

## MICHIGAN CIVIL RIGHTS COMMISSION MEETING

Monday, July 25, 2022 ~ 11:00 A.M.

Delta Hotels by Marriott, Delta Plaza Room

3333 28<sup>th</sup> St. S.E., Grand Rapids, Michigan 49512

Hybrid Meeting: Zoom web conferencing platform; Livestreamed via Facebook

*In compliance with the State of Michigan's Open Meetings Act, "the minutes must show the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose(s) for which a closed session is held; the minutes must also include all roll call votes taken at the meeting." The minutes are limited to these requirements and do not reflect all subject matter that occurred during the Commission meeting. Meetings are audio recorded and kept on file with the MDCR.*

### MINUTES

PRESENT: Commission Chair Portia Roberson  
Commission Secretary Gloria Lara  
Commissioner Regina Gasco-Bentley  
Commissioner Richard Corriveau  
Commissioner Anupama Kosaraju  
Commissioner David Worthams (NEW)

EXCUSED: Commission Vice-Chair Zenna Elhasan (attended virtually)

#### CALL TO ORDER / ROLL CALL

The meeting of the Michigan Civil Rights Commission was called to order by Chair Roberson at 11:14 A.M.

Chair Roberson welcomed participants to the meeting, including in-person and virtual guests by way of Zoom web conferencing and Facebook livestream platforms.

Roll Call of the Commissioners was taken by Clerk Lamont Satchel to determine a quorum. Chair Roberson, Secretary Lara, Commissioner Corriveau, Commissioner Gasco-Bentley, Commissioner Kosaraju, Commissioner Worthams. With six of seven Commissioners present, quorum requirements were met.

#### SWEARING-IN OF NEW COMMISSIONER DAVID WORTHAMS

The Oath of Office is administered by the Commission Chair; Commissioner David Worthams took the Oath of Office as directed by Chair Portia Roberson. Commissioner Worthams was appointed by Governor Whitmer on May 26, 2022.

#### APPROVAL OF MEETING AGENDA

Chair Roberson brought the following Motion:

**MOTION: Move to Approve the Meeting Agenda as submitted.** There were no amendments or discussion. **On Motion duly made (Lara) and supported (Worthams), the Meeting Agenda was Approved.** *Motion carried unanimously.*

## OPENING MATTERS

### WELCOME

Chair Roberson provided welcoming remarks, thanking the Grand Rapids community for welcoming the Commission.

Lamont Satchel, General Counsel and Commission Advisor was called upon to provide a brief overview on the Commission and its authority.

### RECOGNITION OF SIGNIFICANT OBSERVANCES DATES IN JULY

Chair Roberson recognized significant observances for the month of July, including the birthday of Thurgood Marshall (July 2), the Civil Rights Act of 1964 signed into law (July 2), the birthday of Nelson Mandela (July 18), the anniversary of the Americans with Disabilities Act (ADA) (July 26).

### PUBLIC COMMENT PROTOCOL

Director of Enforcement Marcelina Trevino provided instructions to in-person and virtual audiences who wish to address the Commission during the Public Comment segment of the meeting.

## ADOPTION OF CONSENT AGENDA

Chair Roberson brought the following Motion:

**MOTION: Move to Adopt the Consent Agenda as submitted.** There was no discussion or amendment. **On Motion duly made (Corriveau) and supported (Worthams), the Consent Agenda was Adopted.** *Motion carried unanimously.*

## APPROVAL OF MINUTES FROM MAY 23, 2022 MEETING

Chair Roberson brought the following Motion:

**MOTION: Move to Approve the Meeting Minutes as submitted.** There were no revisions or discussion. **On Motion duly made (Worthams) and supported (Lara), the Minutes from the May 23, 2022 Commission Meeting were Approved.** *Motion carried unanimously.*

## PUBLIC COMMENT

VIRTUAL: There was no virtual Public Comment.

