

# ANNUAL **REPORT** 2017



# FROM THE CO-CHAIRS



We are pleased to share our annual report for 2017 highlighting the work of the Michigan Civil Rights Commission and the Michigan Department of Civil Rights, the agency created to carry out the work of the Commission.

2017 was a seminal year for the Commission, and it was also a challenging one.

In February, the Commission issued our report, *The Flint Water Crisis: Systemic Racism Through the Lens of Flint* – a painstaking examination of the role race and racism played in the poisoning of the city’s public water supply and how people

of all races were victims. While the Commission didn’t flinch from exposing failures, inactions and injustices (including pointing out our own responsibility for not responding sooner), we also laid out a list of seven recommendations for action that we believe government must take in order to build accountability, rebuild trust and address the racial inequities that led directly to this crisis.

Our initial recommendation was aimed squarely at ourselves, declaring that we must do a better job of listening to the constituencies we represent and of making their priorities our priorities. We must also make systemic changes to address the long history of inequity. These recommendations will be our guiding principles for our work over the next 12 months and beyond.

In July, Equality Michigan asked the Commission to issue an interpretive statement on the meaning of the word ‘sex’ in the Elliott-Larsen Civil Rights Act. Over the next several months, at meetings and in comments submitted for our consideration, we heard from people all over the state, on all sides of the issue. We were challenged by our own sometimes differing positions, our desire to do right by all Michigan residents, and by the legal framework within which we must operate. At the time of this writing, the issues surrounding this complex legal question remain unresolved, and will be on the Commission’s agenda in the months ahead.

Finally, in 2017, the Commission recognized the growing problem of inequity and discrimination in Michigan’s K-12 schools. In response, we have decided to hold a series of public hearings to examine this problem in the year ahead. We encourage all residents to attend and participate in a hearing near you.

In the time before and after these important developments, the Department of Civil Rights continued the vital, day-in and day-out work of enforcing civil rights law and working to prevent discrimination through community engagement and education. We are proud to share the story of those efforts in the pages of this report.



Rasha Demashkieh, Co-Chair

Laura Reyes Kopack, Co-Chair

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## WHO WE ARE

The role of the Michigan Civil Rights Commission (MCRC) and the Michigan Department of Civil Rights (MDCR) is enshrined in the Michigan Constitution: to investigate alleged discrimination and to secure the equal protection of civil rights.

MDCR is home to the Division on Deaf, DeafBlind and Hard of Hearing, the Michigan Women’s Commission, the Michigan Indian Tuition Waiver program, the Americans with Disabilities Act (ADA) Compliance Office for the State of Michigan and a number of strategic civil rights initiatives.

## WHAT WE DO

### Enforce Civil Rights Laws

MDCR’s primary purpose is to investigate complaints of discrimination in employment, education, housing, public accommodation, law enforcement and public service. The alleged discrimination must be based on religion, race, color, national origin, arrest record, genetic information, sex, age, height, weight, marital status or disability.

### Prevent Discrimination

MDCR is committed to preventing discrimination and promoting voluntary compliance with civil rights laws. The Department offers training on a range of topics including cultural competency, disability, sexual harassment, housing discrimination, hate crimes and civil rights law.

MDCR also partners with communities and organizations to examine and address racial and ethnic disparities and the role they play in Michigan’s economic and social environment.

### MDCR-led initiatives:

- **Advocates and Leaders for Police and Community Trust (ALPACT)** brings together law enforcement and community leaders to build trust and facilitate communication and cooperation.
- **Michigan Alliance Against Hate Crimes (MIAAHC)** works to eliminate hate crimes and bias incidents in Michigan.
- **Farmworker Policy, Advocacy, and Civil Rights Committee\*** promotes, tracks and reports on recommendations to improve conditions for Michigan’s migrant and seasonal farmworkers and their families.
- **West Michigan Leadership Collaborative** brings organizations, education and government agencies together to address racial and ethnic disparities, advocate for equal opportunity and develop community resources.
- **Michigan Service Animal Registry** offers individuals with disabilities who use trained service animals the opportunity to register voluntarily with the state and obtain an official identification card and patch.

*\*The Farmworker Policy, Advocacy, and Civil Rights Committee is part of the Michigan Interagency Migrant Services Committee (IMSC).*

## Serve Communities

MDCR works to support diversity and inclusion, and to serve the needs of specific residents.

- **The Division on Deaf, DeafBlind and Hard of Hearing (DODDBHH)** supports effective communication for Michigan’s deaf, deafblind and hard of hearing population. The Division receives input from a 13-member Advisory Council appointed by the Governor, and offers information and technical assistance on sign language interpreters and other communication-related accommodations.
- **The Michigan Women’s Commission (MWC)** addresses issues of concern to Michigan’s women. Current MWC priorities are women in business, women veterans and human trafficking. MWC also acts as a referral agency to help women access federal, state and local resources.
- **The Relentless Tour with Anthony Ianni** reaches students and adults throughout Michigan and beyond to fight bullying and to inspire individuals to overcome disabilities.
- **The State of Michigan Office of ADA Compliance** works to ensure all aspects of Michigan government are in compliance with the Americans with Disabilities Act and other state and federal disability-related laws.
- **The Michigan Indian Tuition Waiver** program waives tuition costs for eligible Native Americans in Michigan’s public colleges and universities.

## CREATED BY CONSTITUTION

In 1963, Michigan became the first state in the nation to include civil rights protections in its Constitution. The Michigan Department of Civil Rights was created in 1965 to carry out the work of the Commission. Passage of the Elliott-Larsen Civil Rights Act and the Persons with Disabilities Civil Rights Act further clarified the specific protections guaranteed under Michigan law.



## THE COMMISSION

The Michigan Civil Rights Commission is comprised of eight members who are appointed by the Governor to four-year staggered terms. No more than four members can represent any one political party.

• **CO-CHAIR RASHA DEMASHKIEH (I), Fort Gratiot**  
**Appointed December 2011; term expires 12-31-2019.**

Rasha Demashkieh is a graduate of Wayne State University School of Pharmacy and Allied Health. She is a practicing pharmacist in Port Huron. Demashkieh serves as Vice President of the Board of Education of the Port Huron Area School District, Chair of the Board of the Arab Community Center for Economic and Social Services (ACCESS), and Board Member of the St. Clair County Community Foundation.

• **CO-CHAIR LAURA REYES KOPACK (R), Livonia**  
**Appointed December 2015; term expires 12-31-2020.**

Laura Reyes Kopack, JD is the Director of Government Affairs and Community Relations for the Mechanical Contractors Association in Detroit. She is a trustee on numerous business trusts and boards of directors. For more than 30 years, she practiced law at Creighton, McLean and Shea PLC, her own firm, and in the corporate sector.

• **SECRETARY DELORIS HUNT (D), Farmington Hills**  
**Appointed December 2011; term expires 12-31-2019.**

Deloris Hunt is Senior Vice President and Chief Human Resources Officer of the Detroit Medical Center (DMC) where she directs HR programs including training and development, compensation, disability benefits, employee assistance programs, information systems, records management, and labor and employee relations. During her tenure, DMC was recognized for diversity and leadership development.

• **MUMTAZ HAQUE (I), Troy**  
**Appointed December 2014; term expires 12-31-2018.**

Mumtaz Haque is a Detroit Public School Administrator and cultural consultant. She is also the producer and host of the Manoranjan Radio Show. Haque serves on the board of the International Institute of Metropolitan Detroit and

as its President from 2002-2004 and 2010-2012. She is a member of the Michigan Department of Education Bias and Sensitivity Committee for MEAP and the Michigan Merit Exam, and served two terms on the Michigan Asian Pacific American Affairs Commission.

• **RICARDO RESIO (R), Saginaw**  
**Appointed February 2015; term expires 12-31-2018.**

Ricardo Resio is the Director of Human Resources at Merrill Technologies Group in Saginaw. Previously, he was the Principal in Charge for Human Resources at the Rehmann Group LLC. He also worked as the Employee Relations Manager for Michigan Sugar.

