


# State of Maryland Commission on Civil Rights



## 2013 ANNUAL REPORT

To the Governor and General Assembly of Maryland  
January 1, 2014

*Equal Justice Under Law*

Martin O'Malley  
Governor

Anthony G. Brown  
Lieutenant Governor

Cleveland L. Horton II  
Acting Executive Director

Shawn M. Wright, Esq.  
Commission Chair





# State of Maryland

## Commission on Civil Rights



### *Officers*

Cleveland L. Horton II, Acting Executive Director  
Nicolette Young, Assistant Director  
Glendora C. Hughes, General Counsel

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Martin O'Malley  
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Gary Norman, Esq.  
Naima Said, Esq.

Gina McKnight-Smith, Pharm D, MBA

January 1, 2014

The Honorable Martin O'Malley  
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

Dear Governor O'Malley, 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 (The "Commission") for Fiscal Year 2013. We are pleased to report that the Commission continues to perform its duties effectively under continuing budgetary constraints. The Commission is grateful to Governor Martin O'Malley, the Department of Budget & Management, the Maryland State Senate, and the Maryland House of Delegates for their assistance and continued support of our mission.

During Fiscal Year 2013, the Commission's hard work led to exemplary results. Once again, the Commission fulfilled its contract obligations with our federal partners, the Department of Housing & Urban Development (HUD) and the Equal Employment Opportunity Commission (EEOC). When compared to companion agencies nationwide, the Commission earns the distinction of having one of the highest acceptance rates and one of the lowest case processing times with our federal partners. This is indicative of the Commission's top quality work, dedication, and commitment to serving Maryland residents.

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The Commission has become a model for every civil rights enforcement agency across the United States. This past Fiscal Year, the Commission set a new record by securing over \$2 million dollars in monetary relief for Maryland residents, which is more than double any previously award amount since enforcement authority was granted in 1969. Meanwhile, the average age for cases in employment, housing, and public accommodations remains at less than a quarter of our colleagues nationwide, both state and federal.

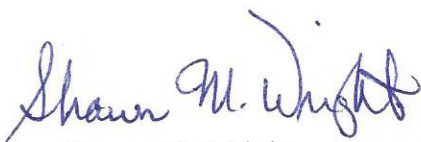
However, in order for the success of this agency to continue, the current budget and staffing trends must be addressed. The Commission is currently operating at its smallest staffing level since its inception. This is due to budgetary constraints which prevent the Commission from hiring much needed personnel, specifically new investigators. The caseload for the current investigators is extremely demanding, and with a number of experienced investigators either retiring or leaving the Commission for better paying opportunities, the much needed work of the Commission may begin to suffer. The Commission is currently operating under a six percent (6%) turnover rate mandated by the State budget. This turnover rate is preventing the Commission from filling valuable positions within the agency, resulting in significant caseloads for investigators, many of whom are fairly new to the agency. This trend must be reversed. We have to find a way to provide the Commission with the staff, training, and resources needed to continue the Commission's mission.

As the Commission prepares for the challenges of the future, the Commissioners and staff have worked together to finalize and adopt a Five Year Strategic Plan that will enable the Commission to meet, and hopefully exceed the demands of the next decade. During the development of the Strategic Plan, the Commission turned to the internet and social media as tools to modernize public education and outreach components of the agency, and looked to forming new strategic partnerships with other agencies and organizations throughout the State of Maryland to help educate our residents, and diminish the vestiges of discrimination.

At the beginning of every year, we should take a moment to look back on the success of the prior year. Fiscal Year 2013 is no exception. We look forward to the challenges of a new year with an understanding that it is our commitment to the Commission that will move us forward and allow us to fulfill the Commission's mission.

Thank you again for your continued support, as well as your leadership and service to Maryland. We at the State of Maryland Commission on Civil Rights appreciate the priority and commitment you all place on the advancement of civil rights in our great State.

Respectfully submitted,



Shawn M. Wright  
Commission Chair



Cleveland L. Horton II  
Acting Executive Director

# Mission & Vision

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*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.

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# The Commission

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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 (formerly Article 49B) 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. There are currently eight serving members. Those members are:

1. Shawn M. Wright, Esq., Chairperson (*Prince George's County*)
2. Robert L. Baum, Esq., Vice Chairperson (*Montgomery County*)
3. Laura M. Esquivel (*Montgomery County*)
4. Norman I. Gelman (*Montgomery County*)
5. Rabbi Binyamin Marwick (*Baltimore County*)
6. Gina McKnight-Smith, Pharma.D., MBA (*Baltimore County*)
7. Gary Norman, Esq. (*Baltimore City*)
8. Naima Said, Esq. (*Howard County*)

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, sex, age, national origin, marital status, physical or mental disability, sexual orientation and 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

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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.

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).

# Case Processing Department

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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 resources have been found to be 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**. Our **Intake Unit** and one of our **Investigative units** are housed in Baltimore at the William Donald Schaeffer Tower. Our other **Investigative Unit, Field Operations**, has offices in Hagerstown, Leonardtown, Salisbury, and Easton.

MCCR receives complaints directly from individuals who believe they have been victims of unlawful discrimination, and also processes cases for the U. S. Department of Housing and Urban Development (HUD) and the Equal Employment Opportunity Commission (EEOC).

## 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, or sexual orientation**, you may file a complaint of discrimination with MCCR. 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 visit any MCCR office to file 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 public accommodation and/or employment, 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 and speak directly with a trained intake officer at one of our offices.

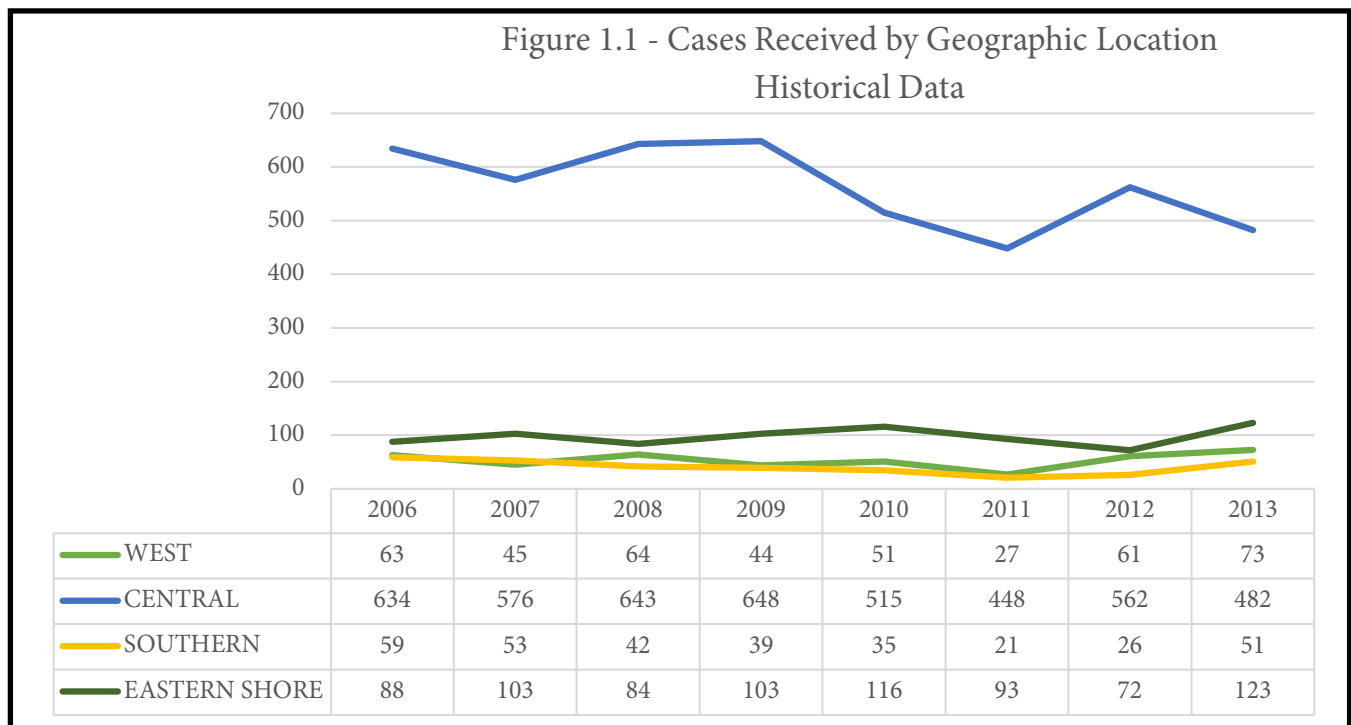


## Case Intake Trends - By Region & Type

During FY2013, MCCR received a total of 729 individual complaints of discrimination. MCCR receives complaints from all over the state of Maryland. A breakdown of the areas in which MCCR received complaints from in FY2013 is as follows:

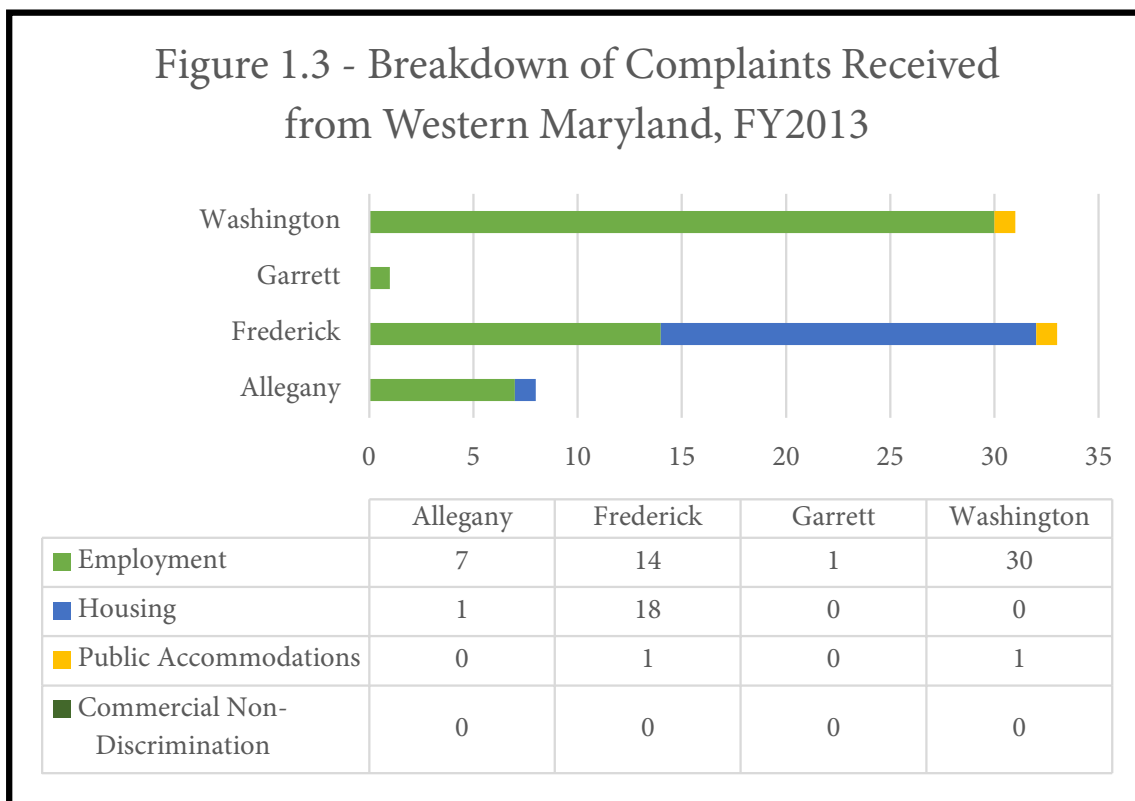
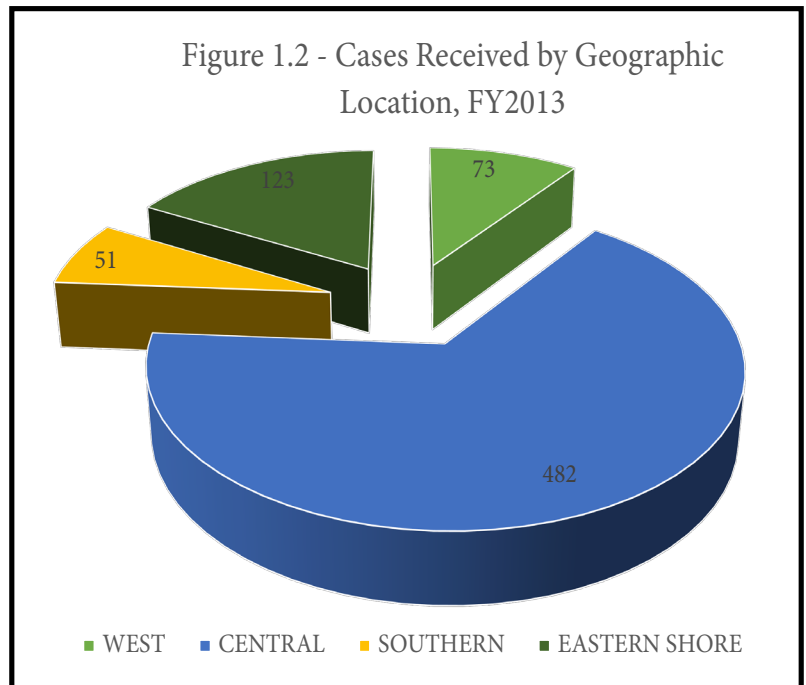
West	Central	Eastern Shore	Southern
Allegany	Anne Arundel	Caroline	Calvert
Frederick	Baltimore City	Cecil	Charles
Garrett	Baltimore County	Dorchester	St. Mary's
Washington	Carroll	Kent	
	Harford	Queen Anne's	
	Howard	Somerset	
	Montgomery	Talbot	
	Prince George's	Wicomico	
		Worcester	

