

Michigan Department of Civil Rights



“Human progress never rolls in on the wheels of inevitability, it comes through the tireless effort and the persistent hard work of dedicated individuals.”

--Dr. Martin Luther King, Jr.





STATE OF MICHIGAN
DEPARTMENT OF CIVIL RIGHTS
EXECUTIVE

JENNIFER M. GRANHOLM
GOVERNOR

KELVIN W. SCOTT
DIRECTOR

February 2010

The Honorable Jennifer M. Granholm
Members of the Michigan Legislature
People of the State of Michigan

On behalf of the Michigan Civil Rights Commission and Michigan Department of Civil Rights, I present to you our Annual Report for fiscal year 2009.

Fiscal year 2009 was perhaps one of the most difficult financial years in the recent history of the Commission and Department. In June 2009, the Department lost more than 20% of our staff due to continuing budget difficulties.

Now under my leadership, following the judicial appointment of former Director Linda V. Parker, the Department will continue to strive to adapt to the changing times to further move the cause of equal opportunity forward. Although these are times for concern, a glance at the history of the civil rights movement in both Michigan and America demonstrates that progress is often made during those most difficult times.

Highlights of this year include a series of forums on the conditions of migrant and seasonal farmworkers and more than \$3.1 million awarded to claimants through cash settlements and annual salaries.

We continue to stand steadfast in our cause.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelvin W. Scott".

Kelvin W. Scott
Director



Civil Rights Commission Membership - Fiscal Year 2009

Commission Chair
Matthew Wesaw
Holt – 2004



Vice-Chair
J. Michael Zelley
Grand Blanc – 2006



Secretary
Lisa Peeples-Hurst
St. Joseph - 2008



Treasurer
Nabih H. Ayad, Esq.
Canton – 2008



Mark Bernstein, JD
Ann Arbor – 2004



Karen Henry Stokes
Grand Rapids - 2005



Bertram Marks, JD
Detroit - 2009



Jared Rodriquez
Portland – 2009



The Michigan Civil Rights Commission

The Michigan Civil Rights Commission was created by the 1963 Michigan Constitution, consisting of eight leaders from across the state. Commissioners are appointed to four year, staggered terms by the Governor, with no more than four members from any one political party.

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 the state's civil rights laws through complaint investigation, mediation, outreach/education, information and referral. Michigan's civil rights laws extend protections against unlawful discrimination to everyone residing in or visiting the state of Michigan in the following categories: religion, race, color, national origin, sex, age, marital status, and disability in the areas of employment, education, housing, public accommodation and public service. Also included under the areas of protection are height, weight, genetic information and misdemeanor arrest record in the area of employment, and familial status in the area of housing.

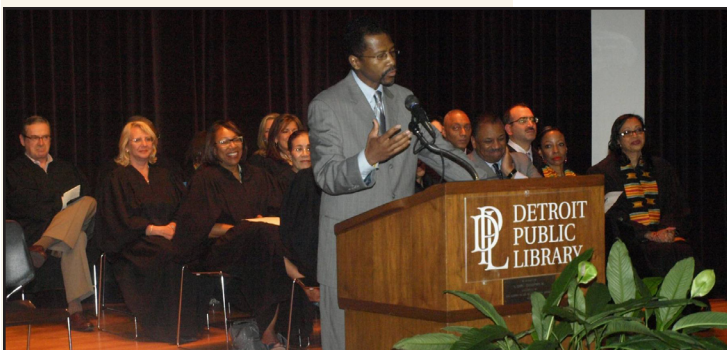
Three individuals joined the Commission this fiscal year. Nabih Ayad was appointed in December 2008. The newest Commissioners, Bertram Marks and Jared Rodriguez, were appointed in August 2009. More information about the Commission as a body and its individual members is available at <http://www.michigan.gov/mdcr>.

Commission News

In December 2008, the Commission hosted a public forum on Health Disparities at Wayne State University. Dr. Phyllis Meadows discussed the role of race in quality of health care in Detroit. Dr. Othelia Pryor spoke on the agenda of the Michigan Minority Health Coalition and Ms. Jacquetta Hinton addressed disparities in Michigan relative to disease, treatment and insurance. Dr. Herbert Smitherman introduced a model for sustainable health care reform. Professor Vernellia Randall presented a legal remedy for states to effectively address health disparity claims.