• **JEFFREY J. SAKWA (R), Birmingham**  
**Appointed March 2017; term expires 12-21-2020.**

Jeffrey Sakwa has been the President of Noble Realty for 28 years, specializing in real estate development, brokerage and acquisitions. He serves on the board of the Oakland Schools Education Foundation; is President of Defeat The Label, an anti-bullying organization that he founded with Kevin Goldman; and is currently Co-Chair of the Michigan Republican Party.

• **LINDA LEE TARVER (R), Lansing**  
**Appointed December 2013; term expires 12-31-2017.**

Linda Lee Tarver serves as Director of Community Affairs and Election Integrity Liaison for Michigan Secretary of State Ruth Johnson. Tarver has served the state of Michigan for more than 30 years and has worked for four Michigan Secretaries of State. She is also an organizational psychologist and President of Tarver Consulting.

• **BRADLEY VOSS (I), Vicksburg**  
**Appointed March 2014; term expires 12-31-2017.**

Brad Voss is a Director at Meijer Inc. with multi-unit responsibilities in mid-Michigan. He has more than 30 years of leadership experience in retail operations and human resources, and previously served as a store director and senior human resource specialist with Meijer.





THROUGH THE LENS OF

# racial equity:

## Reframing our Approach, Redefining Success



In 2016, MDCR became a member of the Government Alliance for Race and Equity, or GARE - a national network of government agencies working to achieve racial equity and advance opportunities for all. In 2017, that partnership provided the catalyst for a significant shift in the way we do business, driving a broader and more comprehensive commitment to advancing racial equity wherever possible.

It is an ambitious goal, one requiring the buy-in of every member of the MDCR family. The Department began by looking at how we can incorporate the concept of advancing racial equity into all of our existing initiatives, our internal practices, and in our work with communities and stakeholders on every project we undertake. And through much of 2017, MDCR began mapping a plan for expanding our portfolio of racial equity initiatives and projects in the year ahead.

### Training the Troops, Building Capacity

2017 was a foundational year in establishing the framework for a department-wide racial equity focus. It was the year we began building our capacity for the hard work of dismantling long-existing roadblocks to creating a more equitable society.

In May, Director Arbulu and members of the Community Engagement team took part in an important GARE convening in California, and in September participated with GARE in the International Association of Official Human Rights Agencies (IAOHRA) conference.

Along with our membership in the national GARE network, MDCR began participating in the GARE State Agency Cohort, the GARE Midwest Cohort and the GARE Rapid Response Group. These collaborative forums are an effective way for MDCR and all organizations involved to learn, assess progress, share best practices, address harmful shifts in policy or procedure, network around common themes and goals - and in the process, build capacity.

MDCR also expanded our support for existing local racial equity initiatives in 2017, led by communities and organizations around the state. Ottawa County, the city of Grand Rapids, Washtenaw County Public Health and a number of others have initiated projects to advance racial equity, and in each instance, MDCR is at the table.



## WHAT IS “RACIAL EQUITY”?

Racial equity is the systemic fair treatment of all races that produces equitable opportunities and outcomes for all people. Analyzing and addressing societal problems through a racial equity lens allows organizations and communities to focus on the ways in which race and ethnicity shape experiences with power, access to resources and opportunity, and helps them find solutions that advance racial equity.

## THE GARE STRATEGY:

- Supporting jurisdictions that are at the forefront of advancing racial equity.
- Building pathways for new jurisdictions to begin doing racial equity work.
- Expanding and strengthening local and regional collaborations that are broadly inclusive and focused on achieving racial equity.



One of the Department's early successes in accelerating and expanding our statewide capacity to address racial equity: convincing other State of Michigan departments and agencies to join in the effort. In 2017, MDCR recruited the Michigan Department of Education (MDE), the Michigan Department of Health and Human Services (MDHHS) and the Michigan Public Health Institute to become members of the GARE network and play a direct role in the racial equity push in Michigan.

MDCR also recognized that everyone in the Department who will be expected to incorporate a racial equity lens into their work must understand what that means – both the specific concepts and how their application may impact the jobs we do every day.

In August, MDCR engaged GARE trainers - experts in the concept and practice of racial equity - to deliver day-long training sessions for all MDCR staff. And in September, GARE returned to lead a second training session for senior staff and anyone who will be directly involved in one or more racial equity initiative. Commissioners also participated in a half-day orientation session designed to address their role in developing policy recommendations and tackling specific civil rights problems.

Also in 2017, MDCR engaged a group of graduate students at the University of Michigan Ford School of Public Policy to research and develop a racial equity toolkit for the Department to use in our own initiatives and to share with partners, government agencies, municipalities and other stakeholders interested in examining problems through a racial equity lens.

In our initial year with GARE, Director Arbulu played a significant role in promoting the concept of racial equity around the state. He has briefed city councils, county commissions and elected leaders on racial equity in Flint, Jackson, Kalamazoo and Muskegon, explaining how looking at societal problems through a racial equity lens can help us find solutions that will improve lives.

## Truth, Racial Healing and Transformation

In 2016, the W.K. Kellogg Foundation (WKKF) launched their Truth, Racial Healing & Transformation (TRHT) process, described as “. . . a comprehensive, national and community-based process to plan for and bring about transformational and sustainable change, and to address the historic and contemporary effects of racism.” The purpose of TRHT is, in the Foundation's words, “. . . to unearth and jettison the deeply held, and often unconscious, beliefs created by racism – the main one being the belief in a hierarchy of human value.”

In 2017, the Department also became part of the TRHT initiative, partnering with WKKF and a number of local and regional governments and organizations to support TRHT processes in four Michigan communities: Battle Creek, Flint, Kalamazoo and Lansing. MDCR is also working with WKKF and other partners to expand the TRHT process into additional Michigan cities.

Director Arbulu is convinced the combination of these two approaches - the GARE model (top down, from government) and the TRHT process (bottom up, from community) will provide a significant boost to our combined efforts to advance racial equity throughout the state.

## A Long-Term Commitment

The turn toward an agency-wide focus on racial equity is not a temporary move. After joining the GARE collaborative, MDCR immediately took a seat at the table of every important racial equity effort currently underway in Michigan.

And in the fall of 2017, MDCR signaled its long-term commitment to racial equity when the Department launched a search for an individual to spearhead that effort. MDCR's Racial Equity Officer will be responsible for implementing strategies to create inclusion internally, as well as developing a racial equity framework that will serve as a template for other government agencies, helping them develop intentional strategies to create and sustain long-term change.



“ I believe we have a unique opportunity in Michigan. The synergy between racial equity and TRHT - two very different processes that are ramping up at the same time - will accelerate the progress toward achieving our common goal of expanding racial equity. ”

• AGUSTIN V. ARBULU, MDCR DIRECTOR



## MCRC ISSUES GROUNDBREAKING REPORT ON THE

# flint water crisis

FLINT WATER PLANT



In February of 2017, the Commission released the final report on their year-long investigation into the civil rights implications of the Flint water crisis.

After three public hearings and testimony from more than 150 residents, experts and government officials, the Commission concluded that race and racism played a role in the crisis, that people of all races were victims, and that the actions that resulted in the poisoning of the city's public water supply had abridged the civil rights of Flint residents.

The detailed report outlines the underlying issues that contributed to the crisis and the resulting violation of civil rights, pointing to historical and systemic structures and institutionalized patterns dating back nearly a century that have at their foundation the racial segregation of the Flint community.

In their report, the Commission focused on these major issues:

- The structures, institutions and systems that created Flint, including the history of segregated housing and education;
- Environmental justice and the emergency manager law; and
- The role of implicit bias.

The Commission concluded that a mix of historical, structural and systemic racism combined with implicit bias led to decisions, actions and consequences in Flint that would not have happened in a primarily white community such as Birmingham, Ann Arbor or East Grand Rapids.

