



## Human Relations Commission Agenda

7:00 p.m. Regular Meeting

Thursday, January 8, 2019

City Hall: Large Conference Room

25 Center Street

Vermillion, South Dakota 57069

1. **Roll Call**
2. **Adoption of the Agenda**
3. **Approval of the Minutes**
  - a. December 6, 2018
  - b. December 8, 2018
4. **Visitors to be Heard**
5. **Old Business**
  - a. Drop-box at City Hall for complaints
6. **New Business**
  - a. Discussions regarding jurisdiction
  - b. Poster design
  - c. Review of templates/forms
7. **Adjourn**

Access the Human Relations Commission Agenda on the web – [www.vermillion.us](http://www.vermillion.us)

**Addressing the Commission:** Persons addressing the Council shall be recognized. Please raise your hand to be recognized and state your name and address.

**a. Items Not on the Agenda** Members of the public may speak under Visitors to Be Heard on any topic NOT on the agenda. Remarks are limited to 5 minutes and no decision will be made at this time.

**b. Agenda Items:** Public testimony will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen who wishes may speak one time for 5 minutes on each agenda item. Public testimony will then be closed and the topic will be given to the governing body for possible action. At this point, only commission members and staff may discuss the current agenda item unless a commission member moves to allow another person to speak and there is unanimous consent from the commission. Questions from commission members, however, may be directed to the public through the presiding officer at any time.

**Meeting Assistance:** The City of Vermillion fully subscribes to the provisions of the Americans with Disabilities Act of 1990. If you desire to attend this public meeting and are in need of special accommodations, please notify the City Manager's Office at 677-7050 at least 3 working days prior to the meeting so appropriate auxiliary aids and services can be made available.

As a courtesy to others, we ask that cellular phones and pagers be turned off during the meeting.

Unapproved Minutes  
Human Relations Commission  
Thursday December 6, 2018 Regular Meeting

The regular meeting of the Human Relations Commission was called to order in the Large Conference Room at City Hall on December 6, 2018 at 7:00 p.m.

1. Roll Call

Present: Mark Daniels, Calvin Petersen, Quinn Thornton, Travis Letellier, Lamont Sellers, Addison McCauley

Absent: Daniel Sundberg

Staff present: John Prescott, City Manager  
James Purdy, Assistant City Manager

2. Adoption of the Agenda

Commissioner Sellers motions to approve the agenda, seconded by Commissioner Daniels. Motion carried.

3. Minutes

a. November 11, 2018 regular meeting.

3a. Commissioner Sellers motions to approve the minutes, seconded by Commission Thornton. Motion carried.

4. Visitors to be Heard

Ashley Hartnett, visitor, was welcomed back. Also present was Marina Sereda, who is a candidate for Commission Advisor.

5. Old Business

a. Oath of Confidentiality

5a. Chair McCauley discussed an Oath of Confidentiality he had prepared. The Commission discussed whether an Oath of Confidentiality was needed. It was decided the Oath would be accepted with some revisions, and that all Commission members would be required to sign. Commissioner Petersen moved to accept the Oath, seconded by Commissioner Daniels. Motion carried.

6. New Business

a. Review of applications for female board members to serve in advisory role

b. Itinerary for upcoming December 8, 2018 VHRC board member retreat

6a. Chairman McCauley motioned that the Commission go into executive session at 7:07 to discuss candidates. Seconded by Commissioner Petersen, motion carried.

The commission returned from executive session at 7:28 and each member submitted the names of two preferences. Marina Sereda and Shannon Cole received the most preference points.

Commissioner Daniels motioned to nominate Marina Sereda and Shannon Cole as Commission advisors, seconded by Commissioner Petersen. Motion carried.

6b. Agenda items submitted by Commissioners included:

1. Timeline for procedures
2. Content for several forms and templates

Commissioner Petersen stated that he would also like the Commission to discuss an advertisement campaign. Vice-Chair Letellier stated advertising is newly appointed Commission Advisor Shannon Cole's area of expertise, and that it would be best to discuss that at a meeting when she is present.

Commissioner Letellier left at 7:45.

The Commission also discussed adding a drop-box for complaints to the agenda for the upcoming meeting.

Commissioner Daniels motioned to accept the agenda as discussed, seconded by Commissioner Thornton. Motion carried.

7. Adjourn

Moved by Commissioner Sellers to adjourn, seconded by Commissioner Thornton. Motion carried at 7:55 p.m.

Vermillion Human Relations Commission

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Lamont Sellers, Secretary

Unapproved Minutes  
Human Relations Commission  
Saturday December 8, 2018 Special Meeting

A special meeting of the Human Relations Commission was called to order in the Large Conference Room at City Hall on December 8, 2018 at 1:04 p.m.

1. Roll Call

Present: Mark Daniels, Calvin Petersen, Quinn Thornton, Travis Letellier, Lamont Sellers, Addison McCauley, Marina Sereda (arrived at 1:08 left at 2:50)

Absent: Daniel Sundberg

Staff present: John Prescott, City Manager (left at 4:15)

James Purdy, Assistant City Manager (arrived at 3:45)

2. Adoption of the Agenda

Commissioner Peterson motions to approve the agenda, seconded by Commissioner Sellers. Motion carried. The Commission also wished to discuss a Mission Statement and additional advisors if time permitted.

