

State of Maryland Commission on Civil Rights



2016 Annual Report

Larry J. Hogan, *Governor*
Boyd K. Rutherford, *Lt. Governor*
Alvin O. Gillard, *Executive Director*
Shawn M. Wright, Esq., *Commission Chair*

State of Maryland

Commission on Civil Rights



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Naima Said, Esq.
DeWayne Wickham

January 1, 2017

The Honorable Larry Hogan
Governor, State of Maryland
State House, 100 State Circle
Annapolis, Maryland 21401

The Honorable Thomas V. Mike Miller, Jr.
President, Maryland State Senate
State House H-107, 100 State Circle
Annapolis, Maryland 21401

The Honorable Michael E. Busch
Speaker, Maryland House of Delegates
State House H-101, 100 State Circle
Annapolis, Maryland 21401

Governor Hogan, President Miller, and Speaker Busch:

In accordance with §20-207(c) of the State Government Article, Annotated Code of Maryland, we hereby submit to you the Annual Report of the State of Maryland Commission on Civil Rights (“MCCR”; the “Commission”) for Fiscal Year 2016. We are pleased to report that the Commission continues to perform its duties in spite of the fiscal challenges faced by state government agencies, generally. The Commission is grateful to Governor Hogan, the Department of Budget & Management, the Maryland State Senate, and the Maryland House of Delegates for their assistance and continued support of our mission.

As with last year, the Commission continues to build upon its successes while improving services offered to all who live in, work in, and visit Maryland. We are proud to have again met our contract goals with our federal partners – the Equal Employment Opportunity Commission and the U.S. Department of Housing & Urban Development – with respect to investigating allegations of unlawful employment and housing discrimination within Maryland. We continue to see an evolving effectiveness within our staff as we fill all vacancies, and as our new hires gain the vital skills needed to investigate allegations of unlawful discrimination. As the Commission strikes a balance between new hires and tenured staff, we expect to see sustained improvement in our case processing numbers, specifically with reference to our Intake process, as well as the overall number of complaints the Commission is able to close.

The Commission's Education & Outreach Unit, in partnership with the University of Baltimore Schaefer Center for Public Policy, are presently working on and recruiting for the 2017 inaugural class of the new Maryland Equity & Inclusion Leadership Program. This program was developed because of requests received from individuals around Maryland in the public, private, and non-profit sectors for the tools necessary to build organizations and workplaces that are more equitable and inclusive for all. The program is specifically tailored for professionals who wish to acquire leadership skills specializing in diversity and inclusion best practices and policies.

In recent years, the Maryland Commission on Civil Rights has been fortunate to enjoy partnerships with a number of organizations and community leaders representing and serving people from all walks of life. With the increasing discussion on matters associated with human and civil rights, we work tirelessly alongside our non-profit partners, like the Baltimore Jewish Council and the Council on American-Islamic Relations, and our public service partners, like the Office of the Attorney General and the Governor's Office of Community Initiatives, to ensure that we are hearing and are responsive to the needs of all Marylanders. Similarly, through various collaborative avenues, such as with the Civil Rights Coalition of Maryland, we are able to nurture and expand our relationships across the state.

The Commission recognizes the value and promise of harnessing social media and online resources in order to connect with and serve Marylanders in every corner of the state. However, we also understand and appreciate the value of having a physical presence in most areas so that we may connect directly with and address the needs of the communities we serve. To that end, the Commission is reaching out to counterparts in neighboring states, such as the Pennsylvania Commission on Human Relations, to identify and explore various best practices that MCCR may be able to adopt in an effort to optimize our Education & Outreach efforts.

Overall, we are pleased to report that the Maryland Commission on Civil Rights maintains a strong commitment to the mission of the agency.

Again, thank you for your continued support, as well as your leadership and service to Maryland. The State of Maryland Commission on Civil Rights appreciates the priority and commitment placed on the advancement of civil rights in our great State.

Respectfully submitted,



Shawn M. Wright
Commission Chair



Alvin O. Gillard
Executive Director

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The Commission

The Maryland Commission on Civil Rights (MCCR) represents the interest of the State to ensure equal opportunity for all through enforcement of Title 20 of the State Government Article and Title 19 of the State Finance & Procurement Article (the State's Commercial Non-Discrimination Policy), Annotated Code of Maryland. MCCR investigates complaints of discrimination in employment, housing, public accommodations and state contracts from members of protected classes that are covered under those laws.

MCCR is governed by a nine-member Commission appointed by the Governor and confirmed by the Maryland State Senate. Commission members are appointed to serve six-year terms. The Commission meets once a month to set policy and review programmatic initiatives. The current members are:

1. Shawn M. Wright, Esq., Chairperson (*Prince George's County*)
2. Gary Norman, Esq., Vice Chairperson (*Baltimore City*)
3. Roberto N. Allen, Esq. (*Baltimore County*)
4. Laura M. Esquivel (*Montgomery County*)
5. Rabbi Binyamin Marwick (*Baltimore County*)
6. Dominique S. Moore, Esq. (*Baltimore City*)
7. Gina McKnight-Smith, Pharma.D., MBA (*Baltimore County*)
8. Naima Said, Esq. (*Howard County*)
9. DeWayne Wickham (*Baltimore County*)



Photographed, left to right: Rabbi Binyamin Marwick, Naima Said, Shawn M. Wright, Gina McKnight-Smith, & Roberto N. Allen

The Commission is an independent agency that serves individuals, businesses, and communities throughout the State. Its mandate is to protect against discrimination based on race, color, religion or creed, sex, age, national origin or ancestry, marital status, physical or mental disability, sexual orientation, and gender identity. For employment cases, it is unlawful for an employer to discriminate against an applicant or employee based on that individual's genetic information. In housing cases, discrimination based on familial status is also unlawful.

In addition, the Commission assists employers in developing bias-free selection, hiring, retention, promotion and contracting procedures; increases equal housing opportunities to all groups in Maryland; ensures equal access to public accommodations and services; promotes knowledge and understanding of anti-discrimination laws; and helps to improve civil rights within the State.

History

It was for the purpose of considering matters concerning the “welfare of colored people residing in the State..., recommend legislation and sponsor movements looking to the welfare of said people, and to the improvement of interracial relations, and to cooperate with other State agencies to these ends” that the General Assembly created the **Interracial Commission** of Maryland in 1927 (Chapter 559 of 1927). The Commission was originally comprised of eighteen (18) members, nine (9) of which were Black and nine (9) were white. The Commission had no investigative or enforcement powers. However, in the realm of public service, the Commission came out against the Act of 1904. More commonly known as the Kerbin “Jim Crow” Law after its sponsor, Delegate William G. Kerbin of Worcester County, this law required separate seating, dining, and sleeping arrangements for Blacks and Whites on railroads and steamship lines operating strictly within the State’s borders.

In the arena of education, the Interracial Commission brought to light the vast disparities in education between the white and black communities. Specifically, the Commission found that:

1. Black teachers received a salary of \$640 per year, while white teachers received \$1150.
2. Per pupil spending was \$95 per year per white student, while only \$45 per year per black students.
3. White schools were open 187 days per year, while black schools were open 168 days per year.

In 1943, the Commission was renamed the **Commission to Study Problems Affecting the Colored Population** (Chapter 432 of 1943). Their first recommendations were:

1. The school code be amended to provide that the minimum salaries of colored teachers and supervisors be the same as those provided to whites,
2. An institution of higher learning be established for “Colored people around Morgan College,”
3. That Blacks be represented on all Boards and Commissions appointed by the State.

However, despite their work and recommendations, the Commission lacked staff and funding, and thus any power to positively and pro-actively affect the public policy at the time.

Then in 1951, the Commission to Study Problems Affecting the Colored Population was rebranded the **Commission on Interracial Problems and Relations** (Chapter 548 of 1951). This change was prompted by nearly a decade of racial tensions in Maryland, including riots in Baltimore in 1942 and the meeting of the Maryland Congress against Discrimination in 1946. While still lacking human and financial resources, the Commission found an ally in Governor Theodore R. McKeldin, a strong civil rights advocate.

Due to the national Civil Rights Movement and the breaking down of numerous barriers, the Maryland General Assembly and Governor established the **Commission on Human Relations** in 1969 (Chapter 83 of 1968). This was the first time that the Commission was allotted a budget for paid staff. By Chapter 153 of 1969, the State waived its sovereign immunity and the Commission was empowered to initiate and investigate complaints of discrimination in State agencies.



State of Maryland Commission on Civil Rights Staff, December 2016

The 1974 General Assembly made further amendments to the law. Discrimination in housing on the bases of marital status and sex were prohibited, and exceptions were provided with respect to the application of certain provisions in the Discrimination in Housing subtitle (Chapter 848 of 1974). A second bill provided that it was unlawful for persons and organizations to discriminate in certain employment practices against persons who were mentally or physically handicapped, to prohibit certain discriminatory activities against the physically or mentally handicapped in housing or obtaining loans on dwellings, and to make technical corrections to the language (Chapter 601 of 1974). A parallel bill prohibited discriminatory activities in public accommodations, employment, and housing because of marital status or physical or mental handicaps, and clarifying the language of the law (Chapter 875 of 1974).

By Chapter 419 of 1975, the Commission was permitted to seek certain types of court relief; namely, a temporary injunction if the Commission believed the appropriate civil action is necessary to preserve the status of the parties or to prevent irreparable harm. Chapter 333 of 1975 provided that it was lawful for employers to establish standards concerning an employee's dress and grooming if the standards were directly related to the nature of the employment.

Chapters 937, 907, and 706 of 1977 were important changes that set the Commission on the track to its modern composition. Chapter 937 of 1977 reduced the size of the Commission from twelve (12) members to nine (9), empowered the Commission to designate its own chair person, and abolished the previous \$16,000 salary for the Chairperson. The new legislation continued the appointment of the Executive Director by the Governor, but provided that he must choose from a list of five names submitted by the Commission, and also provided for the Executive Director's removal by the Governor upon recommendation of two-thirds of the members of the Commission. The authority to appoint and remove the Deputy Director and the General Counsel was transferred from the Governor to the Executive Director with approval by the majority of the Commission members. The law also authorized the appointment of hearing examiners to hear cases under the Human Relations law, and provided for an appeal from the decisions of the hearing examiner to the Commission. Finally, the new legislation expanded the Commission's power to order appropriate relief for victims of discrimination by empowering the Commission to award monetary relief, limited to two years back pay, to the victims of employment discrimination.

Furthermore, Chapter 907 of 1977 required employers to treat disabilities caused or contributed to by pregnancy or childbirth in the same manner as they treat other disabilities; and by Chapter 706 of 1977, the procedures that the Commission must follow in processing employment discrimination complaints against State agencies were altered.

Overall, the Maryland Commission on Human Relations got its true authority beginning with Chapter 83 of 1968. For the next few decades, amendments were adopted on occasion, but the Commission still served a single purpose – to administer and enforce the Maryland Public Accommodations Law, Discrimination in Housing Law, and the Fair Employment Practices Law. In order to effectively achieve this, the Commission has a deferral relationship and funding provided by the Equal Employment Opportunity Commission and the federal Department of Housing & Urban Development.

In 1999, Governor Parris N. Glendening made Maryland history as the first sitting Governor to advocate for banning discrimination on the basis of sexual orientation. It wasn't until 2001 that these protections were codified, after the Governor's pushing the bill in the Maryland General Assembly for two years (Chapter 340 of 2001). With that, sexual orientation was added to the already identified protected classes in Maryland law. That same year, genetic information was also included as a protected class.

The Commission has continued to build upon this framework as it carries on its superior investigatory procedures in the areas of employment, housing, public accommodations, and state contracts. In 2011, the Commission changed its name to the **Maryland Commission on Civil Rights** to more accurately reflect the anti-discrimination work through enforcement of the State's anti-discrimination laws, and through public outreach and education (Chapter 580 of 2011).

As of October 1, 2013, pregnant employees gained the legal right to request a reasonable accommodation at work if the pregnancy causes or contributes to a disability and if the accommodation does not impose an undue hardship on the employer (Chapters 547 and 548 of 2013).

In October, 2014, the Commission was vested with the authority to enforce Maryland's anti-discrimination laws in employment, housing, and public accommodations on the basis of one's gender identity. These protections came with the passage of the Fairness for All Marylanders Act of 2014 (Chapter 474 of 2014), and were the results of over a decade's worth of work in the legislature. Passage of this legislation was monumental for many reasons. Previously, steps had been taken within the State to include gender identity and expression as a protected class. In 2002, Baltimore City passed a law prohibiting discrimination based upon gender identity and expression in employment, public accommodations, education, and housing. In 2005, the State hate crimes provision was amended to include gender identity as a protected class. Also, in August, 2007, Governor Martin O'Malley issued an Executive Order in which gender identity and expression were included as a proscribed basis for employment discrimination. In November, 2007, the County Council for Montgomery County amended its laws to include gender identity as a covered basis under employment, housing, public accommodations, cable television services, and taxicab services anti-discrimination laws. In December, 2011, Howard County joined Baltimore City and Montgomery County in adding gender identity and expression as a protected class. Most recently, on February 21, 2012, Baltimore County included in its anti-discrimination law protections based on gender identity. However, the Maryland Commission on Civil Rights believed that geography should not be the determinative factor for whether a citizen of Maryland is protected from unlawful discrimination. Therefore, the Commission had supported similar versions of the bill introduced in 2007, 2008, 2009, 2010, 2011, 2012, and 2013, while advocating for these protections dating back to as early as the 1990's.

Effective October 1, 2015, interns are protected from discrimination and harassment at their place of internship. Interns may now access MCCR's complaint process and seek non-monetary relief if their internship provider does not have an internal grievance process to investigate and address allegations of discrimination and harassment (Chapter 43 of 2015).

Case Processing

The Case Processing Department provides intake and investigative services for the complaints filed with MCCR in employment, housing, public accommodations and state contracts (the State's commercial non-discrimination policy). The Department utilizes a number of different tools to attempt to resolve complaints, such as **mediation** and **fact finding conferences**. These services have been very valuable to the Commission and have had a direct impact on the data contained herein. The Case Processing Department is comprised of an **Intake Unit** and two **Investigative Units**. The **Intake Unit** and two **Investigative units** are housed in Baltimore City at the William Donald Schaefer Tower.



MCCR receives complaints directly from individuals who believe they have been victims of unlawful discrimination, and also processes cases for the Equal Employment Opportunity Commission (EEOC) and the U. S. Department of Housing and Urban Development (HUD). MCCR will automatically dual file a complaint of employment or housing discrimination with either the EEOC or HUD when state and federal anti-discrimination laws overlap.

Intake

If you believe that you have been the victim of discrimination and suspect that you have been treated unfairly because of your **race, color, religion, sex, age, familial status, national origin, marital status, disability, genetic information, sexual orientation, or gender identity**, you may file a complaint of discrimination with MCCR. You may also file a complaint if you believe that you are a victim of **harassment** or **retaliation**. The Commission investigates complaints from anyone who reasonably believes they have been discriminated against in the areas of **employment, housing, public accommodations, and state contracts**. The Commission may also initiate a complaint based on reliable information that any person or business is or has been engaged in a discriminatory practice. Any person may contact MCCR's Baltimore office to inquire about filing a complaint.

