

Michigan Department of Civil Rights

Annual Report FY 2012-2013



Contents

Commission and Department	1
Staffing and Budget	3
Office of Civil Rights Operations	3
Complaints By Topic	6
Office of Law and Policy	9
Public Affairs	11
Office of Admin. Services	14
Key Initiatives	15
Metrics and Scorecards	16
How to File a Complaint	16



Pictured above, volunteers and students participate in a service project with MDCR at The Henry Ford, Martin Luther King Day January 2013

The Michigan Civil Rights Commission



The Michigan Civil Rights Commission (MCRC), created by the 1964 Michigan Constitution, is comprised of eight leaders from across the state. Commissioners are appointed to four-year, staggered terms by the Governor, with no more than four members representing any one political party.

In December 2011, Deloris Hunt and Rasha Demashkieh were named by Governor Snyder to serve on the MCRC. In January 2013, Agustin Arbulu and Arthur Horwitz were appointed by Governor Snyder and in June, Linda Gobler was appointed.

Asst. Atty. General Ron Robinson with Commissioners Rasha Demashkieh, Lisa Peebles-Hurst, Mike Zelley. Standing: Former Director Daniel Krichbaum, Commissioners Mark Bernstein and Deloris Hunt with then-Commissioner and current Director Matt Wesaw

The Michigan Department of Civil Rights (MDCR) was established by the state legislature in 1965 as a staff complement to implement the Commission's policies. The Department enforces state civil rights laws through complaint investigation, mediation, outreach/education, and information/referral. Michigan's civil rights laws extend protections against unlawful discrimination to everyone living in or visiting Michigan in the following categories: religion, race, color, national origin, sex, age, marital status, and disability, in the areas of education, employment, housing, public accommodation and public service. Also included under the areas of protection are height, weight, genetic information and misdemeanor arrest record in employment, and familial status in housing.

Our Mission

To secure the full and equal enjoyment of civil rights in Michigan by eliminating discrimination, assuring equal protection, and effectively managing and embracing diversity.



Above, Pulitzer Prize-winning journalist Leonard Pitts Jr., signs copies of his book during the Martin Luther King, Jr. Day celebration at The Henry Ford on January 21, 2013. The event was co-sponsored by MDCR.

Our Vision

The Michigan Department of Civil Rights (MDCR) envisions Michigan as a state where residents and visitors:

- Live, work, learn, and play without encountering unlawful discrimination;
- Enjoy the constitutional and statutory guarantees of equal opportunity;
- Fully understand all civil rights and responsibilities guaranteed by the Constitution and statutes, including how to effectively protect these rights and carry out these responsibilities;
- Fully understand the economic, social, and personal benefits of effectively managing and embracing diversity;
- Have equal access to quality education, employment, housing, public accommodations and public services; and
- Are equally respected and collectively reap the benefits of our great diversity.

Organizational Structure

The Department is comprised of five program areas: Office of the Director, Civil Rights Operations, Law & Policy, Public Affairs and Administrative Services. The Department is also home to the Division on Deaf and Hard of Hearing, the Hispanic/Latino Commission of Michigan, the Michigan Asian Pacific American Affairs Commission, and the Michigan Women's Commission.

Staffing

MDCR was authorized for a total of 126 Full Time Equivalent (FTE) positions for Fiscal Year 2012 (FY12) and 127 FTEs in Fiscal Year 2013 (FY13).

Budget

MDCR's total budget appropriation for FY12 was \$13.7 million, including \$10.7 million in state general fund/general purpose (GF/GP) and \$2.2 million in federal funds. For FY13, our budget appropriation totaled \$14.7 million with \$11.9 million GF/GP and \$2.6 million in federal funds.

Civil Rights Operations

The Office of Civil Rights Operations investigates and enforces civil rights laws. Investigative teams are located in Detroit, Lansing, Flint, Grand Rapids and Marquette.

