

MICHIGAN CIVIL RIGHTS COMMISSION MEETING

Monday, November 13, 2017 ~ 2:00 p.m.

Cadillac Place, Room L-150

3054 West Grand Boulevard

Detroit, Michigan 48202

MINUTES

PRESENT: Commission Co-Chair Rasha Demashkieh
Commission Co-Chair Laura Reyes-Kopack
Commissioner Mumtaz Haque
Commissioner Ricardo Resio
Commissioner Jeffrey Sakwa
Commissioner Linda Lee Tarver
Commissioner Bradley Voss

EXCUSED: Commission Secretary Deloris Hunt

CALL TO ORDER / ROLL CALL

The meeting was Called to Order at 2:00 p.m. by Commission Co-Chair Rasha Demashkieh. Roll Call of the Commissioners was taken to determine a quorum. Commissioner Voss, Commissioner Tarver, Commissioner Haque, Co-Chair Demashkieh, Co-Chair Reyes-Kopack, Commissioner Resio, Commissioner Sakwa. With seven of eight commissioners present, quorum requirements were met.

APPROVAL OF MEETING AGENDA

MOTION: Following discussion, on a Motion duly made (Commissioner Tarver) and supported (Commissioner Reyes-Kopack), the Meeting Agenda was Approved. ***Motion carried unanimously.***

ADOPTION OF CONSENT AGENDA

One item, a report on the DODDBHH by Annie Urasky was removed from Consent Agenda.

MOTION: Following discussion, on a Motion duly made (Commissioner Tarver) and supported (Commissioner Haque), the amended Consent Agenda was Adopted. ***Motion carried unanimously.***

APPROVAL OF MINUTES FROM SEPTEMBER 18, 2017 MEETING

MOTION: Following discussion, on a Motion duly made (Commissioner Tarver) and supported (Commissioner Sakwa), the Meeting Minutes were Approved. ***Motion carried unanimously.***

DIRECTOR'S REPORT

Executive Director Agustin V. Arbulu provided status updates on Commission's Amicus Brief request on *Bellant v. Governor Snyder* matter, DODDBHH executive order, HB-5158 and HB-5159, Lean Process Initiative for DODDBHH and Law and Policy Division and technology updates, Environmental Justice Workgroup, follow-up on re: Willow Run-Ypsilanti Consolidated School District, Michigan Women's Commission – women veterans, sexual assault, Statewide ALPACT meeting, Muskegon visit, Governor's implicit bias training initiative. Co-Chair Demashkieh waived the State of Education report, and requested an update on the Mason case. Status of promulgated rules.

COMMISSION MATTERS

- **CO-CHAIR REPORT,**
Commissioner Rasha Demashkieh provided update on Commission activity

- **UPDATE ON CLOSED SESSION HELD SEPTEMBER 18, 2017**

MOTION: Following discussion, on a Motion duly made (Commissioner Tarver) and supported (Commissioner Haque), the Commission Reaffirmed the vote taken during closed session to grant Director Arbulu a performance-based bonus. *Motion carried unanimously.*

Director Arbulu respectfully declined the bonus, the Commission accepted.

- **PROPOSED 2018 COMMISSION MEETING SCHEDULE**

January 22, 2018

March 26, 2018

May 21, 2018

July 23, 2018

September 24, 2018

November 12, 2018

MOTION: Following discussion, on a motion duly made (Commissioner Tarver) and supported (Commissioner Sakwa), the 2018 Commission Meeting Schedule was accepted as presented. *Motion carried unanimously.*

- **ATTORNEY GENERAL REPORT**

Assistant Attorney General Ron Robinson provided status updates on three cases: *Andre Cooley v. Governor Rick Snyder, MDCR, Director Arbulu; Willie Clark v. HUD; Crawford v. Beaumont Hospital.*

- **PROPOSED NOMINATING COMMITTEE FOR 2018 SLATE OF OFFICERS**

Commissioner Hunt (Lead), Commissioner Voss, Co-Chair Demashkieh

MOTION: Following discussion, on a Motion duly made (Commissioner Sakwa) and supported (Commissioner Reyes-Kopack), the Nominating Committee for the 2018 Slate of Officers was Approved. *Motion carried unanimously.*

ONGOING BUSINESS

- **EDUCATION REPORT SUMMARY**

Commissioner Demashkieh indicated that Director's Arbulu's update on the Education Report Summary would continue to be tabled until the January 2018 meeting.