To file a Complaint of Discrimination, it is required that the complainant provide to MCCR a written and signed complaint. Anyone wishing to file a complaint alleging unlawful discrimination in violation of Title 20 of the State Government Article or Title 19 of the State Finance & Procurement Article must file the complaint within: six (6) months of the alleged unlawful incident in cases of discrimination by a place of employment and/or public accommodation, or one (1) year of the alleged unlawful incident in the case of discriminatory housing practices. The Commission encourages anyone wishing to file a complaint to immediately contact MCCR by telephone, e-mail, fax, or mail to initiate an inquiry.

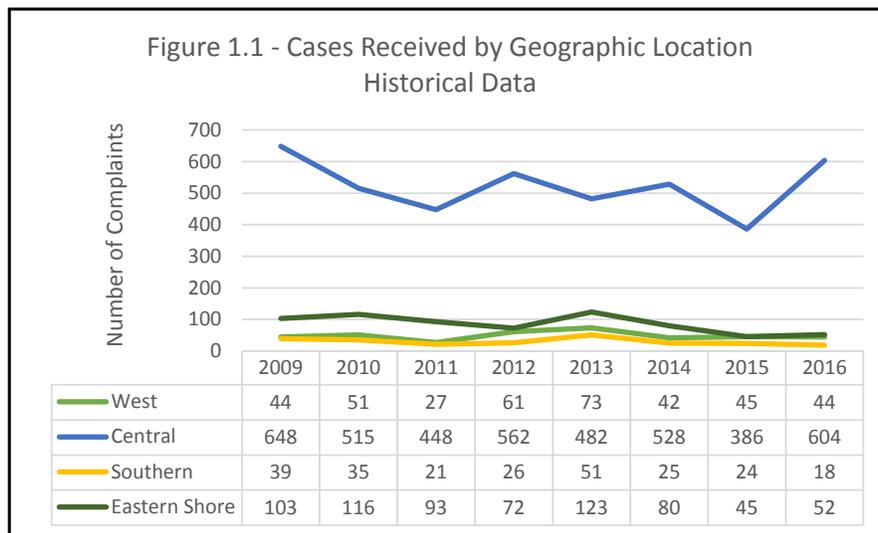
Case Intake Trends - By Region & Type

During FY2015, MCCR reported receiving a total of 518 individual complaints of discrimination from around Maryland (total intakes plus complaints transferred out of MCCR). This number was down considerably from previous years. It was largely attributed to vacancies within the various Case Processing units resulting from retirements of long-tenured staff, the need to hire and train new staff, and

other unforeseen circumstances. For FY2016, MCCR is pleased to report that a total of 765 individual complaints of discrimination were received from around the State, 47 of those being cases that were transferred to the EEOC because MCCR lacked jurisdiction. These numbers do not reflect the hundreds of contacts with the Intake Unit that are “aborted” (not processed by the Commission) for a number of reasons, such as the potential complaint is untimely.

As stated previously, MCCR’s authority extends to every corner of the State. When reviewing Case Processing data by geographic location, a Respondent’s physical address is the determining factor when understanding from where MCCR received the complaint. A breakdown of regions by their respective counties is detailed in Figures 1.2 through 1.6 on the following pages.

A review of the historical data provided in Figure 1.1 illustrates that MCCR has consistently received the majority of its complaints from Central Maryland. That trend continues into FY2016, which is also where the largest gain of the 247 complaints over FY2015 were received against Respondents in that region. MCCR further credits the hard work of the Education & Outreach Unit (E&O), which was reconstituted in 2013, with helping to grow the number of complaints from the Central, Western, and Eastern Shore regions. E&O’s work becomes even more important now that MCCR has had to close field offices in Hagerstown, Leonardtown, and Salisbury after the investigative staff retired and the agency was no longer able to maintain those locations. However, in anticipation of these retirements and closures the Commission has been actively reaching out to partner agencies in neighboring states, such as the Pennsylvania Human Relations Commission, to identify best practices that present the strongest opportunity for MCCR to continue making inroads into communities across Maryland so that instances of unlawful discrimination are addressed appropriately.

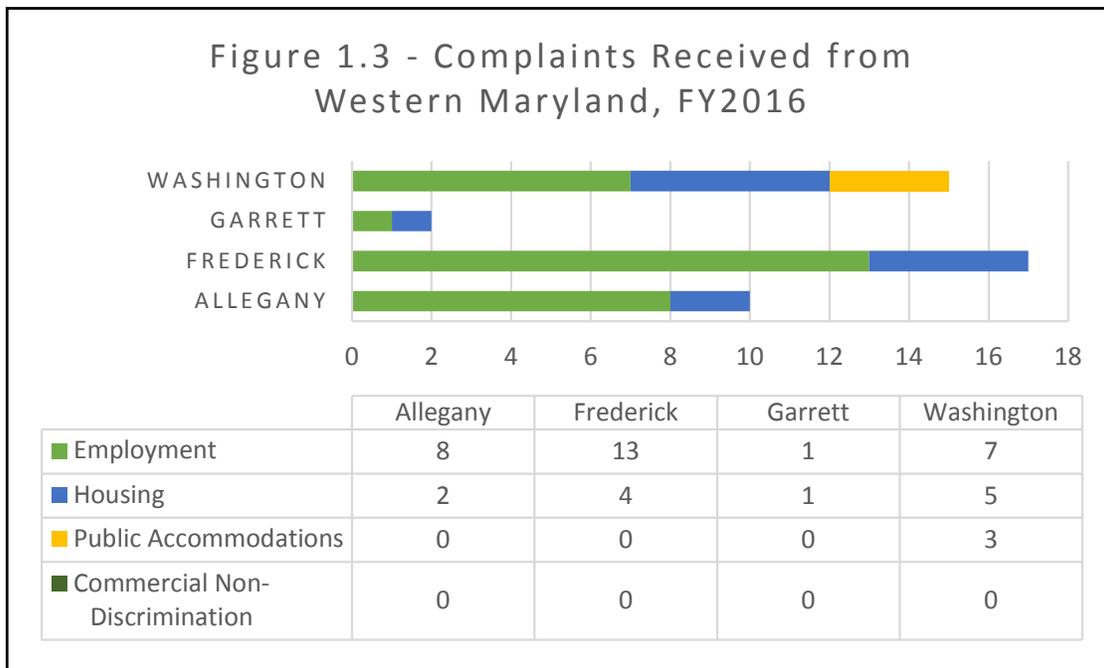
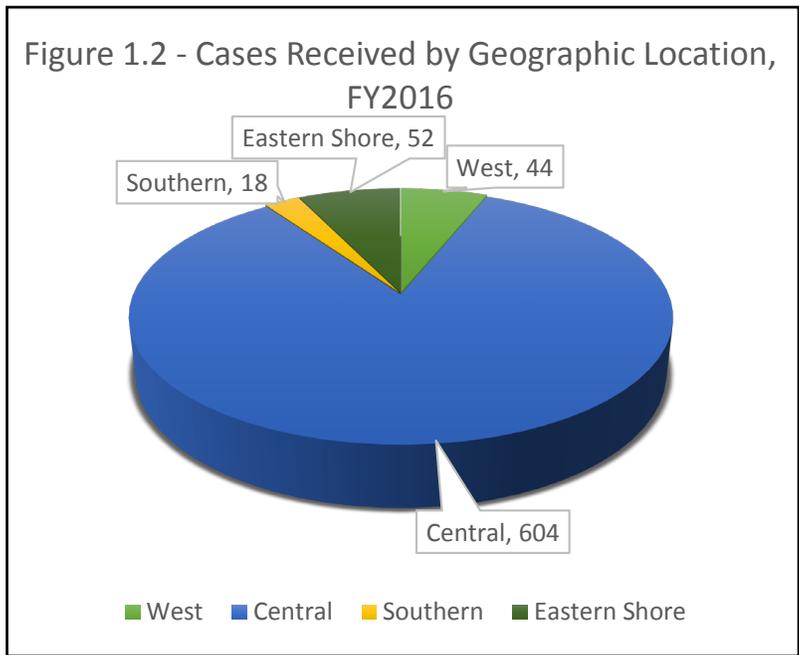


It is important to note, too, that Figure 1.1 does not capture, due to database limitations, the the total number of complaints transferred to MCCR from the EEOC. MCCR is working to identify a method to capture and report this data for FY2017 based on both geographic location and the basis of discrimination (such as race, sex, or disability, which will be covered in the ensuing pages). In FY2016, MCCR received 231 transfers from the EEOC - an increase of 57 from FY2015. That means that for FY2016, MCCR took in a grand total of 996 complaints of unlawful discrimination against entities in Maryland.

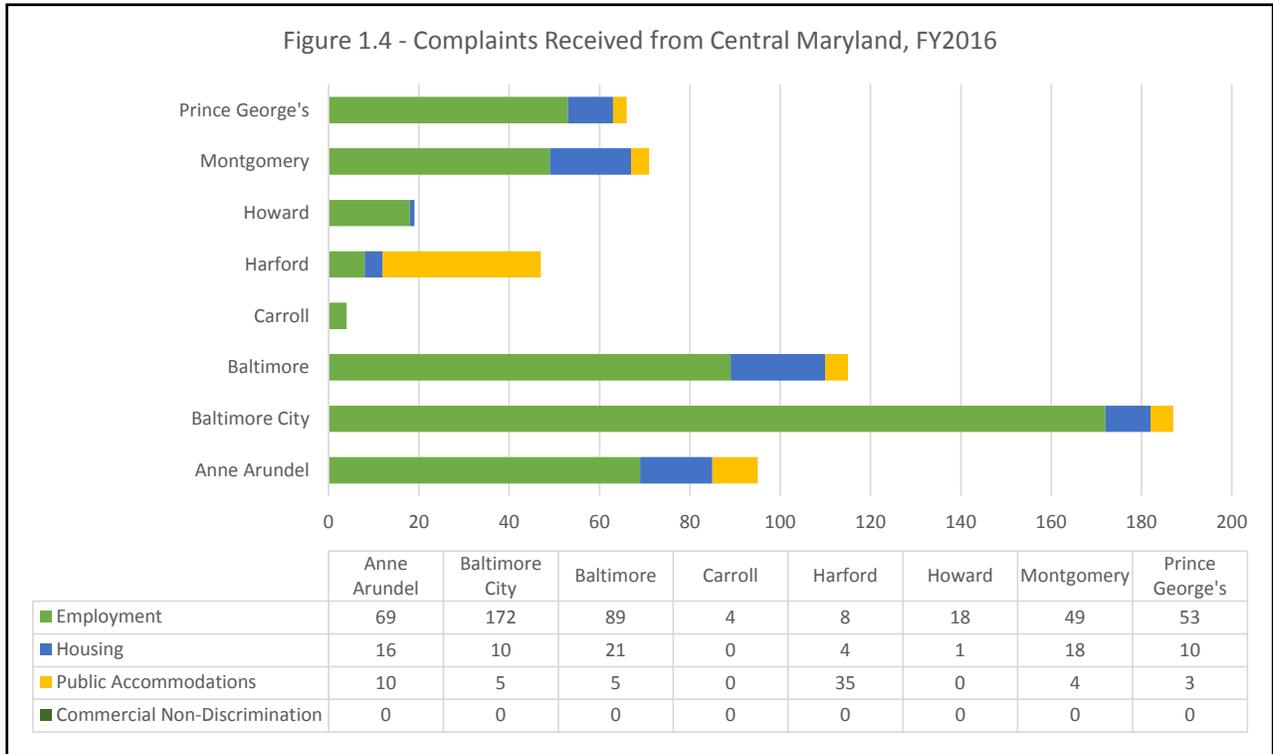
	FY2015	FY2016
Transfers In	174	231
Transfers Out	18	47

A breakdown of the complaints that were received in each of the locations for FY2016 is noted in Figure 1.2. In line with historic trends, the highest number of complaints received (604) were from the Central-area of Maryland - 84% over last year's 77%. The lowest number (18) of complaints received were in the area of Southern Maryland - 3%, a reduction from last year's 5%.

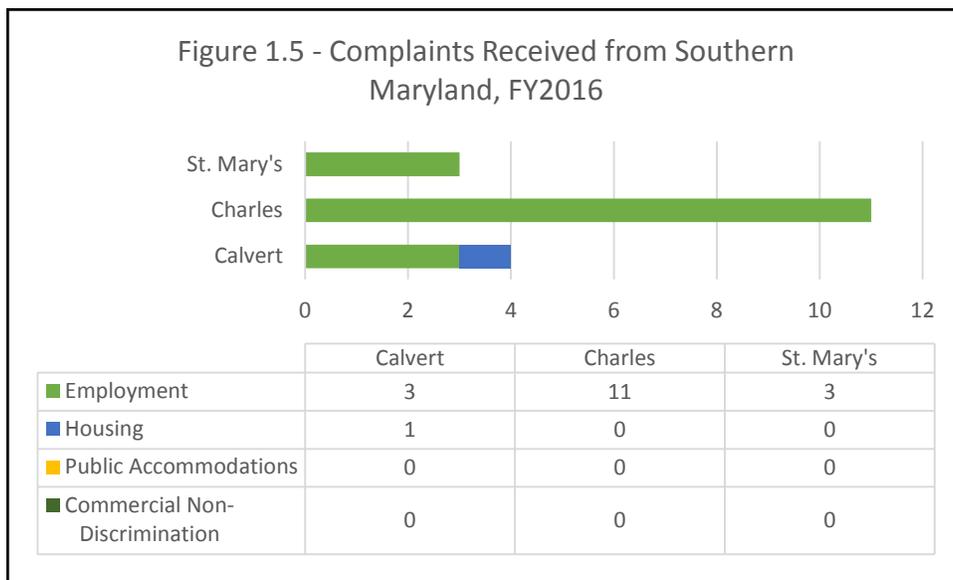
The information in Figures 1.1 and 1.2 is further broken down based on the type of discrimination (employment, housing, public accommodations, or state contracts) in the following sections. This information varies widely by region and county. The following charts represent the individual basis of discrimination received by the Commission, separated by the identified Respondent's area and county.



To begin, Figure 1.3 shows that the number of complaints received from Western Maryland remained roughly the same in FY2016 as in FY2015 - 44 complaints to last year's 45 complaints. Washington and Allegany counties both report a slight increase in the number of complaints originating within their borders, while Frederick County saw a slight decrease. As MCCR knows all too well, the absence of complaints does not indicate the absence of unlawful discrimination. MCCR will continue to focus outreach efforts in this region to guarantee communities are aware of our services and how they can access us for help. This remains important because the influx of people, especially in Frederick County, results in the need to partner with local employers and housing providers to teach them about Maryland anti-discrimination law, while simultaneously reaching out to individuals to let them know where to go to protect their rights.