Colleagues investigate and resolve complaints of discrimination in employment, education, housing, public accommodation and public service, including law enforcement. Complaints must be based on race, color, national origin, disability, religion, age, sex, marital status, height and weight (in employment), arrest record (in employment) or familial status (in housing). Civil Rights Operations staff members also support the department's outreach and education efforts.



Photo: Curtis Lipscomb of KICK, Glenn Stutzky of MSU School of Social Work and Yvonne Poindexter, HUD, speak at the 50th anniversary kick-off event in Detroit

The US Department of Housing and Urban Development (HUD) and the US Equal Employment Opportunity Commission (EEOC) are federal agencies with jurisdiction over allegations of housing and employment discrimination, respectively, when complaints are based on race, color, national origin, disability, religion, age (over 40 in employment), genetic information (in employment), sex, and familial status (in housing). MDCR has work-sharing agreements with HUD and EEOC to investigate complaints where state and federal jurisdiction overlap.

MDCR is recognized by EEOC as the Fair Employment Practice Agency for Michigan. This permits EEOC to authorize state and/or local government to assist it in meeting its statutory mandate. EEOC supports MDCR's enforcement of Title VII of the Civil Rights Act of 1964, as amended; the Age Discrimination in Employment Act (ADEA) of 1967, as amended; the Americans with Disabilities Act (ADA) of 1990, as amended; and the Genetic Information Nondiscrimination Act of 2008.

MDCR is also a HUD-designated Fair Housing Assistance Program Agency. Under 24 CFR 85, HUD provides funds to MDCR to process complaints under the Fair Housing Act, provide training under the Fair Housing Act about state or local fair housing law and cover administrative costs associated with complaint processing, creation and maintenance of data and information systems, and fair housing education and outreach.

On March 1, 2012, MDCR launched an online portal through which customers could request services, including investigations and training. Customers can also ask for information, report a bias-related or hate crime incident and learn more about contractor review services.

During April, which is Fair Housing Month, MDCR recognized craigslist and the Fair Housing Center of West Michigan's (FHCWM) efforts to combat housing discrimination. As noted in a news release, "...These efforts, which MDCR staff helped negotiate, will help ensure that housing advertisements posted on the site do not include discriminatory terms and conditions. MDCR investigators found probable cause of discrimination in housing in the area of Internet advertising. A legal review team found in at least 78 cases filed by the FHCWM, advertisements posted on craigslist.com contained language that violated fair housing laws.

As a part of the efforts undertaken, craigslist voluntarily agreed to:

- Prominently display prohibitions against expressing discriminatory preferences in housing;
- Provide educational notices on its site which explain that such discrimination is unlawful;
- Provide resources on its site to connect users to fair housing centers and governmental organizations dedicated to promoting fair housing; and
- Implement a unique flagging system permitting craigslist's users to identify inappropriate notices."

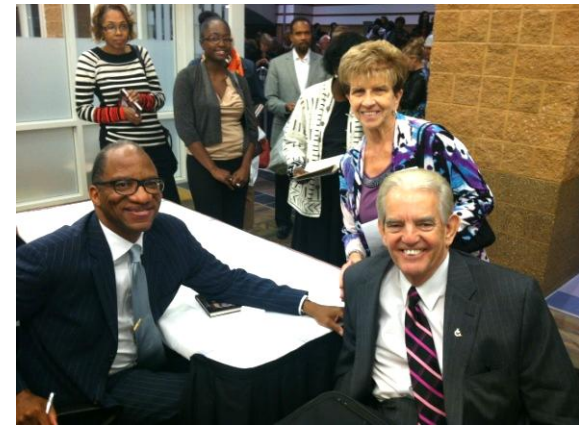


Photo: Commission Chair Mike Zelley, Mrs. Zelley and Wil Haygood (Washington Post reporter, author of The Butler) at the joint 50th anniversary event with Saginaw Valley State University

In 2012, MDCR was awarded seven grants from HUD, totaling \$185,000. These grants enabled us to expand efforts to enforce fair housing laws and help communities and providers better understand their rights and responsibilities. With the grants the department:

- Conducted two statewide conferences focused on housing issues;
- Provided hate crimes training to more than 125 law enforcement officials representing 57 different agencies;
- Supported 37 cities in their efforts to begin development of Community Response Systems to better combat hate crimes;
- Provided training to nearly 300 landlords, realtors, developers and others involved in housing;
- Reduce our backlog of aged, complex or systemic housing investigations by 143;
- Update our 2006 Enumeration Study documenting the number of Migrant and Seasonal Farmworkers in Michigan.