A review of the historical data provided in Figure 1.1 illustrates that MCCR has consistently received the majority of its complaints from the Central-area of Maryland. MCCR is actively engaged in addressing the issues surrounding underserved populations and ensuring that all areas of Maryland have access to and are aware of the services that we provide.



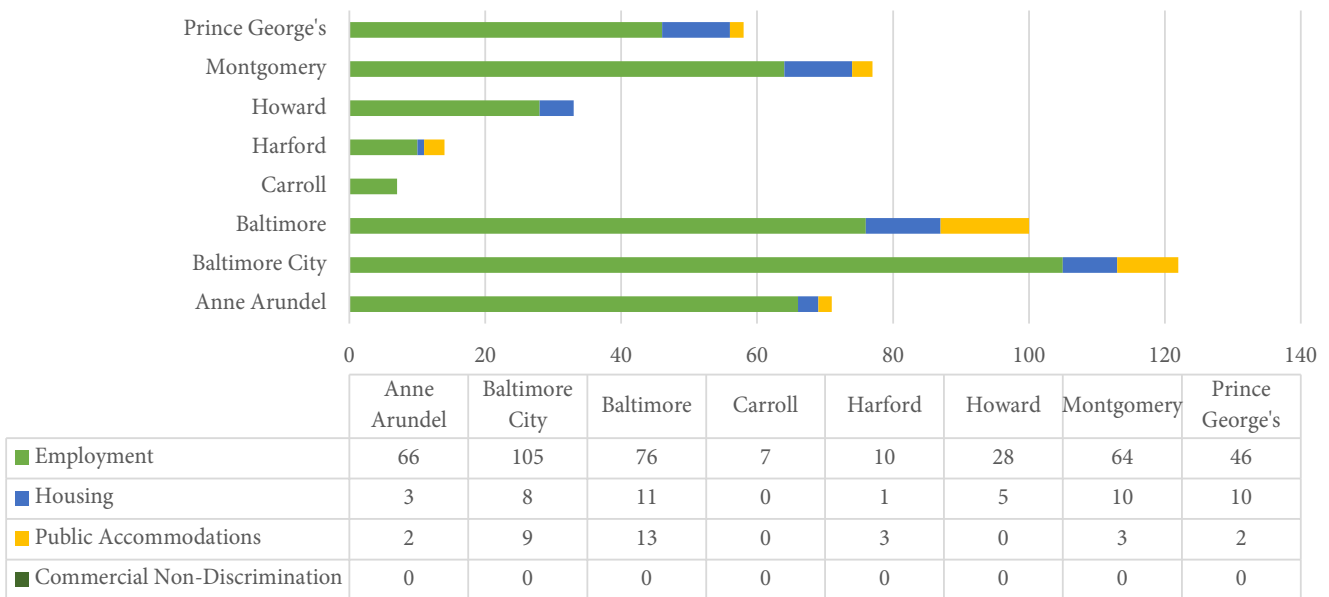
A breakdown of the complaints that were received in each of the locations for FY2013 is noted in Figure 1.2. As stated previously, the highest number of complaints (482) received were from the Central-area of Maryland. The lowest number (51) of complaints received were in the area of Southern Maryland.

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). This information varies widely by region and county. The following charts represent the individual basis of discrimination received by the Commission, separated by area and county.



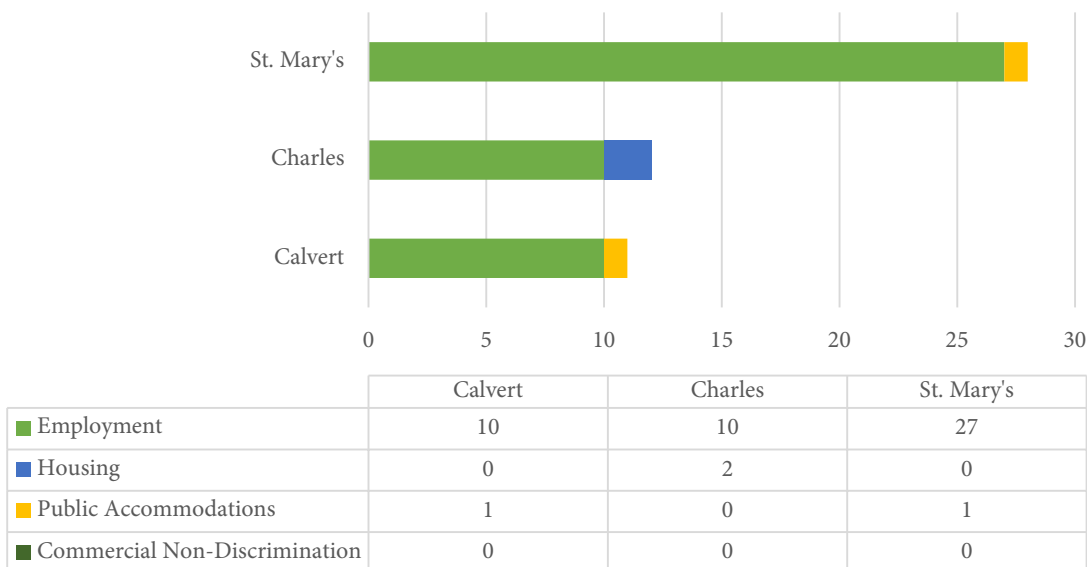
To begin, Figure 1.3 illustrates what MCCR has seen for years - the second fewest amounts of complaints received come from Western Maryland, and the majority of complaints are filed on the basis of employment discrimination. However, for Frederick County, housing complaints outnumbered employment complaints. MCCR attributes this to a growing and diversifying population in Frederick County as public and private resources pour into the I-270 corridor for economic development priorities.

Figure 1.4 - Breakdown of Complaints Received  
from Central Maryland, FY2013



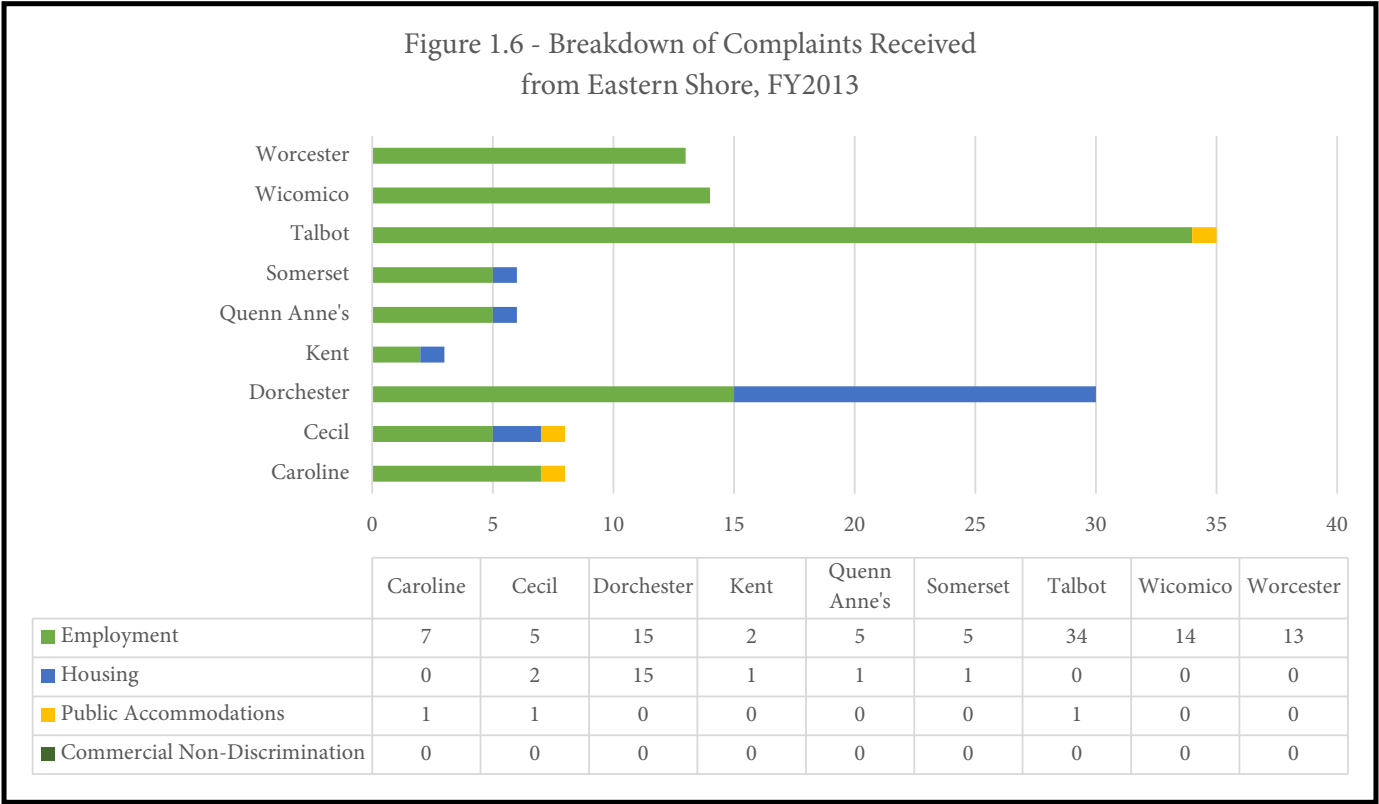
Central Maryland, represented in Figure 1.4, is the area from which the incredible majority of complaints are received by MCCR. MCCR believes this is because the agency's headquarters is located in Baltimore, and the designated area encompasses the State's most populous jurisdictions. As expected, employment discrimination was the number one allegation received by each county and the City of Baltimore.