Also in December, Governor Jennifer Granholm appointed MDCR Director Linda V. Parker to the Wayne County Third Circuit Court Bench. In February 2009, Commission Chair Kelvin W. Scott was appointed by the Commission to succeed Linda V. Parker as Director of the Michigan Department of Civil Rights.

Here, Director Scott speaks at Judge Parker's investiture



During April 2009, the Commission hosted a meeting/public forum in Hamtramck. Residents, governmental officials and community leaders offered public comment and testimony on unrest in the community, some of which resulted from the murder of a Bengali resident earlier this year.

In June 2009, the Commission held a public forum on the rights of migrant and seasonal farmworkers in Kalamazoo. After considering the presentations that were made at the meeting and during the public comment

period, the Commission voted unanimously to conduct an extensive investigation into the status of Michigan's migrant and seasonal farmworkers. This took place during July through September, 2009 and included a series of five forums held in locations where migrant and seasonal farmworkers are concentrated. A second public forum on this topic was held in August 2009 in conjunction with the Commission's regular meeting in Allendale. These efforts resulted in a report, recommendations and next steps for Michigan's partners serving migrants to be released during FY 2010.

Amicus Brief

In August 2009, the Commission and Department filed an amicus brief with the Sixth Circuit US Court of Appeals in a case involving Article 1, Section 26 of the Michigan Constitution. This is the voter-enacted provision prohibiting any consideration of race in public employment, contracting and/or university admissions. While the provision includes prohibitions in addition to race and settings other than university admissions, the amicus brief focuses on race and admissions because this is where the amendment 'will have the greatest effect and where the amendment most runs afoul of constitutional law'. The brief argues that the portion of Michigan Constitution Article 1, Section 26 that applies to universities violates the doctrine of academic freedom by prohibiting universities from acting in the best interests of all students and of the universities themselves. The Commission stresses that major employers are increasingly emphasizing the desire to hire graduates from universities with the diversity necessary to accustom students to work across differences and prepare them for work in a global business economy. The brief also notes that favoring diversity is not synonymous with giving a preference to, or discriminating against, any particular group. It asks that the Appellate Court purge the offending language from the Michigan Constitution, at least as it applies to the consideration of race in Michigan public university admissions.

Office of the Director

Several MDCR staff and Director Parker were engaged in public speaking, distribution of voter education literature, media interviews and submission of print media articles on voter rights in preparation for the November 4, 2008 election.



In December 2008, the Department welcomed Governor Jennifer M. Granholm to an all-agency meeting.

At left, several MDCR colleagues are pictured with the Governor

Director Kelvin W. Scott was named Chair of the Equal Opportunity and Diversity Council (EODC), charged with increasing diversity competence in the state government workforce. In June 2009, the EODC submitted a Strategic Diversity Plan for Michigan to Governor Granholm.



A report on conditions in Benton Harbor was released by the Director's Office in March 2009. This is the result of a public forum and investigation that began in 2008. The report includes an assessment of social, racial and economic dynamics of the city and what services MDCR and other partners can provide to residents.

Commissioner Michael Zelley speaks with Benton Harbor officials during the tour

At right, Commissioner Lisa Peebles-Hurst and Director Parker are listening to the Benton Harbor tour leader

Director Scott, Harold Core and Sylvia Elliott represented MDCR on the Environmental Justice Working Group, charged with creating an environmental justice plan for the state of Michigan. Evidence collected over the last 20 years indicates that negative environmental impact sites are disproportionately found in communities of color.



In August, Director Scott represented MDCR at the Michigan Roundtable for Diversity and Inclusion's event, "Race and Policing: From Cambridge to Detroit." Also in August, MDCR began planning for a series of Root Beer Summits, to take place on November 17. These were modeled after President Obama's Beer Summit, held earlier in the year.

During the course of the fiscal year, Directors Parker and Scott represented the Department at a wide variety of community events, conferences and state government initiatives aimed at increasing knowledge about civil rights and social justice.

Below, Governor Granholm and Director Scott are pictured with several of the student attendees at the Third Annual Youth Roundtable on Diversity and Michigan's future, which took place in February 2009



Office of Civil Rights Operations

This Office includes the Enforcement Division, consisting of six enforcement units. Staff are located in Detroit, Flint, Grand Rapids, Lansing, and Marquette. Each unit includes Civil Rights Investigators, Administrative Support and Management colleagues.