"We strongly believe that the actions that led to the poisoning of Flint's water and the slow response resulted in the abridgement of civil rights for the people of Flint," said Arthur Horwitz, co-chair of the Commission during the time of the investigation. "We are not suggesting that those making decisions related to this crisis were racists or meant to treat Flint any differently because it is a community of color. Rather, the response is the result of implicit bias and the history of systemic racism that was built into the foundation of Flint."

The Commission outlined a list of recommendations for action that include:

- Replacing or restructuring Michigan's emergency manager law.
- Implementing a plan of action to provide environmental justice to all Michigan residents.
- Developing a deeper understanding of the roles of structural racialization and implicit bias and how they affect decision-making throughout all branches of state government, and provide training on implicit bias to the Governor's Cabinet, participants in Mission Flint and the staff of all state departments.

"The lessons of Flint are profound," said Commissioner Horwitz. "While the exact situation and response that happened in Flint may never happen anywhere else, the factors that led to this crisis remain in place and will most certainly lead to other tragedies if we don't take steps to remedy them. We hope this report is a step in that direction."

Find the Commission's report on the Flint water crisis at [Michigan.gov/MDCR](http://Michigan.gov/MDCR) and click on the button that says "Flint Water Crisis Report."





## CAROL VIVENTI NAMED MDCR DEPUTY DIRECTOR

In March of 2017, Carol Viventi was named Deputy Director of MDCR, replacing Colleen Pero who had accepted another position.

Prior to her appointment, Viventi spent two years with the Department of Health and Human Services as Director of Special Projects. Before moving to MDHHS, she served as Secretary of the Senate from 1995 until January of 2015. She was the first woman and first ethnic minority to hold the position.

Prior to her years as Secretary of the Senate, Viventi served as Deputy Chief of Staff for Governor John Engler.

Viventi's private sector experience includes legal work for Auto Owners Insurance Company and the Michigan Hospital Association, and serving as Adjunct Professor at Western Michigan University.

Her civic experience includes serving on the Board of Directors for the Japanese American National Museum in Los Angeles, chairing the Capitol Commission, and serving on the Board of Trustees of the Friends of the Capitol.

Viventi received her B.A. in Social Science from Michigan State University and her J.D. from Thomas M. Cooley Law School.



## DIRECTOR ARBULU APPOINTED CHAIR OF THE MICHIGAN CIVIL RIGHTS ADVISORY COMMITTEE

The U.S. Commission on Civil Rights announced in May their appointment of MDCR Director Agustin V. Arbulu as Chair of the Michigan Advisory Committee on Civil Rights.

The U.S. Commission on Civil Rights is an independent, bipartisan agency charged with advising the President and Congress on civil rights matters and issuing an annual federal civil rights enforcement report.

The Commission, by Congressional mandate, establishes Committees in all 50 states and the District of Columbia. Appointees serve four-year terms.

Advisory Committee members conduct reviews and produce reports and recommendations about local civil rights issues including justice, voting, discrimination, housing, education and other key issues that also are part of MDCR's mission. Recent reports from Michigan's Committee addressed civil asset forfeiture and immigration law enforcement.

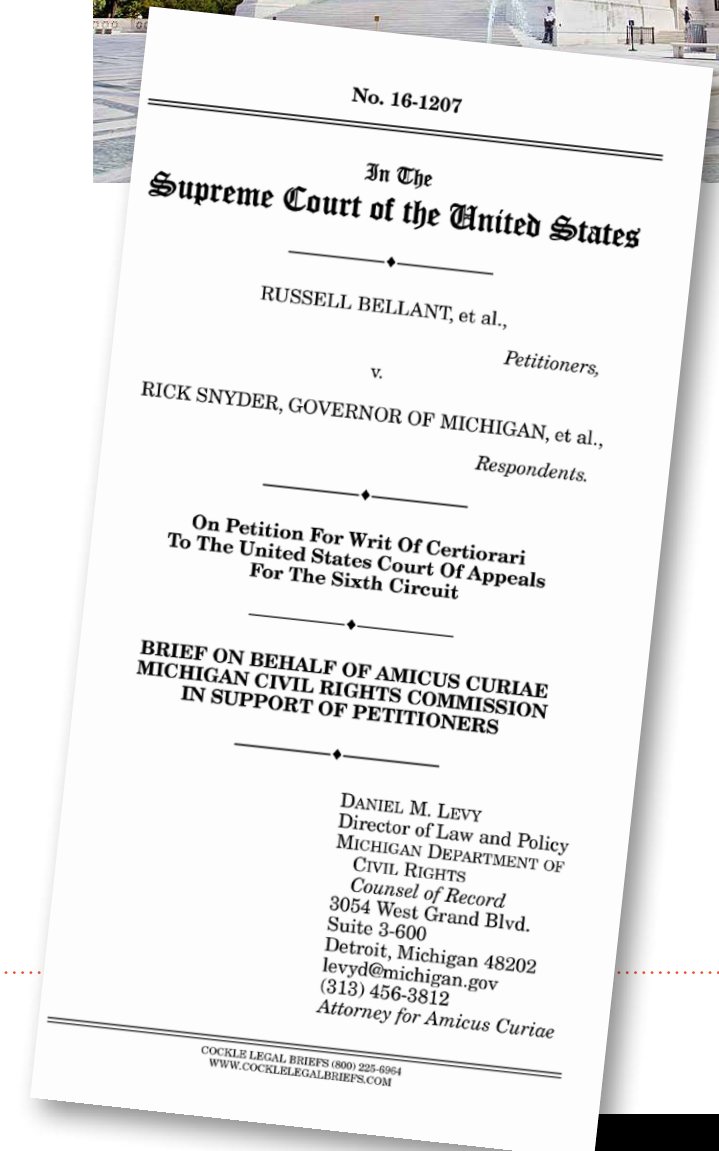
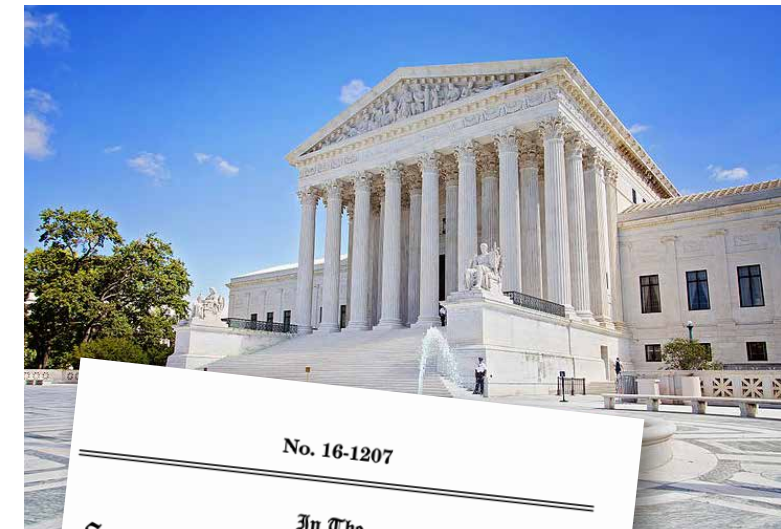
## COMMISSION FILES AMICUS BRIEF IN CASE CHALLENGING MICHIGAN'S EMERGENCY MANAGER LAW

At their April 25 meeting, the Commission voted to submit an amicus brief in a case before the U.S. Supreme Court - *Bellant v. Snyder* - arguing that the application of Michigan's emergency manager law should be subject to judicial review under the federal Voting Rights Act.

In the brief, the Commission argues that when a political change has the effect of lessening the voting rights of a protected class, voters are entitled to judicial review to determine whether there is adequate legal justification for doing so.

The Commission's decision to file a brief in the case is directly related to their year-long investigation into the Flint water crisis. In the final report of their findings, Commissioners list a number of recommendations for action in the aftermath of the crisis, including that the state replace or restructure Michigan's emergency manager law.

"From our investigation into the Flint water crisis, we believe the lack of accountability from the Emergency Manager to the people and elected representatives of the city of Flint is a shortcoming of the emergency manager law," said Commission co-chair Laura Reyes Kopack. "Flint residents are entitled to judicial review of whether the appointment of an EM violated their rights under the Voting Rights Act."