Figure 1.5 - Breakdown of Complaints Received  
from Southern Maryland, FY2013

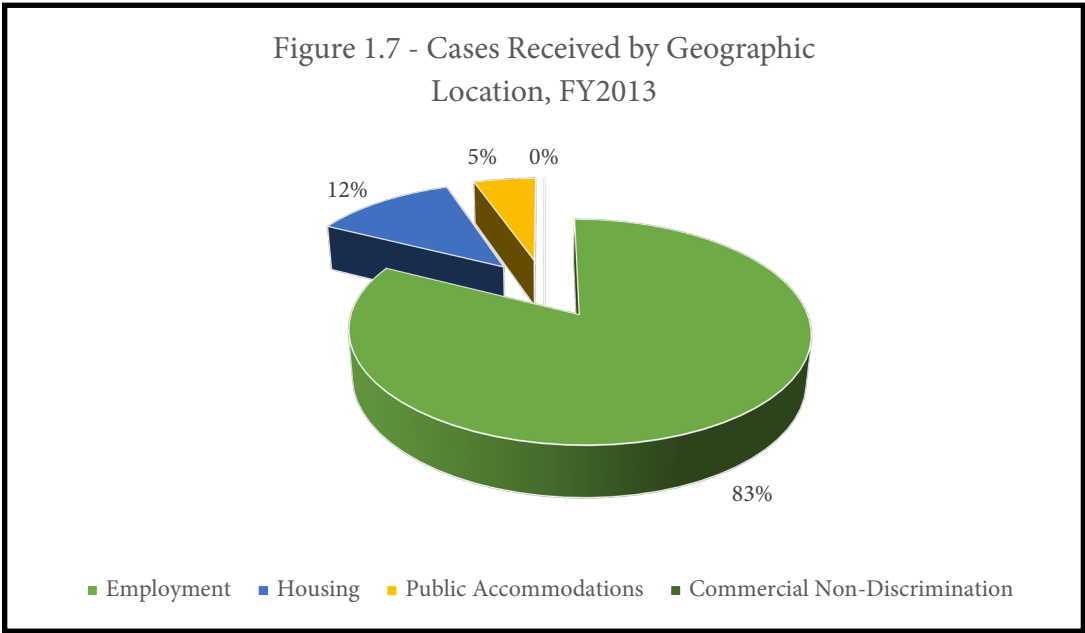


When analyzing data received from Southern Maryland, the area where the fewest complaints are filed, the trend of employment discrimination remains constant. The few number of complaints is most likely a result of the rural lifestyle in those three counties. However, growth

trends and a diversifying population occurring now in Southern Maryland lead MCCR to believe that the number of cases may see an uptake if MCCR's education and outreach efforts are not strengthened in this area.



The Eastern Shore of Maryland, while encompassing many counties identified in Figure 1.6, still leads a rural lifestyle. The major developed areas include Kent Island, Easton, Salisbury, and Ocean City, with every county having smaller yet more concentrated living and working areas. Employment discrimination remains the number one type of complaint received by MCCR. Talbot and Dorchester counties (home to Easton and Cambridge, respectively) report the largest number of complaints. As with other areas, MCCR has reason to believe this is because of an influx of new residents.



Ultimately, equal access to employment remains the top issue across Maryland, with housing just behind. MCCR sees the need to expand its outreach and community partnership efforts with all areas outside of Central Maryland. This will be MCCR's top priority in the coming years.



**Breakdown of Complaints Received by County  
and Area of Discrimination, FY2013**

County	E	H	PA	C-ND	Total
<b>West</b>					
<i>Allegany</i>	7	1	0	0	8
<i>Frederick</i>	14	18	1	0	33
<i>Garrett</i>	1	0	0	0	1
<i>Washington</i>	30	0	1	0	31
<b>Total</b>	<b>52</b>	<b>19</b>	<b>2</b>	<b>0</b>	<b>73</b>
<b>Central</b>					
<i>Anne Arundel</i>	66	3	2	0	71
<i>Baltimore City</i>	105	8	9	0	122
<i>Baltimore</i>	76	11	13	0	100
<i>Carroll</i>	7	0	0	0	7
<i>Harford</i>	10	1	3	0	14
<i>Howard</i>	28	5	0	0	33
<i>Montgomery</i>	64	10	3	0	77
<i>Prince George's</i>	46	10	2	0	58
<b>Total</b>	<b>402</b>	<b>48</b>	<b>32</b>	<b>0</b>	<b>482</b>
<b>Southern</b>					
<i>Calvert</i>	10	0	1	0	11
<i>Charles</i>	10	2	0	0	12
<i>St. Mary's</i>	27	0	1	0	28
<b>Total</b>	<b>47</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>51</b>
<b>Eastern Shore</b>					
<i>Caroline</i>	7	0	1	0	8
<i>Cecil</i>	5	2	1	0	8
<i>Dorchester</i>	15	15	0	0	30
<i>Kent</i>	2	1	0	0	3
<i>Queen Anne's</i>	5	1	0	0	6
<i>Somerset</i>	5	1	0	0	6
<i>Talbot</i>	34	0	1	0	35
<i>Wicomico</i>	14	0	0	0	14
<i>Worcester</i>	13	0	0	0	13
<b>Total</b>	<b>100</b>	<b>20</b>	<b>30</b>	<b>0</b>	<b>123</b>
<b>Grand Total</b>	<b>601</b>	<b>89</b>	<b>39</b>	<b>0</b>	<b>729</b>

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

- Employment
- Housing, and
- Public Accommodations

Note that there will be no section to cover enforcement of the State's Commercial Non-Discrimination Policy (State Contracts). As noted from each of the earlier figures, there were no cases filed in FY2013 under this area of discrimination. MCCR Commissioners and Staff are working together to identify and address any deficiencies with the State's Commercial Non-Discrimination Policy that may prevent companies or individuals from utilizing the statute. A long-term review is necessary to determine if there is a deficiency in the law itself, or if there are larger societal implications that need to be addressed through tactical education and outreach over the coming years.

## Employment Cases

The highest number of complaints - approximately 83% for FY2013 - received by MCCR are within the area of employment. In MCCR's most recent strategic plan, which covers the period of FY2013-2018, 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.

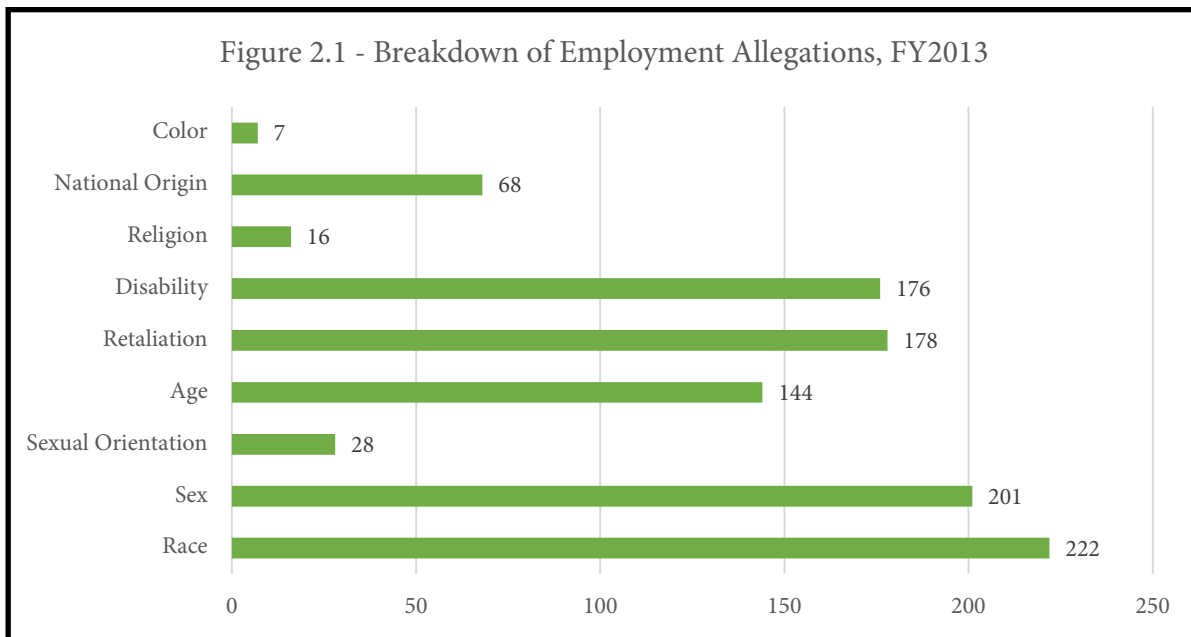


Figure 2.1 shows that the highest category of employment bases selected for FY2013 was race, which accounted for 21% (222) of the 1040 bases selected during FY2013. Historically, disability and race have been MCCR's top two bases identified. However, for FY2013 sex was the number two base, accounting for 19% (201) of the bases selected, followed by retaliation and disability with 17% (178) and 16% (176), respectively.

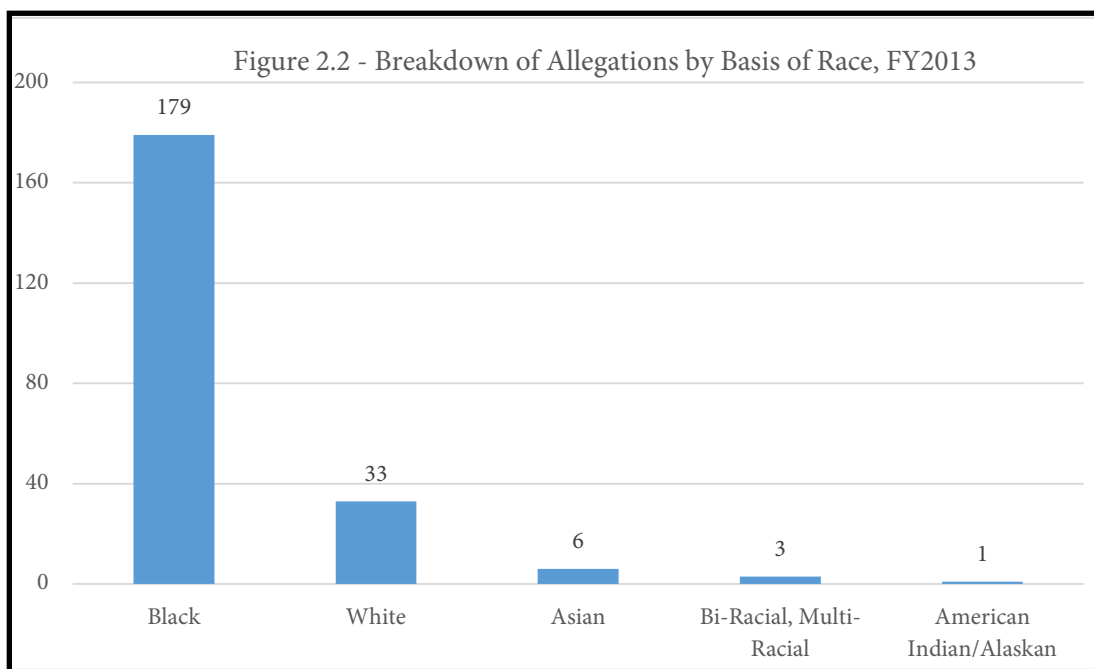
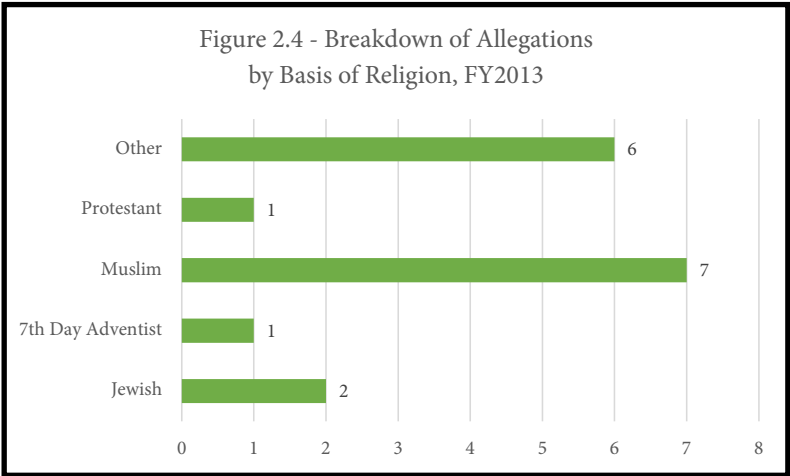
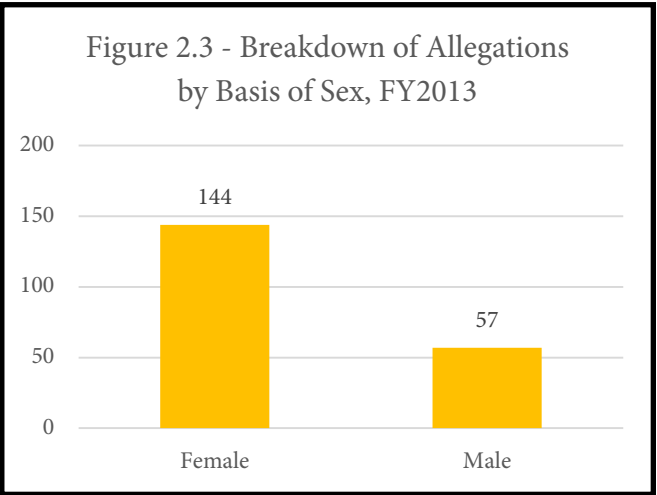


Figure 2.2 offers a look into those complaints by which race was the selected basis of employment discrimination. According to the data, the highest category of race that was designated by complainants during the FY2013 period was Black (81%). With Maryland's thriving Black/African American population, MCCR does not consider this statistic to be an outlier.