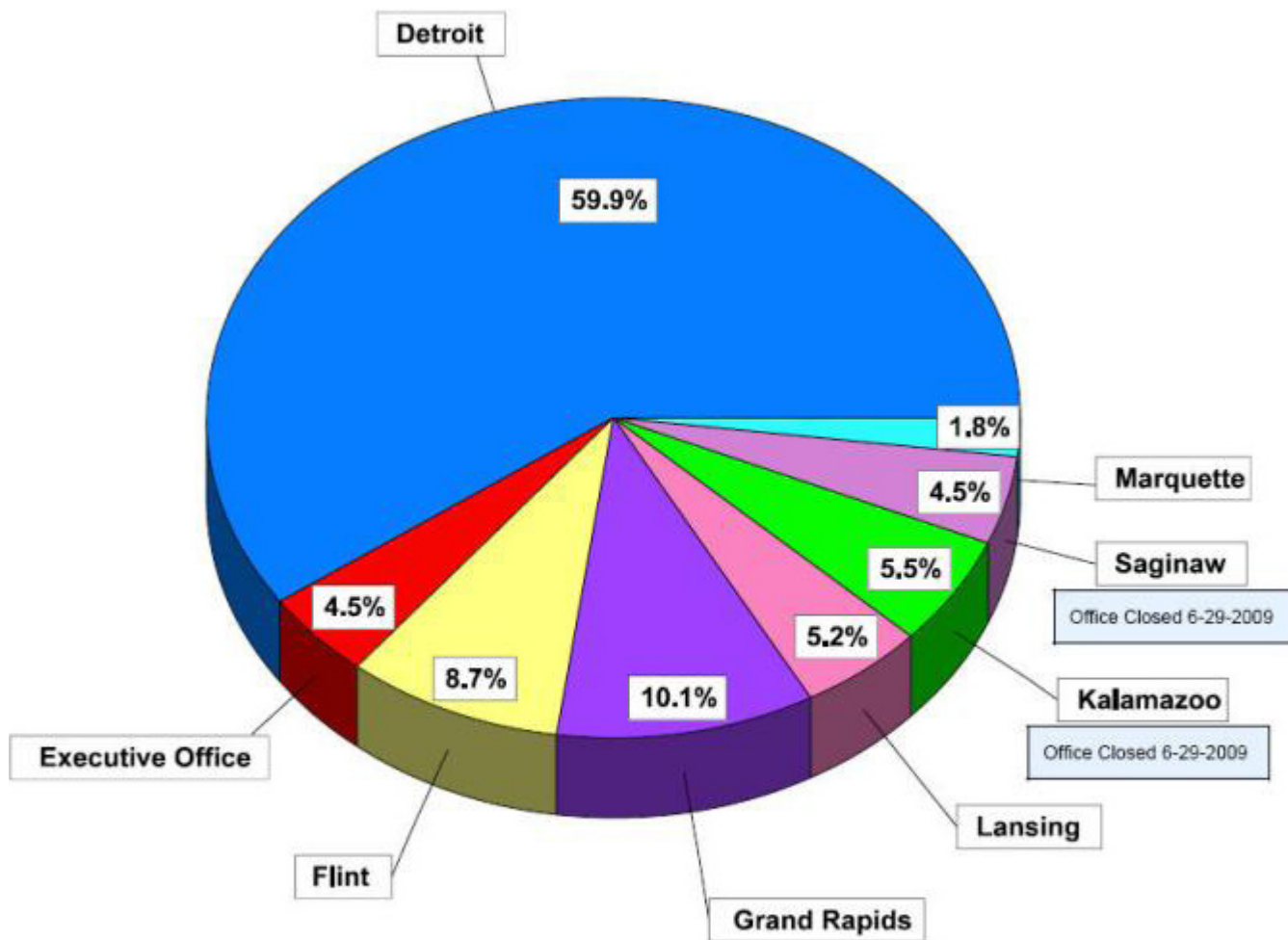
Enforcement Division staff serve customers by investigating allegations of unlawful discrimination in the areas of employment, education, housing, public accommodation, law enforcement and public service, as well as providing

information, referrals to other organizations, and outreach and education.

When a formal complaint investigation results in a finding of probable cause that the customer's civil rights have been violated, staff will offer conciliation to try and resolve the matter. If conciliation is unsuccessful, the complaint will be referred for legal review and the possible issuance of a formal charge of discrimination.

