. Moseman, et al

A motion was made by Al Hayder and seconded by Martin to recommend the approval of the Final Order of Findings of Fact and Conclusions of Law by the Hearing Officer and the approval of award for Complainant.

Hearing no discussion, Ibrahimasic asked for the roll call. Voting “aye” were Ibrahimasic, Martin, Al Hayder, Cohen Walker, Goldrich and Kelly. Motion carried.

LCHR No.: 21-0608-008-H

A motion was made by Cohen Walker and seconded by Al Hayder to dismiss any remaining respondents.

Hearing no discussion, Ibrahimasic asked for the roll call. Voting “aye” were Ibrahimasic, Martin, Al Hayder, Cohen Walker, Goldrich and Kelly. Motion carried.

LCHR No.: 22-0210-005-H

A motion was made by Martin and seconded by Al Hayder to recommend a finding of **reasonable cause** on all allegations.

Cohen Walker commented that for the Respondent not responding, there was a lot of evidence gathered and added to the report. Ibrahimasic questioned if the harassment was related to race or not; Martin commented that since there wasn’t any legitimate evidence provided by the Respondent that it wasn’t due to race, it seemed to be inferred. Kelly agreed as well, since it didn’t seem to be due to other issues with the tenant.

Munn clarified that the harassment had to be due to race; it is the Complainant’s responsibility to provide evidence of that discrimination and while there was harassing behavior from the landlord, there didn’t seem to be enough to show that it was due to race. She noted that this case could not be brought to a federal level due to it being a single-family home that the landlord resides in.

Ibrahimasic questioned if the Complainant could go about filing a case if it wasn’t due to a protected class; Munn clarified that the Commission’s purview was limited to acts of discrimination and that the Commission doesn’t have the authority to hear cases outside of that. She noted that there were other civil actions the Complainant could seek.

Kelly questioned if evidence of stereotyping or other questions linked to stereotypes based on race would qualify as evidence of discrimination even though it wasn’t direct evidence. Goldrich also

concurred that the comments made by the Respondent had a suggestive undertone. Munn said that it could be viewed that way, but that other evidence would be more substantial.

Martin noted that while the Respondent's behavior might be attributed to other factors, there wasn't enough evidence provided to show that it wasn't discrimination.

Hearing no further discussion, Ibrahimasic asked for the roll call. Voting "aye" were Ibrahimasic, Martin, Al Hayder, Cohen Walker, Goldrich and Kelly. Motion carried.

LCHR No.: 22-0817-021-H

A motion was made by Kelly and seconded by Cohen Walker to recommend a finding of **no reasonable cause** on all allegations.

Cohen Walker mentioned that there seemed to be a lot of assumptions by the Complainant as to what the Respondent thought or would do, but that the Complainant seemed to recant. Investigator Rowan noted that the Complainant confirmed they received the refund of the pet deposit and rent, however the investigation was already complete at that point.

Hearing no further discussion, Ibrahimasic asked for the roll call. Voting "aye" were Ibrahimasic, Martin, Al Hayder, Cohen Walker, Goldrich and Kelly. Motion carried.

LCHR No.: 22-1104-026-H

A motion was made by Ibrahimasic and seconded by Martin to recommend a finding of **no reasonable cause** on all allegations.

Ibrahimasic said there didn't appear to be any evidence of discrimination based on disability. Kelly agreed that there seemed to be another legitimate reason for the Respondent to deny the Complainant's application. Cohen Walker questioned if being a smoker was enough of a reason for the Respondent to deny the second application; Kelly and Goldrich both agreed that the Respondent should have clarified with the Complainant before making a decision about the application.

Martin mentioned that it seems there is a broader allowance for a landlord to refuse to rent to as opposed to behavior towards a tenant once they occupy the space. Munn noted that the comparator evidence showed the apartment was rented to someone with a disability, whereas there wasn't much evidence from the Complainant that there was discrimination based on their mother's disability.

Hearing no further discussion, Ibrahimasic asked for the roll call. Voting "aye" were Ibrahimasic, Martin, Al Hayder, Cohen Walker, Goldrich and Kelly. Motion carried.

LCHR No.: 22-0729-020-H

A motion was made by Cohen Walker and seconded by Goldrich to **approve** the Successful Conciliation.

Hearing no further discussion, Ibrahimasic asked for the roll call. Voting "aye" were Ibrahimasic, Martin, Al Hayder, Cohen Walker, Goldrich and Kelly. Motion carried.

LCHR No.: 22-0902-023-H

A motion was made by Martin and seconded by Cohen Walker to **approve** the Charge to Public Hearing.

Hearing no further discussion, Ibrahimasic asked for the roll call. Voting “aye” were Ibrahimasic, Martin, Al Hayder, Cohen Walker, Goldrich and Kelly. Motion carried.

OLD BUSINESS:

Outreach: Juneteenth on June 17th at the Malone Center from 12-6 p.m., and on June 24th at the F Street Rec Center from 11-3 p.m. The AAPI festival is May 27th at the Auld Pavilion. If there is an event that you believe LCHR should have a presence at or would like to pass LCHR materials along to another agency, please reach out to Francisca Beltran or Thuyhong Le.

Ibrahimasic mentioned the Big Red Welcome as a potential event to reach students who might face discrimination in housing. Cohen Walker mentioned the registration fees are a little high for non-profits (\$250 per booth).

Cohen Walker asked about Pride events, Houston noted that LCHR had intended to have a table there but missed the cut off date to register.

The next session of MyCity Academy is starting in September and planning on two or three cohorts in the next season.

NEW BUSINESS:

Director Report: The search for the new Director is still underway. There are three finalists.

Following the June 29th meeting there will be a training session for Commissioners.

Rose Godinez and Haroon Al Hayder have both resigned and June will be their last meeting. The Commission thanks them for their service and support; the Mayor’s office is working on filling the vacancies.

Houston talked about clarifying the attendance policy in the Bylaws as they are a bit vague, either updating it or defining what constitutes approved vs. unapproved or if a request for extended leave is to be an option.

Ibrahimasic noted that the attendance policy was not mentioned when she was onboarded and was unaware that there was one, however she expressed being frustrated in the past when she had made plans to attend the meetings only for them to be cancelled on short notice due to lack of quorum.

Cohen Walker suggested a stricter attendance policy, 80% attendance or more. Ibrahimasic suggested a limit of 3 missed meetings would constitute removal (as opposed to 5 listed in the bylaws), and not offering the option for an extended leave of absence as that prevents other individuals who have a desire to serve, from serving.

Martin requested the past attendance information be sent to all the commissioners so that they can hold themselves accountable.

Goldrich liked the idea of being clearer when onboarding new commissioners, what is expected of them in regards to attendance.

Public Hearing update: The office is waiting for the transcript on one case, there is one scheduled for July and for the Charge to Public Hearing that was approved today will go through conciliation efforts first.

PUBLIC COMMENT:

There was no public comment.

The meeting was adjourned at 5:43 p.m.

Next Meeting:

Thursday, June 29, 2023, at 4:00 p.m.
555 S. 10th Street, 1st Floor, Council Chambers