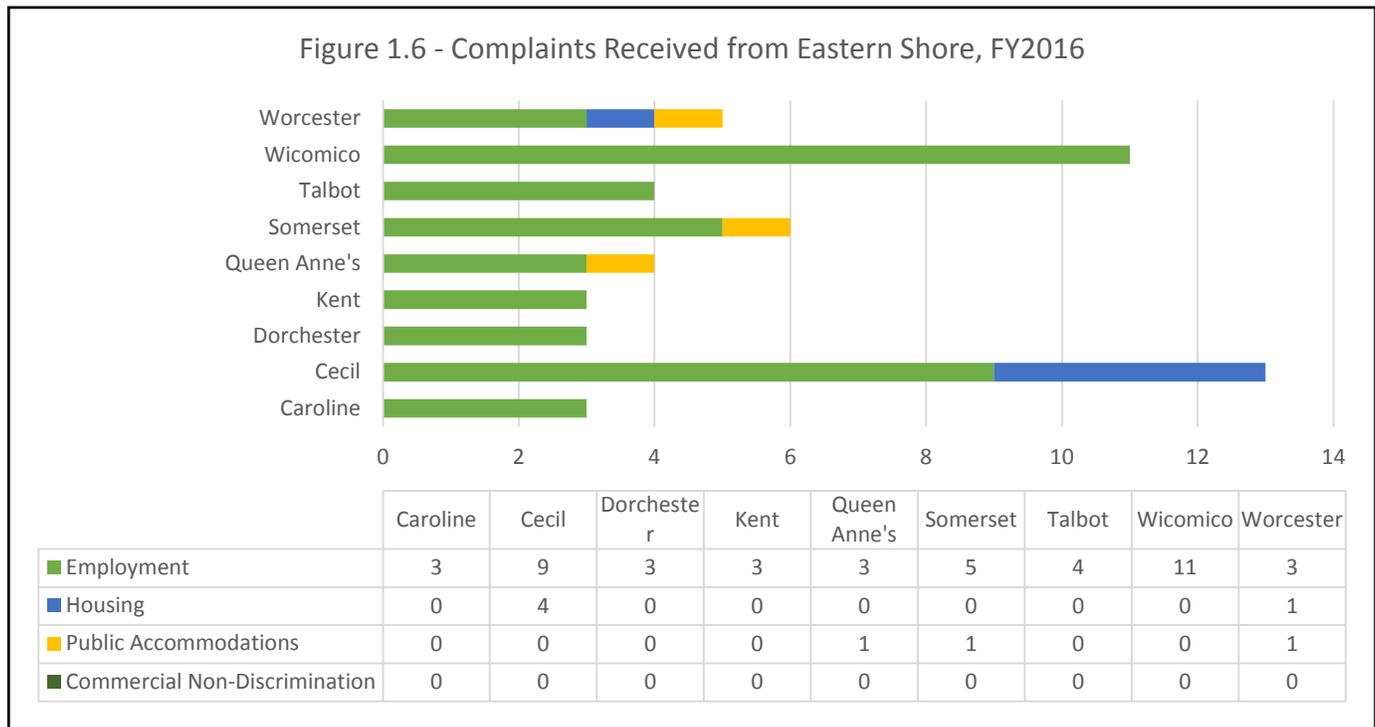


Central Maryland, represented in Figure 1.4, is the area from which the overwhelming majority of complaints are received by MCCR. MCCR believes this is because the agency’s headquarters is located in Baltimore, and the designated area encompasses the State’s most populous jurisdictions. As expected, employment discrimination was the number one allegation received by each county and the City of Baltimore, the only exception being Harford County which filed more complaints in the area of public accommodations for the third year in a row.

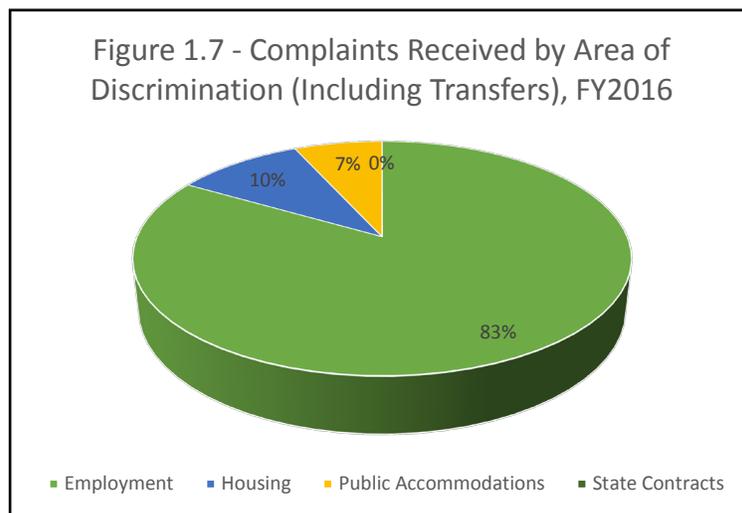


While Southern Maryland again saw the fewest number of complaints this year, there was a sharp decline from FY2015 - 24 complaints last year to this year’s 18. The number of complaints received in any one area may fluctuate, sometimes rapidly, depending on a number of variables. With an eye to the future, MCCR will continue to utilize every opportunity for local outreach. The Commission is fortunate to enjoy strong partnerships with the College of Southern Maryland’s Diversity Institute, and the Calvert and Saint

Mary’s County public library systems, as examples, which have been invaluable in efforts to connect directly with those communities most in need of our services.



The Eastern Shore of Maryland remains a priority service area for the Maryland Commission on Civil Rights. This year 7 more complaints were received than in the year prior - 52 in total. When comparing the breakdown by county, the numbers vary wildly over last year’s - where Talbot County clearly had more complaints originating from there and Queen Anne’s County had zero complaints in FY2015, Cecil County this year reports the most number of complaints, Queen Anne’s County reports 4, and an increase in the amount of public accommodation discrimination complaints across multiple jurisdictions were filed with MCCR. The upper, mid, and lower shore continue to be high demand, high activity areas for us. The Commission will keep reviewing and reevaluating each partnership outreach effort in order to make sure that strong, meaningful, and lasting connections are built in order to meet the needs of every community.



Ultimately, and as is the norm, equal access to employment remains the top issue across Maryland, with housing being the second. MCCR’s filling of vital staff vacancies, as well as the expansion of outreach and community partnership efforts, are paying off - this year’s numbers are an improvement over last year’s. This is a strong foundation upon which the Commission will continue to build.

Breakdown of Complaints Received by County and Area of Discrimination, FY2016					
County	E	H	PA	C-ND	Total
West					
<i>Allegany</i>	8	2	0	0	10
<i>Frederick</i>	13	4	0	0	17
<i>Garrett</i>	1	1	0	0	2
<i>Washington</i>	7	5	3	0	15
Total	29	12	3	0	44
Central					
<i>Anne Arundel</i>	69	16	10	0	92
<i>Baltimore City</i>	172	10	5	0	187
<i>Baltimore</i>	89	21	5	0	115
<i>Carroll</i>	4	0	0	0	4
<i>Harford</i>	8	4	35	0	47
<i>Howard</i>	18	1	0	0	19
<i>Montgomery</i>	49	18	4	0	71
<i>Prince George's</i>	53	10	3	0	66
Total	462	80	62	0	604
Southern					
<i>Calvert</i>	3	1	0	0	4
<i>Charles</i>	11	0	0	0	11
<i>St. Mary's</i>	3	0	0	0	3
Total	17	1	0	0	18
Eastern Shore					
<i>Caroline</i>	3	0	0	0	3
<i>Cecil</i>	9	4	0	0	13
<i>Dorchester</i>	3	0	0	0	3
<i>Kent</i>	3	0	0	0	3
<i>Queen Anne's</i>	3	0	1	0	4
<i>Somerset</i>	5	0	1	0	6
<i>Talbot</i>	4	0	0	0	4
<i>Wicomico</i>	11	0	0	0	11
<i>Worcester</i>	3	1	1	0	5
Total	44	5	3	0	52
Grand Total (including "Transfers In/Out")	830	98	68	0	996

In closing, the aggregate data in all previous figures is compiled in the table to the left. Note that the total 996 complaints received includes the 278 "Transfers In/Out" as discussed on page 6.

For the following sections, MCCR will further analyze this data. The sections to follow will delve into the nuances of the numbers by:

- Employment
- Housing
- Public Accommodations

As in previous years, there will be no section for the State's Commercial Non-Discrimination Policy (State Contracts) because no complaints were received in that area. MCCR Commissioners and Staff are working together to identify and address the deficiencies with the State's Commercial Non-Discrimination Policy. MCCR looks forward to the opportunity to collaborate with leadership in Annapolis to improve upon this law.

Employment Cases

The highest number of complaints - approximately 83% for FY2016 - received by MCCR are within the area of employment. What began in December, 2013, and as adopted in the Commission's 2014-2019 Strategic Plan, MCCR has implemented an aggressive and tactical outreach effort to increase the public's knowledge in all of the areas within our jurisdiction, with a particular emphasis on the areas of housing and public accommodations, but also to provide more education and outreach to our business community. MCCR congratulates the Case Processing staff for conducting more than 200 additional intakes than in FY2015 to investigate and enforce Maryland's employment anti-discrimination laws.

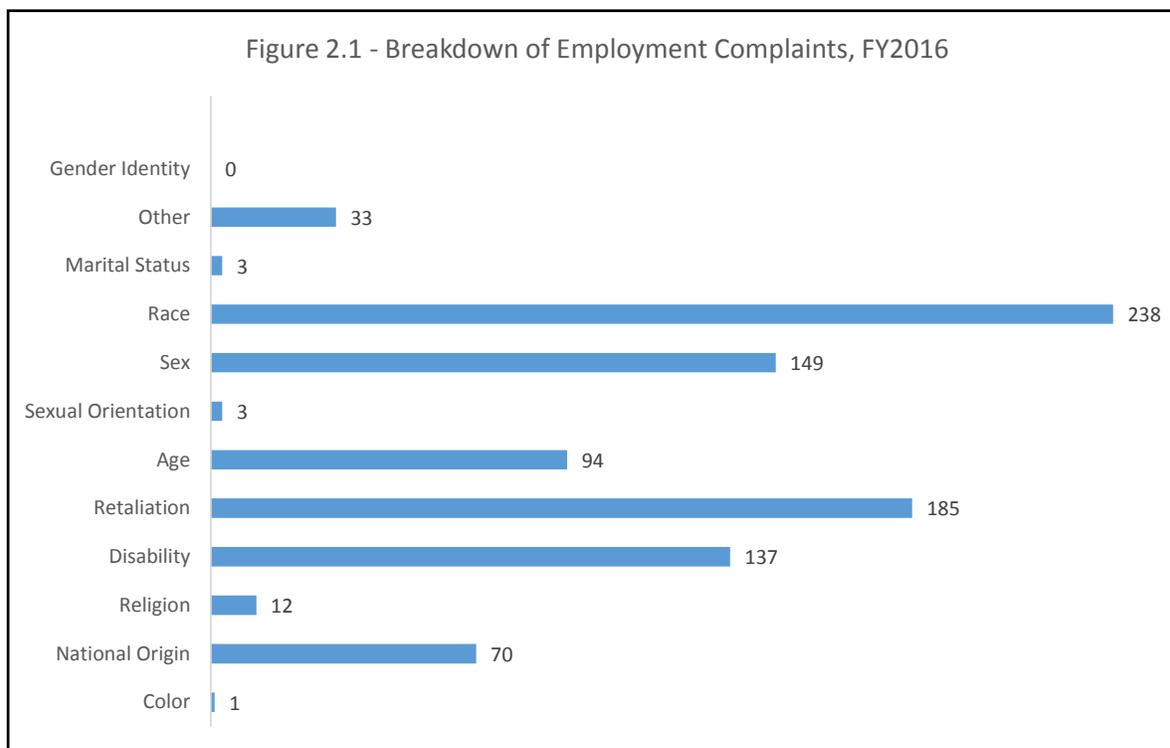


Figure 2.1 shows that the highest category of employment bases identified for FY2016 was race, which accounted for 26% (238) of the 925 bases. Historically, race, sex, and disability have been MCCR's top three bases identified. This year holds true to this - race, sex (16%), and disability (15%) are the top three bases selected for complaints, while 185 complaints (20%) were also received alleging unlawful retaliation against an employee by an employer. With the many prevalent discussions happening publicly regarding race relations; institutional racism; disparity between the sexes; and a lack of access and opportunity for people of color, women, and the disabled; MCCR expects these numbers to remain relatively stable in the future. However, in order to advance and promote civil rights, MCCR has made sure to shore up education and outreach efforts so there is a focus on prevention relevant to those matters coming through our doors in the form of complaints.

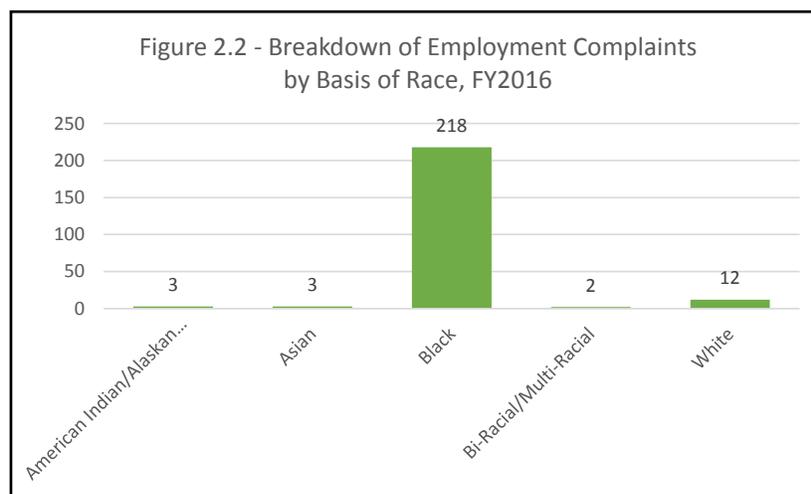
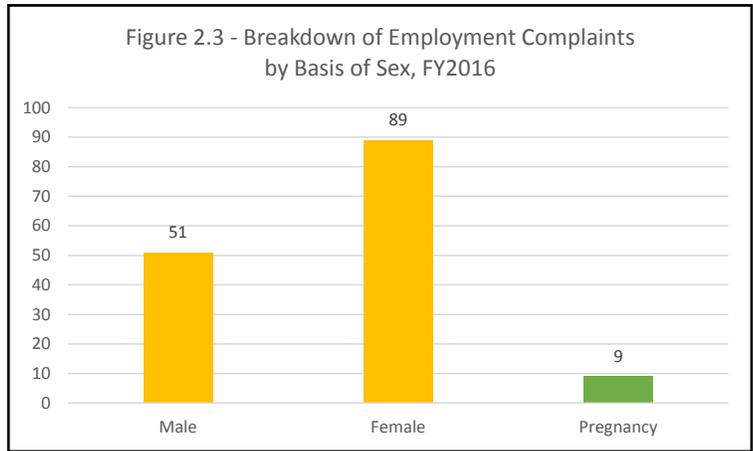


Figure 2.2 offers a look into those complaints for which race was the identified basis of employment discrimination. According to the data, the highest category of race that was designated by complainants during the FY2016 period was Black (92%).

Figure 2.3 shows the breakdown of the allegations of sex discrimination in employment cases. With respect to employment discrimination and reflecting on the emphasis on gender disparity in the workplace in our public discourse, it comes as no surprise that this year, as in previous years, there are more complaints of sex discrimination in the workplace by women (89 total complaints, or 64%) than men (51, or 36%). This year, MCCR is parsing out the complaints filed on the basis of pregnancy as a separate bar in Figure 2.3 because the Governor and General Assembly enacted Chapters 547 and 548 of the 2013 Acts of the Maryland General Assembly, which requires an employer, if an employee requests a reasonable accommodation for a disability caused or contributed to by pregnancy, to explore all possible means of providing the reasonable accommodation. This year MCCR received 9 complaints of pregnancy discrimination, which is consistent with data reported in previous years.