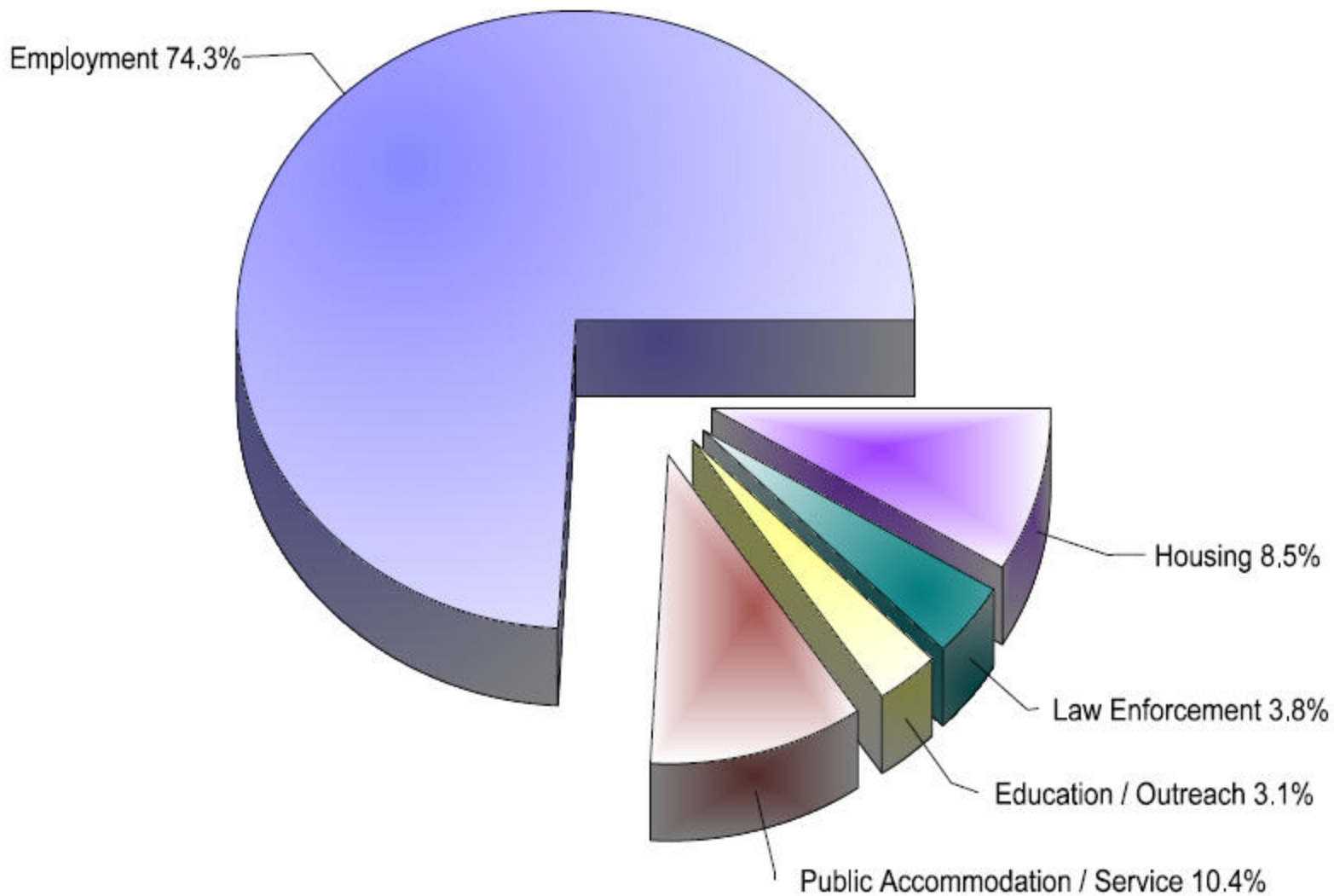
FY 2009 Contacts Closed

by Office Location



- A contact is a customer request for service.
- The percentages shown reflect all requests for service recorded in the department's Contact Management System and closed during FY 2009. Services include Outreach, Education, Complaint Issue, Contract Compliance, Referral and Information (including FOIA). All Contract Compliance and FOIA contacts are processed in the Detroit Office.

