

**COMMISSION OF HUMAN RIGHTS
MINUTES OF MEETING
June 11, 2008
8:30 AM, CDT
KNEIP BUILDING
PIERRE, SD**

The meeting was called to order and roll was taken. Present at the meeting were Commissioners Dave Volk, Bernie Hunhoff, Arlene Ham-Burr, Marilyn Grossenburg and Vivian Asmussen. Also present were Ray Falk, Division of Human Rights Investigator; James Marsh, Division of Labor and Management Director; Seanna Regynski, Division of Human Rights Investigator; Hillary Brady, Hearing Examiner.

Commission Chairperson Volk called the meeting to order and gave a few opening remarks and each person gave a brief introduction of themselves.

REPORT ON DIVISION:

Mr. Marsh gave an informational presentation on the role of the Human Rights Commission, types of discrimination, and explained the steps of the investigation and then eventual hearing of a Human Rights claim.

Mr. Falk then gave a brief report on the types of charges we have been seeing and our relationship to EEOC.

Commissioner Ham-Burr wondered if we had any complaints about bullying in the schools. Mr. Falk commented that the bullying would have to be based on a protected class. Mr. Marsh commented that there could be layers of discrimination in bullying. The actual offender and the school if they disregard the students claim.

Commissioner Hunhoff asked about where we were with Anthony Johns. Mr. Falk commented that he had been in contact with Mr. Johns and that neither one could contact the Respondent in his case. Chairperson Volk asked what the commission's role was after the adjudication and if there was anything the commission could do about a situation such as this. Mr. Falk stated the responsibility would fall on the Claimant and the court to enforce the decisions that the commission would make. Commissioner Volk asked if there was anyway we could be a bit more proactive about getting these cases enforced; possibly send them to the State's Attorney in that particular county. Mr. Marsh commented that the Commission is allowed to follow up on charges according to 20:13:47.

Commissioner Hunhoff asked if the caseload was up or down according to our EEOC statistics. Mr. Falk said that it was up.

Commissioner Volk asked if there was anything we were doing to get the word out there and educating the public. Mr. Marsh said that this office had no public announcements out at the moment but could be an option. He said that our office will go to office

meetings and talk about discrimination and sexual harassment. Commissioner Grossenburg asked if there was anything more we could do to get our name out, especially to young people. Commissioner Volk commented that we should be a bit more available to the public. Commissioner Ham-Burr asked if we had a hotline and Mr. Marsh answered that we do not but our office will check with BIT and see what we can do.

Mr. Falk commented that he feels that schools are not educating students regarding employment discrimination. Mr. Marsh said that with more and more students working we need to get the word out there more. Commissioner Volk added that adolescents are a very vulnerable group.

CONTESTED HEARING PROCEDURE

Hillary Brady gave a presentation on what a hearing examiner does and the different ways the commission could use one.

SCHEDULING OF HUMAN RIGHTS HEARING

The date and time for the Human Rights Hearing was discussed and set for July 16, 2008 in Aberdeen.

Commissioner Hunhoff motioned the Commission adjourn and Commissioner Ham-Burr seconded.

The vote to adjourn was unanimous.