Much like the issue of race, sex discrimination remains one of the primary manifestations of allegations of civil rights violations, especially in the workplace. MCCR is committed to partnering with stakeholders around the state in an effort to eradicate this and all other forms of unlawful discrimination. While the Commission has supported legislation in the past, such as the Equal Pay for Equal Work laws in 2016 and protections for interns, we realize that we have an obligation to work with our businesses and communities to teach them what the law means and how they might be able to apply it judiciously in their everyday lives.

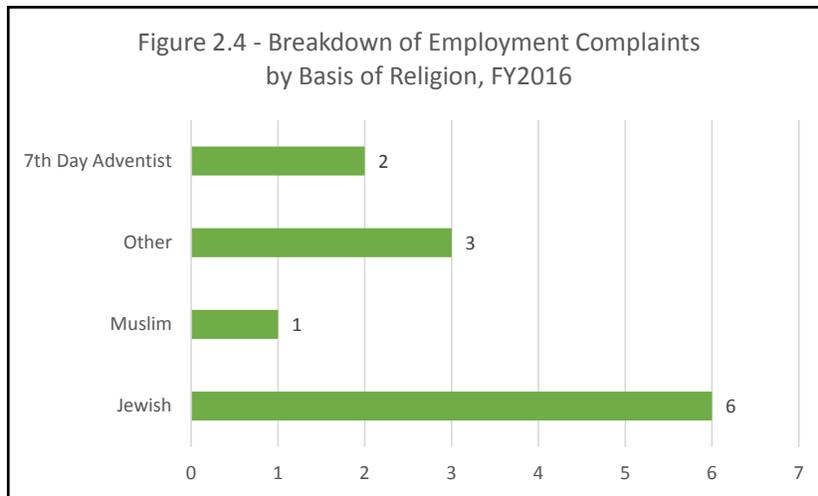
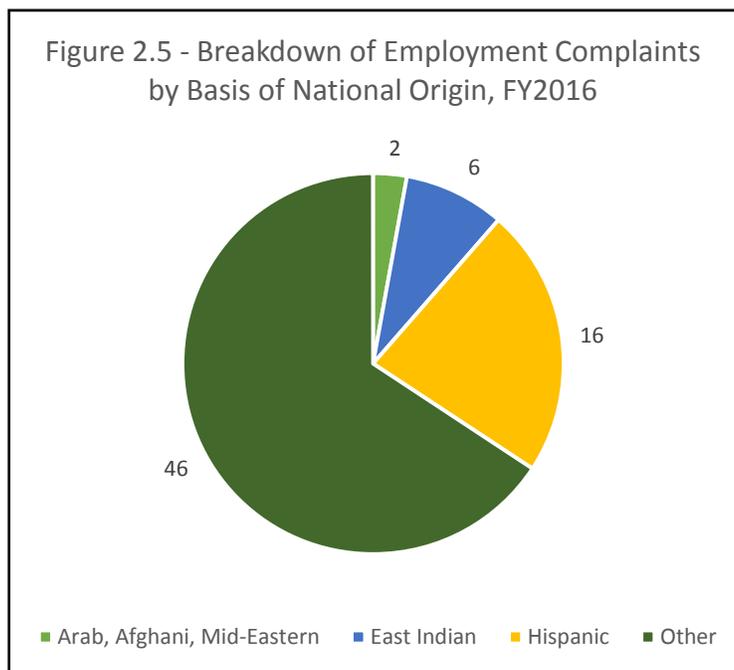


Figure 2.4 illustrates the number of employment complaints alleging religious discrimination in the workplace. While the number of complaints is traditionally low, this year we saw an increase - from 7 in FY2015 to 12 in FY2016. Individuals of the Jewish faith again report the highest instances of alleged discrimination while the rest of the complaints are mixed between different Christian denominations and Islam. We are concerned, based on the current state of affairs, that these numbers may increase in the next year. As MCCR continues its enforcement of Maryland's anti-discrimination laws to the fullest extent possible, we are also working closely with our partners, such as the Baltimore Jewish Council and the Council on American-Islamic Relations, to actively monitor incidents and identify methods of addressing issues within the community. We are cautiously optimistic, though, because as history has shown us through

interactions with the business community, our employers in Maryland strongly identify and believe in Maryland's foundation as a haven of religious freedom.



Lastly, Figure 2.5 breaks down the number of employment complaints on the basis of national origin. As with Figure 2.4 (religion), MCCR saw a sharp increase of complaints on this basis over FY2015 - from 40 to 70. While complaints from those of Arab/Afghani/Middle-Eastern descent were the same as last year, complaints by Hispanics nearly tripled and complaints by those marked "Other" almost doubled. At this time, MCCR is unable to break down for the purposes of this report categorically what national origins are included in "Other" because this data is aggregated through a federal database. However, based on the system's limitations, we can share that "Other" may include individuals of European, Asian, African, or native heritage. More individuals are coming forward and filing complaints. MCCR believes this could be for a

number of reasons. First, complaints nationally ebb and flow with the general state of the economy. In times of economic prosperity, more complaints are filed; in times of hardship, less complaints are filed. This can be broadly attributed to individuals looking out for their own self-interest in the hopes of being able to maintain, if not improve, their quality of life at home despite unfair treatment in the workplace. Second, MCCR's aggressive and innovative outreach approach, including an update to distributed publications and a more prominent role on social media, is connecting potentially aggrieved persons with our agency like never before. With the state of affairs at the close of calendar year 2016, and reflecting on the large increase in national origin complaints received in FY2016, MCCR will be monitoring this issue closely.

Housing Cases

While victims of employment discrimination often have their livelihoods put in harm's way due to another's unlawful actions, victims of housing discrimination across Maryland experience a unique and equally harmful reality for the foundation of their families. The Maryland Commission on Civil Rights understands this, and that is why we work tirelessly to investigate fully and strive to issue a written finding on a housing discrimination complaint within 100 days of receipt. During FY2016, MCCR received 98 complaints (10%) of unlawful housing discrimination in Maryland - up from 85 in FY2015. This gain in casework is again attributed to the filling and training of staff vacancies in the Case Processing Unit, as well as aggressive outreach efforts by the Education & Outreach Unit. Though MCCR is pleased that more individuals are familiar with and willing to reach out to us in their greatest time of need, there remains much more work to be done to educate residents of their avenues for redress should they believe their fair housing rights are being violated.

In many respects, the manner in which housing discrimination manifests itself mirrors what is seen with employment discrimination. For those protected on the bases of race and disability, MCCR is much more likely to receive a complaint; however, complaints of sex discrimination in housing are not as common.

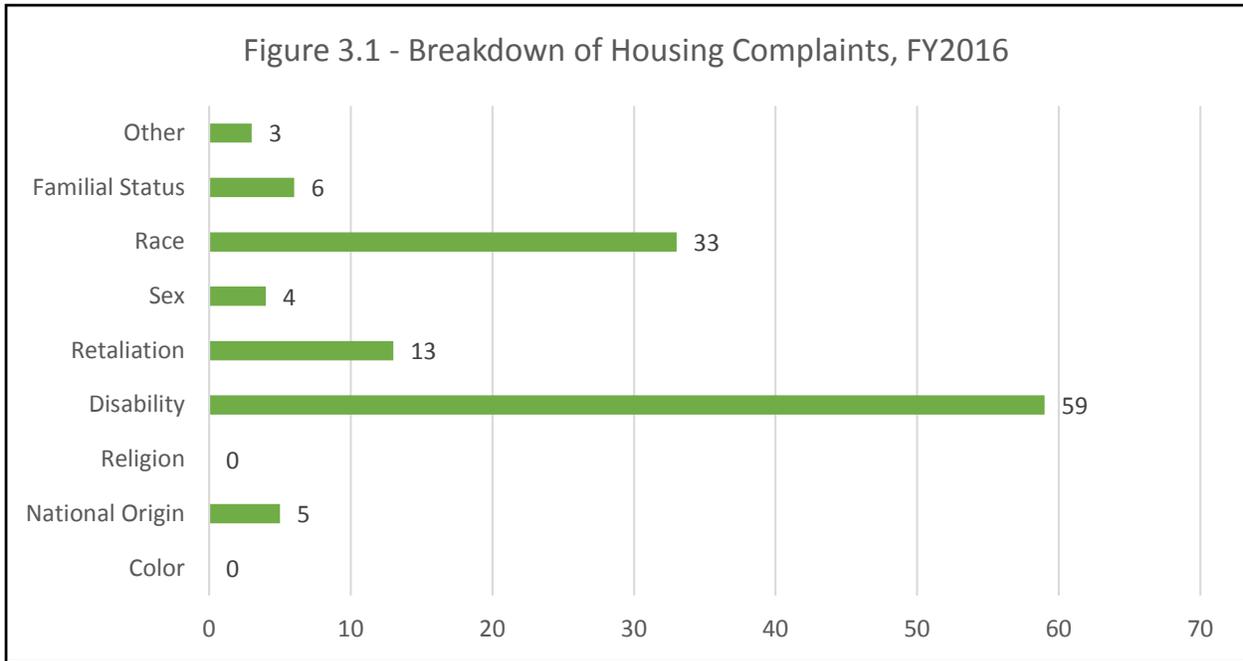
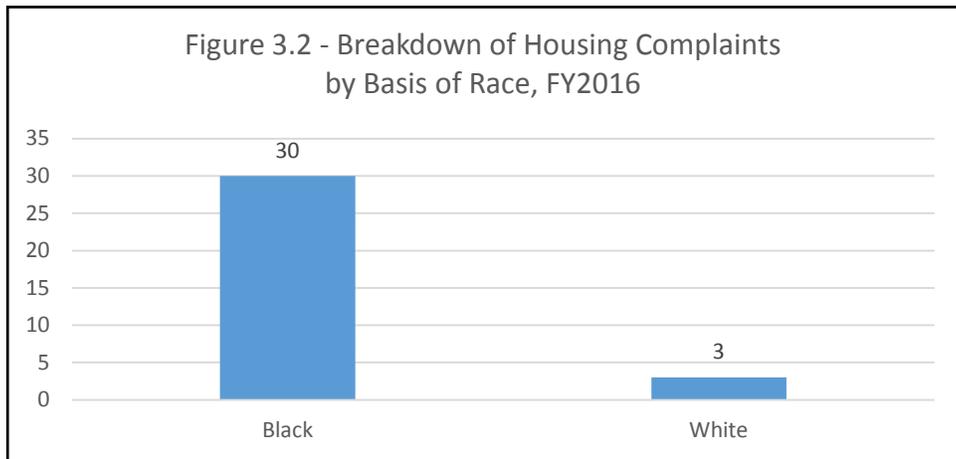


Figure 1.3 breaks down the distribution of the 123 bases selected in the 98 housing discrimination complaints received in FY2016. While many complaints only select one basis (for example, an individual may believe they are discriminated against solely on the basis of “familial status”), on some occasions there is merit to select multiple bases when formalizing the Charge of Discrimination or during the course of the investigation - such as if an individual files a complaint of racial discrimination and then their landlord retaliates against them by seeking eviction. In the area of housing discrimination, “disability” is the most common selected basis while “race” is the second most common basis by which people feel discriminated.



As Figure 3.2 shows, “Black” is selected as the protected race 10 times more often than “White”. So, as with employment, an individual is more likely to believe s/he is a victim of unlawful discrimination if s/he is Black/African American.

Matters of race cannot be brushed to the side; not being able to secure safe and proper living arrangements have too far and wide implications for victims. Similarly, accessibility and rights for our disabled neighbors need to be addressed. Last year, MCCR received 50 housing complaints from disabled individuals; that number rose to 59 during FY2016. Discrimination based on an individual’s disability is actively making it difficult for that individual to enter and leave the apartment or home; is denying an

individual with a service animal the ability to lead an independent life; is barring that individual or family from achieving their piece of the American Dream. Everybody deserves to be able to live in a community of their choosing in peace and happiness, and that is what enforcement of Maryland's Fair Housing Act represents to communities across Maryland.

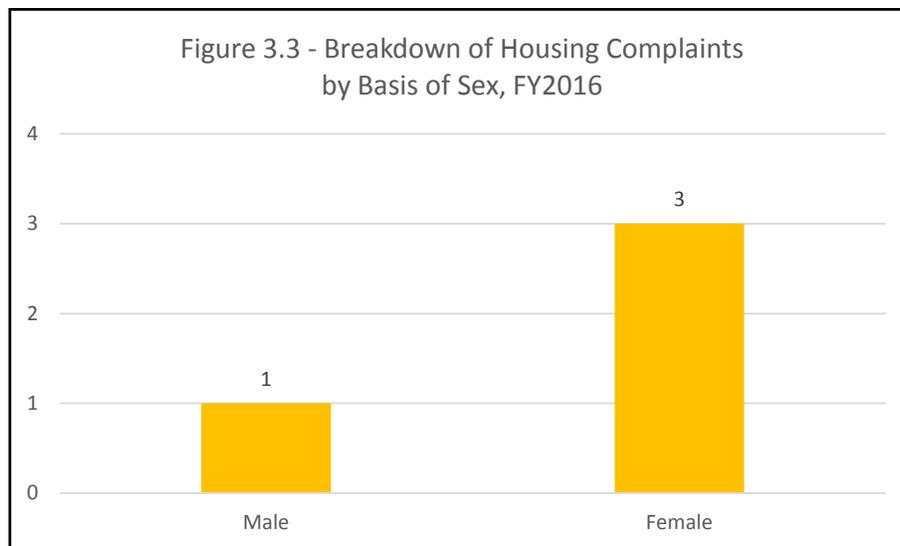
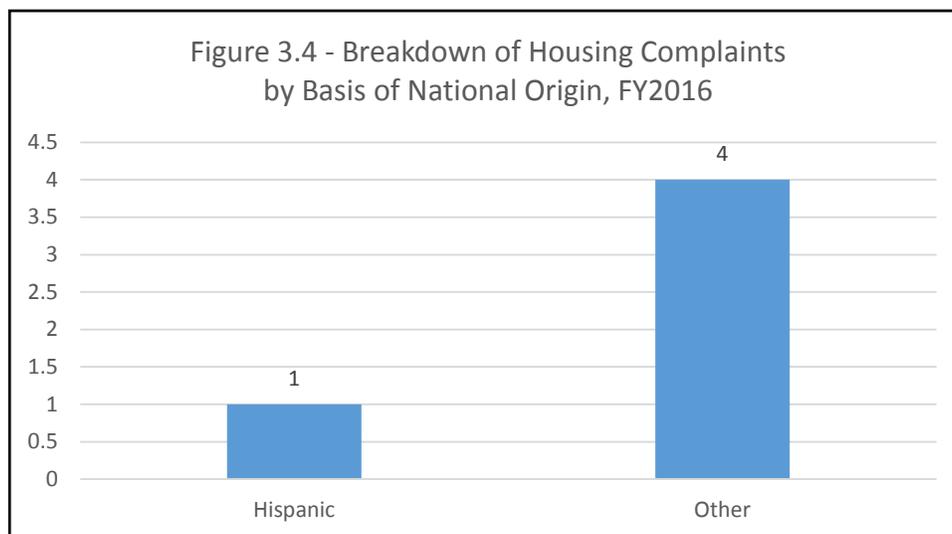


Figure 3.3 illustrates that, like in the workplace, women are roughly three times more likely to be a victim of discrimination when attempting to purchase or rent housing in Maryland. Unlike employment, MCCR received no complaints of discrimination due to one's religion, but the absence of complaints does not mean the absence of unlawful actions.