"A key component of MDCR's mission is to fight discrimination in any form it is found. These awards, and our continued partnership with HUD, will help expand our outreach to a wider audience," said Director Krichbaum in a news release.



Melissa Claramunt, American Indian/Civil Rights Specialist speaks at the Cadillac 50th anniversary event; City of East Lansing's Let Freedom Ring event

In FY12, 2,022 complaints were opened and 2,835 complaints were closed. Monetary settlements totaling nearly \$2.5 million were provided to claimants.

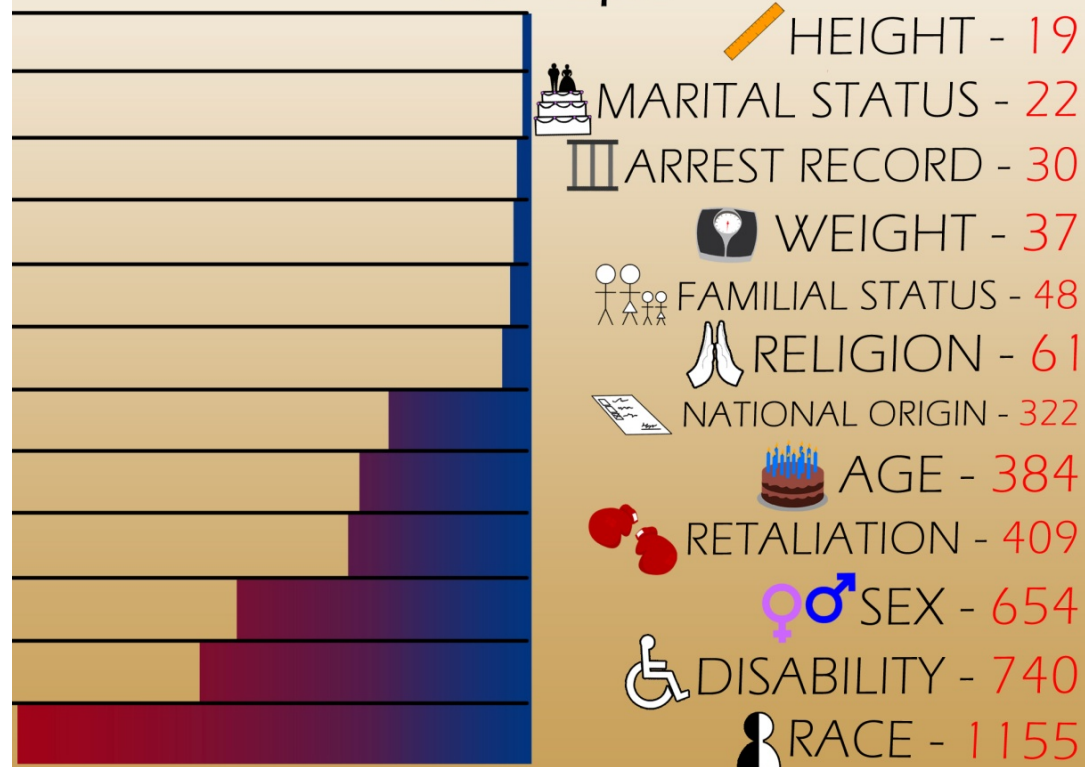
In FY13, 2,196 complaints were opened and 2,183 complaints were closed. Monetary settlements totaling nearly \$4.5 million were provided to claimants.