## 10<sup>TH</sup> ANNUAL “MI RESPONSE TO HATE” CONFERENCE ON HATE CRIMES

### Timely Topics and National Experts Spark Record Attendance

In September, the MDCR-led Michigan Alliance Against Hate Crimes (MIAAHC) held its 10<sup>th</sup> Annual “MI Response to Hate” conference at the Kellogg Center in East Lansing. The forum featured more than 15 speakers and panelists, including nationally-recognized leaders and experts on hate crimes and bias incidents. More than 450 people attended the one-day event – almost double the number for any MIAAHC conference in the past nine years.


“We’re frequently asked if all hope is gone; are we at a pinnacle of the crisis?” said Mark Bishop, MDCR’s Strategic Partnership Coordinator, who has been primarily responsible for organizing the conference since its inception.

“I think the audience gathered here today demonstrates that despite all of the bias and hate-related incidents that have and are taking place in our communities, people are still engaged, people and agencies are still looking for opportunities to assist victims, and people will continue to fight for a way forward in both prevention and response efforts.”

Keynote speakers for the conference were Catherine Lhamon and Dr. Randy Blazak. Lhamon is the Chair of the U.S. Commission on Civil Rights and the former Asst. Secretary for Civil Rights at the U.S. Department of Education. Blazak is the Director of the Hate Crimes Network, Chair of the Oregon Coalition Against Hate Crimes, a tenured sociology professor at Portland State University and professor of criminology at the University of Oregon, and a nationally-recognized expert on hate crimes.

The conference featured a series of interactive workshops on topics such as Dangerous Speech, Creating Safe and Supportive Schools for LGBTQ Students; Hate Crime and the Predatory Mind; About Face: Turning Away from Hate; and The Alt-Right and the 21st Century Militia Movement.

The conference concluded with a wide-ranging panel discussion on Collaborating to Fight Bias and Hate. Journalist Todd Heywood moderated the panel. Heywood has written extensively on hate crimes and is one of the state’s top authorities on hate and bias groups in Michigan.



“The Civil Rights Commission and Department have been a vocal part of the response to the apparent rise in bias incidents and hate crimes, in Michigan and throughout the nation. The overwhelming interest in this conference is testament to the fact that both law enforcement and community organizations are looking for the kind of expertise and timely information on hate and bias that no other conference offers.”

• AGUSTIN V. ARBULU, MDCR DIRECTOR





## RAPID RESPONSE: MAKING OUR

# voices heard

Beginning in late 2016 and throughout 2017, MCRC and MDCR took a proactive approach to breaking news and events that directly relate to the mission of the Commission and the Department. From immigration and migrant worker wages to hate crimes and bias speech, MDCR issued public statements and conducted media interviews timed to increase the likelihood that our message would be heard and our positions reflected in coverage of these events. Some specifics:

### • EXECUTIVE ORDER ON IMMIGRATION

In his first week in office, President Trump issued an executive order banning citizens from Iraq, Syria, Iran, Libya, Somalia, Sudan and Yemen from entering the United States for 90 days. The order also halted indefinitely entry for Syrian refugees. The action sparked fear and ignited protests, particularly in southeast Michigan, an area that is home to a large population of Americans of middle-eastern descent. Michigan is also one of the top two states in the country for resettlement of Syrian refugees.

Director Arbulu: "Every person must be judged by the content of their character, not by the country of their origin. When government treats entire groups of people based on its worst elements, it not only harms members of the group, it hurts us all. Relying on stereotypes will always foster unintended consequences like bias, hate and prejudice."

### • SENATE RESOLUTION CONDEMNING HATE

In September 2017, the Michigan Senate passed a resolution condemning hate groups. Offered by Senator Margaret O'Brien, the resolution reads in part, "As leaders in our communities, we must stand together in unity to make it known that hate has no place in our state. As state legislators, we must come together to denounce all forms of hate, bigotry and extremism . . ."

MDCR Director Arbulu issued a statement commending the Senate for their bold stand: "We applaud the Michigan Senate for their courage to stand up to hate, expressed through the likes of Neo-Nazis and white supremacists. Their brand of hate has no place in civilized society."

### • ROLLBACK OF DACA

On September 5, the federal government announced the end of Deferred Action for Childhood Arrivals (DACA), a program that protects from deportation almost 800,000 young people who were brought into the U.S. illegally as children. MDCR responded quickly, stating that ending DACA, ". . . will have a direct impact on thousands of individuals who live, work and study in Michigan."

Director Arbulu: "Not only will this change put people at risk of legal action and deportation, I am concerned that it will trigger an increase in hate crimes and bias incidents directed at these individuals - acts that are superficially aimed at their legal status but are, in reality, based on race, ethnicity and national origin. Discrimination of this sort is in direct violation of Michigan's Elliott-Larsen Civil Rights Act, and the Department of Civil Rights is ready to investigate any act that violates the legally-protected civil rights of Michigan residents."

### • EVENTS IN CHARLOTTESVILLE, VA

On August 11, 2017, a group of white supremacists and Neo-Nazis gathered in Charlottesville, Virginia to protest the city's plan to remove Confederate monuments. Counter-protesters rallied in response, speaking out against the groups and their message of hate and racism. On day two of the protests, a man affiliated with white supremacists raced his car through the crowd of counter-protesters, killing Heather Hyer and injuring six others.

In the immediate aftermath, Commission Co-Chair Rasha Demashkieh issued the following statement:

"The outrageous events in Charlottesville are a stark reminder that hate, white supremacy, anti-Semitism and the Nazi world view are not dead. While we have a constitutional duty to defend free speech, we must also speak out against hate speech and hate-motivated actions. The Michigan Civil Rights Commission is closely monitoring Michigan-based hate groups and hate crimes and will

take action where appropriate under our Constitutional authority."

### • RICHARD SPENCER AT MSU

In August 2017, white supremacist Richard Spencer announced his plan to hold an event on the campus of Michigan State University. The news sparked both support and protest, and brought into sharp focus conflicting issues around the right to free speech and the ramifications of hate speech.

In a statement, Director Arbulu said: "Richard Spencer has the same legal right to assemble and to speak that we all enjoy, and we will defend that right. But we condemn in the strongest possible terms his message of hate. If his words threaten or incite violence against any individual or group, then he will have crossed an important legal line. An attack on one of us is an attack on all of us. We will be watching."

### • MIGRANT FARMWORKER WAGES

In December 2017, the Michigan Attorney General issued an opinion on Michigan's minimum wage law, stating that it does not apply to certain small farms or their employees. The position would directly impact the lives of hundreds of migrant farmworkers and their families in Michigan.

Director Arbulu: "With the shortage of migrant farmworkers this past growing season, I am very concerned with the Attorney General's opinion reversing long-standing policy. Allowing some farms to pay less than the minimum wage not only harms those farmworkers, it creates a negative impact on Michigan's rural economy. Being proactive is one way to protect vulnerable farmworkers who can be subjected to abuse."



# MIGRANT FARMWORKERS IN MICHIGAN: Progress Made, but Work Remains

MCRC and MDCR take seriously the responsibility for protecting and advancing the civil rights of Michigan’s migrant farmworkers and their families. In 2010, the Commission released its foundational “Report on Conditions of Migrant and Seasonal Farmworkers in Michigan”, outlining a list of 15 key recommendations for action to improve the lives of migrant and seasonal farmworkers who live and work in our state.

In 2014, the Commission released a report on progress toward implementing the 2010 recommendations. While the update found that MCRC and our partners in this work had made some progress toward achieving the goals set out in the Commission’s original report, a number of problems impacting farmworker families remained four years later. Commissioners charged MDCR with continuing the push to improve conditions for migrant workers and to provide periodic updates.

At their January 2017 meeting, MDCR’s Martha Gonzales-Cortez presented Commissioners with a report card outlining the progress MDCR and partner agencies have made toward achieving each of the 15 recommendations, including improving migrant housing, aligning programs and services, implementing cross-training and interagency referrals and improving communication with County Clerks. The concise version of the 2017 report card pictured here shows that issues of child labor, minimum wage, use of bilingual state employees and language access remain urgent matters of concern.