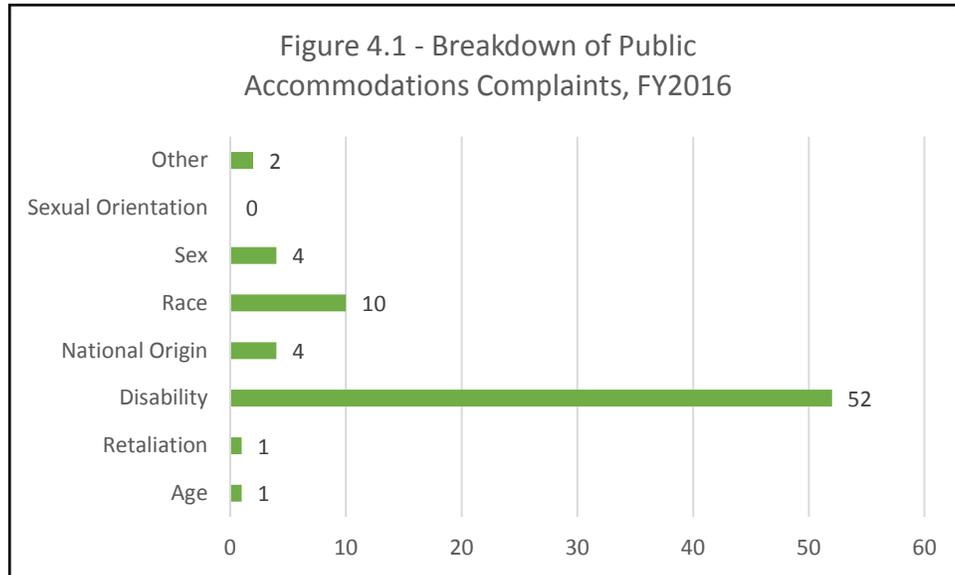


Unfortunately, individuals of different national origin are more likely to report being the victim of discriminatory housing practices - Figure 3.4 breaks down the data in Figure 3.1 to show that while it is not as pervasive an occurrence as disability or race (based on numbers), those of Hispanic or "Other" national origin are filing complaints.

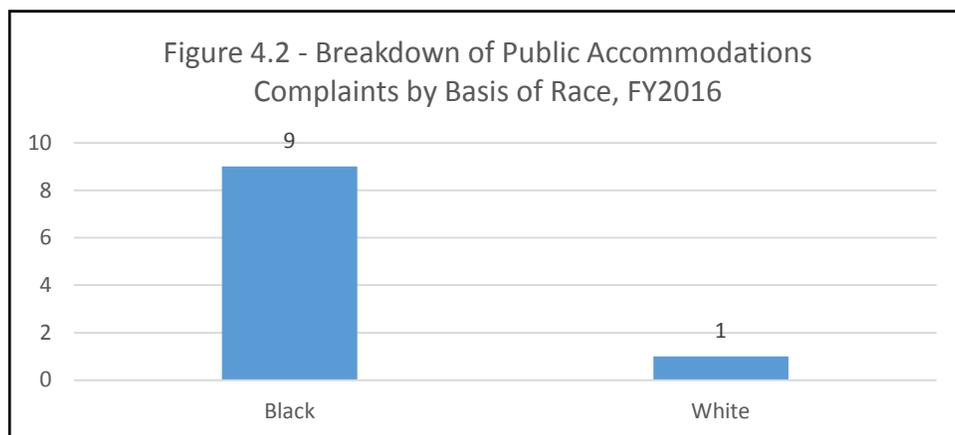
Public Accommodations Cases

Complaints of discrimination by an owner or operator of a place of public accommodation historically

account for about 10% of the total complaints received in a year. Such complaints are generally on the denial of entry to or service at an establishment serving the public, or the existence of barriers that prevent an individual from patronizing such an establishment. Therefore, it comes as no surprise that again this year the vast majority of complaints have come from those protected because of their disability, with race being the second most frequent category.



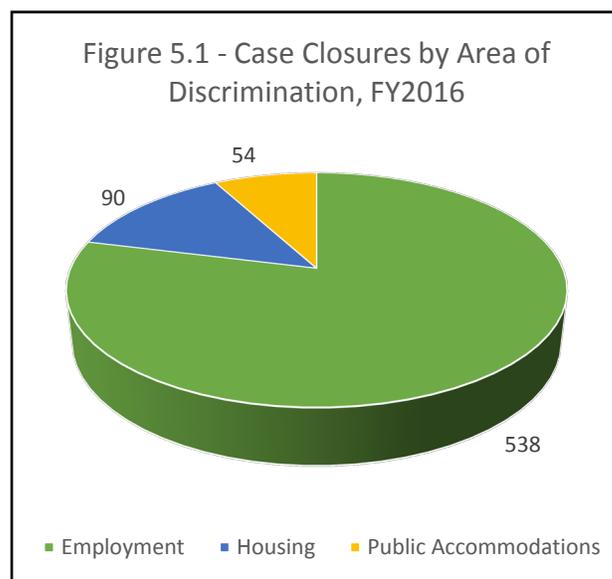
68 total complaints of unlawful public accommodations discrimination were received in FY2016, an increase over last year's 43. 52 of those complaints, or 76%, were lodged by a disabled person or persons alleging that they were discriminated against by an owner/operator or denied entry into a place of public accommodation. This is the largest single increase in complaints by a protected class - last year, MCCR received 34 (55%) of public accommodations complaints based on disability. Despite the federal Americans with Disabilities Act and the state's own strong accessibility laws, the issue of accessibility continues to be one that impedes those living in and visiting Maryland.



As with both employment and housing discrimination, discrimination based on race is a prevailing issue in the area of public accommodations. And like with both employment and housing, MCCR receives the majority of its public accommodations discrimination complaints because an individual is Black/African American. While the numbers do not suggest a widespread problem, MCCR again contends that the absence of complaints is not an absence of incidents. For years now the General Assembly has entertained legislation

Breakdown of Complaint Intakes by Type of Discrimination and Protected Class, FY2016				
Class	E	H	PA	Total
Race	238	33	10	281
<i>Black</i>	218	30	9	257
<i>White</i>	12	3	1	16
<i>Asian</i>	3	0	0	3
<i>Bi-Racial/Multi-Racial</i>	2	0	0	2
<i>American Indian/Alaskan</i>	3	0	0	3
Sex	149	4	4	157
<i>Female</i>	89	3	1	93
<i>Male</i>	51	1	3	55
<i>Pregnancy</i>	9	N/A	N/A	9
Sexual Orientation	3	0	0	3
Age	94	N/A	1	95
Retaliation	185	13	1	199
Disability	137	59	52	248
Religion	12	0	0	12
<i>Catholic</i>	0	0	0	0
<i>Jewish</i>	6	0	0	6
<i>Muslim</i>	1	0	0	1
<i>Other</i>	3	0	0	3
<i>7th Day Adventist</i>	2	0	0	2
National Origin	70	5	4	79
<i>Hispanic</i>	16	0	0	16
<i>Mexican</i>	0	1	0	1
<i>Arab, Afghani, Mid-Eastern</i>	2	0	0	2
<i>Other</i>	46	4	4	54
<i>East Indian</i>	6	0	0	6
Familial Status	N/A	6	N/A	6
Marital Status	3	N/A	N/A	3
Color	1	0	0	1
Other	33	3	2	38
Total	925	123	74	1122

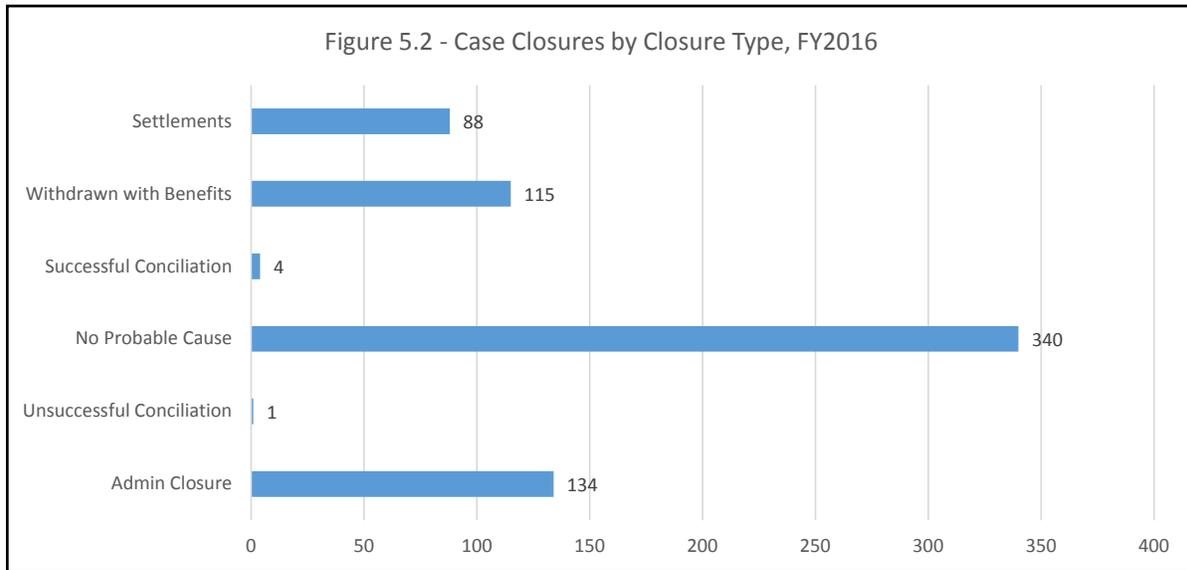
that aims to enhance the enforcement authority of the Commission, as well as the remedies available to complainants, under the law. Those enforcement and remedy mechanisms already exist in employment and housing law, so this legislation seeks to achieve parity between MCCR's three primary enforcement areas. MCCR remains committed to working with the Governor, the General Assembly, and community stakeholders in an effort to craft legislation that modernizes this section of the law. The Commission has many times seen potential complaints stop short of being filed by complainants because the law does not give them what they believe to be adequate relief - peace of mind that a meaningful and lasting resolution can be achieved so as to prevent this from ever happening to anyone else in the future. While MCCR does not believe this enhancement of the law will cause a deluge of new complaints (nor will it place an onerous burden on Maryland businesses), we do believe that it will be an effective tool to encourage many places of public accommodation to become compliant with what is existing Maryland law with respect to fairness, equality, and accessibility.



Case Closures

As Maryland's law enforcement agency for state anti-discrimination protections, MCCR's chief

mandate by the Governor and General Assembly is to investigate allegations of unlawful discrimination and work with the parties in an effort to achieve an administrative resolution. Agencies like MCCR exist to relieve the pressure placed on the judiciary so that matters under agency jurisdiction being reviewed by the court are potentially the most egregious offenses of state law and policy that can be resolved by no other means. Every year MCCR reviews its policies and procedures in an effort to identify methods in which to expedite more efficiently and improve upon all case processing functions. As discussed in previous sections, MCCR made exceptional gains in the intake of complaints of unlawful discrimination over last fiscal year. Figure 5.1 illustrates another important perspective that the Commission continually analyzes - the number of complaints closed by MCCR. First, though, understand the different ways a case can be closed.



The closure types in Figure 5.2 are defined as:

1. Administrative Closure - this happens during the investigation phase. Some examples include the alleged discriminatory act does not fall within MCCR's statutory jurisdiction, the complaint was not filed within the statute of limitations, failure to locate/cooperate by complainant, the complainant elected to pursue the matter in court after the statutorily prescribed waiting period, or the respondent has less than 15 employees.
2. Probable Cause - MCCR deems there is enough evidence provided to suggest that an act of unlawful discrimination occurred against the complainant.
3. No Probable Cause - MCCR does not have sufficient evidence to suggest probable cause for the complaint of discrimination. As such, MCCR is unable to conciliate or litigate the matter further.
4. Successful Conciliation - After the Probable Cause Finding is issued, the parties enter into negotiations and a settlement is agreed to by both parties.
5. Withdrawn With Benefits - The complaint of discrimination was withdrawn by the complainant and respondent because they have settled privately outside of MCCR's services.
6. Settlements - During the investigative phase, both parties reach a mutually agreeable settlement with the help of MCCR's services. This occurs prior to the issuance of a written finding of probable cause/no probable cause.

In conclusion, the total number of closures by area of discrimination below:

1. Employment - 538
2. Housing - 90
3. Public Accommodations - 54

Make note that the total number of closures may not equal the individual allegations of discrimination illustrated in Figures 1, 2, 3, and 4. That is because an investigation may be looking at evidence to see if an act of discrimination occurred against multiple protected classes. For instance, someone may allege employment discrimination on the basis of both race and sexual orientation, or housing discrimination on disability and retaliation. While it may qualify as only one case received by MCCR, the Commission is obligated to tabulate and report all of the relevant areas of protected classes. It is important to note as well that the cases closed in FY2016 may not necessarily have been cases received in FY2016. Due to a number of variables, including when the Charge of Discrimination was signed by the complainant and served on the parties, as well as how long the investigation/resolution efforts take, a case may have closed in FY2016 when it was received in FY2015. However, most of the closures in FY2016 were for cases received during FY2016, as is demonstrated by the fact that the average “case life” (time it takes from start to finish) is well under 200 calendar days (according to MCCR’s internal monitoring tools).

Monetary Relief

Approximately 6 years ago, MCCR’s Case Processing Department implemented the Fact Finding Conference (FFC) method of collecting information and investigating cases. Since its implementation, MCCR has found the FFC tool to be invaluable as Investigators work to bring the parties together early in the investigation process to seek resolution or settlement. All the while, FFC’s have enabled MCCR to reduce case processing times and increase the amount of favorable resolutions to Charges of Discrimination. This, in turn, relieves the burden on MCCR’s General Counsel’s Office and Maryland’s Judiciary, which is one of the primary functions of an administrative agency such as MCCR. Because cases are either settled privately and/or administratively (facilitated through MCCR’s involvement), only the most egregious cases of discrimination where MCCR’s Civil Rights Officers have found Probable Cause (and where conciliation efforts have failed) are being prepared for public hearing either before the Office of Administrative Hearings or the Circuit Court.



Led by the Civil Rights Officer, Fact Finding Conferences bring the parties together to gather information and attempt resolution where possible.

For FY2016, MCCR secured **\$669,686.62** in monetary relief for Complainants. While in for the past few fiscal years MCCR reported securing monetary relief amounts in excess of \$1 million, that was also because the subject matter of cases being investigated merited that amount of relief for Complainants.