IN-PERSON: "Eugene" (first name and last name was withheld) brought concerns regarding MDCR's filing of charges against the Grand Rapids Police Department ('GRPD'), and spoke on his personal story of a false arrest in 2013, requested a federal pattern investigation of the GRPD.

## DIVISION AND OTHER REPORTS

### A. Executive Director Report, John Johnson, Jr.

Director Johnson submitted a full written report to the Commission on the activity of the Executive Director and the major divisions of the Department from May to July 2022, as well as personnel updates, and a budget update.

### B. MCRC/General Counsel Report, Attorney Lamont Satchel

Mr. Satchel serves as Advisor to the Commission and General Counsel for the Department. Mr. Satchel submitted a full written report to the Commission on the activity of General Counsel from May to July 2022, including an update on amending the procedural/administrative rules, update on the regulatory impact statement, update on work with the Commission's priorities committee chairs, and update on the process improvement initiative.

### C. Enforcement Division Report, Attorney Marcelina Trevino

Ms. Trevino provided an update on the status of incoming complaints and complaints management, the status on MDCR's federal contracts with EEOC and HUD, and the status of cases in the Legal Affairs Division.

### D. 2022 Civil Rights Summit, Alfredo Hernandez

Mr. Hernandez provided an overview of the Civil Rights Summit which convened on June 15, 2022 in Lansing, MI, discussed goals accomplished during the Summit as well as next steps and tie-ins with the Commission's priorities.

### E. Attorney General Report, AAG Tonya Jeter

Ms. Jeter submitted a full written report to the Commission and provided a brief status update on the following cases: ***Estate of Romig and Kooman v. Boulder Bluff Condominium Association; Rouch World, LLC and Uprooted Electrolysis v. MDCR; Carlos Rodriguez and Stephanie Newhouse v. MDCR; Gomez v. Michigan State Police; public policy investigation into the Grand Rapids Police Department.***

## COMMISSION BUSINESS

### A. Chair's Report, Portia Roberson

Chair Roberson's report included appreciation to the Grand Rapids community for welcoming the Commission to Grand Rapids, emphasizing the importance of the Commission traveling to different locations throughout the state so that communities are able to participate in these meetings and be heard; welcoming new Commissioner David Worthams to the Commission; expressed appreciation to the Commissioners and MDCR Staff who participated in the 2022 Civil Rights Summit planning committee and contributed to the success of the Summit; Director Johnson for his update on the budget and the need for additional resources.

B. Resolution on Reproductive Rights, Secretary Lara

Commission Secretary Lara introduced and read into the record a proposed Resolution in Support of Women's Reproductive Rights:

*WHEREAS, the female population is an essential cornerstone of societies worldwide, account for more than half the citizens of the world and United States, and despite their innate and obvious ability for intellectual achievement, demonstrated deep sense of social and cultural responsibility, inherent right of self-determination and essential reproductive capabilities, and basic humanity, have historically and presently been denied by men and male created and dominated social, political, cultural, financial and other power structures, many of the basic freedoms, rights, privileges, enjoyments, opportunities and powers that the males to whom they have given birth, nurture or otherwise assist and support have acceded to themselves; and*

*WHEREAS, one of the fundamental rights of all people is the right to privacy and bodily integrity, which the United States Supreme Court previously recognized includes a constitutional right to abortion in the landmark 1973 case Roe vs. Wade which was reaffirmed by the Court in Planned Parenthood v. Casey in 1992; and*

*WHEREAS, major international institutions, including the World Health Organization and the United Nations, recognize reproductive rights as fundament human rights; and*

*WHEREAS, the Michigan Civil Rights Commission recognizes that the United States Supreme Court's decision to overturn Roe v. Wade in Dobbs v. Jackson Women's Health Organization (2022) may have a significant impact on Michiganders who previously enjoyed a federal constitutional right to an abortion; and*