To review the original MCRC recommendations and updates in full, access the 2010 “A Report on Conditions of Migrant and Seasonal Farmworkers in Michigan” and the 2014 “Migrant and Seasonal Farmworkers Report Recommendations Progress Report” on the MDCR website, Michigan.gov/mdcr. Click on “News & Publications” on the left and go to “Reports.”

2010 Status	2017 Status	Original 2010 MCRC Recommendations
URGENT	GOOD	1. Migrant Housing
URGENT	URGENT	2. Enforcement as a Deterrent
URGENT	URGENT	3. Minimum Wage
GOOD	GOOD	4. IMSC Engagement
STABLE	GOOD	5. Government Realignment of Program & Services
STABLE	GOOD	6. Cross-Training & Interagency Referrals
STABLE	STABLE	7. Educational Outreach & Field Sanitation Concerns
URGENT	STABLE	8. Law Enforcement & Immigration Concerns
STABLE	GOOD	9. Amendments to MI Law
URGENT	STABLE	10. Enumeration Study
URGENT	GOOD	11. Secretary of State & County Clerks
URGENT	URGENT	12. Child Labor
URGENT	URGENT	13. Bilingual State Employees & LEP Access
STABLE	STABLE	14. Soliciting Input on Solutions from Farmworker Experts
GOOD	GOOD	15. MDCR Liaison to IMSC

2017 Update - Report Card on the Conditions of Migrant and Seasonal Farmworkers in Michigan

# REACHING OUT ON SEXUAL HARASSMENT: You Have the Right to File a Complaint

Sexual harassment and discrimination based on sex is nothing new, but the #MeToo movement has made us all aware of the lasting personal and professional consequences for individuals who are its victims.

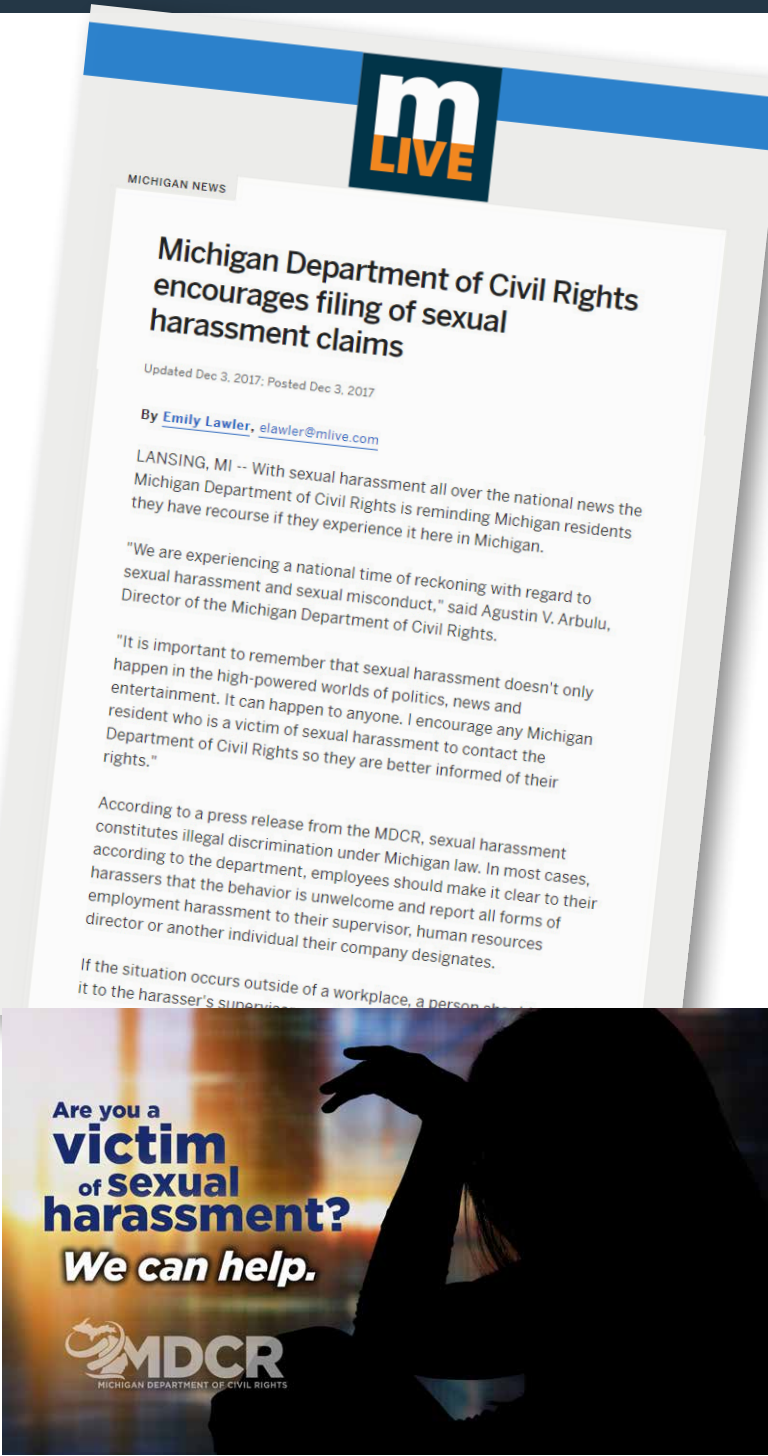
In the wake of a nationwide tidal wave of personal revelations of abuse, MDCR took a closer look at the trend line in sexual harassment complaints filed with the Department and were surprised to find there had been no corresponding uptick in the number of complaints.

In light of that discovery, the Department launched a renewed effort to make sure people facing sexual harassment understand they have the right to pursue filing a complaint of discrimination. Community Engagement staff ramped up their efforts to get the word out, through meetings with community leaders and law enforcement, at training sessions and in speaking engagements. Communications staff crafted a social media campaign and promoted a sexual harassment focused message on Facebook, Twitter and Instagram.

The Department also generated news stories in media markets statewide, encouraging anyone who believes they have been the victim of sexual harassment to contact the Department and file a complaint, or simply call and ask for more information.

“When in doubt, let MDCR help. Never assume there is no option other than to silently endure sexual harassment.”

• AGUSTIN V. ARBULU, MDCR DIRECTOR





## NOT WITHOUT US:

### A Census and Needs Assessment of Deaf, DeafBlind and Hard of Hearing Michiganders

The mission of the Division on Deaf, DeafBlind and Hard of Hearing is to improve the lives of Michigan's deaf, deafblind and hard of hearing (D/DB/HH) residents, and to affirm their indisputable right to secure and effective communication.

That's a tall order for a Division with a staff of four. It is made even more daunting by the lack of accurate information on how many D/DB/HH people call Michigan home.

In FY17, the Michigan legislature recognized the problem and gave the Division additional funds for a comprehensive census and needs assessment of Michigan's D/DB/HH residents. These measurements are long overdue; the most recent data available on the size and needs of the community is nearly 30 years old.

The Division will conduct the assessment in two phases, with phase one focused on Genesee County.

Why Genesee County? Flint is home to the Michigan School for the Deaf, and Flint and surrounding communities are home to the largest, most active and most interconnected population of deaf and deafblind individuals in the state. The Division will use the experience they gain in phase one to ensure they conduct an effective statewide survey in phase two.

Throughout the project, a select steering team will meet regularly and provide recommendations on both the content and distribution of the survey. One of the team's first actions was to decide on the project name, *Not Without Us*.

Division and Department staff will work with a group from Public Sector Consultants to develop the tools needed to conduct the assessment, including building a website, creating marketing materials, planning a launch announcement and drafting social media promotions. The project website will provide access to the survey, announce community meetings and share census updates.

The Division hopes to complete the census and assessment by the end of 2018.

“The Census and Needs Assessment project is a valuable opportunity to gather information directly from Michiganders who are deaf, deafblind and hard of hearing. It will provide us with essential insights on the needs, experiences, and preferences of this community and guide our efforts to help meet those needs.”