Monetary relief is just one of the many ways Complainants and Respondents can resolve a case. In addition to this form of resolution, FFC’s and thorough investigations have enabled MCCR to work with Complainants and Respondents to reinstate wrongfully terminated employees, secure equitable salaries for employees, and train employers/housing providers on how to adhere to Maryland’s anti-discrimination law. As MCCR continues to reevaluate and grow, we will keep an eye on best practices both in Maryland and around the country to determine where MCCR can reform itself to provide the best possible service to every Marylander without increasing the burden on taxpayers.

Case Histories

In the Case Processing section, the numbers demonstrate the extraordinary work that MCCR carries out on a daily basis. However, these numbers do not illustrate the “human element”. At MCCR, every case received is important and is given thorough attention. To help better understand MCCR’s efforts in enforcing Maryland’s anti-discrimination laws while improving the State’s civil rights climate, the following case histories have been compiled.

Employment

Montgomery County

Complainant filed an employment discrimination complaint based on sexual harassment.

The investigation revealed that Complainant had been sexually harassed by the owner of the company. Incidents included him attempting to hug and kiss her in his office and calling her “bitch” when she did not comply with his sexual requests. Respondent also threw office supplies at her in the office when she reported the harassment. Respondent’s defense was that she did not complain to HR but instead her supervisor who told the owner he should cease interacting with Complainant. The investigation later learned that the HR representative was the owner’s wife and Complainant did not feel comfortable complaining to her. The harassment continued until Complainant found another job. A settlement was reached with Complainant receiving \$10,000 and Respondent conducting EEO/Sexual Harassment training to all staff.



As a part of an investigation, Civil Rights Officers often conduct site visits to interview witnesses and evaluate locations for compliance with Maryland law.

Anne Arundel County

The Complainant was denied the opportunity for promotion on the basis of his race. The Complainant applied for promotions for years but was not considered for a lead position even though he was qualified. A probable cause written finding was issued and during conciliation a settlement agreement was reached for \$21,156. The Complainant is currently working for the Respondent in the lead position that he applied for years ago. The Complainant also received an increase in pay as a result of the settlement agreement.

St. Mary’s County

The Complainant was terminated. The Complainant filed her charge of discrimination based on disability. The Complainant alleges that the Respondent terminated her for being out of work on FMLA, but that the Respondent never notified her that she exhausted her FMLA entitlement. In addition, the Complainant alleged that the Respondent had a history of terminating disabled employees without following FMLA protocols. This charge of discrimination had a pre-determination settlement agreement executed for \$6,000.

Baltimore City

The Complainant filed a charge alleging that the Respondent had discriminated against him because of national origin (Salvadorian). According to the Complainant, his supervisors created a hostile work environment and he was treated differently than those that were not of Hispanic descent. The Complainant indicated that one of the supervisors often cursed at and would not allow him to take meal breaks. During the investigation, Commission staff facilitated settlement negotiations between the parties. As a result of these negotiations, the Respondent agreed to provide the Complainant with a \$5,000 check. In addition, the Respondent agreed to provide the Complainant with a neutral reference. Lastly, the Respondent agreed to not enforce the non-competitive agreement that was in place.

Baltimore City

After investigating this case for approximately two years, this one settled with a private settlement agreement. Complainant was hired as a Law Librarian. She alleged she was discriminated against based on her age (60's) and disability (arthritis in hands/wrists). Complainant requested a reasonable accommodation to have voice recognition software installed on the reference desk computer where she worked, and requested assistance with opening heavy bathroom doors (they had previously done so but the Complainant was told they would no longer assist with opening the doors). The Respondent denied her requests and then discharged her shortly thereafter for allegedly not being able to perform her duties without a reasonable accommodation. The investigator conducted a site visit and found that all of the ladies bathroom doors were over the maximum weight according to the 2010 Americans with Disabilities Act Accessibility checklist. The Respondent agreed to settle with Complainant after receiving the results from the survey conducted during the site visit.

Harford County

The Complainant filed a charge alleging that the Respondent had discriminated against her because of race (African American). According to the Complainant, she was being disciplined differently when compared to her other coworkers that were not African American. During the investigation of these allegations, Commission staff facilitated settlement negotiations between the parties. As a result of these negotiations, the Respondent agreed to pay the Complainant for 49.25 hours of sick/administrative leave that she had previously lost. In addition, the Respondent agreed to provide the Complainant with a positive or neutral reference if and when she applies for employment.

Housing

Baltimore County

Complainant is a resident of the Respondent's apartment complex. When she agreed to lease from Respondent, she requested a reasonable accommodation based on her disability to be placed in a ground floor unit, but Respondent did not have any available. She was told that when one becomes available she would be transferred. She agreed and was moved into a 4th floor apartment. Complainant became aware that Respondent was leasing ground floor apartments to non-disabled residents, despite her request after she moved in. She filed a complaint with the Commission. After doing a site visit, it was evident that Complainant needed to be moved immediately, as her disability precluded her from using the stairs in the event of a fire. MCCR was able to settle the matter by getting her transferred to a ground floor apartment with Respondent paying for her

moving expenses. The Respondent also agreed to have her apartment retrofitted to meet the Complainant's needs based on information obtained from her Physical Therapist.

Prince George's County

A Complainant filed a housing charge based on denial of a reasonable accommodation and retaliation for refusal to rent. The Complainant had requested a reasonable accommodation that the apartment was not required to provide her. However, when she continued to pursue the accommodation and mentioned that she would get an attorney, they non-renewed her lease. Complainant had been living there for almost 30 years. A probable cause finding was issued for the retaliation. The matter was conciliated and resolved for \$10,000. The settlement was based on the difference in rent at Complainant's new apartment, new items she had to purchase, and pain and suffering.

Public Accommodations

Baltimore County

The Complainant filed a charge with MCCR alleging that Respondent refused to allow her service animal to ride in their cabs. The Respondent responded that the Complainant's service animal was too large to fit into a cab and therefore they were within their rights to deny service or to require the Complainant to request a van as opposed to a car. The investigator described the make and model of their personal vehicle to Respondent and asked them if it was similar to their cabs in size, Respondent replied affirmatively. The investigator then went to Complainant's residence and asked that she and her service animal sit in the back of the investigator's vehicle. Pictures were taken and presented to Respondent. The parties entered into a pre-determination settlement agreement and the Complainant reported back to MCCR that she has since had no issues with being denied cab service.

Office of the General Counsel

The Office of the General Counsel (the Office) is legal counsel to the Maryland Commission on Civil Rights (MCCR) and is autonomous from the Office of the Attorney General, who normally represents the State and its agencies on legal matters. The autonomy was created by the General Assembly in legislation establishing MCCR as an independent State agency. State Government Article, §20-206, establishes independent legal counsel to eliminate the potential of a conflict of interest when MCCR is enforcing the State's anti-discrimination law against the State for violating said law.

The enforcement of State Government Article, Title 20 by the General Counsel's office is performed through education, negotiations and litigation. The litigation of cases may occur in various forums, such as the Office of Administrative Hearings, State circuit courts, federal district court, Court of Special Appeals, Court of Appeals, the United States' Fourth Circuit and the Supreme Court. Various actions include not only litigating unlawful discrimination cases, but subpoena enforcement, petitioning the circuit court for enforcement of MCCR orders, defending the agency and the State when sued, and defending the agency in personnel matters.



There are additional responsibilities and duties performed by the Office, such as legislation. The Office is responsible for drafting and editing proposed legislation, drafting amendments and testimony, conducting legal research on proposed legislation, monitoring bills amending Title 20, working with the Governor's legislative liaisons, and providing briefings on MCCR to various General Assembly committees.

As counsel to MCCR, the Office provides written and oral opinions to MCCR Commissioners, management, and staff. It also assists in creating best practices legal education modules and offers technical assistance to Maryland small businesses, corporations, non-profit organizations, advocacy groups, chambers of commerce, housing providers, government agencies and Maryland citizens.

Legal Technical Assistance

Employment Discrimination

- In partnership with the Office of the Statewide Equal Employment Opportunity Coordinator under the Department of Budget and Management, the General Counsel's Office helps plan the bi-annual EEO Coordinators Retreat. The General Counsel presented an advanced employment discrimination investigation class. The Office also provided a presentation on MCCR to the Attorney General Office's managing and supervising attorneys to further understanding of the Commission and its procedures.



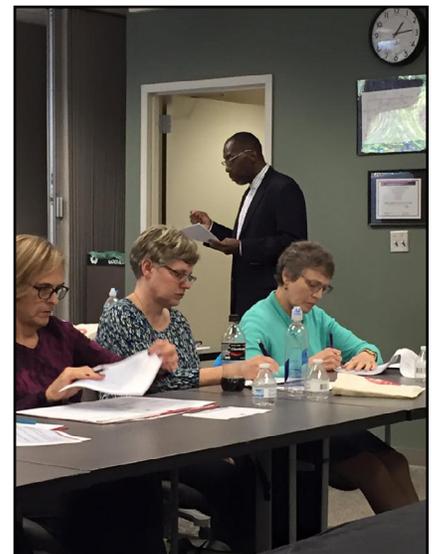
MCCR General Counsel Glendora Hughes leads an EEO discussion.

- The General Counsel participated as faculty member for the Maryland State Bar Association's Labor and Employment Section Employment Law Institute. The Office participated as a speaker for the Montgomery County One Stop Shop for Employment Law annual program. In addition, the Office provided other State agencies and MCCR staff training on gender identity and sexual orientation discrimination, religious reasonable accommodation, investigation techniques and legal theory.

- Employment discrimination law is constantly changing, which requires constant legal updates and new best practices in order to be in compliance with current law. The Office, in conjunction with MCCR's Education & Outreach Unit, created technical assistance modules on the new changes in the law and best practices in the areas of reasonable accommodation for religious practices and for disability. These modules seek to assist employers in making legally compliant decisions when requests are made for accommodations. They have been presented to the State Highway Administration, Department of Human Resources' ADA Coordinators, and employers in general located in Baltimore County and Howard County.
- In cooperation with our federal partner, the Equal Employment Opportunity Commission (EEOC), the Office provided training on the State Government Article, Title 20 for their Technical Assistance Program (TAP) for State employers.

Housing Discrimination

- The General Counsel's Office continues its work with the Baltimore Metropolitan Council in affirmatively improving Fair Housing. Baltimore Metropolitan Council is charged with implementing recommendations from the 2011 "Analysis of Impediments to Fair Housing Choice" for the Baltimore Metropolitan Region. The Office's participation includes conducting training for attorneys on fair housing, providing technical assistance regarding case law and assistance in planning strategies to address said impediments.
- The University of Maryland Francis Carey School of Law offered a Special Topics Seminar on "Freddie Gray's Baltimore: Public & Private Perpetuation of Residential Segregation". The General Counsel participated on a panel of fair housing legal experts that engaged the class in discussions on the causations of Baltimore segregated housing, continuing impediments to fair housing and possible solutions. In addition, the General Counsel participated as a panelist for the University of Maryland Law School's Journal on Race, Religion, Gender and Class Fair Housing Symposium.
- The Office participated in the Maryland Department of Housing Community Development's Housing Conference. The topic addressed was "Challenged Solutions to Affirmatively Further Affordable and Fair Housing". In addition, the Office provided information on fair housing law to the Baltimore City Schools' Legal Institute.



MCCR Assistant General Counsel Terrence Artis explains the Fair Housing Act.

Significant Litigation

Sex Discrimination & Retaliation in Employment

The Office of the General Counsel for the Maryland Commission on Civil Rights (“the Commission”) settled an unlawful employment complaint of sex discrimination and retaliation with the car and vehicle dealership Jerry’s Toyota’s Inc., (“Jerry’s Toyota”) located in Baltimore. The Commission found probable cause of discrimination that a female employee was sexually harassed and harassed by several of her male co-workers. The male employees made numerous lewd comments regarding her appearance and buttocks. She informed her supervisor of the harassment. He did not intervene. She reported the discriminatory action to human resources. As a result, one of the male employees began to use profanity directed at the female employee. Worse, Jerry’s Toyota retaliated against her culminating in termination shortly after she was granted a meeting with human resources.

Annotated Code of Maryland, State Government Article, Title 20, subtitle 6, prohibits discrimination because of sex and retaliation. As the state law enforcement agency charged with interpreting and enforcing Title 20, the Commission found that the complainant suffered workplace discrimination. The agency interviewed the complainant and other potential witnesses to gather evidence. Prior to filing its Statement of Charges, the Commission and counsel for Jerry’s Toyota were able to meet and reach a settlement agreement.

Under the agreement, Jerry’s Toyota agreed to pay \$40,000 in monetary relief to the complainant, and undergo fair employment sensitivity training. The agreement also prohibits Jerry’s Toyota from engaging in sexual harassment and/or retaliation in the future. In addition, the company will develop a new policy and procedure for reporting and addressing any future complaints involving an allegation of sexual discrimination and/or sexual harassment.

Sexual Harassment & Retaliation in Employment

Amazing Security & Investigations, Inc., (“Amazing Security”) of Laurel was charged by the Maryland Commission on Civil Rights (“the Commission”) with sexual harassment and retaliation based upon a complaint filed by a former female employee. Harassment based on sex and retaliation violates Annotated Code of Maryland, State Government Article, Title 20, subtitle 6. The statute forbids employers from firing or otherwise retaliating against employees for opposing discriminatory harassment, including making harassment complaints.

The complainant began working for Amazing Security as a security officer. She had a satisfactory work performance with zero disciplinary actions. During one of her night shifts, a repairman made continuous lewd remarks, asked her repeated sexual questions, and the harassment culminated by him forcefully pulling her into a non-consensual hug. The next day she submitted a written report to her supervisor regarding the troubling violation. The supervisor did not intervene. The complainant phoned Amazing Security two days after the harassment to verify that she was scheduled to work again. She was informed that her supervisor actually removed her from the regular assignment schedule.

The former employee filed a complaint with the Commission for harassment and retaliation against the employer. Eventually, the complainant, Amazing Security, and the Commission reached a settlement in

the case. It became a Final Order of the Commission. The major terms of the settlement required Amazing Security to pay the complainant \$58,000. Amazing Security did not comply with the agreement. The company paid zero to the complainant. Because of its breach, the complainant was evicted from her dwelling and unable to afford further housing. In addition, she had to borrow substantial sums of money from family and friends to cover expenses for food and daily essential items.

As a result, the Commission filed a Petition for Judicial Enforcement of Administrative Order in the Circuit Court for Prince George's County to enforce its Final Order. The Commission also sought to increase monetary damages owed by Amazing Security due its non-compliance resulting in the hardship suffered by the former employee. The court agreed with the Commission and Amazing Security is now liable for \$70,000 in relief.

Education & Outreach

The Commission's Education & Outreach Unit (E&O) provides services and programming to further the Commission's mission "to ensure opportunity for all through the enforcement of Maryland's laws against discrimination in employment, housing, public accommodations, and state contracts; to provide educational outreach services related to provisions of this law; and to promote and improve civil rights in Maryland."