3. Minutes

a. December 6, 2018 regular meeting.

3a. The minutes will be presented for approval at the next regular meeting.

4. Visitors to be Heard

None

5. Old Business

- a. Timeline for complaint process
- b. Templates for forms
- c. Approve final version- oath of confidentiality
- d. Email account for complaints
- e. Drop-box at City Hall

5a. The Commission discussed the timeline the City of Brookings has in place for their grievance procedure. In discussing the timeline for detailing the complaint process, some potential changes to the ordinance establishing the Commission were identified. The Commission will work on developing one future ordinance with all changes, including allowing for a subcommittee.

The Commission discussed options for verifying the complaint with potential interviews. The role of the Commission was discussed and reviewed.

The following timeline was discussed:

- Within 10 days a subcommittee of three members meets and notifies the complainant whether or not the complaint is valid, and the respondent is notified.
- Within 14 days the respondent is expected to respond.
- Within 5 days from the respondent's response to the subcommittee, the subcommittee will verify the complaint. If the complaint is verified, it will be forwarded to the Commission.
- Within 5 days the Commission will determine if there probable cause. If there is no probable cause to support the allegations of discrimination, the Commission shall dismiss the verified complaint and promptly notify both parties via personal service or registered and certified mail along with the reasons for the dismissal. If probable cause is found to support the allegations, the Commission shall promptly transmit the determination of probable cause along with the reasons for the determination to both the complainant and respondent via personal service or registered or certified mail. Additionally, referrals to appropriate state regulatory bodies and other relevant resources that may help to remedy the matter may also be sent along with the determination of probable cause, if any. Both the complainant and respondent shall be permitted to inspect any documents not prepared by the Commission in the files of the Commission that are relevant to the determination of probable cause.

Commissioner Peterson moved to adopt this process allowing for some possible adjustments in the future, seconded by Commissioner Sellers, motion carried.

5b. The Commission has four forms they would like to develop: intake/complaint form, respondent form, subcommittee report, and notice of determination. City staff as well as the chair and vice-chair will work on developing these for the future. The Commission discussed placing a disclaimer on the forms stating "the Commission shall have no regulatory powers per 32.50(o)."

5c. Chairman McCauley presents a revised oath of confidentiality to be approved. Commissioner Petersen motions for approval, seconded by Commissioner Daniels, motion carried.

5d. The Commission discussed setting up an email account for the Commission. City Staff will take care of that request. The Commission then discussed the process for a complaint coming in via email. The process that was discussed is that the complaint would be directly submitted to City staff on a secure server, City staff would then notify the Chair and Vice-Chair that a complaint had been received. The Chair would notify the sub-committee that it needed to meet within 10 days to discuss the complaint. All documents pertaining to the case would be kept under seal at City Hall. Commissioner Daniels moved to accept this process, seconded by Commissioner Thornton, motion carried.

5e. Chairperson McCauley stated he would like there to be a physical secure box at City Hall where complaints would be deposited. James Purdy,

Assistant City Manager, stated that he will have to check with John Prescott, City Manager, regarding if that would be allowed. Commissioner Thornton motioned to move to new business, seconded by Commission Peterson, motion carried.

6. New Business

- a. Discussions regarding jurisdiction
- b. Poster design

6a,b. Commissioner Daniels motioned to table new business until the next regular meeting. Seconded by Commissioner Thornton, motion carried.

7. Adjourn

Moved by Commissioner Sellers to adjourn, seconded by Commissioner Daniels. Motion carried at 5:07 p.m.

Vermillion Human Relations Commission

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Lamont Sellers, Secretary

## Vermillion Human Relations Commission Complaint Questionnaire

### 1. Your Information (Complainant)

(Please Print)

Name: \_\_\_\_\_  
First Middle Initial Last

Address: \_\_\_\_\_ Apt. No.: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Employer: \_\_\_\_\_

### 2. Name of Other Party (Respondent)

(Please Print) (Provide as much information as you can)

Name: \_\_\_\_\_  
First Middle Initial Last

Address: \_\_\_\_\_ Apt. No.: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_

Email: \_\_\_\_\_

### 3. Has the alleged discrimination taken place within the past 180 days?

Yes  No

Any verified complaint filed with the Commission must be filed within 180 calendar days after the last occurrence of an alleged discriminatory or unfair practice. The commission will still hear any complaint after 180 days has passed, but for record keeping and referral purposes only.

4. Date(s) of Alleged Discrimination Action:

Beginning Date: \_\_\_\_\_

Ending Date: \_\_\_\_\_

5. Describe the action taken by the Other Party against you: (use as much detail as possible: witnesses, other victims, etc. Attach additional sheets if necessary.)

6. Reason for Action(s) as stated by the Other Party: (use as much detail as possible: dates, witnesses, other victims, etc. Attach additional sheets if necessary.)