*WHEREAS, there is a considerable body of data, research, information, and studies which show access to safe and legal reproductive health care is vital to the health and well-being of Michiganders; and*

*WHEREAS, these studies also show that lack of accessible reproductive health care considerably decreases the well-being and health of women and girls, in particular low-income and black, indigenous and people of color, and results in demonstrable economic, physical, and mental harm; and*

*WHEREAS, the eradication and restriction of reproductive rights has serious, unique, and particular consequences and implications for women and girls in the mentally and physically disabled community, with a tendency to disparately impact a community of citizens who may in some cases be less likely to be able to articulate or understand objectionable circumstances and situations that may lead to their pregnancy or have the ability to care and provide for a child with the level of resources and support available to the non-disabled community; and*

*WHEREAS, the Michigan Constitution of 1963, art 5, §29 empowers the Michigan Civil Rights Commission to secure and protect the civil rights of citizens of the state of Michigan and the Elliott Larsen Civil Rights Act, MCL 37.2101, et seq., prohibits discrimination based on gender; and*

*WHEREAS, the Elliott Larsen Civil Rights Act, MCL 37.2705, expressly grants the Michigan Civil Rights Commission the power and authority to "secure civil rights guaranteed by law other than the civil rights set forth in the [Elliott Larsen Civil Rights] [Act]"; and*

*WHEREAS, the Michigan Persons with Disabilities Civil Rights Act, MCL 37.1101, et seq., prohibits discrimination against citizens with disabilities and makes illegal disparate treatment of such Michiganders; and*

*WHEREAS, the citizens of the State of Michigan adopted the Due Process Clause and the Equal Protection Clause in the Michigan Constitution of 1963 which affirmatively protects the civil rights of citizens, which include the reproductive rights of Michiganders; and*

*WHEREAS, the Michigan Civil Rights Commission acknowledges the several litigations before Michigan's courts that could impact a citizen's access to reproductive health care and we agree with Governor Gretchen Whitmer's position that the Due Process Clause protects the right to reproductive health care, including abortion, and Attorney General Dana Nessel's advocacy in defense of the constitutional rights of women regarding reproductive rights; and*

*WHEREAS, the Michigan Civil Rights Commission considers all reproductive rights to be a fundamental civil right and it is our duty to assure that public policy that impacts access to reproductive rights, practices, and other laws do so in a manner that does not discriminate against persons based on race, color, religion, national origin, genetic information, sex, age, marital status, height, weight, arrest record, physical or mental disability; and*

*THEREFORE, BE IT RESOLVED, by the Michigan Civil Rights Commission that we encourage and support any legal efforts of the Governor and the Attorney General in defending, protecting, and advancing the reproductive rights of all citizens of the state of Michigan; and*

*BE IT FURTHER RESOLVED, that we support the Governor’s Executive Directive 2022-5 (Reproductive Rights in Michigan) as a means of securing equal access to reproductive rights for Michigan citizens; and*  
*BE IT FURTHER RESOLVED, that we authorize and direct the Michigan Department of Civil Rights to provide, when invited by the Michigan Court, an amicus curie brief to support and assist efforts made by any party regarding the equal access to reproductive health care in the state of Michigan; and*  
*BE IT FURTHER RESOLVED that the Michigan Civil Rights Commission directs the Michigan Department of Civil Rights to provide, where requested, the support and resources necessary to assist any efforts by the executive and legislative branches of the State of Michigan in addressing discrimination against disabled and non-disabled women, girls and transgender men, nonbinary, and gender-nonconforming persons in the exercise of their reproductive rights; and*  
*BE IT FURTHER RESOLVED, that this resolution is effective immediately upon adoption; and*  
*BE IT FURTHER RESOLVED, that this resolution be forwarded to the Governor, the Attorney General, the President of the Michigan Senate, and the Speaker of the Michigan House of Representatives.*

**BOARD RESOLUTION: To Pass the Resolution in Support of Women’s Reproductive Rights.** On Motion duly made (Corriveau) and supported (Lara), there was discussion: Secretary Lara requested a revision by inserting in the sixth paragraph the following, “...that decreases the well-being and health of women and girls in particular low income and BIPOC, Black, Indigenous and People of Color women, and results in demonstrable economic, physical and mental harm.”