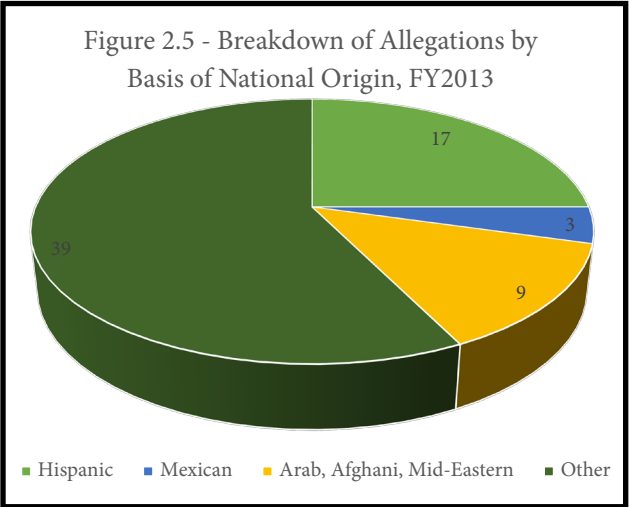
Figure 2.3 shows the breakdown of the allegations of sex discrimination in employment cases. For FY2013, there were many more allegations of gender discrimination due to being female, 72%, compared to those allegations of sex discrimination due to being male, 28%.

Maryland has made great strides in closing the gap on gender disparities over recent years. With legislation, such as the Lilly Ledbetter Fair Pay Act which was signed into law in 2009, and other aggressive actions to decrease and ultimately eliminate gender disparities in employment, our country has also taken the necessary steps in this effort. That being said, in reviewing the data of allegations based on sex discrimination contained in Figure 2.3, Maryland still has a long way to go. MCCR is committed to ensuring gender equality in the State of Maryland. MCCR is currently working to partner with a number of different advocacy organizations and employers to assist in the effort of promoting and ensuring that all citizens of Maryland are treated equally.



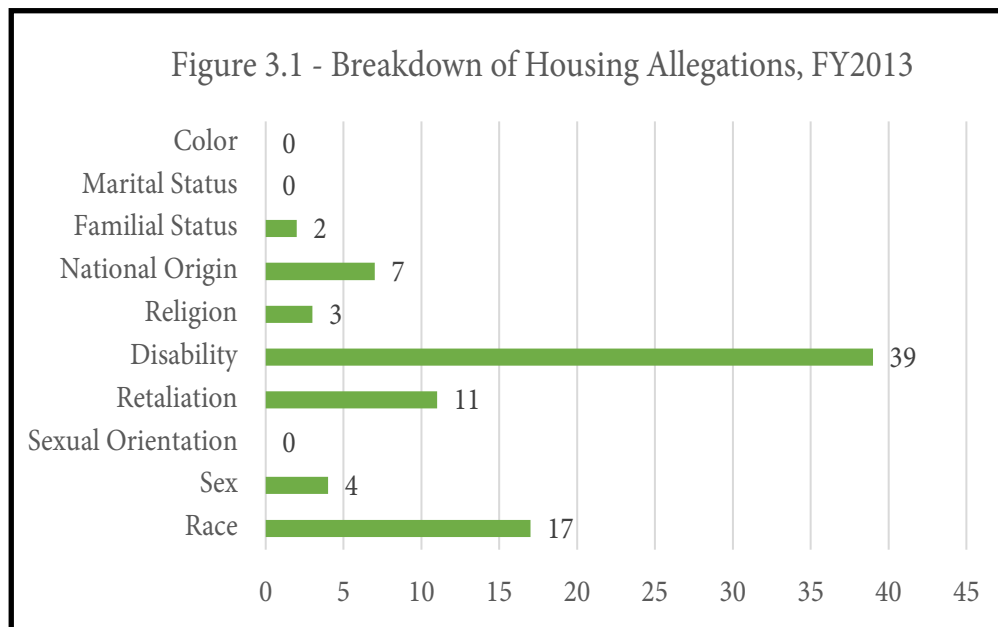
Religion is incredibly important to the fabric of American society. Figure 2.4 identifies the breakdown of the allegations on the basis of religion. As can be extrapolated by the chart, the highest category of religious discrimination allegations is against those of the Muslim faith.

A review of the data for the breakdown of the allegations on the Basis of National Origin, identified that the highest category of national origin discrimination allegations in employment to be in the area of the “other” category. The information used to gather this information is extrapolated from a federal database. The information and categories identified in this database are created and decided by our federal partners. MCCR does not have a way of detailing the information contained within the “other” category as listed in the federal database.



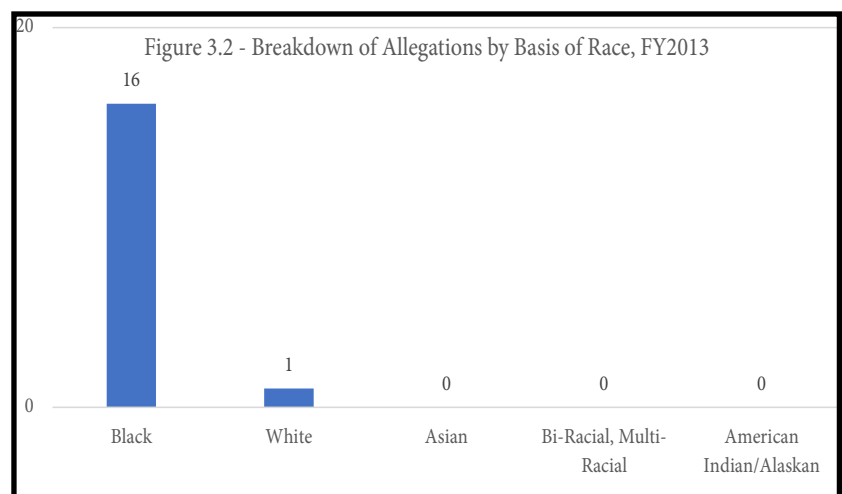
## Housing Cases

MCCR's Housing Complaints data is illustrated in the following series of charts. Figure 3.1 identifies the breakdown of the allegations selected by complainants of housing discrimination. Complaints of discrimination in housing accounted for 10% (71 of 729) of our total number of complaints received during FY2013. MCCR's Strategic Plan outlines the initiatives that we are putting in place to address the low number of housing complaints that we receive annually. These initiatives address concerns in the areas of (1) trust, (2) accessibility/visibility in the community, (3) awareness of rights and (4) building and sustaining key partnerships with local advocacy/community organizations. MCCR believes that if advancements can be made in these four key areas, then the number of reported complaints of housing discrimination will increase.



The highest category of allegations in MCCR's housing complaints was disability. Allegations on the basis of disability accounted for 47% (39) of the 83 allegations selected in the area of housing discrimination. Researching MCCR's database of housing complaints, the area of disability complaints, which is the most prevalent, is in the area of reasonable accommodations. Figure 3.1 illustrates the breakdown of allegations in housing discriminations complaints filed with MCCR.

On another note, as Figure 3.2 illustrates, the highest category of housing discrimination allegations was on the basis of race for Black/African American. Black accounted for 95% of the 17 allegations of racial discrimination in housing. MCCR is strategically partnering with a number of different organizations i.e. federal agencies, advocacy organizations, community associations, places of worship, and local civil rights agencies to develop and implement initiatives to address this epidemic.





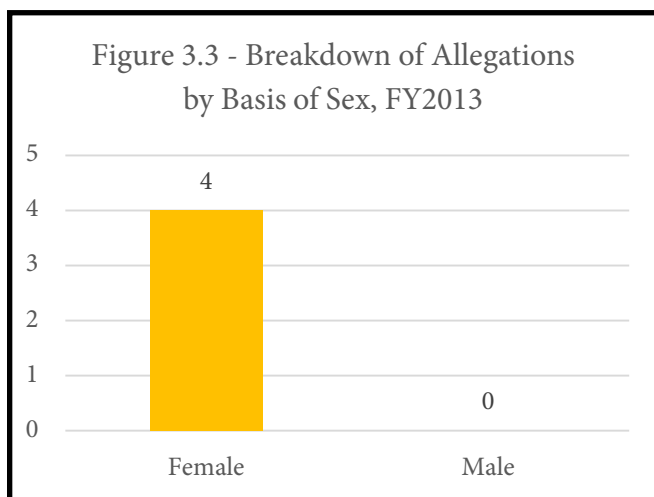


Figure 3.3 illustrates that every complainant that alleged sexual discrimination, in the area of Housing, was female. Unfortunately, as in the case of our Employment and Public Accommodations complaints, females are disproportionately being discriminated against in Housing as well. MCCR is committed to working to improve this statistic and help create an environment where all individuals are treated equally. MCCR is also committed to enforcing all of its anti-discrimination laws to ensure that individuals who violate these laws are brought to justice and understand fully the ramifications of their actions.

Figure 3.4 illustrates the highest category of the Housing discrimination allegations based on Religion as “other.” As previously mentioned, this information is extrapolated from a federal database. The information and categories identified in this database are created and decided by our federal partners. MCCR does not have a way of detailing the information contained within the “other” category as listed in the federal database.

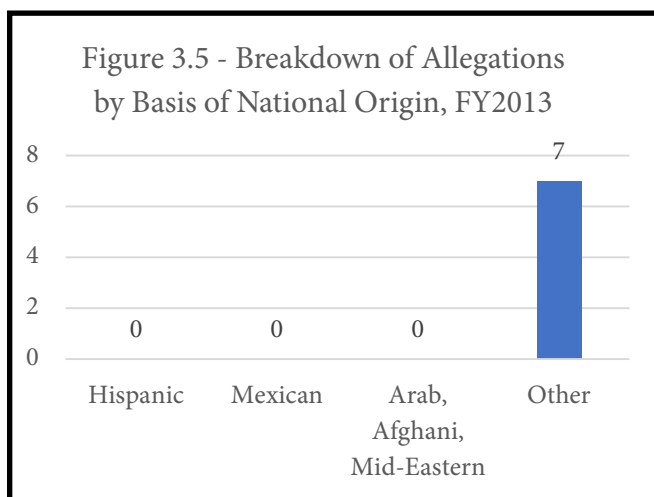
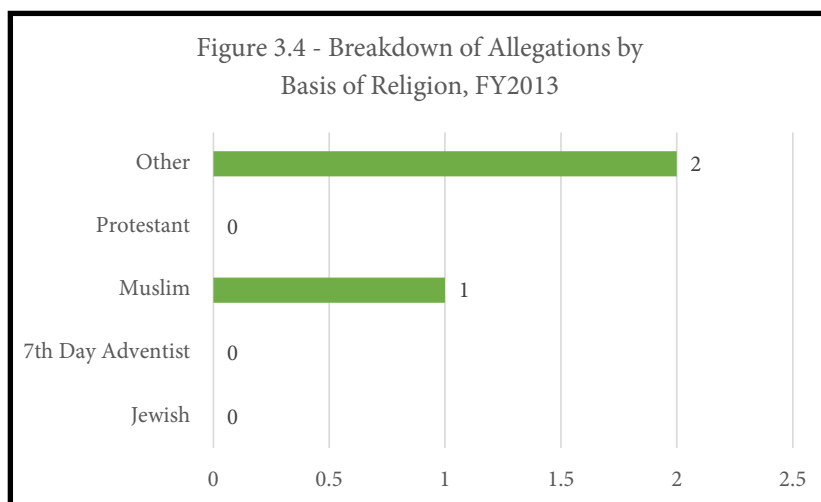


Figure 3.5 illustrates that all of the National Origin complaints in the area of Housing were on the basis of “other.” As previously mentioned, the information used to gather this information is extrapolated from a federal database. The information and categories identified in this database are created and decided by our federal partners. MCCR does not have a way of detailing the information contained within the “other” category as listed in the federal database.