7. Basis of Complaint: Check the category(s) which best describe the basis for your claim of discrimination. If none of the following apply, please check other. Only provide accompanying information if it is relevant to your case.

Race

What is your race? \_\_\_\_\_

Age

What is your age? \_\_\_\_\_

Sex

What is your gender? \_\_\_\_\_

National Origin

What is your national origin? \_\_\_\_\_

Religion

What is your religion? \_\_\_\_\_

Familial Status

What is your familial status? \_\_\_\_\_

Disability

What is your disability? \_\_\_\_\_

Other

Explain other: \_\_\_\_\_

(Including but not limited to: Sexual Orientation, Gender Identity, Marital Status, Military or Veteran Status)

It is the policy of the City that discriminatory practices based on marital status, military or veteran status, gender identity, or sexual orientation, while not prohibited by state law, constitute unfair practices which adversely affect people. The Commission, through public information promotion and as permitted by § 32.50, will seek to improve human relations and eliminate such unfair practices. Accordingly, discriminatory practices based on marital status, military or veteran status, gender identity, or sexual orientation will not be investigated or be the subject of complaint resolution procedure until permitted by state law. However, such acts may be brought to the attention of the Commission by a complainant in the form of a verified complaint, which is consistent with the provisions of § 32.51 for record keeping and referral purposes only.



8. Have you filed similar complaints with any other government agency? (i.e., South Dakota Division of Human Rights or Equal Employment Opportunity Commission)?

- Yes
- No

If yes, which agency? \_\_\_\_\_

9. What remedy are you seeking?

The Vermillion Human Relations Commission does not charge any fees for its services. The Commission cannot endorse or recommend any particular attorney.

I, the Complainant as indicated above, solemnly declare and affirm that this information is, to the best of my knowledge, true and correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

You may submit your claim in the following ways: hand in this form to the City Manager's Office at City Hall, email to [humanrelations@cityofvermillion.com](mailto:humanrelations@cityofvermillion.com), or mail to:

City of Vermillion  
Human Relations Commission  
25 Center Street  
Vermillion, SD 57069

If you require additional assistance or accommodations in any aspect of this process, please contact the City of Vermillion at 605-677-7050.



Human Relations Commission  
 25 Center Street • Vermillion, SD 57069  
 Ph: 605.677.7050 • Fax: 605.677.5461  
[Info@cityofvermillion.com](mailto:Info@cityofvermillion.com)  
[www.vermillion.us](http://www.vermillion.us)

**Please Note:** You must submit this Reply Form within 14 days from day of receipt.

**PART 1: RESPONDENT INFORMATION**

Name:	<i>First</i>	<i>Middle</i>	<i>Last</i>
Address:	Today's Date:		

**PART 2: RESPONSE**

**A. DESCRIPTION.** Indicate below your response. Be sure to address specifically the issues raised in the Grievance.

**B. ATTACHMENTS.** You may attach additional information that supports your case. If so, please number each page and indicate here the total number of pages (not including this Form) that you are attaching.

**PART 3: CERTIFICATION**

I hereby certify that all information submitted on this Grievance Reply Form is true and complete to the best of my knowledge and belief.

Respondent's Signature:	Date:
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You may submit your response in the following ways: hand in this form at City Hall, email to [humanrelations@cityofvermillion.com](mailto:humanrelations@cityofvermillion.com), or mail to:

City of Vermillion  
Human Relations Commission  
25 Center Street  
Vermillion, SD 57069

If you require additional assistance or accommodations in any aspect of this process, please contact the City of Vermillion at 605-677-7050.

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Date:

To:

From: Vermillion Human Relations Commission

Subject: Notice of Determination

**Commission Charge:** The goal of the Vermillion Human Relations Commission is to determine if there is probable cause to support the allegations of discrimination. Additionally, referrals to appropriate state regulatory bodies and other relevant resources that may help to remedy the matter may also be sent along with the determination of probable cause, if any. Both the complainant and respondent shall be permitted to inspect any documents not prepared by the Commission in the files of the Commission that are relevant to the determination of probable cause.

### **Overview of Commission Methodology:**

### **Summary of Findings:**

### **Commission Recommendations:**

Based on xxx, we recommend the following:

**Recommendation #1:**

**Recommendation #2:**

**Recommendation #3:**

**Action to Be Taken By:**

**List of the Members:**



Human Relations Commission  
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Date:

To: Vermillion Human Relations Commission

From: Vermillion Human Relations Commission Investigative Subcommittee

Subject: Final Report and Recommended Next Steps

**Subcommittee Charge:** *The goal of the Vermillion Human Relations Commission Investigative Subcommittee is to determine whether or not a complaint submitted to the Vermillion Human Relations Commission is valid.*

**Overview of Subcommittee Methodology:**

**Summary of Findings:**

**Subcommittee Recommendations:**

Based on xxx, we recommend the following (*insert as many recommendations as developed by task force*):

**Recommendation #1:**

**Recommendation #2:**

**Recommendation #3:**

**Action to Be Taken:** The Investigative Subcommittee asks the VHRC

**List of the Members:**