(left to right above) Lay Minister Anzen Melanie Davenport at the Detroit Let Freedom Ring event; Sylvia Elliott, Commissioner Deloris Hunt, Former Commissioner Mark Bernstein and Dr. Amorie Robinson participate in one of the panel discussions at the Detroit 50 City Kickoff Event; Benton Harbor 50 City event with Community Relations Officers

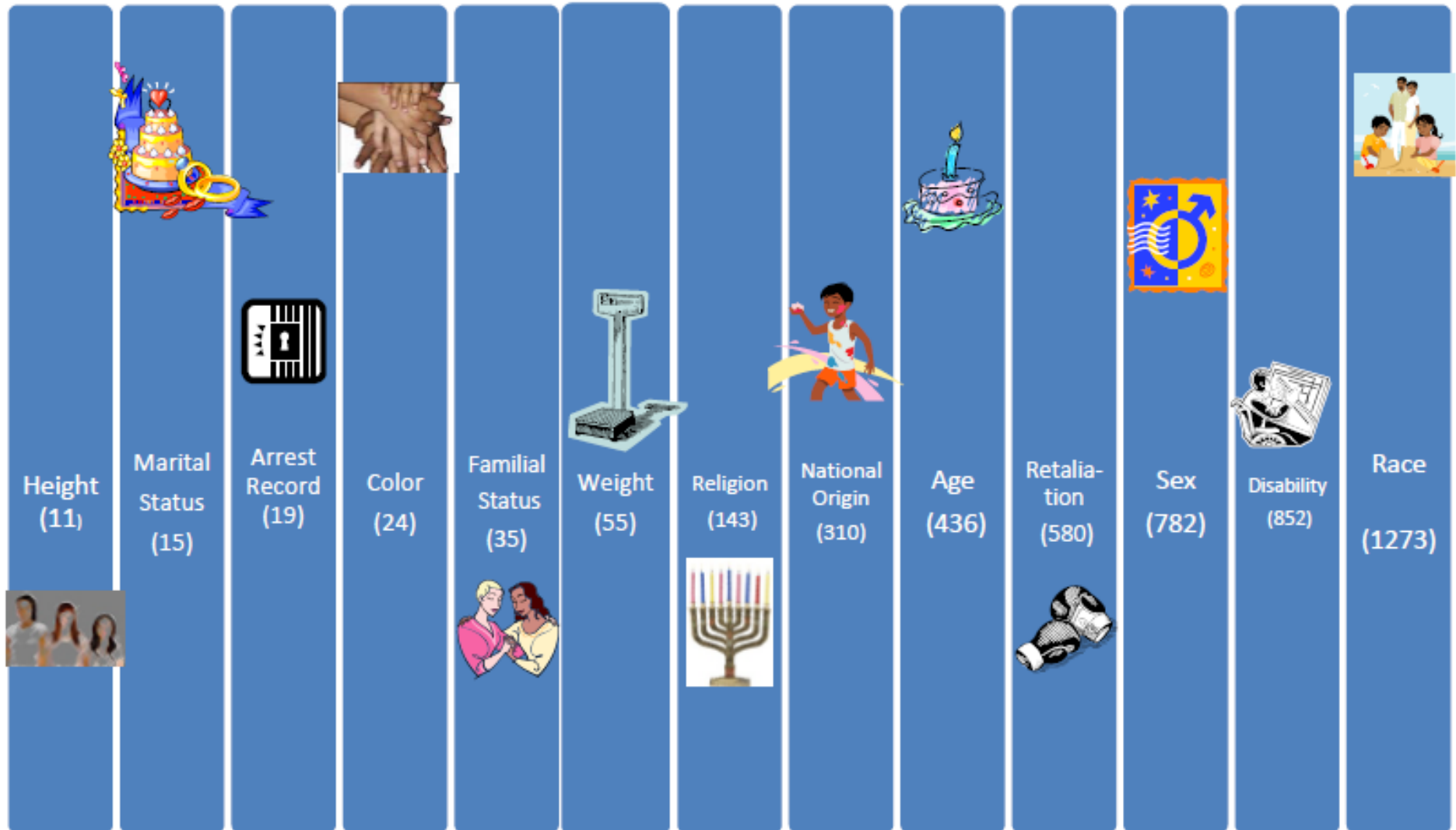
MOST FREQUENT CIVIL RIGHTS COMPLAINTS

Number of Complaints
Per Topic



These figures are for Fiscal Year 2012 (October 1, 2011-September 30, 2012)