As evidenced by the data presented, MCCR received no complaints, similar to recent years, of discrimination based on our Commercial Non-Discrimination Policy, which is located in the State Finance & Procurement Article, §19-101, Annotated Code of Maryland. There are multiple factors for this statistic. One of the major factors is awareness. MCCR recognizes that many individuals are unaware of this article and have no idea of their rights and actions of recourse as stated in the article. For those who are aware of the article, another factor which may prevent utilization may be that the statute itself does not provide for a financial remedy for the Complainant. This presents a severe problem in getting individuals to file complaints in this area.

MCCR is currently working through the legislative process to modify this article to include some level of financial remedy for Complainants.

Public Accommodations Cases

MCCR’s Public Accommodations complaints have always accounted for about 5 to 10% of the total complaints received annually. One of the major factors that has contributed to this consistently low number of complaints is that the statute, as it pertains to Public Accommodations, does not mandate any type of financial relief for the Complainant. While MCCR does have the authority to fine an entity that violates public accommodations anti-discrimination protections, the fine goes directly into the State’s General Fund. This resolution does not mirror the options available for a complainant who is a victim of employment or housing discrimination. Thus, MCCR includes an option for financial relief for the complainant a top legislative priority. MCCR believes that such relief would provide incentives to victims of discrimination to report abuse of the law instead of ignoring known violations.

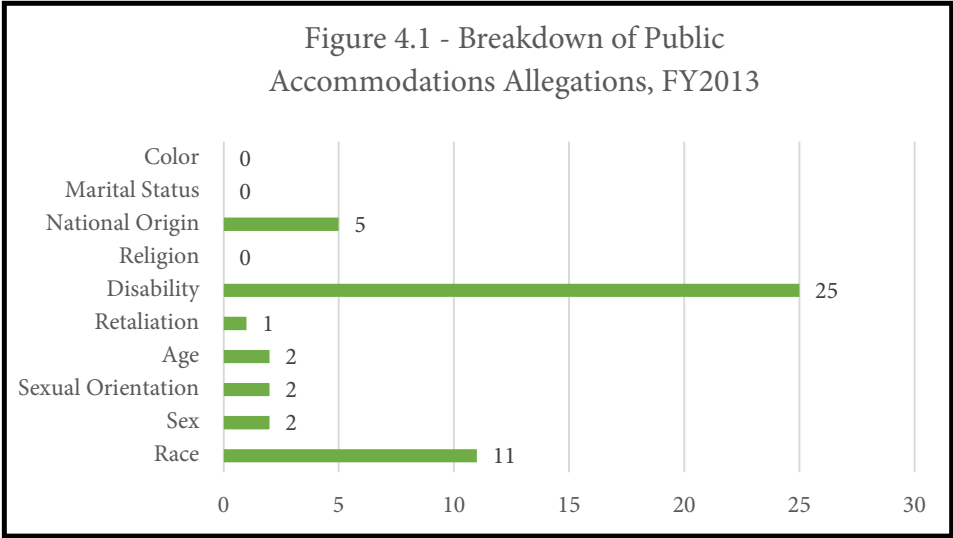
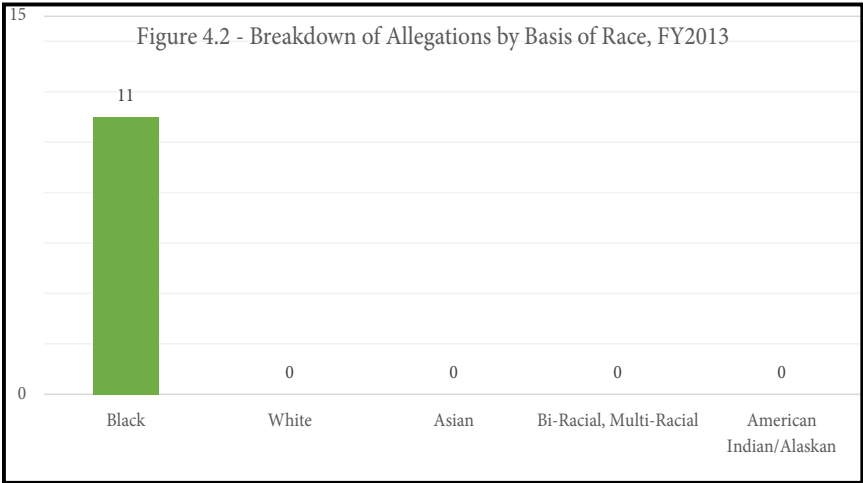


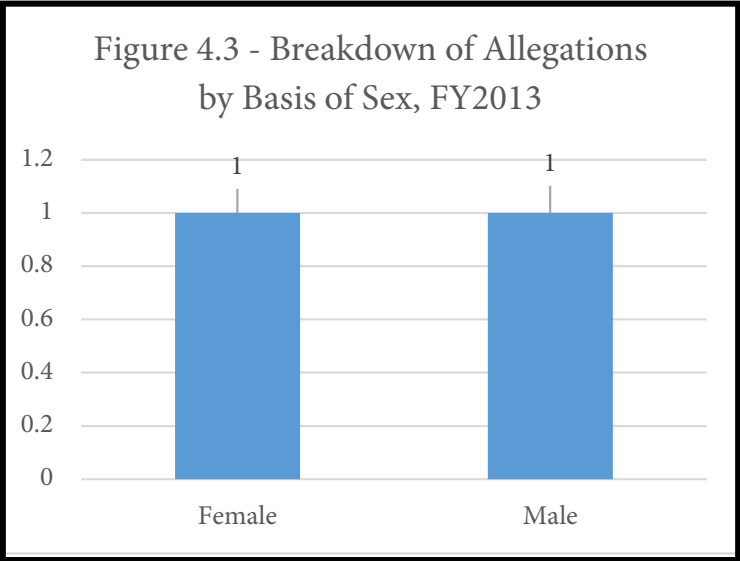
Figure 4.1 illustrates that the highest category of allegations in our Public Accommodations complaints was disability, as with housing discrimination. Allegations on the basis of disability accounted for 52% (25) of the 48 allegations selected in the area of Public Accommodations discrimination. Researching our database of Public Accommodations complaints, the area of disability complaints which appeared to be the most prevalent was in the area of accessibility. In our Strategic Plan, MCCR identifies initiatives to assist in addressing



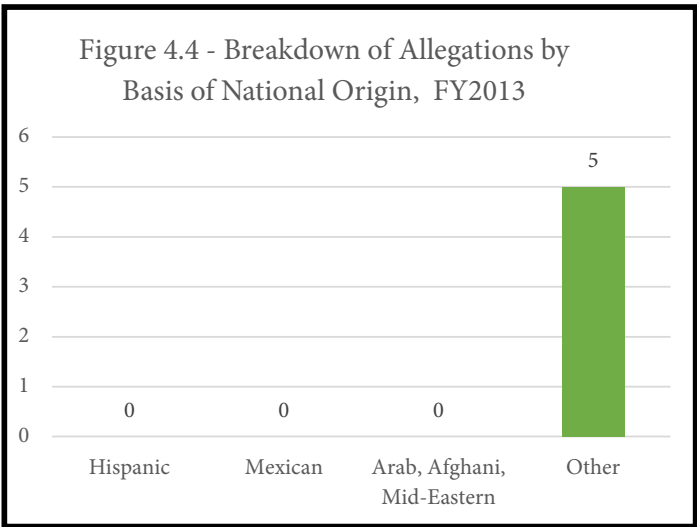
this issues. Those initiatives include training for businesses and consumers, community events to increase awareness of the need for accessibility, and forming partnerships with disability organizations to further their efforts in the area of accessibility.

Figure 4.2 illustrates that every complainant that alleged racial discrimination, in the area of Public Accommodations, was Black/African American.

Historically, Black has always been the highest category of racial discrimination complaints in the area of Public Accommodations. MCCR is focusing its efforts on determining why this statistic continues to repeat itself and what can be done to address this continuous alleged discriminatory behavior. Figure 4.3 depicts the numbers for the sex discrimination allegations in Public Accommodations.



The analysis of Figure 4.3 illustrates that the allegations of sex discrimination in the area of Public Accommodations were dispersed evenly (1:1). MCCR is strategically designing an Education/Outreach program that will provide educational/outreach support to the community in this area. MCCR plans to engage the community in a multitude of different events that will focus on increasing the communities’ awareness of individual rights and responsibilities as it pertains to sex discrimination in the area of public accommodations. The breakdown of Public Accommodations allegations on the basis of National Origin is illustrated in Figure 4.4.

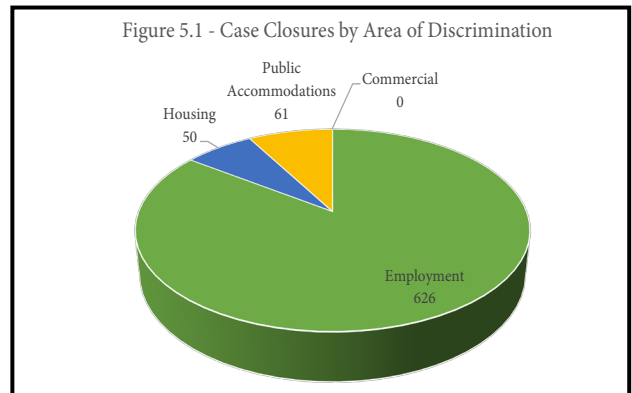


As the case with housing discrimination, all of the National Origin complaints in the area of Public Accommodations were on the basis of “other.” As previously mentioned, the information used to gather this information is extrapolated from a federal database. The information and categories identified in this database are created and decided by our federal partners. MCCR does not have a way of detailing the information contained within the “other” category as listed in the federal database.

Breakdown of Complaint Intakes by Type of Discrimination and Protected Class, FY2013				
Class	E	H	PA	Total
<b>Race</b>	222	17	11	250
<i>Black</i>	179	11	16	206
<i>White</i>	33	0	1	34
<i>Asian</i>	6	0	1	6
<i>Bi-Racial/Multi-Racial</i>	3	0	0	3
<i>American Indian/Alaskan</i>	1	0	0	1
<i>Pacific Islander</i>	0	0	0	0
<b>Sex</b>	201	4	2	207
<i>Female</i>	144	4	1	149
<i>Male</i>	57	0	1	58
<b>Sexual Orientation</b>	28	0	2	30
<b>Age</b>	144	N/A	2	146
<b>Retaliation</b>	178	11	1	190
<b>Disability</b>	176	39	25	240
<b>Religion</b>	17	3	0	20
<i>Jewish</i>	2	0	0	2
<i>7th Day Adventist</i>	1	0	0	1
<i>Muslim</i>	7	1	0	8
<i>Protestant</i>	1	0	0	1
<i>Other</i>	6	2	0	8
<b>National Origin</b>	68	7	5	80
<i>Hispanic</i>	17	0	0	17
<i>Mexican</i>	3	0	0	3
<i>Arab, Afghani, Mid-Eastern</i>	9	0	0	9
<i>Other</i>	39	7	5	51
<b>Familial Status</b>	N/A	2	N/A	2
<b>Marital Status</b>	0	0	0	0
<b>Color</b>	7	0	0	7
<b>Grand Total</b>	<b>1041</b>	<b>83</b>	<b>48</b>	<b>1172</b>

In closing, all of the data reported in employment, housing, and public accommodations according to the various protected classes in the different areas is aggregated in the chart to the left. The data varies widely by type of complaint, protected class, and area the complaint was filed. However, it remains constant, as in prior years, that the largest number of complaints received are on the basis of race and/or disability.