The E&O Unit has a variety of responsibilities including creating and providing educational programming, materials, resources and support for businesses, state and local government agencies, non-profit and community organizations, faith groups, academic institutions and the citizens of Maryland. The E&O Unit also coordinates a variety of outreach services to educate the public on their civil rights and responsibilities under the law. Outreach services include attending public events and fairs; publicizing educational information online, on local TV and radio stations and in print; and collaborating with partner organizations to ensure that all persons who live, work and visit the state of Maryland have equal access to housing, employment, public accommodations and services, and state contracts. Additionally, the Unit takes the lead in planning and hosting special events; fostering relationships with other civil/human rights and diversity organizations; identifying the needs of underserved populations; facilitating public dialogue and reducing conflict related to equity and human rights issues; and connecting people across their differences to improve and promote civil rights in Maryland.

Education

Approximately 4,500 individuals attended educational programming (training, seminars and workshops) provided by the Commission's E&O Unit this fiscal year. Examples of programming topics include:

- Disabilities & Reasonable Accommodations in the Workplace,
- Sexual Harassment Prevention,
- Dimensions of Diversity,
- Conflict Resolution & Prevention,
- Understanding Sexual Orientation & Gender Identity,
- Preventing Discrimination (Employment, Housing & Public Accommodations), and
- Understanding Fair Housing.



The Commission now offers several versions of popular training topics tailored to specific public audiences including:

- Disability Awareness & Etiquette,
- Sexual Orientation & Gender Identity for Workplaces, and
- Understanding Your Rights.

This year, the Education & Outreach Unit also created two new workshops entitled:

- Religious Discrimination & Reasonable Accommodations in the Workplace and
- Preventing Ageism in the Workplace.

The Unit also continues to provide a growing number of *Creating Safe Spaces for LGBTQIA Individuals: Becoming an Ally* workshops, in partnership with the Salisbury University Foundation, for individuals and organizations hoping to learn more about how to create safe and inclusive spaces for Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex and Asexual persons.

In addition, the E&O Unit conducted several in-house trainings for Commission staff and also made direct efforts this year to partner with local county human rights/human relations commissions to offer targeted training for county residents.

Religious Discrimination & Reasonable Accommodations in the Workplace

MCCR continues to enhance and update its current educational offerings and this year developed a new workshop to educate the public and organizations on how to prevent religious discrimination in the workplace. The workshop reviews data and statistics related to the most common religious/faith groups in the United States and in Maryland; discusses the laws related to religious accommodations; and offers practical information to help workplaces become more inclusive of persons all of faiths working in Maryland.

Understanding Sexual Orientation & Gender Identity

MCCR also developed a series of educational workshops tailored to each audience's specific needs. The workshops range from one hour to a half day and focus on understanding the topics of sexual orientation and gender identity. The workshops offer an overview of the legal protections for LGBTQ individuals, a review of LGBTQ-inclusive terminology, common workplace scenarios, issues specifically related to transgender workers, and suggestions for creating inclusive practices and policies.

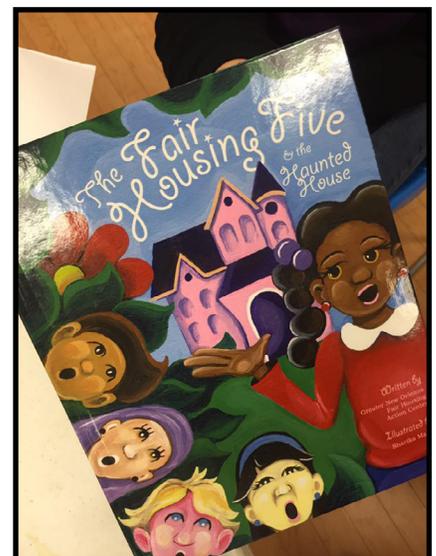
The Commission is also entering its third year of partnership with the Salisbury University Foundation to offer the more advanced workshop on this topic entitled *Creating Safe Spaces for LGBTQIA Individuals: Becoming an Ally* - an innovative, dynamic, hands-on approach to creating safe space for all focusing specifically on the Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex and Asexual (LGBTQIA) community. Approximately 20 more Safe Spaces workshops were provided to audiences statewide in FY16.

Preventing Age Discrimination

After many requests from various workplaces and local county aging commissions, the E&O Unit developed a workshop focused on educating the public and preventing age discrimination. This workshop includes an overview of the services provided by the Commission and focuses specifically on age discrimination and strategies for organizations and workplaces to resist and prevent ageism.

Fair Housing Education

In FY2015, the Commission began a pioneering fair housing education program using the acclaimed children's book, *The Fair Housing Five & the Haunted House*, written by the Greater New Orleans Fair Housing Action Center. The book provides young people and their families with important opportunities to engage in discussion and activities related to





themes from the book including discrimination, fairness and equity. Since that time MCCR has continued to grow this program to include local school districts, community organizations and families with children in the Baltimore metro area.

Through our continued partnership with the Y of Central Maryland's Before & After Care Enrichment Program and several local county school districts, MCCR was able to offer book discussions and activities related to the program at 13 additional public schools this year. MCCR also donated copies of the book to the Reginald F. Lewis Museum of African

American History & Culture's Saturday's Child program to continue to spread the word about fair housing rights in Maryland.

MCCR continues to receive excellent feedback from both training participants as well as from organizations for whom we conduct educational programs. Below are some of the selected comments from training evaluation forms:

"This (cultural diversity) training was so interesting and enlightening. It really made me think "outside the box" Thank you so much!"

"The presentation on sexual harassment was extremely helpful-it helped answer some of the questions that I had wondered about."

"Great training-both informative and enjoyable. One of the best diversity trainings I have attended."

"Maryland Environmental Service has relied on the Commission as a training partner for many years. The staff is always responsive to developing trainings that meet our needs quickly. Feedback from our employees is very positive and most importantly, they are able to apply new tools and knowledge to correctly handle situations they encounter in the workplace."

Donna Oliff, PHR, SHRM-CP, Assistant Chief
Human Resources, Maryland Environmental Service

"We were so pleased to partner with MCCR on the Fair Housing Five Book Project. The book provides an excellent opportunity to create a dialog with students and their families about fair housing and inclusion. Maryland is one of the most diverse states in the US, and it is critical that communities embrace and support all their citizens."

Laurie Benner, Director, Housing Programs
Maryland Association of REALTORS®

Outreach

In partnership with several other organizations and agencies, the Commission also attended, facilitated and assisted in planning several outreach events throughout Maryland. Events included state and regional



conferences, county fair housing and disability fairs, regional cultural celebrations and commemorative events as well as local fairs, festivals and parades including Baltimore PRIDE 2016 festival, the Maryland Annual NAACP Conference, the Prince George’s County Annual Hispanic Festival, the Baltimore County Annual African American Heritage Festival, the Reginald F. Lewis Museum of Maryland African American History & Culture – Verizon Black History Open House Celebration, and many others. Participation in these events raises the visibility of the Commission and opens the door for more proactive opportunities to educate the public and build networks of trust in local communities.

Through events like these the Commission was able to connect to approximately 8,600 individuals and provide information about the agency and its services. **This is almost double the number of people that were reached through last year’s outreach efforts** due in part to an increase in local partnerships, increased visibility of the Commission at public events, and collaboration with new organizations.

In fact, MCCR participated in or presented at several new large partner outreach events this year including:

September 2015 - Baltimore Federal Executive Board’s Hispanic Heritage Month Celebration Event – new partnership with the local chapter of the Federal Executive Board committed to diversity and equity partnerships at the federal and state level.

October 2015 - National Association on Mental Illness Maryland State Conference – continuing partnership to bring mental health equity concerns and disability issues to for the forefront in Maryland.

October 2015 - When Life Hurts public assistance event hosted by the Maryland Department of Public Safety & Corrections & the Maryland Department of Juvenile Services – new partnership to educate the public about their rights and about services available by multiple state and local agencies.

Collaboration

Education and outreach services go hand in hand at the Commission. Each training workshop is also an opportunity to reach out to new audiences who may not know about the agency or understand their own rights. Each

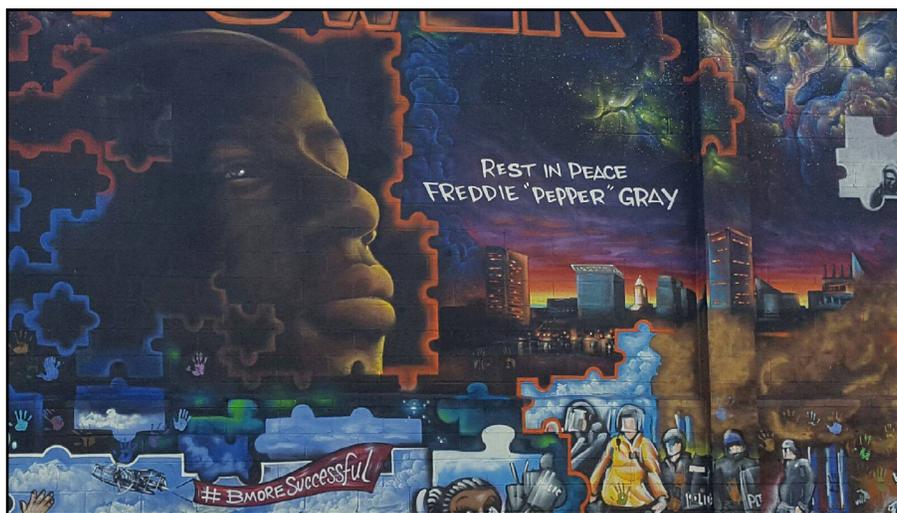


outreach event is also an opportunity to educate the public about their legal protections and responsibilities related to civil rights in Maryland.

Through our Investigations and Legal units we are able to provide responsive assistance to individuals filing charges of discrimination. Through the E&O Unit, the Commission is able to assess needs and provide proactive services that not only aid in preventing discrimination, but also promote and improve the climate of civil rights in our State. Our collaborative partnerships also allow the Commission to rapidly respond to critical situations when needed. In this year following the death of Freddie Gray in police custody in Baltimore and other similar events around the country - as well as a contentious political season where issues around immigration, religious and ethnic diversity, and LGBTQ rights have been hotly debated in the media - the Commission has continued to reach out to local communities to offer assistance and support.

Filing charges, investigating cases or going to court may not always solve the underlying conflicts for many people. In fact, the same diversity that makes our communities unique and dynamic is also the source of much misunderstanding and strife among our citizens. With that in mind, the Commission has made a strident effort to continue building our network of partners and to connect people across their differences by encouraging civil, meaningful discussions about issues related to civil rights, systemic inequities, identity and difference. In that vein, the Commission's E&O Unit collaborated with state and local partners on several new events in FY16.

“In the Aftermath of Freddie Gray: What Have we Learned & Where are we Going?”



Freddie Gray Memorial Mural in Sandtown-Winchester

On May 20, 2016, the MCCR partnered with the Maryland Coalition Opposed to Violence & Extremism (COVE), the Maryland Association of Human Rights Agencies (MAHRA), the National Association of Human Rights Workers (NAHRW) and several county human relations commissions to host a day-long symposium and public dialogue entitled, “In the Aftermath of Freddie Gray: What Have we Learned & Where Are we Going?” in Dundalk, Maryland. Members of local law enforcement along with community leaders, mental health experts and others came together to discuss current challenges, lessons learned, new programs, and best practices for the future of police and community relations in our State. Approximately 75 community members attended the event, and many personal connections were made among activists and law enforcement and between local government and advocacy groups. By partnering with these organizations, we hope to help continue the conversation and offer support to local communities who are searching for positive change around this divisive issue.

“Emergency Preparedness for Faith Leaders Summit”

On December 10, 2015, the MCCR partnered with the Maryland Chapter of the Council on American Islamic Relations (CAIR) (the nation’s leading advocacy organization for Muslim Americans), and the Maryland Governor’s Office on Community Initiatives to host the first-ever “Emergency Preparedness for Faith Leaders Summit” in Ellicott City, Maryland. This day-long summit featured experts from the U.S. Department of Homeland Security (DHS), the U.S. Department of Justice (DOJ), the Maryland Emergency Management Agency (MEMA), and the Maryland State Police who discussed what constitutes a hate crime; provided preventative measures and techniques to safeguard property and people; suggested strategies to counter intolerance; shared information on grants and other local, state and federal resources; and helped to empower faith leaders to implement measures and policies to protect themselves and their communities. Event attendance was beyond capacity with more than 100 leaders across all different faiths in Maryland. MCCR established new relationships and connections with attendees and speakers, and continues to collaborate on issues related to protecting the expression of all faiths and preventing religious discrimination.



“Park Heights Healthy Living & Urban Gardening Project”

MCCR also formed a unique partnership this year with *Creative City Charter Public School, Inc.* (CCPCS), a new, progressive charter elementary school in southern Park Heights (Baltimore City) focused on arts-based and place-based learning, and the *University of Baltimore (UB)*, an urban, public anchor institution that combines theory & practice for innovation and life-long learning, to develop the **Healthy Living & Urban Gardening Project**. Together, the three organizations met with school faculty and staff, community members and local businesses to discuss the health disparities that exist in Baltimore, and in particular in the Park Heights neighborhood.

Park Heights, located in the 6th district of Baltimore City, is also classified as a *food desert*. A food desert is an area where residents lack both access and sufficient economic resources to obtain healthy food. African Americans living in Park Heights are approximately ten times more likely to live in a food desert than residents occupying other areas of the city. The consequences of living in a food desert have been linked to many health care issues such as asthma, anxiety, hypertension, diabetes and heart disease. In fact, all else being equal, African Americans living in Baltimore City have disproportionately higher rates of diabetes, obesity, hypertension and heart disease (John Hopkins University, Baltimore Food Environment Report, 2015). Lack of access to healthy food, healthy living conditions, and a similar lack of fair housing opportunities is linked to poor job performance, greater absenteeism from work and school, higher rates of poverty, higher rates of mental and physical illness and injury, and less overall family and community stability. All this in addition to the added stress of living in a decaying neighborhood that lacks the resources for adequate living conditions, has led to a cycle of poverty and blight for the Park Heights community.



Knowing all this, MCCR worked with Creative City and UB to develop a place-based approach to improving the current conditions in southern Park Heights and addressing some of the greatest inequities by increasing access to healthy food, educating community members on healthy eating and urban farming skills, addressing housing and living inequities through affirmatively furthering fair housing, and forging a coalition of concerned citizens within the Park Heights community to empower and promote change. As a result, a proposed three-year pilot project/sustainability plan has been designed to improve access to food in southern Park Heights and provide a healthier built living environment using the charter school as a hub of learning and community-building, the university as a source of research, and the Commission as a pivotal link to state and local collaboration.

Although the project has yet to be funded we hope to continue our partnership with these organizations and the local community to help find creative solutions like these to address inequities across our State.

Maryland Equity & Inclusion Leadership Program



This year the MCCR also forged a new partnership with the University of Baltimore Schaefer Center for Public Policy to create an innovative nine-month leadership program which aims to engage, educate and support current and emerging leaders to develop diversity-based initiatives within their respective organizations. During the 2017 pilot program, participants will learn equity and inclusion best practices as well as program management and leadership skills all through interactive activities, small group discussions, networking opportunities and dynamic speaker presentations.

The program launches in March 2017 in partnership with the Baltimore Jewish Council, Bon Secours Healthcare, the T. Rowe Price Foundation, the National Coalition Building Institute, Maryland Nonprofits, the Reginald F. Lewis Museum of Maryland African American History & Culture, and many more. MCCR is excited about this new endeavor and hopes to build capacity within private, public and non-profit organizations to address and respond to equity and inclusion challenges in more strategic ways.