**MOTION: To Amend the Resolution in Support of Women’s Reproductive Rights.** On Motion duly made (Corriveau) and supported (Kosaraju), there was discussion: Commissioner Worthams thanked Secretary Lara for accepting his revisions through MDCR Staff, brought concerns on the drafting of the Resolution, and bringing more focus to supporting the Governor’s position with this Commission action. Secretary Lara brought additional comments with a personal story of ectopic pregnancy.

**ROLL CALL VOTE: 6-0-0**

Lara – Y	Kosaraju – Y	Elhasan - Excused
Corriveau – Y	Worthams – Y	
Gasco-Bentley – Y	Roberson – Y	

**RESOLUTION UNANIMOUSLY PASSED.**

C. Discussion on Boarding Schools within Michigan, Commissioner Gasco-Bentley

Commissioner Gasco-Bentley provided the Commission with a packet of information on the history of the boarding schools, indicating that attention around this topic is increasing statewide and nationwide; acknowledged Governor Whitmer for keeping her promise to include funding for this study in the budget; wanted to ensure that the Commission has a full understanding of the atrocities that took place, and there are victims who are still healing from abuses they suffered. Commissioner Gasco-Bentley is working with the U.S. Department of the Interior, who will hold hearings entitled: “Road to Recovery Within Our Homelands” in Harbor Springs on August 13, 2022. Melissa Kiesewetter, Tribal Liaison for MDCR will also play a role in facilitation of the

study. Additional comments were made by Commissioner Worthams and Secretary Lara.

D. Committees Updates for Commission's 2022 Priorities

Chair Roberson called for updates from the Committee Chairs (Commissioner Kosaraju leads the Voting Rights Committee, Vice-Chair Elhasan leads the Safe Learning Environments/Education Equity Committee, Secretary Lara leads the Diversity, Equity and Inclusion Committee).

There were no Committee updates.

E. HR Committee Update for Director Johnson's Annual Performance Evaluation, Secretary Lara

Secretary Lara provided an update from the HR Committee (Commissioners Lara and Gasco-Bentley) regarding next steps on Director Johnson's Annual Performance Evaluation, indicating that they have a meeting this Friday, July 29<sup>th</sup> to discuss newly received data, and will determine next steps.

F. Select Date for Instructional Retreat, Chair Roberson

Chair Roberson requested that the Commission move forward with this item, now that one of the two vacancies has been filled; the September 19, 2022 date was offered by Secretary Lara.

Chair Roberson brought the following Motion:

**MOTION: Move to schedule the Instructional Retreat for September 19, 2022.** There was no discussion. **On Motion duly made (Kosaraju) and supported (Lara), the Commission will convene their annual instructional retreat on September 19, 2022 at a time and location to be determined.**  
*Motion carried unanimously.*

NEW BUSINESS

There was no New Business.

COMMISSIONER CLOSING COMMENTS

Secretary Lara thanked the MDCR Staff for their work on coordinating this meeting in Grand Rapids, and the Commissioners for making the trip.

ADJOURNMENT

Chair Roberson brought the following Motion:

**MOTION: Move to Adjourn.** There was no discussion. **On Motion duly made (Worthams) and supported (Lara), the meeting of the Michigan Civil Rights Commission Adjourned at 12:37 P.M.** *Motion carried unanimously.*

*The next meeting of the Michigan Civil Rights Commission is scheduled for Monday, October 24, 2022 and will convene at a time and location to be determined.*

**MINUTES APPROVED UNANIMOUSLY AT THE OCTOBER 24, 2022 MEETING.**