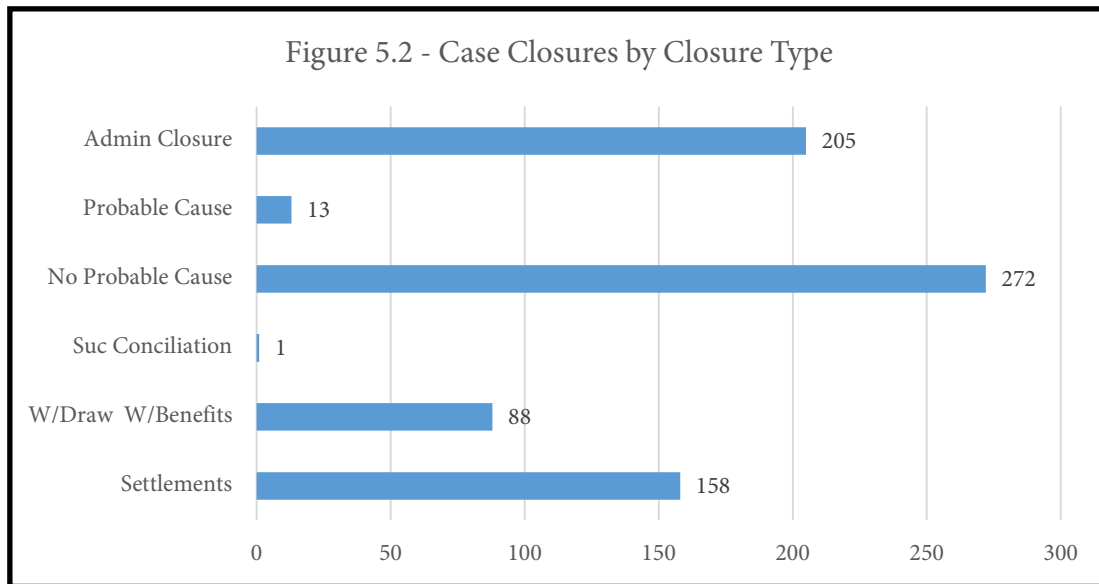
MCCR understands that a low number of complaints being filed for other protected classes does not necessarily signify that there is an absence of discrimination against those communities. Rather, MCCR believes that greater outreach and community relations efforts need to be utilized in order to establish positive relations around the State so that MCCR is receiving and investigating every act of unlawful discrimination that falls within the Commission's jurisdiction.



## Case Closures

MCCR is not only one of the best civil rights enforcement agencies in the United States, but also one of the most efficient. On average, MCCR takes under one third of the time to process a case, from intake to resolution, than federal and state counterparts. MCCR does this with extreme discipline, focusing on maximum operation given resource restraints without sacrificing quality. During FY2013, MCCR completed all work on a total of 737 individual complaints of discrimination. The breakdown of the closures is in Figure 5.1.

However, not every one of the 737 closures was a favorable resolution for the complainant. To better understand the different types of closure, Figure 5.2 breaks the information down by closure type.



The closure types above mean:

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, or 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 any determination of guilt being identified.

It is important to note that the closures reported above do not necessarily reflect cases being litigated by the Office of the General Counsel. When a Probable Cause Finding is issued, the case is then transferred to the Office of the General Counsel if and only if efforts to conciliate (settle) are not successful. For the purposes of this Annual Report, there is a section designated for the Office of the General Counsel to address those cases being litigated by MCCR.

Breakdown of Complaint Closures by Type of Discrimination and Protected Class, FY2013				
Class	E	H	PA	Total
<b>Race</b>	224	13	9	246
<i>Black</i>	164	13	9	186
<i>White</i>	46	0	0	46
<i>Asian</i>	7	0	0	7
<i>Bi-Racial/Multi-Racial</i>	6	0	0	6
<i>American Indian/Alaskan</i>	0	0	0	0
<i>Pacific Islander</i>	1	0	0	1
<b>Sex</b>	205	3	2	210
<i>Female</i>	146	3	2	151
<i>Male</i>	59	0	0	59
<b>Sexual Orientation</b>	33	0	0	33
<b>Age</b>	164	N/A	1	165
<b>Retaliation</b>	185	7	0	192
<b>Disability</b>	165	36	45	246
<b>Religion</b>	19	3	0	21
<i>Jewish</i>	2	0	0	2
<i>7th Day Adventist</i>	0	0	0	0
<i>Muslim</i>	5	1	0	6
<i>Protestant</i>	1	0	0	1
<i>Other</i>	11	2	0	13
<b>National Origin</b>	73	5	9	87
<i>Hispanic</i>	24	0	1	25
<i>Mexican</i>	2	0	0	2
<i>Arab, Afghani, Mid-Eastern</i>	9	0	0	9
<i>Other</i>	38	5	8	51
<b>Familial Status</b>	N/A	2	N/A	2
<b>Marital Status</b>	1	0	0	1
<b>Color</b>	9	0	0	9
<b>Grand Total</b>	<b>1078</b>	<b>72</b>	<b>63</b>	<b>1213</b>

In conclusion, you can find to the left the total number of closures, separated by type of discrimination and protected class. Do notice that the grand total of closures for FY2013 is 1213, not the 737 reported in the last two charts. That is because a case may be filed under two separate protected classes. For instance, someone may have experienced employment discrimination for both race and sexual orientation, or housing discrimination for disability and retaliation. While it would 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 FY2013 may not necessarily have been cases received in FY2013. Due to a number of variables, including when the case was filed and how long the investigation/resolution efforts take, a case may have closed in FY2013 when it was received in FY2012. However, MCCR's numbers show that the case was most likely received toward the close of FY2012 because the total time to receive, investigate, and resolve a complaint remains at a third of the total time of MCCR's state and federal counterparts.



# Case Histories

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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 receives thorough attention. To help better understand MCCR’s efforts in enforcing Maryland’s civil rights laws while improving the State’s civil rights climate, the following case histories have been compiled.

## Employment

### Harford County

Complainant was an African American male who was employed by Respondent. He was assigned to work in a combat zone overseas. His tour ended and he came back to the United States to be assigned another tour. Upon his return, he learned that his job had been eliminated. He was forced to take a pay-cut and relocate to Maryland in order to keep employment. He was told he was responsible for relocation fees. He agreed but later learned that his previous job had not been eliminated and a Caucasian female replaced him. He also learned that his Caucasian co-workers who relocated to Maryland during the same time as he had their relocation fees paid by the Respondent. The Complainant filed with the Commission and an investigation was conducted. Very early into the investigation, the Respondent approached settlement and the parties agreed to settle the matter. The Complainant received his position back, attorney fees, and relocation fees totaling \$157,709.82.

### Montgomery County

The Complainant filed a charge alleging that his employer discriminated against him because of his race and national origin. According to the Complainant, he was born in China and has been a United States Citizen for a number of years. The Complainant maintained that his direct supervisor made racist comments to staff regarding his national origin and the Chinese culture. After voicing these concerns to management, the Complainant further asserted that the Respondent retaliated against him by changing his scheduled work hours and withholding his quarterly bonus.

A Fact Finding Conference was scheduled to investigate these allegations. However, prior to the conference, Commission staff facilitated settlement negotiations between the parties. As a result of these negotiations, the parties reached an agreement with the following special settlement conditions:

1. The Respondent agreed to make a monetary payment of \$180,000.00 to the Complainant.
2. The Respondent agreed to pay checks, addressed to the Complainant for 75% of his accrued leave, calculated at \$14,475.87.

### Prince George’s County

Complainant alleged that she was discriminated against by the Respondent based on her race (African-American). Complainant believed that she was treated differently and terminated from her job unfairly. Complainant earned \$72,000.00 a year plus bonus and she did not want to be reinstated. Complainant said when she questioned the decision to eliminate her position, Respondent informed her that performance was

the reason for the termination, but Complainant said at no time during her employment, had any of her managers advised her that she had performance issues. Respondent denied Complainant's allegations, but the case was settled at Fact Finding Conference on April 25, 2013, for \$72,281.52 (gross yearly salary).

### **Anne Arundel County**

Complainant (white) alleged that she was discriminated against by the Respondent because of her age and disability. Complainant stated that she was the oldest employee in the restaurant. Complainant alleged that the owner asked Complainant's supervisor to fire her as the Complainant is not able to keep up with the increased business. Complainant was terminated from her job on October 29, 2012. Respondent stated that they did not do anything to discriminate against the Complainant, but the case was settled at Fact Finding Conference on May 6, 2013, for \$5,000.00.

### **Dorchester County**

Complainant filed his complaint in our Easton Field Office. The basis of the charge was National Origin (Hispanic). Complainant believed that he was not being paid the same hourly rate as his Caucasian American and African American co-workers. He claimed that DLLR had been investigating the Respondent regarding 'prevailing wage' issues for almost two years without resolution. The Investigator was able to contact the Respondent and negotiate a full settlement resulting in a back pay amount of \$42,230.00.

### **Worcester County**

The Complainant was a long time employee of the Respondent having started in February 2000. At the time of this complaint she held the job title of 2nd Lieutenant. In the summer of 2012, the Respondent began the process of selecting an applicant for the position of Captain. The Complainant and four (4) male employees applied for the promotional position. After that time, the Complainant felt she had been unjustly accused of various acts that would prevent her from being selected for the position. In November 2012, the Respondent selected a male applicant who had less seniority and less experience in the department for the position of Captain. The Complainant complained to the Human Resources department several times throughout the process including when she was not selected, but felt nothing was done to address her concerns. Finally she filed her complaint with the Maryland Commission on Civil Rights and obtained an attorney.

The charge of discrimination was negotiated to a resolution agreed upon by all parties and settled. As a result, the Town of Ocean City developed an organizational Code of Conduct that all employees of the Town were to abide by. The language contained in the new Code of Conduct was to become a part of the Harassment Free Workplace contained in the Respondent's Employee Handbook.

The Complainant was also granted the sum of \$6,800.00 to cover legal expenses she incurred to address the matter; the word "Acting" was removed from her job title; she was to be paid salary of the Captain; and she was assigned the job duties and responsibilities to coincide with the promotion.

### **Charles County**

Complainant, a white employee, filed a charge of discrimination alleging (in part) harassment and discharge based on retaliation. On or about August 2012, before filing, Complainant reported to the Respondent's General Manager his objections to comments and jokes about black people that were

commonplace in the sales office. Complainant found the remarks to be offensive and inappropriate. Complainant's Supervisor was one of the individuals who was aware of the offensive banter and allowed it to continue. Complainant alleged his Supervisor and General Manager subsequently retaliated against him ultimately resulting in discharge. Upon discharge, Complainant filed his charge of discrimination. An investigation was initiated.

MCCR was able to successfully resolve the case and the Respondent agreed to pay the Complainant the full amount of \$50,000.00.

## **Housing**

### **Montgomery County**

The Complainant alleged that she was discriminated against because of her familial status. The Complainant stated that she saw an apartment in Silver Spring listed for \$1,200.00 and on April 15, 2012, and that she decided to rent it. On April 18, 2012, her Realtor submitted the rental application and she identified that she had four children, and approximately a half hour later her Realtor received an email from the listing agent that the rent increased from \$1,200 to \$1,400 due to the renovation of the kitchen countertops.

Complainant stated that on April 20, 2012, her Realtor received another email from the Respondent which indicated the unit's rent would increase another four hundred dollars making the cost escalate to \$1,800 per month due to her family with four children. Respondent also indicated in the email that she would be charged more because of the size of her family.

After negotiating with the Respondent, the case was closed with a Pre-Determination Settlement agreement. Respondent agreed to pay \$7,200.00 to the Complainant for damages.

### **Baltimore City**

Complainant modified kitchen doors in her condo due to her disability shortly after purchase without HOA approval. She was later notified by her HOA that she was in violation of the Condo's regulations. After the Complainant disclosed her disability to the HOA to receive an accommodation, she was denied and told legal action and fees would be imposed. Complainant filed a complaint with MCCR and the investigation began. After discussion and negotiation with both party's attorneys, the parties entered into our PDS Agreement to have the HOA approve the modified doors, pay for the Complainant's legal fees up to \$2,000.00 and create stipulations on the responsibility of restoring the doors to its previous state if Complainant sells unit.