- **COMMISSION COMMITTEE REPORTS**

This agenda item was waived.

- **SHOULD THE COMMISSION WAIVE THE ATTORNEY-CLIENT PRIVILEGE AND MAKE PUBLIC COMMUNICATIONS BETWEEN THE ATTORNEY GENERAL'S OFFICE AND THE DEPARTMENT OR COMMISSION RELATED TO THE COMMISSION'S AUTHORITY TO PROVIDE AN INTERPRETATIVE STATEMENT IN RESPONSE TO THE EQMI REQUEST?**

MOTION: Following discussion, on a Motion duly made (Commissioner Reyes-Kopack) and supported (Commissioner Tarver), the Commission waives the attorney-client privilege and make public communications between the Attorney General's Office and the Department or Commission related to the Commission's authority to provide an interpretative statement in response to the EQMI request.

Motion carried. 5 Yea (Demashkieh, Haque, Reyes-Kopack, Tarver, Voss) – 0 Nay – 2 Abstain (Resio, Sakwa)

- **SHOULD THE COMMISSION WITHDRAW ITS PREVIOUS INSTRUCTION TO THE EXECUTIVE DIRECTOR, AND THAT WE DO NOT SEEK A FORMAL OPINION FROM THE ATTORNEY GENERAL BEFORE TAKING UP EQMI'S REQUEST FOR INTERPRETATIVE STATEMENT?**

MOTION: Following discussion, on a Motion duly made (Commissioner Tarver) and supported (Commissioner Voss), the Commission voted to withdraw the request to the Attorney General's Office for an opinion on the meaning of sex (as used in the Elliott Larsen Civil Rights Act). **Motion carried.** 6 Yea (Demashkieh, Haque, Resio, Reyes-Kopack, Tarver, Voss) – 1 Nay (Sakwa) – 0 Abstain.

MOTION: Following additional discussion, on a Motion duly made (Commissioner Tarver) and supported (Commissioner Haque), the Commission voted to remove EQMI's request for interpretative statement on sex from the table for no further discussion or possible future action. The Motion initially carried unanimously but after recognizing confusion among Commissioners about its substance, the Motion was withdrawn by Commissioner Tarver and thus nothing was adopted.

MOTION: Following additional discussion, on a Motion duly made (Commissioner Haque) and supported (Commissioner Reyes-Kopack), the Commission removed the EQMI's request for interpretative statement on sex from the table, and will take up the question of whether to provide an interpretative statement on the meaning of the word "sex" as it is used in the

Elliott-Larsen Civil Rights Act. **Motion carried.** 5 Yea (Demashkieh, Haque, Resio, Reyes-Kopack, Voss) – 1 Nay (Tarver) – 1 Abstain (Sakwa)

Further discussion was held focusing on the five options offered regarding the EQMI's request for interpretative statement on "sex."

MOTION: Following additional discussion the Commission voted on a Motion duly made (Commissioner Tarver) and supported (Commissioner Sakwa), that the Commission selected Option 1, declining to provide an interpretative statement at this time, and does not direct the Department to change its current practice. **Motion failed.** 3 Yea (Resio, Sakwa, Tarver) – 4 Nay (Demashkieh, Haque, Reyes-Kopack, Voss) – 0 Abstain.

4:26 - Co-Chair Demashkieh indicated a 5-minute recess from session.

4:31 – The Commission returned from recess and reconvened session.

MOTION: On Motion duly made (Commissioner Voss) and supported (Commissioner Tarver), the Commission voted to table the interpretative statement issue. **Motion carried unanimously.**

NEW BUSINESS

- **DIVISION ON DEAF, DEAFBLIND AND HARD OF HEARING REPORT**
(removed from Consent Agenda)

Division Director Annie Urasky provided an update on issuance of EO 2017-8 (transferring certification/endorsement of sign language interpreters to LARA)

PUBLIC COMMENT

A request was made by Commission Chair, but there was no Public Comment.

ADJOURNMENT

MOTION: On Motion duly made (Commissioner Tarver) and supported (Commissioner Voss), the meeting of the Michigan Civil Rights Commission at 4:37 p.m. was Adjourned. **Motion carried unanimously.**

The meeting Adjourned at 4:37p.m.

Secretary

Executive Director