• ANNIE URASKY,  
DODDBHH DIRECTOR

## MCRC SEEKS UPDATE TO ADMINISTRATIVE RULES

In 39 years, many things have changed. What hasn't are the Administrative Rules that govern the operations of both the Commission and the Department.

Last updated in 1979, the Administrative Rules are decades out of step, and include outdated procedures for a number of functions including signatures and mailings. In 2017, the Commission directed the Department to review these rules and recommend changes.

In response to the Commission's request, the Department anticipates recommending language that will:

- Update the requirements for service of documents and pleadings by mail so that they align to the current Michigan Court Rules.
- Update the requirements for signatures so that they align to the current Michigan Court Rules, including providing for electronic signatures.
- Clarify the language that presently uses the word "complaint" to describe both the request for investigation made to the Department and the formal complaint document prepared by the Department for the purpose of notifying a respondent of the allegation and investigation.
- Define the term "days" to clarify that it refers to calendar days.
- Clarify the conciliation process and when it may take place.
- Clarify the reconsideration process and when it may take place.
- To the extent permitted by law, provide for one or more Commissioners to participate in MCRC meetings, discussions and/or votes by electronic means.

The Department expects to have new proposed rules ready for submission to the Michigan Legislature in 2018.





# POLICE AND COMMUNITY: Building Bonds of Trust

The organization **Advocates and Leaders for Police and Community Trust**, or **ALPACT**, has one overarching mission: to build bonds of trust and accountability between law enforcement and the communities they serve. Since its inception almost 20 years ago when the first chapter was established in Detroit, MDCR has been not only an active member, we have lead the effort to expand ALPACT into other communities throughout the state.

In FY16-FY17, MDCR helped to establish three new ALPACT chapters. Traverse City, Battle Creek and Ottawa County (Holland) joined established ALPACTs in Detroit, Flint, Saginaw, Grand Rapids, Southwest Michigan (Benton Harbor), Jackson and Lansing for a total of 10 active chapters in the state of Michigan. With the exception of the Ottawa County chapter which meets quarterly, each ALPACT holds 10 regularly scheduled meetings throughout the year.

In every chapter, MDCR is at the table, and we continue to seek opportunities to add more Michigan communities to the ALPACT family.

MDCR also has a leadership role in convening ALPACT co-chairs at least once a year. These meetings allow MDCR to provide guidance on addressing emerging problems, identify opportunities for learning and increased collaboration and address issues of common concern to all chapters.

While the primary mission is building bonds of trust between police and the communities they serve, how each chapter achieves that goal varies from month to month and community to community. ALPACTs often offer significant educational opportunities for both police and community members.

## ALPACT CHAPTERS

- 1995: Detroit
- 2010: Flint, Benton Harbor
- 2012: Grand Rapids
- 2013: Saginaw
- 2015: Jackson, Lansing
- 2016: Holland, Traverse City
- 2017: Battle Creek



### Some examples:

- In FY17, the Southwest Michigan ALPACT in Benton Harbor hosted several community forums and informational presentations for its members, including programs on how a criminal case gets charged, sex trafficking and child exploitation, hate crimes, and connecting law enforcement and LGBTQ youth.

- At the Lansing ALPACT, training and dialogue in 2017 centered on hate and bias response and included training on implicit bias, community-oriented policing, critical issues in the LGBTQ community, protocols for demonstrations at the State Capitol, gun violence and prevention, domestic violence and the organization Black Lives Matter. Members also studied the MCOLES Commission Report, "Fostering Public Trust in Michigan Law Enforcement," and a Michigan Asian Pacific American Affairs Commission report on priorities and procedures of the U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), and the needs and impact of refugees and asylum-seekers.

- The ALPACT in Traverse City has a regional footprint, representing five counties. In its early stages of development, the chapter has more than 40 individuals, organizations and agencies involved and has identified several focus areas and training topics including issues impacting the LGBTQ community, mental health awareness and immigration.

ALPACT is MDCR's primary model for community and law enforcement engagement, but it is not the only forum where we collaborate on issues around law enforcement. The Department has also partnered with the Muskegon Social Justice Commission and the Northside Ministerial Alliance in Kalamazoo to support work in those communities to enhance the relationship between police and community.

## THE ALPACT MISSION:

- To examine issues affecting police and community relations including racial profiling, police discretion, use of force, recruitment and training, citizen complaint processes, community partnering, and police leadership and management disciplinary practices;
- To ensure equitable enforcement of laws; and
- To develop recommendations and best practices designed to enhance the bonds of trust between law enforcement and the communities they serve.



*South Central Michigan ALPACT meeting in Jackson.*



# defining “sex”

## Commission Takes Up Controversial Request, Faces Legal Roadblocks

In July 2017, Equality Michigan (EQMI) asked the Commission to issue an interpretive statement clarifying that the prohibition against sex discrimination in the Elliott-Larsen Civil Rights Act (ELCRA) includes protection on the basis of gender identity and sexual orientation.

EQMI's position: that a lack of clarity in current law leaves employers and employees, landlords and tenants and a host of others unsure what state civil rights law covers, and that an interpretive statement from the Commission “. . . is of critical importance to lesbian, gay, bisexual, transgender Michigan residents.”

The Commission began its consideration of EQMI's request by soliciting public input. From July 25 to August 15, 2017, the Commission received more than 40 written comments from individuals and organizations representing opinions on all sides of the question.

The Commission also opened up their September 18 meeting in Lansing to public comment on the EQMI request, and heard the testimony of close to 100 individuals.

Near the close of the meeting, the Commission's legal counsel advised that in the opinion of the Attorney General (AG), the Commission did not have the authority

to issue the requested interpretive statement. Commissioners then voted to table the request until their next meeting.

At their November meeting in Detroit, Commissioners again took testimony and public comment on the request, including a letter signed by 27 prominent attorneys and law professors concluding that the Commission has both the right and the responsibility to interpret Michigan civil rights law. The Commission's legal counsel restated the position of the AG's office, advising Commissioners they could face legal repercussions, as a body and as individuals, if they issued the interpretive statement.

After a serious debate on the merits of the request, on the position the Commission should take, and on the legal ramifications of issuing an interpretive statement, Commissioners voted to table the request a second time. The Commission will decide whether to take up the issue again in 2018.





# FIGHTING FOR FAIR HOUSING, ONE TRAINING AT A TIME



Kenya Cooper and Tyra Khan presenting a fair housing training in Grand Blanc.



Marlene Cain (R) with Margaret Brown, executive director of the Fair Housing Center of Metropolitan Detroit and Dr. Kenson J. Siver, Mayor of Southfield at a fair housing training.

Manager Marlene Cain and the entire team of MDCR housing investigators conduct trainings on fair housing every year, throughout the year, but their work always ramps up for Fair Housing Month in April.

In April and throughout 2017, the housing team - Amy MacDonald, Sonya Merriweather, Tyra Khan, LaShea Sharp and Renard Morey Greer - trained at least 1,040 people in 26 sessions on fair housing law and were featured contributors at a number of fair housing events around the state.

When they weren't training or presenting, they were busy completing their share of civil rights complaint investigations and negotiating settlements.

Angela Hall and Rochelle Ricks provide the support the team needs to manage their regular caseload and also educate everyone from developers and real estate agents to landlords and tenants on fair housing and other housing laws.

"Nearly a quarter of all the discrimination complaints we received in 2017 were connected to housing," said Director Arbulu. "We know well the history of real estate redlining and overt discrimination in the policies of the past and the Fair Housing Act, while an important achievement, did not end housing discrimination altogether. Today the problem is often driven by implicit bias or disguised animus. But regardless of the underlying reason, discrimination in housing remains a very real threat to people of all protected classes."



Angela Hall (L) and Marlene Cain with ABC News correspondent John Quiñones, host of "What Would You Do?", at the 2017 Building Michigan Communities Conference.