### **Baltimore County**

The Complainant placed a temporary wooden step on his property to assist with him going up and down the exterior steps due to his prosthetic leg. The Respondent advised him he was in violation and advised him the step had to be removed. The Complainant went before the HOA and they gave him a certain amount of days to have a concrete step installed. The Complainant agreed but did not follow through. He was told fees and legal action would be imposed. Complainant filed a complaint with MCCR and the case was assigned for investigation. The Complainant disclosed that he was not financially able to comply at that time but he was receiving a large settlement and could have it done at a later date. After negotiations the

parties agreed that when the Complainant received a settlement he would have the concrete step installed no later than Oct. 13, 2013 without any fees or penalties assessed.

## **Public Accommodations**

### **Baltimore City**

The Complainant filed a Public Accommodation complaint alleging that she was discriminated against on the basis of her disability with respect to denial of service. According to the Complainant, she uses a wheeled device with a steering mechanism for mobility. The Complainant maintained that she was denied entry and service at the Respondent's establishment because she was not in a wheel chair.

During the investigation of these allegations, Commission staff facilitated settlement negotiations between the parties. As a result of these negotiations, the parties reached an agreement and the Respondent made a monetary payment of \$500.00 to the Complainant.

# Office of the General Counsel

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The State of Maryland Commission on Civil Rights (MCCR), an independent State agency, is represented by the Office of the General Counsel (“the Office”). The Office is autonomous from the Attorney General’s Office per State Government Article, §20-206, which created an independent legal counsel for the agency. The Maryland General Assembly’s intent was to avoid conflicts of interest when the State is charged with unlawful discrimination in complaints filed with MCCR, as the Attorney General is the legal representative for State agencies.

Charged with representing MCCR in all legal matters, the Office defends the agency in personnel matters; any litigation involving the agency; defends MCCR final decisions and orders; and subpoena enforcements. The Office carries out the State’s police powers in litigation involving the enforcement of the State’s anti-discrimination statute, State Government Article, Title 20. Litigation may be instituted before the Office of Administrative Hearings (OAH) or State, federal trial and appellate courts.

Additional responsibilities of the Office include advising MCCR directors and Commissioners through oral and written opinions. The Office conducts training, issues legal opinions and provides legal advice to MCCR investigators. Corporations, small businesses, advocacy groups, non-profit organizations, educational programs for Maryland citizens, State and local governments are provided technical assistance for best practices regarding the State’s anti-discrimination law.

The Office is extensively involved in MCCR’s legislative agenda. Its duties include, meeting with legislators, providing technical assistance in drafting Title 20 bills; drafting legislation and amendments; preparing the legislative packet; drafting the agency’s testimony; testifying at bill and sub-committee hearings; attending bill work sessions; conducting legal research; working with the Governor’s legislative liaison and following up on information requests from bill sponsors or the Governor’s Office.

In addition, the Office serves as the agency’s regulation coordinator, evaluator and drafter of all proposed regulations submitted by MCCR for promulgation.

## **Legal Technical Assistance**

In addition to enforcing the State’s anti-discrimination law through litigation, the agency seeks to eliminate unlawful discrimination by educating the business community regarding best practices and informing Maryland citizens of their protected rights under the law. The General Counsel’s Office provides guidance and technical assistance on the law through its participation in seminars, panels on the law, continuing legal education for lawyers, presenting at law school classes and training modules. These forums assist in educating potential complainants and respondents about the law and what to expect during MCCR’s processing of the complaint; what happens should the case be litigated; and what appeal rights are available to parties. Specific subject matter trainings are provided, as well as, updates on recent court decisions and trends that are being seen in unlawful discrimination cases. Therefore, in FY2013, the Office provided the following technical assistance:

## 1. Employment Discrimination Law

- The General Counsel Office educated Commissioners of State and local civil and human rights agencies on unlawful employment discrimination law sponsored by the Maryland Association of Human Rights Agencies (MAHRA); provided technical assistance to the Department of General Services' and Department of Public Safety and Corrections' fair practice officers and EEO coordinators on State anti-discrimination law, legal theories and investigation techniques; conducted advance employment law seminars; and presented at the bi-annual EEO retreat sponsored by the Department of Budget and Management, Statewide Equal Employment Opportunity Office.
- The General Counsel Co-Chaired and presented at the Maryland State Bar Association, Labor & Employment Law Section, "Employment Law Basics" CLE.

## 2. Housing Discrimination

- As a part of the national push to affirmatively improve fair housing and as a part of a settlement agreement, the Office ensured that a respondent management company alleged to have violated the State's fair housing law, received training on the law and best practices to avoid any further violations. The Office provided training and participated in focus groups on the impact of education, outreach and transportation regarding access to accessible housing for persons with disabilities, sponsored by the Baltimore Metropolitan Council.
- In conjunction with the University of Maryland Francis King Cary, School of Law's offering a fair housing seminar class to train law students on housing law, the General Counsel served as a guest lecturer and participated as a speaker in the law school's class closing "Fair Housing Symposium".

## 3. Civil Rights in General

- The General Counsel participated in a panel discussion on civil rights at the Maryland State NAACP Annual Conference; the Office participated in the NAACP Legal Defense Fund Conference discussion on the topic of "Race & Civil Rights - A Critical Analysis of 21st Century Challenges & Opportunities" held in Washington D.C. This conference was an invitation only to civil rights lawyers and law students.
- The General Counsel was the keynote speaker for Law Day program sponsored by the Circuit Court for Baltimore County and the Baltimore County Bar Association. The theme was "Realizing the Dream – Equality for All".



# Significant Litigation

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The Maryland Commission on Civil Rights (MCCR) successfully litigated a significant fair housing case, *Board of Directors of Cameron Grove Condominium II v. State of Maryland Commission on Human Relations*, 431 Md. 61 (2013). This case originated in 2006, when two physically disabled and mobility challenged complainants Peggy Daniel and Albert Doby each filed a complaint of fair housing discrimination against the condominium Board of Directors of Cameron Grove. The Board of Directors refused to grant them a reasonable accommodation in the form of key to the building's side doors.

Daniel and Doby requested a key to the side doors of their building as to reduce the amount of walking required to bring in groceries and visit the condominium campus community center. The Board of Directors refused to provide the keys citing safety concerns despite evidence of no legitimate safety problems and that the request was reasonable and necessary. MCCR filed a lawsuit in 2008 against the Board of Directors pursuant to the complaints filed by Daniel and Doby. After four years of litigation, the case concluded recently with the decision by the Court of Appeals. The ruling was unanimous. Judge Lynne A. Battaglia wrote for the court, "the defending party (housing provider) must ultimately prove that the accommodation is unreasonable given its cost and the financial status of the defending party." The Commission and the courageous Complainants were granted an important victory.

The mission of the MCCR is to ensure equal opportunity for all through the enforcement of Maryland's laws against discrimination. Fair housing is the law. Home Owner Associations, Condominium Board of Directors or private landlords, must provide a reasonable accommodation to persons with disabilities. Gone are the days when the housing provider can simply make an arbitrary decision to refuse the requested accommodation. If the provider believes the accommodation is an undue hardship, the burden of proof rests with the provider to prove it is unreasonable.

# Hates Crimes Report

Every year, 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 appreciates and thanks Maryland's finest for their exceptional service and sacrifice to keep our communities safe and welcoming to all.

As the law enforcement agency on civil rights matters in Maryland, MCCR has a vested interest in being apprised of allegations of hate crimes, and how our law enforcement community is handling them. However, MCCR is unable to independently verify the accuracy of the information forwarded by MSP. Because MCCR lacks enforcement jurisdiction on hate crimes, and because MCCR does not respond to an original incident to determine whether or not a potential hate crime has occurred, MCCR can only depend on these reports to a certain degree. Over the past years, the Commission, in reviewing the Maryland Hate Bias Incident Report Form, has found reason to believe that there is not a uniform approach to identifying and addressing hate crimes across all jurisdictions in Maryland. This concern is exacerbated by anecdotes brought to the Commission's attention via citizen interaction where potential hate crimes were charged under a different auspice, such as vandalism, arson, or assault. To better understand MCCR's concerns, it is important to see the numbers broken down in two different formats.

First, during FY2013 there were a total of 294 reported Hate Crime incidents in Maryland, an increase from the 244 reported in MCCR's 2012 Annual Report. MCCR believes this increase could be

Maryland Hate Bias Incident Report Form - By Jurisdiction, FY2013				
Jurisdiction	Reports		Jurisdiction	Reports
Allegany	1		M-NCPPC*	4
Anne Arundel	26		Montgomery	14
Baltimore	119		Prince George's	9
Baltimore City	2		Queen Anne's	2
Carroll	13		Wicomico	1
Cecil	3		Higher Education	26
Charles	13		UMCP	8
Dorchester	4		Towson University	14
Frederick	7		St. Mary's College	3
Harford	5		UMBC	2
Howard	45		Salisbury University	1
Grand Total		294		
*M-NCPPC maintains law enforcement jurisdiction in both Montgomery & Prince George's counties.				

due to one of two reasons, if not both: (1) law enforcement is doing a better job of identifying and reporting hate crimes incidents accurately and uniformly, and/or (2) there was a legitimate increase in the number of hate-motivated incidents around Maryland.

The chart to the left shows that reports are received from all around the State, with the highest coming from the Central Region - primarily Baltimore, Howard, and Anne Arundel counties. However, the few reports received in other jurisdictions (or lack of reports in the remaining counties), and with Baltimore City having noticeably fewer reports, does not indicate an absence of hate crimes in those jurisdictions. Rather, MCCR believes, based on the information received

from MSP, that the number of cases reported by each jurisdiction depends on the training of the law enforcement official, and that official’s discretion used at the time of responding to an incident.

In other words, and strictly as a hypothetical to demonstrate MCCR’s concern, County X law enforcement may find reason to believe that an incident qualifies as a potential hate crime and will fill out this Hate Bias form, while law enforcement in County Y does not draw that same conclusion or take similar steps. Since MCCR lacks enforcement and data collection authority on Hate Crimes incidents, it is hard for the Commission to draw an exact conclusion as to the uniformity of both training and law enforcement application in this highly sensitive matter.

Second, and to further demonstrate MCCR’s concerns, consider the table to the right. Of the 294 individual forms forwarded to MCCR, there were a total of 372 bases selected or identified on these forms. As with individual complaints of unlawful discrimination, it is understandable that an incident may fall under two categories. For instance, multiple individual reports noted the presence of swastikas, burning crosses, and/or “KKK” being etched into a surface. Based on historical and popular information, MCCR would consider one incident identifying all three of these items as a Hate Crime based on race, ethnicity, and religion. Due to the far reaches of Nazi propaganda and hatred, MCCR could have included that individual report in both disability and sexual orientation. However, the minor explanation on the report did not give the Commission cause to do so.

Maryland Hate Bias Incident Report Form - by Basis, FY2013	
Basis	Count
Disability	1
Ethnicity	77
Race	178
Religion	71
Sexual Orientation	45
Note: an individual report may have multiple bases selected.	

Again, MCCR values and is incredibly thankful for the service, sacrifice, and dedication of Maryland’s fine law enforcement community. Without MSP and the local law enforcement agencies working diligently to report this information to MCCR every year, the Commission would be unable to identify and develop training modules and outreach programs to combat and mitigate hate in our communities.

The purpose for raising concerns in this Hate Crimes report is to identify what the Commission considers a deficiency in hate crimes related law, regulation, training, and application. Because MCCR lacks the statutory and regulatory jurisdiction to address these concerns, it is the Commission’s recommendation that the Governor, General Assembly, and relevant state and local agencies review how the state identifies and handles hate crimes related incidents to achieve:

- 1. Uniform identification and application of the law, and
- 2. Accurate reporting practices to MCCR and other stakeholders so that community-based initiatives can be identified and developed to address modern trends and areas of high demand.