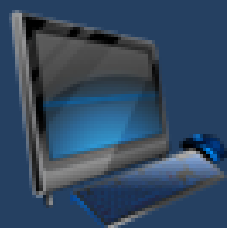
FY 2013 Formal Complaints by Basis



Customer Contacts by Web

The web portal went live on March 1, 2012.

We had 278 customer contacts in that time frame



In FY 2013, there were a total of 550 web contacts.

507 complaint issues

10 contract compliance

22 requests for information

6 outreach and education

5 referrals



Law and Policy

The Office of Law and Policy works with the Director and MCRC to determine the Department's positions and priorities on civil rights and social justice issues. This includes coordinating amicus briefs and serving as the Department's Legislative Liaison.

Legal Affairs staff provides: legal advice on elements required to establish unlawful discrimination; legal information to other colleagues; legal updates on issues that impact Department actions; conducts conciliations on case investigations; determines whether to issue a charge or to seek additional information; litigates Rule 12 hearings; helps the Research/Library Unit with analysis; responds to legal inquiries and requests on civil rights issues; manages subpoenas and related documentation requirements; and training, outreach and education assistance.



Mel Larsen and Daisy Elliott, authors of the Elliott Larsen Civil Rights Act (left) join Director Krichbaum (right) and others at the State Bar of Michigan's Legal Milestones ceremony

Research/Library: staff performs analyses of current court cases, legislation, regulations and guidelines as they apply to Michigan civil rights laws; researches issues pertaining to pending Department cases; provides technical assistance for policy development and speeches; tracks and reports on cases impacting civil rights issues and litigation; and maintains a library of resources, census and statistical data.

The Freedom of Information Act (FOIA) Coordinator reviews and complies with requests to provide information and records within statutorily-established time frames.

Hearings and Mediation: The Director of Hearings and Mediation collaborates with the MCRC in holding administrative hearings as outlined in the Rules of the Michigan Civil Rights Commission. Hearings and Mediation also works with Enforcement colleagues to ensure mediation is offered to customers as a resolution service option on all formal complaints. In addition, the unit mediates federal jurisdiction-only complaints under a separate contract with the EEOC.

Reconsideration: This Unit represents the appeal process for MDCR. A claimant who is unsatisfied with their result can ask for reconsideration of the outcome of their complaint. Colleagues ensure that reconsideration requests for both statements of concern and docketed complaints are appropriately processed within specified time frames.

In May 2012, the Civil Rights Commission issued an interpretive statement on sign language interpreters affirming the use of qualified interpreters acting in unison with a student enrolled in an interpreter education program when the qualified interpreter directly monitors the student and is solely responsible for ensuring that effective communication is provided. See <http://tinyurl.com/nkv7375> for more information.



The Commission also issued an opinion in the Mazyn Barash v. SMART (Suburban Mobility Authority for Regional Transportation) case, awarding the claimant nearly \$350,000 in lost wages, damages and legal fees. Read the opinion at <http://tinyurl.com/nqzvxc2>.

Strategic Partnership Coordinator Mark Bishop makes a presentation to students at Michigan Technological University in Houghton during a 50th anniversary tour stop

The State Bar of Michigan's Legal Milestones program recognizes significant legal cases and personalities in Michigan's history and uses bronze plaques, placed at featured sites, to relate the historical significance. The 37th Legal Milestone recognized Michigan's Elliott Larsen Civil Rights Act, which bolstered existing civil rights law by extending the reach of its application and expanding the forms of prohibited discrimination. The dedication ceremony was held August 28, 2012 at Michigan's Capitol.