FY 2009 Complaint Issue Contacts Recorded *by Area of Discrimination*

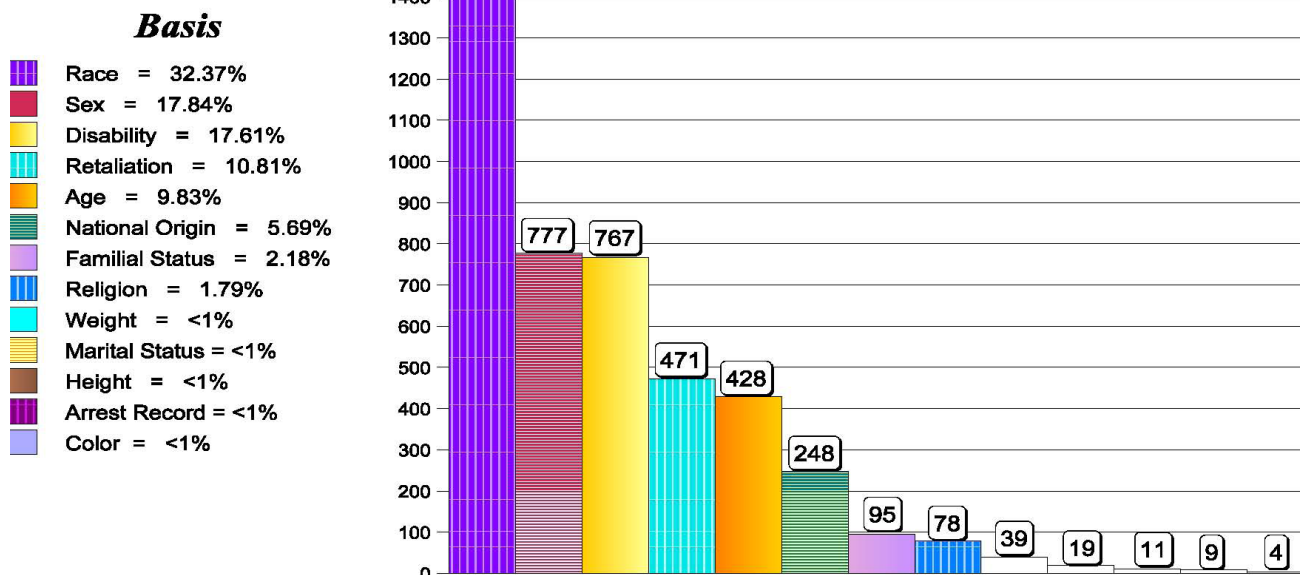


- A Complaint Issue contact is a customer request for service specifically regarding allegations of unlawful discrimination.
- The percentages shown reflect all requests for Complaint Issue services recorded in the department's Contact Management System during FY 2009.

During Fiscal Year 2009, MDCR responded to 12,596 customer contacts for assistance. From these contacts, MDCR opened 2,745 discrimination complaints and closed 2,503. More than \$3.1 million was awarded to claimants, including cash settlements and annual salaries from claimants being returned to work.

Bases of Discrimination Recorded in Complaints

Fiscal Year 2009



The numbers shown reflect bases identified in complaints recorded in the department's Contact Management System during Fiscal Year 2009. Complaints may include more than one issue and/or multiple bases.

A number of public interest settlements were made this year, including one where the claimant is disabled and uses a scooter. She was unfairly denied access to a dental office because of a ramp being blocked by cars and a step at the doorway. The complaint was resolved when the respondent agreed to provide an accessible ramp for all patients. In another case, a man alleged he was given an unfair grade by a college instructor due to his sex. This was resolved when the college agreed to let the complainant retake the course tuition-free with a different instructor and to forego academic discipline against the claimant. Another claimant (age 52) believed he was not accepted into his employer's apprenticeship program because of his age. The respondent subsequently agreed to place the employee into the apprenticeship program. Finally, another claimant had been denied a loan modification based on her race and disability. She received a loan modification with a lower interest rate and deducted fees that will save her in excess of \$200,000 over the life of her loan. These examples illustrate the kind of work done on behalf of customers by Enforcement Division staff.

Office of Law and Policy

This Office includes *Legal Affairs*, *Hearings and Mediation*, and *Contract Compliance*. The Managing Attorney and three MDCR Staff Attorneys serve as legal advisors to all MDCR program areas and staff. The Attorneys' responsibilities include providing guidance and strategy on issues and cases as they proceed through the enforcement process, reviewing pending legislation impacting civil rights in Michigan, writing amicus briefs on pending court cases, drafting charges, litigating cases in the administrative hearing process, and training internal and external customers on current and developing legal issues. Staff attorneys conduct new employee training and implement grants for fair housing programs. Hearings and Mediation staff also provide oversight to the Michigan Indian Tuition Waiver Program. The Department's Librarian who oversees the Department's historical collection of civil rights documents, books and legal items is housed in Legal Affairs.