## FAIR HOUSING: IT'S YOUR RIGHT

The Fair Housing Act and other laws prohibit discrimination in housing on the basis of:

- Race or color
- Religion
- Familial status
- National origin
- Sex
- Disability
- Age
- Marital status

Fair housing laws protect your right to:

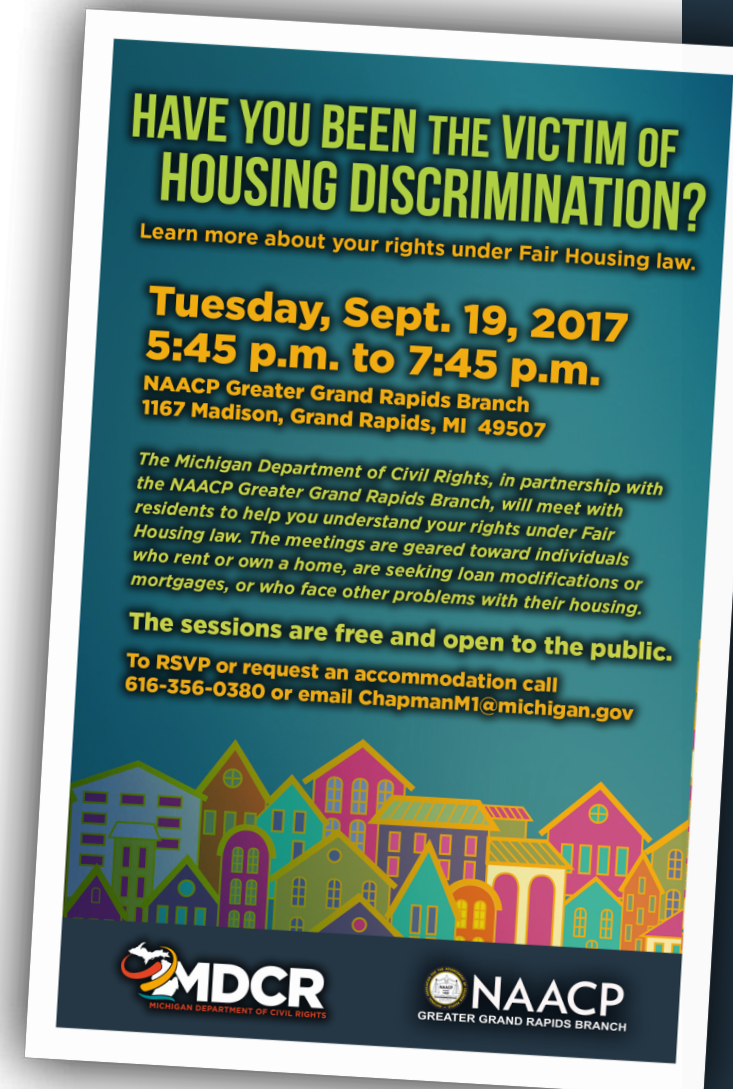
- View or purchase a home.
- View or rent an apartment or other living facility.
- Obtain a mortgage or home loan.
- Insure your home or apartment.
- Accessibility, for persons with disabilities.

Fair housing laws ban discrimination in:

- Terms for buying or renting a home.
- Advertising and marketing housing.
- Providing housing services.

Fair housing laws prohibit:

- Steering housing customers to particular neighborhoods based on race or ethnicity.
- Marketing less favorable home loans based on a buyer's protected characteristic.
- Retaliating against individuals who file a complaint of housing discrimination.







## Anthony Ianni's Tireless Effort to Reach Kids On and Off the Spectrum

The Relentless Tour, MDCR's acclaimed anti-bullying campaign built around the life experience of Anthony Ianni, traveled to schools in every corner of the state and beyond in 2017, where Anthony's message touched the lives of students on both ends of the bullying dynamic.

In FY17, Anthony spoke to **84,500** students in more than **200** schools, events and summer camps, teaching them how to stand up to and rise above their bullies and those who bully others.

Anthony's story: At the age of four, Anthony was diagnosed with Pervasive Developmental Disorder, a condition on the autism spectrum. Doctors told Anthony's parents, "Don't expect much from him." They said their son would never go to college, would never be an athlete, and would grow up to live in a group home for the rest of his life. As a child, Anthony was bullied for all the ways he was different than everybody else.

But Anthony defied the odds and the experts' expectations. His hard work and defiance of those who belittled him helped Anthony realize his lifelong dream: to graduate from Michigan State University with a degree in Sociology, and to play a little basketball along the way.

**At MSU, Anthony became the first athlete with autism to play NCAA Division I college basketball.**

Under legendary coach Tom Izzo, Anthony played on the 2010 and 2012 Big Ten Champion and Tournament Championship teams, and the 2010 Final Four team.

For the past four years, Anthony has brought that same perseverance to a new mission on behalf of MDCR: eradicating bullying and pushing young people to be relentless in pursuit of their dreams.

To bring Anthony to your school, camp or event, go to [RelentlessTour.com](http://RelentlessTour.com).

“If you have a goal in life, you need to be relentless and attack it. Don't just sit back and let it come to you. You've got to go get it.”

• ANTHONY IANNI  
THE RELENTLESS TOUR



## MWC DIRECTOR MARY ENGELMAN NAMED TO STATE CAMPUS SEXUAL ASSAULT WORKGROUP

In June of 2017, Mary Engelman, Executive Director of the Michigan Women's Commission, was appointed by Governor Snyder to serve on the Campus Sexual Assault Workgroup (CSAW). This body, championed by First Lady Sue Snyder, is tasked with raising awareness of, and working to prevent, sexual assaults.

"Tackling the problem of sexual assault is a key priority for the Michigan Women's Commission," said Engelman. "My appointment to the Campus Sexual Assault Workgroup provides a unique opportunity to build on the Commission's efforts and expand our reach on this issue."

The photo at right captures the first meeting of the CSAW on June 28, 2017, where members began the work of developing a resource handbook for campus assault survivors.

In September, the workgroup unveiled and distributed 500 of the new handbooks to attendees at the third annual *Inform. Empower. Prevent. Let's End Campus Sexual Assault* summit and launched the website [Michigan.gov/CampusSexualAssault](http://Michigan.gov/CampusSexualAssault).

The handbook features information on sexual assault support services as well as guidance on related topics, including:

- Understanding Title IX.
- Connecting with law enforcement for help.
- Filing a personal protection order.
- Receiving a sexual assault medical forensic examination.
- Finding campus and community support services.

The workgroup will make the handbook available on Michigan college campuses and to community partners throughout the state.

"This is a vitally important issue for Michigan and I look forward to seeing how this workgroup can develop the necessary resources for sexual assault survivors," said First Lady Sue Snyder. "As a state, we need to do everything we can to make sure survivors receive the support and resources they need in order to start the long journey toward healing. This is another step forward as we continue our work to make Michigan a model state in addressing sexual assault on college and university campuses."