The Civil Rights Commission filed a Brief of Proposed Amicus Curiae in Support of Appellants on Proposition 2 of 2006. This case, which was argued in front of the United States Supreme Court in August 2013, examined whether Michigan's Constitutional amendment prohibiting public universities from considering an individual's race, color, ethnicity or national origin in the admissions process is allowable. The Supreme Court has not yet ruled in the case. Read the brief at: <http://tinyurl.com/qafsqov>.

With the Attorney General, MDCR also filed a complaint against the Michigan High School Athletic Association on behalf of a former exchange student, who was subsequently adopted, allowing him to engage in high school sports.



MDCR staff welcomed visitors from Egypt who wanted to learn about civil rights laws and practices in America

Public Affairs

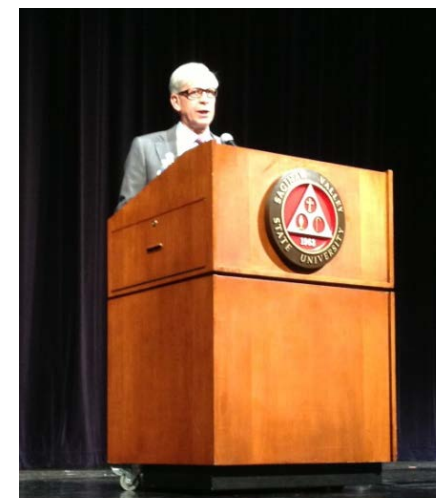
Community Relations

Community Relations colleagues provide training, outreach, and community response. They also offer guidance to human relations commissions, government and business on raising awareness about discrimination, inclusion and diversity. Customized and standard training is available on several topics, including Building Cultural Competence, Hate Crimes 101 and Discriminatory Harassment.

Staff trained 2,928 people during FY12 and 4,220 in FY13 on civil rights-related laws and diversity issues.

MDCR is the administrative home of the Michigan Alliance Against Hate Crimes (MIAAHC). The sixth annual MI Response to Hate conference was held in September, 2012. The seventh annual conference took place in November, 2013.

MDCR's Crisis Response Team (CRT) initiates proactive measures and intervenes as needed to diffuse situations involving community tension and unrest, while also ensuring all people enjoy equal rights under the law. There were a total of 19 events responded to by the CRT in FY 2012.



Lee Gonzales, Senior Director of Special Initiatives addresses an audience of more than 500 people in Saginaw during the 50th Anniversary Tour event

MDCR staff welcomed a contingent of visitors and scholars from Kyrgyzstan to our Lansing office





Colleagues from MDCR marched in the 50th anniversary of the Detroit Walk to Freedom in June 2013

Community Relations colleagues also provide liaison assistance to the Boards and Commissions housed in MDCR: the Hispanic/Latino Commission (HLC), the Division on Deaf and Hard of Hearing and the Asian Pacific American Affairs Commission (MAPAAC).

MDCR is responsible for the Michigan Indian Tuition Waiver (MITW) application process. Michigan Public Act 174 of 1976 provides that Michigan's public colleges and universities "shall waive tuition for any North American Indian who qualifies for admission...and is a legal resident of the state for not less than 12 months." The Specialist in charge of MITW processed 1,384 applications in 2012 and 2013.



(left to right) MAPAAC in a strategic planning session; entertainment during the Hispanic/Latino Commission's recognition dinner; HLC Scholarship recipients



MDCR Director of Public Affairs Leslee Fritz listens to Robert Newby, a former MDCR employee, share his MDCR memories at the Lansing 50th anniversary Kick-Off celebration

In March 2013, MDCR hosted a delegation from Kyrgyzstan. In August, a group from Egypt also visited with MDCR colleagues. Their key interests were religious tolerance, peace and legislation relative to civil rights in the US. The visits were facilitated through The Open World Program, a unique, nonpartisan initiative of and funded by the US Congress that builds mutual understanding between the emerging leaders of participating countries and their US counterparts.

Business and Community Affairs

MDCR works to help communities and businesses become more proactive, moving past merely tolerating differences to embracing diversity so Michigan can maximize its potential in the global economy. The Contractor Review Unit and the Mediation Unit were moved to the Office of Public

Affairs, Business and Community Affairs Division in 2011. Contractor Review expanded its outreach to business and the Mediation Unit now includes both community-based and complaint mediation.