During the course of the year, three administrative hearings were held, one involving racial profiling and two employment cases. Staff worked with two law enforcement organizations to develop diversity training for new and existing officers, to help them become more aware and more sensitive to Michigan's increasingly diverse population.

Voluntary mediation is offered as a first step in the enforcement process and can often result in a satisfactory agreement between all parties without the time and expense of pursuing an investigation. Hearings and Mediation staff includes three mediators who report to the Director of Hearings and Mediation. In FY 09, a total of 197 cases were mediated, 163 internally and 34 were completed by mediators external to MDCR. Of those, 107 (54%) were resolved. The monetary outcome of these settlements was \$514,170. Training, policy change and other outcomes of mediation are not included in this figure.

Reconsideration (Rule 7) is an additional service offered to claimants. These individuals may appeal MDCR's decisions and seek a review of the decision on a statement of concern or formal complaint. Reconsideration Unit staff review the case file, often discussing the issue with key parties. A written analysis is then prepared either affirming or reversing the decision of the Civil Rights Enforcement Unit. This office is part of Hearings and Mediation.

Contract Compliance acts to assure that all persons seeking state contracts and receiving public funds comply with anti-discrimination requirements established by law and policy of the State of Michigan. All contractors, sub-contractors, vendors and suppliers doing business with the State of Michigan are required to have a Certificate of Awardability, issued by MDCR, when the contract exceeds \$100,000. In FY 09, 772 Certificates of Awardability were issued for contracts totalling over two billion dollars (\$2,062,843,490).

Office of Public Affairs

This Office includes *Community Relations*, *Public Affairs/Communication* and *Learning and Development*.

The Community Relations Division endeavors to enhance communication and learning around civil rights issues through training, multicultural community liaison relationships and through activating the Crisis Response Team (see the following page). During FY 09, MDCR was funded through a Victims of Crime Act grant wherein staff provided training on building cultural competence, hate crimes 101, and responding effectively to hate crimes (for law enforcement). Community Relations staff work closely with human relations councils around Michigan and they are integral partners to both state government and private business in raising awareness about discrimination, inclusion and diversity. They also provide training in response to Outreach and Education requests received by Enforcement Division staff.

Staff conducted presentations on training and education regarding civil rights-related laws and diversity to more than 6,834 people during this fiscal year. Key events were:

Michigan Roundtable Townhall Meeting and Follow-up Trainings in Canton Township – A number of issues are being addressed in this metro Detroit community as the population becomes more diverse.

MI Response to Hate – This third annual conference held in September 2009 in East Lansing included various training tracks. One engaged several communities in developing their own response networks for responding to hate crime; second emphasis was to train staff in working with Limited English Proficient people. Michigan ranks third in the nation in reported hate crimes. The focus of many hate crimes in Michigan are immigrants and gay/lesbian/bi-/transgendered people.

MDCR Colleagues Mark Bishop and Linda McLin present training at Grand Valley State University



Staff led a meeting of Human Relations Commissions to address immigration challenges, the Anti-Bias Crime Bill, and partnerships between foundations and academia.

In February, two staff presented to 600 participants in two high schools and one library on “The Big Read.” With a grant from the National Endowment for the Arts, copies of “To Kill a Mockingbird” were provided to all attendees. MDCR staff spoke on civil rights issues that existed at the time the book was written, contrasted with current issues.

MDCR deploys trained staff who serve on the Crisis Response Team when communities experience hate crimes and bias-motivated events. This year, events included assisting a 15-year-old gay student who had been attacked by two juveniles; a cross burning in Independence Township; and an attack of a Muslim student.

The Office of Learning and Development assures MDCR colleagues have access to continuing education. This office also assists with developing and delivering training on topics such as hate crimes, race discussions, police and community relations, and building cultural competence to both external customers and state government departments. In addition, staff continue to coordinate and administer diversity training to employees at the MotorCity Casino and Hotel each month.