MCCR believes that if we can come together to accomplish these two objectives, then Maryland will progress rapidly toward that vision of achieve a State that is free from any trace of unlawful discrimination.

# Education & Outreach

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As part of the continuing effort to inform the people of the state of Maryland on Title 20 and their rights, the Commission provides training, educational programming and materials, information and other support resources to the businesses, state and local governmental agencies, not-for-profit organizations, faith communities and academic institutions found throughout Maryland. Outreach events such as special events and fairs are combined with information distribution methods such as MCCR's website, local TV and radio shows to further the message of MCCR's anti-discrimination message. The primary aim is to provide information as well as the resources that will ensure that persons who live, work, and visit the state of Maryland will have equal access to housing, employment, publicly-accessible accommodations and services, and state contracts as well as further civil rights within the state.

Almost **4500** individuals were provided information about equal protection from discriminatory practices based in Maryland law and awareness of issues that affect their quality of life, through MCCR's educational, outreach, and training events. Training workshops in discrimination prevention, conflict resolution, sexual harassment, sexual orientation, and MCCR services, were presented.

MCCR assisted, planned, facilitated, and participated in special events throughout Maryland, in conjunction with other organizations and agencies. Through such events as state and local Fair Housing events, regional and state conferences and festivals, as well as the State EEO Officer's Retreat, MCCR helped to broaden awareness of its services and information on equal access for all Marylanders.

This year **2** major outreach events and **91** training sessions were provided to over **4500** individuals. These events trainings were provided to almost **53** different groups representing a wide diversity of governmental institutions, organizations, non-profits, and businesses including:

- St. Mary's College
- Catonsville Community College
- Towson University
- Morgan State University
- South Mountain Creamery
- Shady Grove Radiology
- The Maryland Department of Juvenile Services
- State Highway Administration
- Baltimore Fire Academy
- Caroline Center
- Southern Maryland Human Resource Conference
- Maryland Department of Transportation
- Maryland Department of Public Safety & Correctional Services
- The ARC of Southern Maryland

Educational and collaborative partnerships are ongoing part of the relationships cultivated with local, state, and federal agencies such as local Human Relations Commissions, Fair Housing Coalitions, HUD, and EEOC to enhance the range and scope of MCCR's services and outreach efforts.

# Information Technology

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In FY2013, MCCR's Information Technology (IT) Department successfully met the technology needs of the agency. The IT staff, which consists of a Data Processing Technical Support Specialist II, provided a well-organized and reliable information technology environment for the staff to implement all the endeavors of MCCR.

With limited funds in FY2013, the department continued to:

- Find cost-effective solutions
- Maintain a stable and secure network
- Provide quality hardware and software support
- Maintain and support applications and databases
- Improve and maintain an informational web site

The MCCR web server continues to be one of the most beneficial and cost-effective tools managed by the IT Department. In 2009, MCCR decided to streamline some of our client/server based applications by moving them to a Web-based platform. The benefits on the user side are greater mobility for field and telecommuting workers. Teleworkers can log into MCCR web based applications from any browser, anytime or anywhere. On the support side, it is easier for the IT Department to distribute, maintain, and provide support for these centralized web based applications.

During FY2013, MCCR was able to upgrade the agency network infrastructure, workstations, software and firewall appliance. Also, a new protected site for employee use has been created. This site is an information portal resource that is password protected from public access enabling all employees to access regardless of physical location. Also developed in-house were the MCCR Support Center, which allows for trouble ticket tracking to improve computer support and the MCCR File Cabinet, which is an online and password-protected "DropBox" type of utility for employee use. Plans are currently in place to bring the Inventory databases, Request to Purchase database and a redesigned version of the CTS (Contact Tracking System) database (to be called CMS or Case Management System) to the web platform thus giving employees secure access from any internet-connected computer.

In 2009, the IT Department launched a completely redesigned website. The redesigned website has a user-friendly layout, which helps visitors quickly browse information and submit complaints. During FY2013, the main website recorded 119,965 visitors. A full revamp is planned for FY2014 and will be constructed using the new State design standards utilizing responsive-design.

It is our pleasure to serve the Citizens of Maryland. Each year our goal is to meet and exceed the needs of all internal and external customers.

# Annual Operating Budget

MCCR Budget Report for Last Three Fiscal Years			
Fiscal Years	2011	2012	2013
<b>Federal Funds</b>			
HUD	\$324,251	\$286,556	\$222,450
EEOC	\$352,305	\$349,490	\$332,622
Special Funds*	\$0	\$0	\$12,336
Reimbursable Funds**	\$0	\$0	\$5,000
<b>Total Federal Funds</b>	<b>\$676,556</b>	<b>\$636,046</b>	<b>\$572,408</b>
<b>General Funds</b>	<b>\$2,509,219</b>	<b>\$2,510,970</b>	<b>\$2,424,819</b>
<b>Grand Total</b>	<b>\$3,185,775</b>	<b>\$3,147,016</b>	<b>\$2,997,227</b>
<b>Staff Positions</b>			
Authorized Permanent	38.6	37.6	34.6
Contractual	1.0	1.0	.5
<b>Total Positions</b>	<b>39.6</b>	<b>38.6</b>	<b>35.1</b>

\*“Special Funds”: Associated with the statewide Cost-of-Living Adjustment. This one-time special fund source (Budget Restoration Fund) was created during the 2012 Special Session of the Maryland General Assembly in lieu of General Funds.

\*\*“Reimbursable Funds”: The Judiciary’s Maryland Mediation & Conflict Resolution Office (MACRO) awarded MCCR \$5,000 in grant funding for mediation activities related to the Community Conversations Initiative pilot project.



# Organizational Chart

## MCCR Organizational Chart Current as of June 30, 2013 – End of Fiscal Year 2013

COMMISSIONERS  
Shawn Wright, Chair  
Robert Baum, Vice Chair  
Laura Esquivel  
Norman Gelman  
Gina McKnight-Smith  
Rabbi Marwick  
Gary Norman  
Naima Said

**Governor Martin O'Malley**

**Commissioners**

**Executive Director**  
J. Neil Bell

**Exec. Associate**  
Spencer Dove

**Mediation Program Director**  
Tara Taylor

**Training Specialist**  
Keith Merkey

**Deputy Director**  
Cleveland Horton

### LEGAL UNIT

**General Counsel**  
Glendora Hughes

**Assistant General Counsel**  
Terrence Artis  
Vacant (1.0)

**Legal Intern**  
Jennifer Nwachukwu

### ADMINISTRATIVE SERVICES UNIT

**Assistant Director**  
Nicolette Young

**Administrative Officer**  
Vacant (.50)

**Personnel Officer**  
Isora Cook

**Fiscal Coordinator**  
Vacant (.50)

**Fiscal Specialist**  
Renee Hickman

**Data Management Unit**  
**Info. Technology Director**  
Vacant (1.0)  
**Info. Technology Specialist**  
R. Keith Witte

### INTAKE UNIT

**Unit Supervisor**  
Joann Cole

**Civil Rights Officers**  
Valerie McNeal  
Gloria Klatt  
Octavia Marshall

**Civil Rights Officer Assistant**  
Joann Nixon

**Office Secretary**  
Nicole Brooks

### INVESTIGATIONS UNIT

**Unit Supervisor**  
Catherine Skaggs  
(Hagerstown)

**Civil Rights Officers**  
Willie Owens  
Carlos Loria (Easton)  
Bonnie Hernandez  
(Leonardtown)  
Linda Watkins-Henry  
(Salisbury)

### EXPEDITED PROCESS

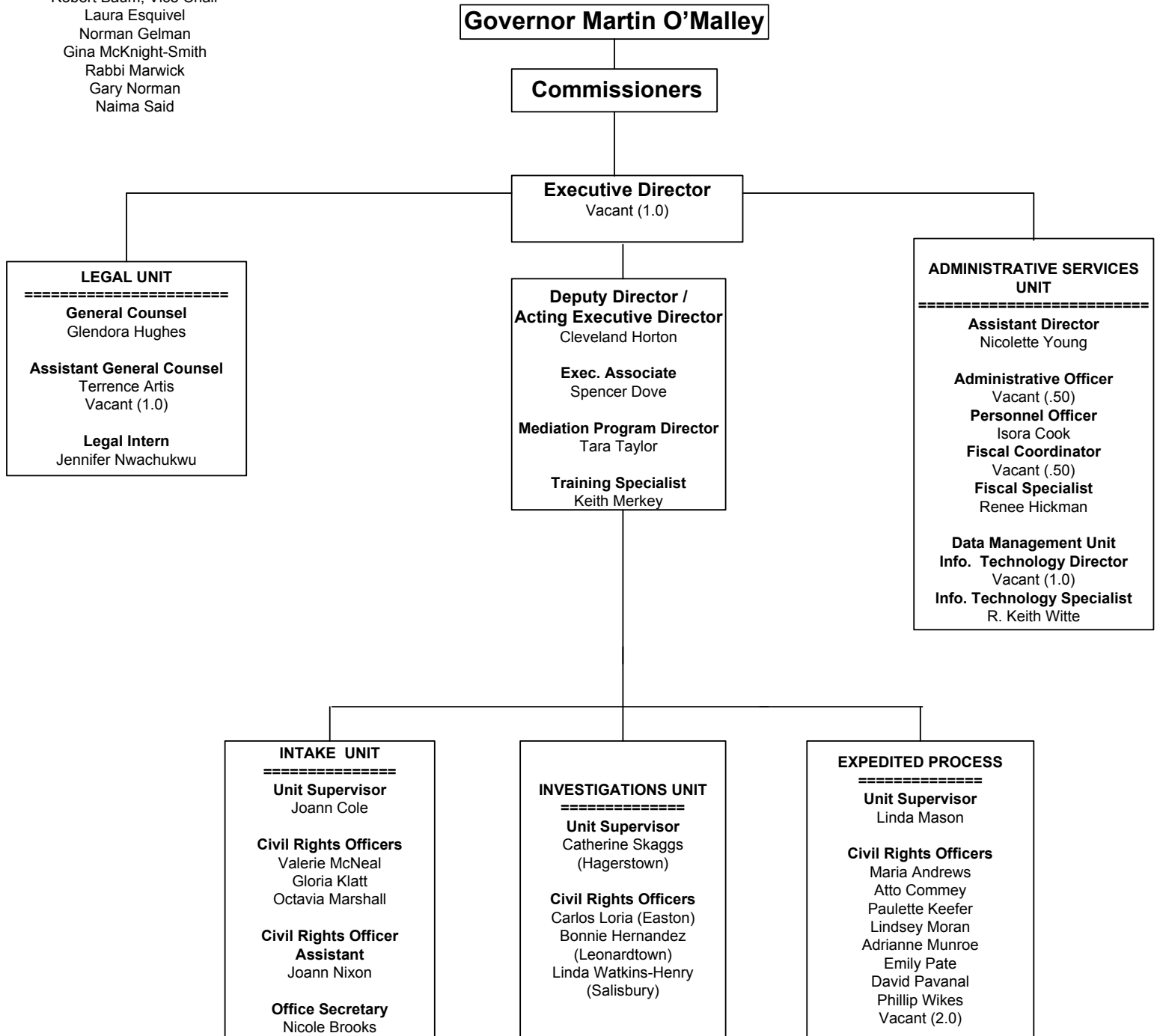
**Unit Supervisor**  
Linda Mason

**Civil Rights Officers**  
Maria Andrews  
Shawn Essien  
Paulette Keefer  
Gregory Logan  
Lindsey Moran  
Adrianne Munroe  
Emily Pate  
David Pavanal  
Phillip Wikes

COMMISSIONERS  
 Shawn Wright, Chair  
 Robert Baum, Vice Chair  
 Laura Esquivel  
 Norman Gelman  
 Gina McKnight-Smith  
 Rabbi Marwick  
 Gary Norman  
 Naima Said

## MCCR Organizational Chart

Current as of December 31, 2013 – End of Calendar Year 2013



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[www.mccr.maryland.gov](http://www.mccr.maryland.gov)

and select the "Publications" tab.

**Thank you!**





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