By better educating the public, raising awareness about the Commission and building strong collaborative partnerships we are providing the best chance of realizing our vision, *to have a State that is free from any trace of unlawful discrimination.*

Hate Crimes Report

As per Public Safety Article § 2-307(b)(4), *Annotated Code of Maryland*, MCCR receives a copy of every Maryland Supplementary Hate Bias Incident Report Form filed by law enforcement officials around the State and compiled by the Maryland State Police (MSP). These forms are completed when there is evidence to initially suggest that a hate-motivated crime may have occurred against a victim. However, even if an investigation results in no evidence of a hate crime, the report is still retained by MSP and copied to MCCR. MCCR thanks MSP for their continued partnership in sharing hate crimes data. It is further important to note that these numbers reflect only those reports received during the fiscal year, not the actual incident date.

Maryland Hate Bias Incident Report Form - Reporting Jurisdiction, FY2016			
Jurisdiction	Reports	Jurisdiction	Reports
Anne Arundel	35	Local Police Dept.	5
Baltimore	32	<i>City of Annapolis</i>	1
Baltimore City	2	<i>City of Laurel</i>	2
Cecil	1	<i>City of Greenbelt</i>	2
Charles	4	Higher Education	28
Frederick	4	<i>Frostburg State</i>	1
Harford	10	<i>Salisbury</i>	2
Howard	34	<i>Towson</i>	15
Montgomery	23	<i>UM Baltimore</i>	1
Prince George's	2	<i>UMBC</i>	2
Wicomico	1	<i>UMCP</i>	7
Unspecified	5		
Total		186	

The number of reports forwarded to MCCR this fiscal year was 186, a 30-case increase over FY2015's 156. While this may appear to be an increase in the number of hate crimes/incidents of bias in Maryland, it is important to remember: it is incumbent upon the law enforcement jurisdiction to identify an incident as a possible act of hate or bias, and then fill out the form. MCCR has reason to believe that there is underreporting across the entire state, in both jurisdictions that do as well as those that do not submit reports annually. This issue is not exclusive to Maryland - according to the FBI, of the 15,500 law enforcement agencies across the United States that participate in the Uniform Crime Reporting (UCR) Program as of 2015 (2016 data is not available at this time), only approximately 1,700 agencies reported hate crimes within their jurisdiction (the rest reported zero incidents). While the 2016 Hate Crime Statistics via the FBI is unavailable at the time of this report's publication, MCCR hopes that the FBI, like Maryland, will see an increased participation among law enforcement agencies so that way we as a nation can truly understand and begin to address the root causes of hate and bias that subject so many to severe injustices. Meanwhile, MCCR thanks the many law enforcement professionals across the state that understand how serious incidents of hate and bias are, and have doubled down on training for, identification of, and reporting of hate crimes to the appropriate agencies.

Both nationally and in Maryland, the number of hate crimes reports is increasing annually by a small amount. In light of the current state of affairs, MCCR is going to be keeping a close eye on allegations of hate crimes and other acts of bias, and offer our support for finding a solution to these problems where possible. MCCR presently works through its wide network of partners around Maryland to learn what communities are experiencing on the ground in order to better understand what is reported in the media.

As is both the historical tendency in Maryland as well as across the nation, racially motivated incidents are the most frequently reported allegations of hate/bias, with the Black/African American population reporting the highest number of incidents. The incredible majority of victims in any single reported incident are individuals who are subjected to either acts of intimidation/harassment, vandalism/property damage, or assault.

Beyond race, hate crimes can be acts against individuals based on their ethnicity, religion, sexual orientation, gender identity, or disability. Incidents against a person because of his/her religion is second. This year, the number of reported incidents allegedly committed against a person/group based on sexual orientation increased dramatically, almost three times what it was in FY2015. This may be the result of an actual increase in incidents against the LGBTQIA community, or it may be the data correcting itself after underreporting in previous years. The number of ethnicity-based complaints is the same as last year, and this year there were zero incidents based on one's disability reported (FY2015 had one unspecified incident).

In closing, there remains much work to be done alongside our law enforcement community and the communities being targeted by hate and bias. The Maryland Commission on Civil Rights remains committed to being an active part of the community that denounces hate and injustice.

Maryland Hate Bias Incident Report - Bias Motivation Code, FY2016	
<u>Race</u>	
White	37
Black/African American	86
Asian/Pacific Islander	3
Multiple Races/Groups	6
Total	132
<u>Ethnicity</u>	
Hispanic	9
Other Ethnicity/National Origin	7
Total	16
<u>Religious</u>	
Jewish	22
Christian	1
Islam	16
Other Religion	1
Mutliple Religions/Group	1
Total	41
<u>Sexual Orientation/Gender Identity</u>	
Male Homosexual (Gay)	19
Female Homosexual (Lesbian)	5
Homosexual (Gay & Lesbian)	4
Heterosexual	3
Transgender	1
Total	32

Maryland Hate Bias Incident Report - Case Status, FY2016	
Verified	62
Inconclusive	111
Unfounded	13

Maryland Hate Bias Incident Report - Victim Identification Code, FY2016	
Individual	145
Business	14
Financial Institution	0
Government	11
Religious Organization	3
Society/Public	1
Other	4
Unknown	8
Total	186

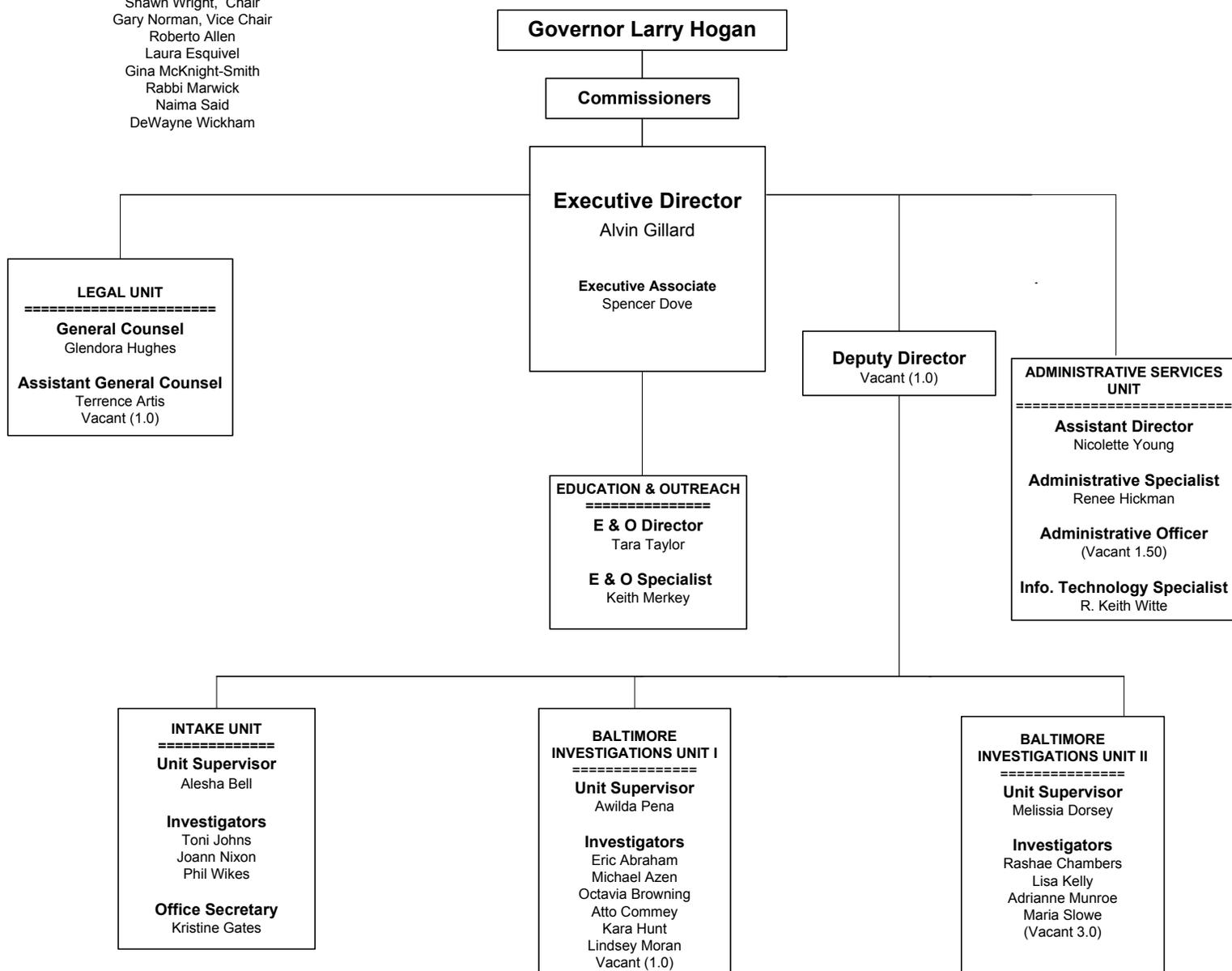
Annual Operating Budget

MCCR Budget Report for Last Three Fiscal Years			
Fiscal Year	2014	2015	2016
Federal Funds	\$518,828	\$704,312	\$609,671
<i>HUD</i>	\$167,742	\$338,570	\$255,300
<i>EEOC</i>	\$351,086	\$365,742	\$354,371
State General Funds	\$2,368,299	\$2,464,373	\$2,404,029
Grand Total	\$2,887,127	\$3,168,685	\$3,013,700
Staff Positions			
Authorized Permanent	34.5	34.0	33.5
Contractual	0	0	0
Total Positions	34.5	34.0	33.5

Organizational Chart

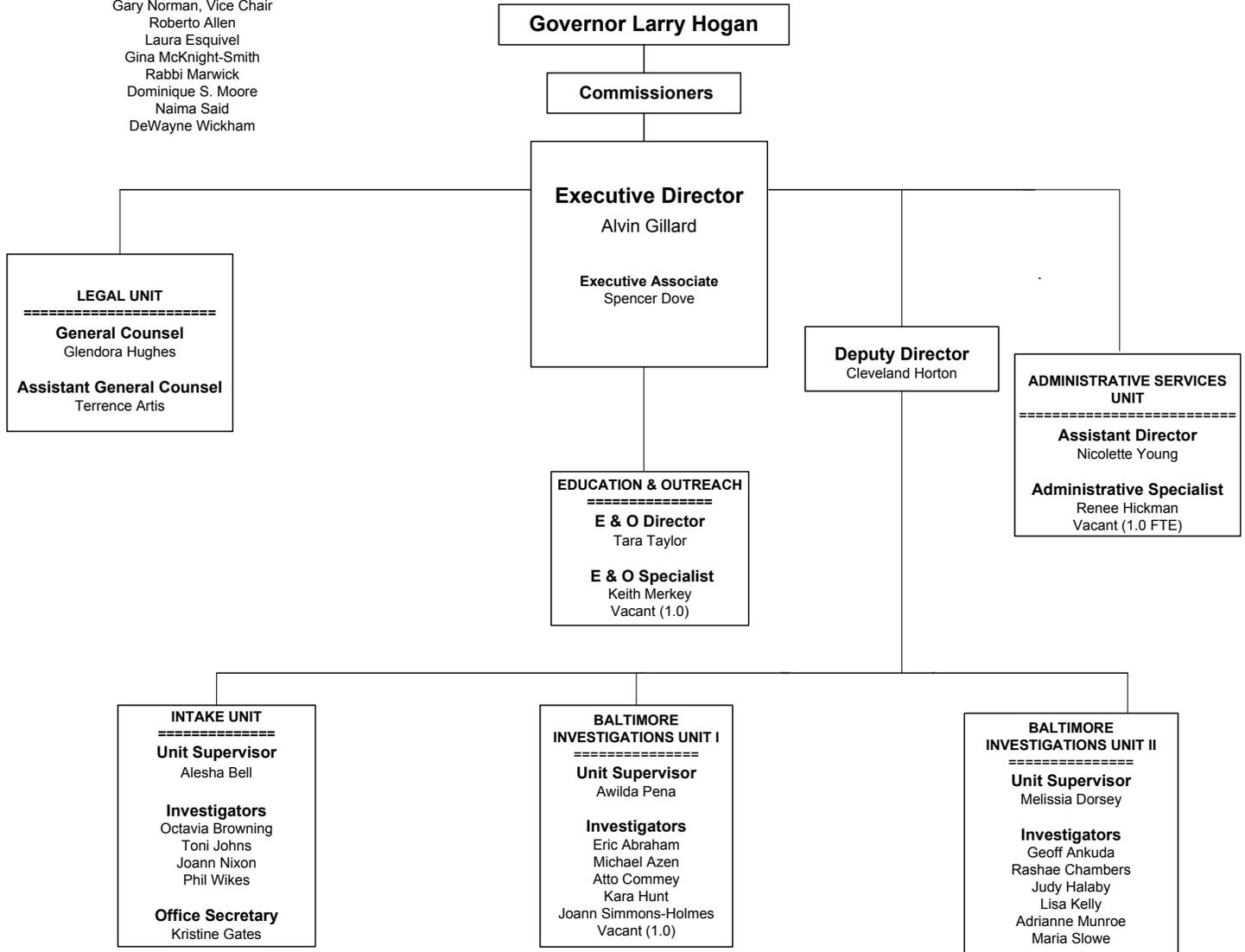
MCCR Organizational Chart
 Current as of June 30, 2016 – End of Fiscal Year 2016

COMMISSIONERS
 Shawn Wright, Chair
 Gary Norman, Vice Chair
 Roberto Allen
 Laura Esquivel
 Gina McKnight-Smith
 Rabbi Marwick
 Naima Said
 DeWayne Wickham



MCCR Organizational Chart
Current as of December 31, 2016 – End of Calendar Year 2016

COMMISSIONERS
 Shawn Wright, Chair
 Gary Norman, Vice Chair
 Roberto Allen
 Laura Esquivel
 Gina McKnight-Smith
 Rabbi Marwick
 Dominique S. Moore
 Naima Said
 DeWayne Wickham



2.5 positions were eliminated during the June 22, 2016 Board of Public Works Meeting effective FY 2017. Abolishments include 1.5 positions in the Administrative Unit and one position in the Legal Unit.

LIMITED SUPPLY PRINT

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www.mccr.maryland.gov

and select the "Publications" tab.

Thank you!

It is the **mission** of the Maryland Commission on Civil Rights to ensure opportunity for all through the enforcement of Maryland's laws against discrimination in employment, housing, public accommodations, and state contracts; to provide educational outreach services related to provisions of this law; and to promote and improve civil rights in Maryland.

Our vision

is to have a state that is free from any trace of unlawful discrimination.

HEADQUARTERS

William Donald Schaefer Tower · 6 Saint Paul Street, Suite 900 · Baltimore, Maryland 21202-1631

Phone: (410) 767-8600 · Fax: (410) 333-1841 · Maryland Relay: 711 · Toll Free: 1 (800) 637-6247

E-Mail

mccr@maryland.gov

Facebook

www.facebook.com/MDCivilRights

Online

www.mccr.maryland.gov

Twitter

www.twitter.com/MDCivilRights