The Elliott-Larsen Civil Rights Act directs that state contracts contain a non-discrimination clause indicating that the contractor and any subcontractors do not discriminate against employees or applicants for employment with respect to hire, tenure, terms, conditions, or privileges of employment. The State's obligation is to assure that tax monies are not used to perpetuate unlawful discrimination in public contracting and related employment. MDCR and the Department of Technology, Management and Budget have a Memorandum of Understanding prohibiting the award of state contracts over \$250,000 to companies that are in violation of the Act.

The Contractor Review Unit has established standards and procedures for ensuring non-discrimination in the provision of programs, services, and funds that are available through the State of Michigan. Contractor Review colleagues also evaluate applications of companies seeking certification as persons with disabilities enterprises. Certificates of Awardability are issued to companies seeking to do business with the State. Such certification assures that companies have demonstrated compliance with the non-discrimination requirements of state and federal law.

MSU Basketball great Mateen Cleaves and a Teen Acting Troupe bring their messages to the Flint Anti-Bullying Forum



Mediation

Mediation is an option offered by MDCR in the complaint resolution process. It is a voluntary process in which opposing parties are guided to negotiate a mutually-acceptable solution of their dispute with the help of a trained, neutral party (mediator). Mediation is an alternative to costly and time-consuming litigation. In 2012, 143 MDCR complaints were mediated. Of these, 49 percent were resolved successfully. In 2013, 60 percent of the 73 mediations resulted in resolutions. Some mediations are conducted internally, while external mediations are provided by regional mediation centers affiliated with the Community Dispute Resolution Program administered by the State Court Administrative Office.

Communications

Communications colleagues respond to media requests, maintain the Department's electronic presence (at www.michigan.gov/mdcr), on Facebook and the Internet, collaborate with other state departments in conveying key messages, write opinion pieces, speeches and reports, talking points for media events, and help develop grant applications. These colleagues also develop marketing tools, brochures and other publications, and publicize Departmental, advisory board and Commission events.



MDCR Director Dan Krichbaum and Commission Liaison Mary McLellan join MAPAAC members to honor Fred Korematsu

Office of Administrative Services (OAS)

OAS provides a range of support services for the Civil Rights Commission and MDCR colleagues. Among these are financial management, budget development and administration, procurement, telecommunications and oversight of automated systems, including:

Accounting: Financial control, analysis and reporting; payment and payroll processing; pre-audit functions; budget/expenditure analysis and status reports; and actual and proposed program expenditure forecasting.

Office Services: Office space, supplies, furniture and equipment procurement and management; messenger services; telecommunications; and forms administration.

Contact Management System (CMS) Specialist: This colleague supports a relational database and Oracle-based application. CMS is a repository and reporting tool for information about customer contacts. The Specialist provides project management; help desk support to other colleagues; develops and delivers CMS training programs; and provides database administration.

Key Initiatives

In addition to the ongoing work described in the preceding pages, MDCR works to advance the causes of fairness and justice through a number of key initiatives which target specific issues.

Bullying – Michigan’s Anti-Bullying Law (Matt’s Safe School Act) was passed in December 2011. MDCR released the following in response:

"The Michigan Department of Civil Rights has long advocated for comprehensive legislation to protect children from bullying. We were pleased that Governor Snyder also called for such legislation earlier this year. Today's action ... is a positive step in the effort to protect Michigan's children while empowering parents to become involved and giving individual school districts the flexibility to develop policy that best fits their students' needs."

MDCR has partnered with the Michigan Department of Education and the Office of State Court Administrator to work with school districts in developing, implementing and evaluating anti-bullying policies and programs.

ALPACT (Advocates and Leaders for Police and Community Trust) —Building on a program in existence for 15 years in Southeast Michigan, MDCR replicated this successful model in West Michigan, Benton Harbor, Flint and Saginaw. This group of law enforcement and community leaders works to build relationships, increase trust and decrease racial profiling.