The Office of Public Information/Communication develops the Department’s strategic plan and maintains communications with media and civil rights partners throughout the state. Staff write press releases, op-ed pieces, internal and external electronic newsletters, speeches, assist other colleagues with presentations, grant applications and assist the Commission with communication needs. Major projects in FY 09 were the Benton Harbor Report, the Environmental Justice Report and the Migrant and Seasonal Farmworker report. Staff also respond to the media on legislative issues with civil rights significance.

A few examples of topics focused on this year were:

“Dept. of Civil Rights: State’s ban on HIV-positive inmates working in prison food service violates law,” from the Michigan Messenger, 4/24/09.

“Pay Equity Day is a reminder for women to get fair share,” from the Detroit Free Press, 4/28/09.

“Civil Rights Commission opposes proposed court rule on courtroom attire,” from the Michigan Messenger, 4/30/09.

“Kelvin Scott: Partisan debate must not derail hate crime bills,” from the Lansing State Journal, 5/19/09.

“Civil Rights Department to close branch offices,” from the Detroit Free Press, 5/28/09.

“Panel told conditions for migrants bad,” from the Kalamazoo Gazette, 6/23/09.

“Michigan boy says teens used gay slurs during beating,” from the Chicago Tribune, 8/21/09.

“State agency hears testimony on treatment of farm workers,” from the Muskegon Chronicle, 8/24/09.

“Religious oppression vs. compromised court procedure,” from Michigan Lawyers Weekly (Vol. 23, No. 43), 9/7/09.

“Rights office urges Ann Arbor schools to cool ethnic tensions following beating,” from the Detroit News, 9/12/09.

“Michigan corrections officials justify HIV prisoner policy, but says infection-via-food worry was ridiculously wrong,” from the Michigan Messenger, 9/25/09.

“Hate crimes conference seeks to empower communities to help victims, curb incidents,” from Between the Lines News, 10/8/09.

Management Services

The Office of Management Services (OMS) includes *Accounting*, *Office Services* and the Department’s *Contact Management System*. Staff responsible for *FOIA (Freedom of Information Act)* responses and the *Records Center*, which houses MDCR’s case files, are also located organizationally in OMS.

MDCR, as a Fair Housing Assistance Program, investigates dually filed housing cases under contract with the federal Department of Housing and Urban Development (HUD). As a Fair Employment Practices Agency, MDCR also investigates dually filed employment cases under contract with the Equal Employment Opportunity Commission (EEOC). Both contracts require case intake, the ability to track files, records storage, updating and maintenance.

The Contact Management System is a searchable database where staff enter information about client contacts, outreach and education. Staff can also enter case notes and determine where a particular case is in the complaint process. Historical searches can also be done on clients and respondents. While some paper records are required, CMS is an efficient way for MDCR staff to share and enter information in a confidential manner.

MDCR FY 2009 Appropriations

	GF/GP Funds	Federal Funds	Total Funds
Original Appropriations	12,418,000	2,216,500	14,634,500
Adjustments:			
Executive Order Reductions	(842,100)	(30,300)	(872,400)
Adjustments of funding	285,000	(307,697)	(22,697)
Adjusted Appropriations	11,860,900	1,878,503	13,739,403

Note: Federal funding represents contracts with EEOC, HUD and the VOCA grant.

Office of Human Resources

The *Office of Human Resources* (OHR) supports MDCR colleagues through employee selection, hiring and compensation, administration of employee benefits and departmental policy, position classification, labor relations and training. Programs include recruitment, student programs, reasonable accommodation coordination, sexual harassment complaint investigations, health and safety coordination, compliance with the Americans with Disabilities Act as Amended (ADAAA) and the Family Medical Leave Act (FMLA).

OHR staff coordinated the office consolidation and employee reductions which took place in June 2009 as the result of state budget issues. In addition, staff coordinated the Department's Strategic Workforce planning efforts. OHR participated in implementing the new MI Jobs online posting and application process, and they assist with employee training, development and mentoring programs.

MDCR is served by Office of Human Resources staff who were consolidated into the Civil Service Commission under Executive Order 2007-30, effective August 26, 2007.

Personnel Demographics for FY 09

	White		Black		Ameri. Indian		Hispanic		Asian	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Official/										
Administr.	4	2	1	2	0	0	1	0	1	0
Professional	9	19	10	25	0	0	2	2	0	1
Para										
Professional	0	0	0	0	0	0	1	1	0	0
Admin Support	0	4	0	9	0	0	0	0	0	0

Disabled = 1

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Michigan Department of Civil Rights

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MDCR is an equal opportunity employer, services and program provider.