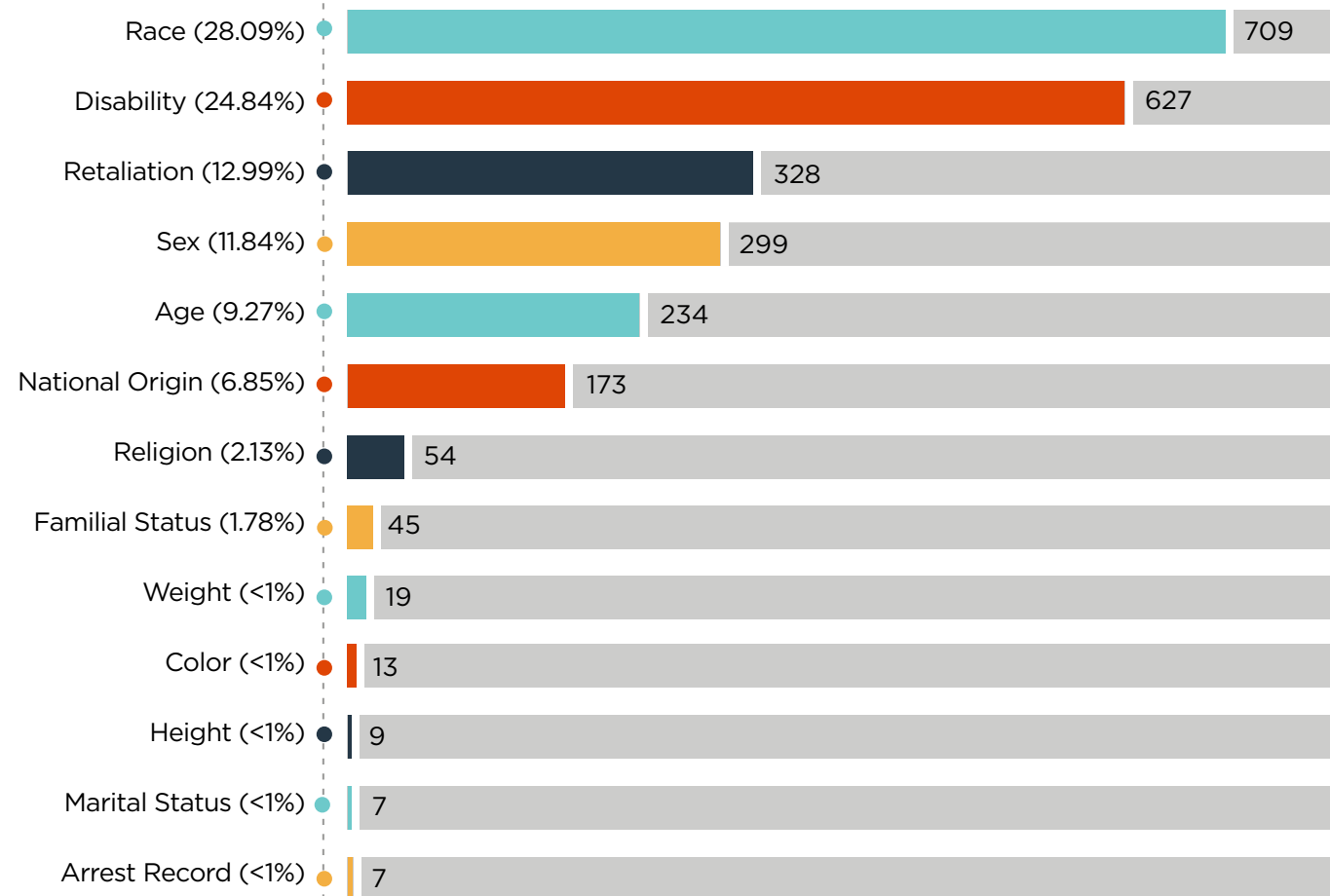




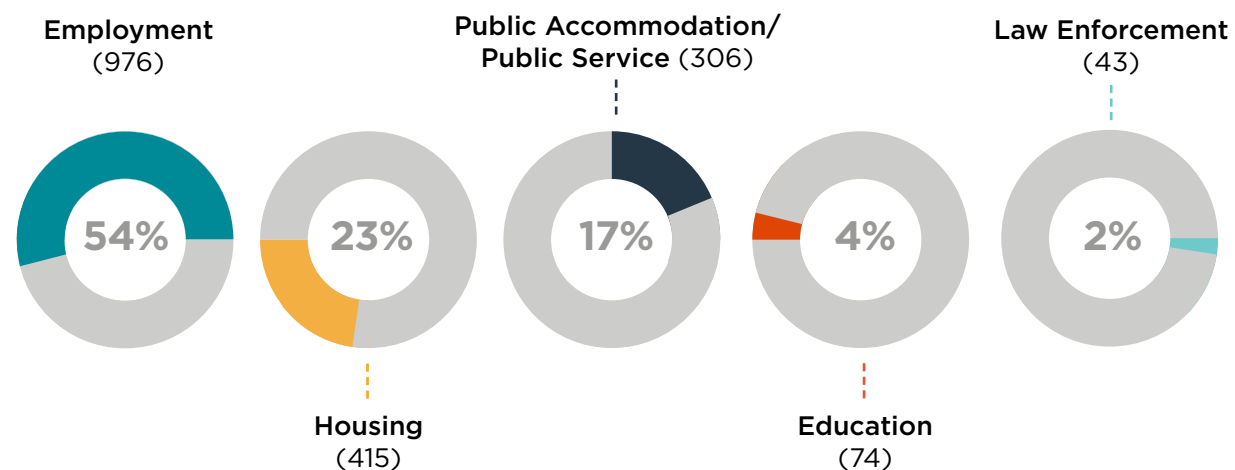
## Investigating Complaints of Discrimination

At the core of MDCR's mission is investigating complaints of unlawful discrimination. In FY17, MDCR received 7,381 contacts, including complaints of discrimination as well as requests for training or information. The Enforcement Division closed 1,664 complaints and secured \$1,318,461.42 in settlements for claimants.

### FORMAL COMPLAINTS FILED BY BASIS FY17



### FORMAL COMPLAINTS FILED BY AREA FY17



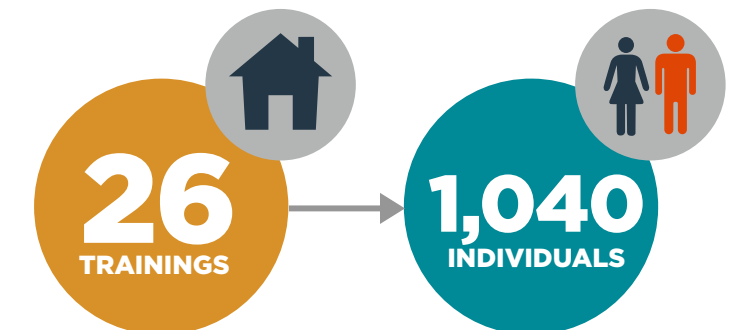
## Working to Prevent Discrimination through Training and Education

MDCR is committed to preventing discrimination and bridging gaps in understanding and trust. Community Engagement staff provide training and educational services on a range of civil rights topics, and the Enforcement Division offers training on fair housing rights and responsibilities.

### MDCR COMMUNITY ENGAGEMENT TRAINING FY17



### MDCR FAIR HOUSING TRAINING FY17



## Michigan Indian Tuition Waiver

MDCR administers the Michigan Indian Tuition Waiver (MITW), a program to waive tuition for eligible Native American students attending four-year public universities and community colleges in Michigan.

*\*Because of the number of years required to complete a degree, the number of students enrolled at eligible institutions benefitting from the MITW program fluctuates over time, and each student typically receives the waiver several semesters in a row.*

**529**

During the 2017 academic year, **529** students submitted MITW applications.\*

A total of **2,577** waivers were provided during 2017 to students attending Michigan's public universities.\*

**2,577**

**1,477**

Another **1,477** waivers were granted to students attending Michigan's community colleges.\*

## RELENTLESS TOUR PRESENTATIONS FY17







*The Michigan Civil Rights Commission was created by the Michigan Constitution to safeguard constitutional and legal guarantees against discrimination. The Commission is charged with investigating alleged discrimination against any person because of religion, race, color or national origin, sex, age, marital status, height, weight, arrest record, and physical and mental disability.*

## **MDCR EXECUTIVE TEAM**

**Agustin V. Arbulu**  
*Executive Director*

**Mary Engelman**  
*Deputy Director*  
*Executive Director, Michigan Women's Commission*

**Mark Bishop**  
*Community Engagement/  
Strategic Operations Director*

**Sylvia Elliott**  
*Managing Attorney, Office  
of Legal Affairs*

**Sharon Ellis**  
*State ADA Compliance Director*

**Lee Gonzales**  
*Legislative Liaison*

**Alfredo Hernandez**  
*Equity Officer*

**Keri Lardie**  
*Human Resources Director*

**Vicki Levensgood**  
*Communications Director*

**Dan Levy**  
*Director of Law and Policy*

**Anthony Lewis**  
*Director, Business and  
Community Affairs*

**Shawn Sanford**  
*Executive Assistant to the Director*

**Lori Vinson**  
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