Leslee Fritz addresses the media at Enumeration Study press conference in August 2013

Statewide Leadership Collaborative for Civil and Human Rights—This initiative was started in 2011. The parent body divided into three regional sectors covering mid-, Eastern and West Michigan. The collaboratives concentrate on three key areas: education, immigration and inclusion. Partnerships built by these groups help to move civil and human rights forward.

Migrant and Seasonal Farmworker Implementation Work Group – As a result of the Migrant and Seasonal Farmworker report developed by the Commission and staff in 2010, a cabinet-level workgroup was formed. This body continued to work on 15 recommendations to advance the cause of farmworkers’ living and working conditions. Key achievements include the Department of Agriculture and Rural Development funding pre-season migrant housing inspections. Also, a portion of the HUD grant funding mentioned earlier enabled the enumeration study to be repeated, providing a more accurate count of the migrant and accompanying family member population to service providers. The prior enumeration study was completed in 2005. A report denoting progress and next steps were released in 2013 (see <http://tinyurl.com/lv9e2bs>).

Civil Rights Youth Academy — Youth from three Detroit-area schools and their teachers and advisors, guided by University of Michigan Social Work Faculty, came together to learn about civil rights. This project raised awareness of social and human justice issues among the students, built relationships among students from different backgrounds and helped to develop a cadre of young civil rights leaders.

Public Forums on the impact of Anti-Discrimination Policies on LGBT Persons — During 2012, MDCR held public hearings on the impact of anti-discrimination policies on the lesbian, gay, bisexual and transgender communities, as well as the economy and social well-being of Michigan communities. Members of the public attended and provided testimony on how they have been impacted personally. Forums were held in Jackson, Holland, Ann Arbor, Grand Rapids and Detroit.

Findings from these forums were provided to the Civil Rights Commission and the public in the winter of 2013 (see [Report on LGBT Inclusion Under Michigan Law](#)). The MCRC adopted the recommendations made in the report at their meeting in March 2013.

50 City Tour — As part of MDCR's 50th anniversary observation, we celebrated with event kickoffs in Detroit and Lansing in March, 2013. During the course of the year, colleagues, Commissioners and members of the public are joining together to discuss civil rights history and contemporary areas of concern. The tour will conclude in 2014.



Testimony at the Jackson public forum on LGBT discrimination

Metrics/Scorecards

Beginning in FY12, MDCR and all state agencies began issuing Departmental scorecards. These measure the link between strategy, budgets and metrics to help move Michigan forward. Agency scorecards also provide transparency and accountability to Michigan taxpayers, and they are internal management tools for decision-makers. The MDCR scorecards are posted beginning with January 1, 2012 at http://www.michigan.gov/openmichigan/0,4648,7-266-60201_60931---,00.html.

To file a complaint

The alleged act of discrimination must have occurred within the past 180 days. Contact the Department at our online portal www.michigan.gov/mdcr, by phone, TTY, or in person to discuss the concern with a Civil Rights Representative.

Office Locations

Lansing: Capitol Tower Building, 110 W. Michigan Avenue, Suite 800, Lansing, MI 48933 Phone: 517 335-3165

Detroit: Cadillac Place, 3054 W. Grand Boulevard, Suite 3-600, Detroit, MI 48202. Phone: 313 456-3700

Flint: State Office Building, 125 East Union, Flint, MI 48202. Phone: 810 760-2805

Grand Rapids: 350 W. Ottawa Ave., NW, 4th Floor, Grand Rapids, MI 49503. Phone: 616 356-0380

Marquette: 234 W. Baraga Avenue, Marquette, MI 49855. Phone: 906 226-6393

Toll-free number: 1-800-482-3604

TTY: 1-877-878-8464

Email address: MDCR-INFO@michigan.gov

From our website, you can also learn about the complaint process, download and print our brochures and anti-discrimination posters, and request help through the variety of programs MDCR offers at www.michigan.gov/mdcr.



<https://www.facebook.com/mdcr>